2023 SEP -7 PM 4:52

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89884 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARJORIE HALL V. CITY OF OAKLAND AND DOES 1 THROUGH 20, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21108908, CITY ATTORNEY'S FILE NO. 34452, IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND ZERO CENTS ($45,000.00) (OAKLAND FIRE DEPARTMENT – MOTOR VEHICLE ACCIDENT)

WHEREAS, Plaintiff Marjorie Hall ("Hall") alleges that on December 10, 2020, they suffered injuries from an automobile accident between their vehicle and an Oakland Fire Department ("OFD") fire engine, at the intersection of Fruitvale Avenue and Harold Avenue, due to the alleged negligent driving of an OFD engineer; and

WHEREAS, an Oakland Police Department traffic collision report concluded the OFD engineer driving the OFD fire engine caused the accident; and

WHEREAS, Hall claims as a result of the accident to have suffered a fractured sternum and partially collapsed lung, as well as pain in the chest, neck, back, and shoulder; and

WHEREAS, after the accident, Hall claims to have endured anxiety while driving, and chronic back, shoulder, and neck pain and Hall's current medical expenses are $17,182.04, and Hall also claims $1,500 in lost wages as a result of the accident; and

WHEREAS, Hall filed Superior Court of the State of California, County of Alameda, Case No. RG21108908 against the City of Oakland, alleging a claim against the City for the OFD's engineer's alleged negligence; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City admits no wrongdoing or liability; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Marjorie Hall v. City of Oakland and Does 1 through 20, inclusive, Alameda County Superior Court Case No. RG21108908, City Attorney's File No. 34452, for the sum of Forty-Five Thousand Dollars and Zero Cents ($45,000.00); and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: SEP 19 2023

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California