



Ryan Y.R.  
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 TIFFANY NAULT V. MALCOLM AND ANN PLANT, AND DOES 1 THROUGH 50, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 24CV069134, CITY ATTORNEY FILE NO. 36396, BY PAYMENT IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$75,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)**

**WHEREAS**, Plaintiff Tiffany Nault alleges that on September 23, 2022, they sustained physical injury as a result of a fall due to an uplift on the public sidewalk near 402 Hudson Street; and

**WHEREAS**, Nault filed suit against the adjacent property owners, *Tiffany Nault v. Malcolm and Ann Plant, and DOES 1-50*, Alameda County Superior Court Case No. 24CV069134, and the adjacent property owners filed a cross-complaint against the City, alleging that the City is liable for Nault's injuries because the sidewalk was a 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 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 cross-complaint against the City in the case of *Tiffany Nault v. Malcolm and Ann Plant, and DOES 1-50*, Alameda County Superior Court Case No. 24CV069134, for the sum of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND PRESIDENT JENKINS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California