

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

January 16, 2024

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Lynne McDonald and David Barr v. City of Oakland, Contra Costa County, and Does 1 through 50
Alameda County Superior Court Case No. RG18931020
City Attorney File No. 32944
(Department of Transportation – Dangerous Condition of Public Property)**

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the sum of Six Million Five Hundred Thousand Dollars and Zero Cents (\$6,500,000.00), payable to Plaintiffs Lynne McDonald and David Barr and their attorneys. Although the total settlement amount is \$6,500,000.00, the City will be reimbursed \$3,500,000.00 by its insurance risk-sharing pool, along with its defense costs; accordingly, the City will pay approximately \$3,000,000.00.

Plaintiffs Lynne McDonald (“McDonald”) and David Barr allege that on May 12, 2018 at approximately 9:30 a.m., McDonald was riding a bicycle on Grizzly Peak Boulevard in the southbound lane, approximately 400 yards south of the intersection with Lomas Cantadas. McDonald crashed near a large pothole and suffered serious injuries, including incomplete quadriplegia. Plaintiffs sued the City for dangerous condition of public property and loss of consortium. The City does not admit any wrongdoing or liability.

The City Council authorized settlement of this case in Closed Session on Thursday, December 7, 2023 (moved by Councilmember Noel Gallo and seconded by Councilmember Janani Ramachandran - 5 Ayes, 3 Excused – Councilmembers Carroll Fife, Dan Kalb, Rebecca Kaplan).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Kevin P. McLaughlin