

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: *Tuesday, September 20, 2016*

### **NAME OF ACTION:**

**Allene Hutchinson, et al. v. City of Oakland, et al.**  
**United States District Court Case No. C15-05011 RS**  
**(Oakland Police Department – police shooting, wrongful death)**

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

Council authorized settlement in the amount of: **\$ 1.2 million**

This case arose out of incidents that occurred in **June 6, 2015**

### **FACTS/ISSUES:**

On the morning of June 6, 2015, Oakland Fire and Police responded to calls about an idling car that was stopped on the 580 West Lakeshore off-ramp, near Lakeshore Avenue. Safety personnel reported that the driver, who was Demouria Hogg, did not seem to be conscious and there was a gun on the passenger's seat.

Police officers made several attempts to secure Mr. Hogg and the gun using a loudspeaker and other means to no avail. Officers ultimately used lethal force when they approached the car to remove him. Paramedics immediately rendered medical aide, but, unfortunately, Mr. Hogg died from his wounds.

Mr. Hogg's children and mother filed a wrongful death lawsuit seeking damages. This settlement will resolve all claims in this matter.

### **Present:**

Motion Made by: Councilmember Larry Reid

Motion Seconded by: Councilmember Rebecca Kaplan

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

**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~~ = 1

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

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: *Tuesday, September 20, 2016*

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

### **NAME OF ACTION:**

**Nigar Raza v. City of Oakland**  
**Alameda County Superior Court Case No. RG15790241**  
**(Oakland Public Works – Dangerous Condition)**

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

Council authorized settlement in the amount of: **\$25,000**

This case arose out of incidents that occurred in **March 20, 2015**

### **FACTS/ISSUES:**

On March 20, 2015 Ms. Raza tripped and fell on an uneven portion of sidewalk in the intersection of Webster and 21<sup>st</sup> Streets. She suffered a knee injury that also exacerbated a pre-existing condition, required several months of physical therapy and medication and Ms. Raza's physician determined that she could not work for 1 year.

Ms. Raza sued the city for maintaining a dangerous condition and sought compensation for medical expenses that were not covered by her insurance and lost wages. This settlement will resolve all 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, September 20, 2016*

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

### **NAME OF ACTION:**

**Christina Brennan v. City of Oakland**  
**Alameda County Superior Court Case No. RG14743083**  
**(Oakland Public Works – Dangerous Condition)**

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

Council authorized settlement in the amount of: **\$25,000**

This case arose out of incidents that occurred in **November 6, 2013**

### **FACTS/ISSUES:**

On November 6, 2013, Ms. Brennan, tripped and fell over uneven sidewalk on Locksley Avenue in Oakland, apparently caused by tree roots. She suffered a broken bone in her dominant hand and cuts and bruises, including a gash over her left eye. She was in a cast and then a splint for about two months, during which time she could not perform her usual duties as a legal secretary. She claims ongoing pain and weakness in her left hand, making it difficult to type or drive for long periods of time.

Ms. Brennan sued the city alleging it maintained a dangerous condition and sought compensation for medical costs and pain and suffering. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Larry Reid

Motion Seconded by: Councilmember Rebecca Kaplan

**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, September 20, 2016*

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

**NAME OF ACTION:**

**Vongviseth Soumpholthadky v. City of Oakland**  
**Alameda County Superior Court Case No. RG15760052**  
**(Oakland Public Works – Dangerous Condition)**

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 in **October 15, 2013**

**FACTS/ISSUES:**

On October 15, 2013, Mr. Soumpholthadky tripped and fell over a pothole in front of 8425 MacArthur Blvd. As a result, he broke his foot and was unable to perform his job for his employer California Charter Schools, which provided worker's compensation for approximately 3 months. Mr. Soumpholthadky and California Charter School brought lawsuits alleging maintenance of a dangerous condition seeking compensation for lost wages, pain and suffering and reimbursement of worker's compensation and medical payments made on his behalf. This settlement will resolve all claims of the parties 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, September 20, 2016***

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

**NAME OF ACTION:**           **Claim of Chris LaTraille**  
  **Our Claim No. C31055**  
  **(Oakland Public Works -**

This matter is listed as **Item No. 2** on the Closed Session Agenda:

Council authorized settlement in the amount of: **\$15,336.38**

This case arose out of incidents that occurred in **January 19, 2016**

### **FACTS/ISSUES:**

On January 19, 2016, a City storm drain grate cover on Melvin Road became blocked with debris from an uphill slope during a period of heavy rain. Water spilled over from Melvin Road downhill causing the hillside to erode and send a significant amount of water and mud debris downstream onto Mr. LaTraille's property. Mr. LaTraille filed a claim for reimbursement of his property clean up costs and replacement of landscape. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Larry Reid

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 =