

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: ***Tuesday, April 5, 2016***

The Council made a final decision in Closed Session on one item of Litigation:

### **NAME OF ACTION:**

**Monique Miles, et al. v. City of Oakland, et al.**  
United States District Court Case No. C15-1799 DMR  
(OPD – Civil Rights)

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

Council authorized settlement in the amount of: **\$22,000**

This case arose out of incidents that occurred on **April 24, 2013**

### **FACTS/ISSUES:**

While executing arrest and search warrants for the unit below Ms. Miles' apartment on the 1400 block of E. 22nd Street, the Oakland police and San Leandro police asked Ms. Miles and her four children to wait outside so that San Leandro police officers could do a protective/security sweep of her apartment. Ms. Miles consented to the sweep but made it clear she was not consenting to a search. The family was kept outside while police swept the apartment for over 45 minutes. Ms. Miles sued alleging police violated her 4th Amendment rights and improperly detained her family. Ms. Miles has settled with the San Leandro Police Department for \$25,000. This settlement will resolve all remaining claim against the City and will avoid further litigation costs.

Motion Made by: Councilmember Noel Gallo

Motion Seconded by: Councilmember Larry Reid

**AYES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 8**

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

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

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

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: ***Tuesday, April 5, 2016***

The Council made a final decision in Closed Session on one item of Litigation:

### **NAME OF ACTION:**

**Ava Whitmire v. City of Oakland**

Alameda County Superior Court Case No. RG13704223  
(OPW – Dangerous Condition)

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

Council authorized settlement in the amount of: **\$135,000**

This case arose out of incidents that occurred on **May 30, 2014**

### **FACTS/ISSUES:**

Ms. Whitmire tripped on raised asphalt in front of 1007 57<sup>th</sup> Street and broke several fingers in her dominant hand and has nerve damage, carpal tunnel, numbness, and loss of function, motion, and strength as a result. Ms. Whitmore has incurred at least \$30,000 in medical bills, \$40,000 in lost wages and has long-term damage. This settlement will resolve all claims in the matter.

Motion Made by: Councilmember Noel Gallo

Motion Seconded by: Councilmember Dan Kalb

**AYES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 8**

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

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

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

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: ***Tuesday, April 5, 2016***

The Council made a final decision in Closed Session on one item of Litigation:

### **NAME OF ACTION:**

**Rochelle Fuller v. City of Oakland**  
Alameda County Superior Court Case No. RG14756788  
(OPW – Dangerous Condition)

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

Council authorized settlement in the amount of: **\$6,500**

This case arose out of incidents that occurred on **May 26, 2014**

### **FACTS/ISSUES:**

Ms. Rochelle Fuller tripped while walking on the sidewalk in front of 4105 Allendale Street, falling and injuring her face, lower back, chest and knees. She sued alleging the city maintained a dangerous condition. Ms. Fuller incurred significant medical expenses, most paid by insurance, but has a balance of \$ 3,570.00 outstanding. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Rebecca Kaplan

Motion Seconded by: Councilmember Noel Gallo

**AYES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 8**

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

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

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

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: ***Tuesday, April 5, 2016***

The Council made a final decision in Closed Session on one item of Litigation:

### **NAME OF ACTION:**

**Squethia Gidden v. City of Oakland**  
Alameda County Superior Court Case No. RG14748541  
(OPW – Vehicle Collision)

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

Council authorized settlement in the amount of: **\$19,320**

This case arose out of incidents that occurred on **May 1, 2013**

### **FACTS/ISSUES:**

A City employee driving a Public Works truck sideswiped Ms. Gidden's vehicle as she drove west on E. 9<sup>th</sup> Street near Fruitvale Avenue, when he attempted to change lanes. Ms. Gidden was taken by ambulance to a hospital emergency room and treated with medication for neck, back and hip pain. The pains continued and she undertook a course of chiropractic treatment, consultation with an orthopedic surgeon and physical therapy. Her medical expenses are approximately \$10,800 and she missed several days of school due to her injuries. The City separately resolved her claim for property damage to her vehicle. This settlement will resolve all remaining claims in this matter.

Motion Made by: Councilmember Rebecca Kaplan

Motion Seconded by: Councilmember Larry Reid

**AYES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 8**

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

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

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

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: ***Tuesday, April 5, 2016***

The Council made a final decision in Closed Session on one item of Litigation:

### **NAME OF ACTION:**

**Jeffrey Biggs & Evan Robinson (a Minor) v. City of Oakland**  
Alameda County Superior Court Case No. RG15758388  
(OPW – Vehicle Collision)

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

Council authorized settlement in the amount of: **\$15,000**

This case arose out of incidents that occurred on **April 30, 2013**

### **FACTS/ISSUES:**

A City Public Works truck struck Mr. Jeffrey Biggs' vehicle near the railroad crossing in the 800 block of 66<sup>th</sup> Avenue when the city employee driver attempted to maneuver away from a railway crossing arm that was about to descend. Mr. Biggs and his seven year old son were in the vehicle and they both suffered soft tissue injuries and underwent medical treatment, including several weeks of chiropractic care. Mr. Biggs incurred medical expenses in excess of \$9,000.00. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Noel Gallo

Motion Seconded by: Councilmember Larry Reid

**AYES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 8**

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

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

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

## CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, April 5, 2016**

Litigation:

**NAME OF ACTION:**

**In Re Municipal Derivatives Antitrust Litigation, MDL No. 1950**  
Including **City of Oakland, et al. v. AIG Financial Products Corp, et al.**  
United States District Court Case No. C 08-2116MMC  
(Office of the City Attorney)

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

Council authorized acceptance of a settlement in the amount of: **\$20,000**

This case arose out of incidents that occurred between **January 1992 and August 2011**

**FACTS/ISSUES:**

In 2008 the Cities of Oakland and Fresno, County of Alameda, County of Fresno Financing Authority, and East Bay Delta Housing & Finance Agency sued various financial institutions and brokers for their role in a longstanding conspiracy to fix prices and rig bids in the municipal derivatives industry. In 2015, lead counsel negotiated a settlement with NatWest on behalf of a nationwide class of entities that entered into municipal derivative agreements between January 1992 and August 2011. The class settlement would have resulted in an average of \$57 for Oakland. The City Attorney authorized outside counsel to negotiate a better settlement and NatWest has offered to settle with Oakland and the other plaintiffs and Oakland will receive 50% (\$20,000) of the settlement. Litigation will continue against the remaining defendants: UBS, Piper Jaffray, Natixis, CDR, and Sound Capital Management.

Motion Made by: Councilmember Rebecca Kaplan

Motion Seconded by: Councilmember Larry Reid

**AYES: Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney = 8**

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

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

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