


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 ANDREW MARSHALL-BUSELT V. CITY OF OAKLAND AND DOES 1-50, ALAMEDA COUNTY SUPERIOR COURT, CASE NO. 24CV088303, CITY ATTORNEY FILE NO. 37037, IN THE AMOUNT OF FIVE HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$512,500.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Plaintiff Andrew Marshall-Buselt alleges that on October 17, 2023, Marshall-Buselt was riding a bicycle on East 21st Street when the bicycle hit a depression in the road, causing Marshall-Buselt to fall; and

WHEREAS, Marshall-Buselt alleges that the depression was a dangerous condition of public property for which the City is liable; and

WHEREAS, Marshall-Buselt alleges suffering facial lacerations and nerve damage, fractures to the third, fourth, and fifth fingers on the left hand, and nerve damage to the hand, for which Marshall-Buselt seeks recovery of past and future medical expenses, lost wages, and general damages for pain and suffering; 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 case of *Andrew Marshall-Buselt v. City of Oakland, et al.*, Case No. 24CV088303, City Attorney File No. 36470, for the total sum of Five Hundred Twelve Thousand Five Hundred Dollars and Zero Cents (\$512,500.00); and be it

FURTHER RESOLVED: that the City Attorney is authorized and directed to take whatever steps that 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