

CLOSED SESSION - REPORT OUT OF FINAL DECISION

Date of Meeting: *Tuesday, June 20, 2017*

Litigation Negotiations

NAME OF ACTION:

Andrew Johnson v. City of Oakland, et al.

Alameda County Superior Court Case No. RG15-763787

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

Council authorized a settlement in the amount of: **\$44,000.00**

This case arose out of incidents that occurred: **April 9, 2014**

FACTS/ISSUES:

On April 9, 2014, Mr. Johnson tripped and fell on an uplifted section of sidewalk in the 2400 block of 80th Avenue near the corner of Hillside Street in Oakland that had been caused by roots from a City tree. Mr. Johnson suffered nerve and shoulder damage and had surgery on the shoulder two months after the fall. Mr. Johnson experienced ongoing pain and was unable to work and subsequently sued the City alleging a dangerous condition of public property seeking reimbursement of \$6,900.00 in medical expenses, over \$4,000 in lost wages and damages for pain and suffering. This settlement resolves all claims in the matter.

Motion Made by: Councilmember Reid

Motion Seconded by: Councilmember Kaplan

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 =