

APPROVED AS TO FORM AND LEGALITY


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 MADISYN CLARK V. CITY OF OAKLAND AND DOES 1 through 100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 24CV071032, CITY ATTORNEY FILE NO. 36603, IN THE AMOUNT OF FIFTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$55,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Madisyn Clark alleges that on April 29, 2023, Clark fell off a motorized scooter while riding down Embarcadero West between Clay and Jefferson Streets and suffered injury; and

WHEREAS, Clark attributes the fall to a defect in the street and alleges that this defect was a dangerous condition of public property of which the City had constructive notice; and

WHEREAS, Clark seeks damages for past and future medical expenses, lost wages, and pain and suffering; and

WHEREAS, Clark filed Superior Court of the State of California, County of Alameda, Case No. 24CV071032 against the City of Oakland alleging a claim for dangerous condition of public property; and

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

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 Madisyn Clark v. City of Oakland and Does 1 through 100, Alameda County Superior

Court Case No. 24CV071032 for the sum of Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00); 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