


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF 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, IN THE AMOUNT OF SIX MILLION FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$6,500,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiffs Lynne McDonald (“McDonald”) and David Barr allege that on May 12, 2018, McDonald was riding a bicycle on Grizzly Peak Boulevard in the southbound lane, approximately 400 yards south of the intersection with Lomas Cantadas and crashed near a large pothole suffering serious injuries, including incomplete quadriplegia; and

WHEREAS, Plaintiffs sued the City of Oakland, alleging a claim for dangerous condition of public property; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in the case and determined to pay \$6,500,000.00 to settle Plaintiffs’ claims; and

WHEREAS, 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, resulting in a net payment by the City of approximately \$3,000,000.00; and

WHEREAS, the City does not admit any wrongdoing or liability; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of 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, for the sum of Six Million Five Hundred Thousand Dollars and Zero Cents (\$6,500,000.00), payable to Plaintiffs and their attorneys; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California