



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 TROY ALLEN RUSSELL, ET AL. V. KATHLEEN ANN ZITANI, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18916045, CITY ATTORNEY FILE NO. 32626, IN THE AMOUNT OF SIX MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$6,250,000.00). (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)**

**WHEREAS**, Plaintiffs Troy Allen Russell and Eugenia Maria Russell allege that on September 28, 2017, Co-Defendant Kathleen Ann Zitani's car struck Plaintiff Troy Allen Russell ("Russell") as Russell walked across the street in the crosswalk at 40<sup>th</sup> Street and Opal Street, Oakland; and

**WHEREAS**, Russell allegedly suffered a fractured skull and life-threatening brain injury, and a significant loss of executive function and memory loss. Russell's wife, Eugenia Maria Russell, alleges loss of consortium; and

**WHEREAS**, Plaintiffs sued the City of Oakland, in *Troy Allen Russell and Eugenia Maria Russell v. Kathleen Ann Zitani, City of Oakland, et al.*, Alameda County Superior Court case no. RG18916045, City Attorney File No. 32626, 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

**WHEREAS**, the City admits no wrongdoing or liability; and

**WHEREAS**, although the total settlement amount is \$6,250,000.00, the City will be reimbursed \$3,250,000.00 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; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle *Troy Allen Russell and Eugenia Maria Russell v. Kathleen Ann Zitani, City of Oakland, et al.*, Alameda County Superior Court case no. RG18916045, City Attorney File No. 32626, for the sum of six million, two-hundred fifty dollars and zero cents (\$6,250,000.00), 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