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CITY OF OAKLAND



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March 12, 2019

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Esmeralda Olson et al. v. City of Oakland, et al.**  
**Alameda County Superior Court Case No. RG17859149**  
City Attorney File No. 30828  
(Department of Transportation – Sidewalk)

President Kaplan 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 claim for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00), payable to Esmeralda Olson.

In May 2015, Ms. Olson tripped on a crack in the sidewalk in front of Dimond Printers at 3525 Fruitvale Ave and broke and dislocated her elbow. She was in a cast for six weeks and then needed surgeries to install and then remove hardware. For several months, she endured pain and was unable to use her arm. Her medical expenses were over \$200,000. Ms. Olson sued the City and Dimond Printers alleging a dangerous condition, and has agreed to settle for a settlement payment of \$100,000.00, \$50,000.00 from Dimond Printers and \$50,000.00 from the City. These settlements will resolve all claims in this matter.

The Council authorized settlement of this case in Closed Session on Tuesday, February 26, 2019 (moved by Councilmember Gallo and seconded by Councilmember Thao – 6 Ayes, 2 Absent – Councilmember Gibson McElhaney, and Vice Mayor Reid).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Assigned Attorneys:  
David A. Pereda, Special Counsel  
Andrew S. Huang, Deputy City Attorney  
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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 ESMERALDA OLSON v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE No. RG17859149, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) (DEPARTMENT OF TRANSPORTATION – SIDEWALK).**

**WHEREAS**, Esmeralda Olson alleges that on May 7, 2017, she tripped and fell on the sidewalk in front of Dimond Printers at 32525 Fruitvale Avenue; and

**WHEREAS**, Ms. Olson alleges that she broke and dislocated her elbow, that she was in a cast for six weeks and that she then needed surgeries to install and then remove hardware; and

**WHEREAS**, Ms. Olson alleged that for several months, she endured pain and was unable to use her arm; and

**WHEREAS**, Ms. Olson's medical expenses exceeded \$200,000; and

**WHEREAS**, Ms. Olson sued the City and Dimond Printers alleging a dangerous condition of public property where she fell, and has agreed to settle her lawsuit for a settlement payment of \$100,000.00, with Dimond Printers and the City each paying \$50,000.00; 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 Esmeralda Olson v. City of Oakland, et al., Alameda County Superior Court Case No. RG17859149, City Attorney's File No. 30828, for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Esmeralda Olson and her counsel; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,  
THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California