

  
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 CASES OF TOM O'NEILL AND MABEL PAIGE V. CITY OF OAKLAND, A MUNICIPAL CORPORATION, NAKIAH M. WARD, DOES 1 TO 50, ALAMEDA COUNTY SUPERIOR COURT CASE NOS. 23CV035142, 23CV035146, CITY ATTORNEY FILE NOS. 35480, 35480-1, IN THE SUM OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)**

**WHEREAS**, on March 30, 2022, at the intersection of High Street and Wattling Street, a vehicle struck Plaintiffs Tom O'Neill ("O'Neill") and Mabel Paige ("Paige") as they walked across High Street in a marked crosswalk; and

**WHEREAS**, O'Neill suffered broken legs, a fractured knee, and a broken pelvis; and

**WHEREAS**, Paige suffered a broken knee, a broken shoulder, and the loss of several teeth; and

**WHEREAS**, O'Neill filed a lawsuit against the City and others in the Superior Court of the State of California, County of Alameda, Case No. 23CV035142, alleging the intersection was a dangerous condition of public property at the time of the accident; and

**WHEREAS**, Paige filed a lawsuit against the City and others in the Superior Court of the State of California, County of Alameda, Case No. 23CV035146, alleging the intersection was a dangerous condition of public property at the time of the accident; and

**WHEREAS**, the court ordered that O'Neill's lawsuit and Paige's lawsuit be consolidated for all purposes in the Superior Court of the State of California, County of Alameda, Case No. 23CV035142; and

**WHEREAS**, O'Neill and Paige's employer, the Oakland Unified School District ("OUSD"), filed a complaint in intervention in Case No. 23CV035142 asserting a right to reimbursement for expenses it previously paid in the form of workers' compensation benefits; and

**WHEREAS**, the City has considered all the evidence, litigation costs, and litigation risks in this case, and has determined, without admitting fault or liability, that settlement of the lawsuit is in the best interest of the City; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the cases of *Tom O'Neill and Mabel Paige v. City of Oakland, et al.*, Alameda County Superior Court Case Nos. 23CV035142, 23CV035146, for the total sum of One Hundred Thousand Dollars and Zero Cents (\$100,000.00); 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,  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

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

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