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APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 88757 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF YCELA PELTA AND ZAAHIR CARTER BROWN, BY AND THROUGH HIS GUARDIAN AD LITEM, YCELA PELTA V. CITY OF OAKLAND, PACIFIC BELL TELEPHONE COMPANY, AND DOES 1 THROUGH 100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG20054037, CITY ATTORNEY'S FILE NO. 33293, IN THE AMOUNT OF TWO HUNDRED SEVEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$207,500.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION)

WHEREAS, Plaintiff Ycela Pelta alleges that on September 29, 2018, Pelta fell and was injured on Hawley Street, between 77th Avenue and 76th Avenue, in Oakland, due to a pothole that Plaintiff Pelta alleges is a dangerous condition on public property; and

WHEREAS, Plaintiff Pelta allegedly suffered serious lacerations to the left hand with severed arteries, tendons, and nerves, requiring two surgeries, due to Pelta's fall, and will require additional medical procedures in the future; and

WHEREAS, Plaintiff Zaahir Carter Brown alleges that Plaintiff Brown was close to Plaintiff Pelta at the time of the incident and saw the immediate aftermath of Pelta's fall and injuries; and

WHEREAS, Plaintiff Brown allegedly suffered emotional distress as a result; and

WHEREAS, Superior Court of the State of California, County of Alameda, Case No. RG20054037, was filed against the City of Oakland, alleging a claim for dangerous condition on public property; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case;

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 Ycela Pelta and Zaahir Carter Brown, by and through his Guardian ad Litem, Ycela Pelta v. City of Oakland, Pacific Bell Telephone Company, and DOES 1 through 100, Alameda County Superior Court Case No. RG20054037, City Attorney's File No. 33293, for the sum of Two Hundred Seven Thousand Five Hundred Dollars and Zero Cents (\$207,500.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 20 2021

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS — 8

NOES — 0

ABSENT — 0

ABSTENTION 0

ATTEST:



ASHA REED

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