


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

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