

NOVEMBER 7, 2017

CLOSED SESSION - REPORT OUT OF FINAL DECISION

Date of Meeting: *Tuesday, November 7, 2017*

Litigation Negotiations

NAME OF ACTION:

Mary Catherine Dino v. City of Oakland et al.

Alameda County Superior Court Case No. RG 16826556

This matter is listed as **Item No. 1(b)** on the Closed Session Agenda:

Council authorized settlement amount of: **\$75,000**

This case arose out of incidents that occurred: **January 28, 2016**

FACTS/ISSUES:

On January 28, 2016, Ms. Mary Catherine Dino tripped and fell over an uplift in the sidewalk on Pleasant Valley Ave. near Gilbert Street, in Oakland caused by a tree root from a City tree. As a result, Plaintiff suffered a dislocated shoulder, nerve injury, an ankle fracture and required approximately a year of physical therapy and medical treatments to manage her pain. Ms. Dino sued alleging the City maintained a dangerous condition seeking over \$42,000 for past and future medical expenses and over \$140,000 for pain and suffering. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Desley Brooks

Motion Seconded by: Councilmember Larry Reid

AYES: Brooks, Campbell-Washington, Gallo, Gibson McElhaney, Guillén, ~~Kalb~~, Kaplan and President Reid = **7**

NOES: ~~Brooks, Campbell-Washington, Gallo, Gibson McElhaney, Guillén, Kalb, Kaplan and President Reid =~~

ABSENT: ~~Brooks, Campbell-Washington, Gallo, Gibson McElhaney, Guillén, Kalb, Kaplan and President Reid = 1~~

ABSTENTIONS: ~~Brooks, Campbell-Washington, Gallo, Gibson McElhaney, Guillén, Kalb, Kaplan and President Reid =~~