

APPROVED AS TO FORM AND LEGALITY

2024 OCT -3 PM 4:49

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Barbara J. Parker

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90463 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ANNE RADCLIFFE V. CITY OF OAKLAND, AND DOES 1 THROUGH 25, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV010605, CITY ATTORNEY FILE NO. 34821, IN THE AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$400,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, on the morning of July 18, 2021, Plaintiff Anne Radcliffe (“Radcliffe”) and her daughter were walking near 5095 Shafter Avenue when they tripped and fell on a raised portion of the sidewalk; and

WHEREAS, Radcliffe suffered a fractured right elbow and underwent four surgeries. Radcliffe’s daughter suffered scrapes but was not seriously injured.

WHEREAS, Radcliffe alleges that the concrete lift of the sidewalk constituted a dangerous condition of public property for which the City is liable; and

WHEREAS, Plaintiff filed a lawsuit entitled *Anne Radcliffe v. City of Oakland, and DOES 1-25*, Alameda County Superior Court Case No. 22CV010605 alleging dangerous condition of public property; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in these cases; and

WHEREAS, the City has determined that it is in the City’s best interest to settle this lawsuit without admitting liability or wrongdoing and to avoid further litigation; now therefore be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Anne Radcliffe v. City of Oakland, et al., and DOES 1-25*, Alameda County Superior Court Case No. 22CV010605, for the sum of Four Hundred Thousand Dollars and Zero Cents (\$400,000.00); 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.

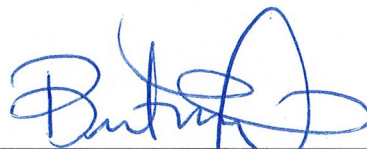
IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **OCT 15 2024**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS **-8**

NOES - **0**
ABSENT - **0**
ABSTENTION - **0**

ATTEST:



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