

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: **Tuesday, DECEMBER 13, 2016**

Litigation Negotiations

**NAME OF ACTION:**

**Philadelphia Indemnity Insurance Co. v. City of Oakland**

Alameda County Superior Court Case No. RG15768353

(Oakland Public Works-Inverse Condemnation)

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

City Council authorized settlement in the amount of: **\$162,000**

This matter arose out of incidents that occurred: **November 30, 2012**

**FACTS/ISSUES:**

On November 30, 2012, a sewer/storm drain overflow occurred at 4335 and 4331 Virginia Street, the Miracle of Faith Community Church and the pastor's residence next door. Sewage caused extensive damage to the residence and especially the Church which housed a City of Oakland Head Start classroom. The property insurer Philadelphia Indemnity Insurance Company paid approximately \$248,000 under its policy and sued to recover expenditures by way of subrogation. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember Brooks

Motion Seconded by: Councilmember 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, DECEMBER 13, 2016*

Litigation Negotiations

**NAME OF ACTION:**

**Michelle DiFrancia v. City of Oakland**

Alameda County Superior Court Case No. RG15783586  
(Oakland Public Works – Dangerous Condition)

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

City Council authorized settlement in the amount of: **\$31,000**

This matter arose out of incidents that occurred: **September 4, 2014**

**FACTS/ISSUES:**

On September 4, 2014, Michelle DiFrancia tripped over an irregular asphalt patch surrounding an EBMUD utility cover as she walked in the crosswalk at the intersection of Franklin and 13th Streets. Ms. DiFranca was pregnant with twins at the time and sustained a broken foot, which required surgery to repair the fracture. Ms. DiFranca sued for medical costs (which totaled approx. \$10,000 beyond her insurance), \$4,400 in lost wages and compensation for pain and suffering. This settlement will resolves all claims in this matter.

Motion Made by: Councilmember Kaplan

Motion Seconded by: Councilmember Reid

**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 =