

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF GREGORY MILLER V. CITY OF OAKLAND AND DOES 1-100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV008896, CITY ATTORNEY FILE NO. 34100, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) (DEPARTMENT OF PUBLIC WORKS, DANGEROUS CONDITION OF PUBLIC PROPERTY)**

**WHEREAS**, Plaintiff Gregory Miller (“Miller”) alleges that on May 6, 2020, Miller was riding their bicycle northbound on Monterey Boulevard, south of Leimert Boulevard. Miller alleges the bicycle wheel lodged into a parallel storm drain grate, throwing Miller from the bicycle. Miller alleges Miller suffered injuries including to the left knee and lower back; and

**WHEREAS**, Miller alleges the parallel grate was a dangerous condition of public property of which the City had notice; and

**WHEREAS**, Miller seeks damages for past and future medical expenses and pain and suffering; and

**WHEREAS**, Miller filed Superior Court of the State of California, County of Alameda, Case No. 22CV008896 against the City of Oakland and others, alleging a claim against the City for dangerous condition of public property; 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 Gregory Miller v. City of Oakland and Does 1-100, Alameda County Superior Court Case No. 22CV008896, for the sum of One Hundred Thousand Dollars and Zero Cents (\$100,000.00); and be it

**FURTHER RESOLVED:** That the City attorney is further authorized and directed to take whatever steps as may be necessary to effect this 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