

CLOSED SESSION REPORTING OUT FORM

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

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

NAME OF ACTION:

Christopher Berg v. City of Oakland, et al

Alameda County Superior Court Case No. RG14733306
(*Oakland Public Works – Trip and Fall*)

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

The Council authorized settlement in the amount of **\$65,000**

This case arose out of incidents that occurred on **July 15, 2013**

FACTS/ISSUES:

Christopher Berg tripped and fell on an uplifted section of sidewalk on Lakeshore Ave in front of the CVS drugstore at 3236 Lakeshore Avenue, owned by co-defendants Longs Drugs. Mr. Berg suffered a broken tooth, a dislocated finger and torn tendon in the fall, requiring medical treatment at Kaiser Emergency the same day and hand surgery two months later to insert a permanent screw. Mr. Berg sued the City alleging a dangerous condition and sought compensation for \$26,400 in medical bills, \$6,000 in lost wages and pain and suffering. The amount approved by the Council will contribute to a total settlement of \$70,000, with Longs Drugs contributing \$5,000. This settlement resolves all claims in this matter.

Motion Made by: **Councilmember Noel Gallo**

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 =