

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, July 19, 2016**

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

NAME OF ACTION:

Camille Li v. City of Oakland, et al.
Alameda County Superior Court Case No. RG15763115
(Oakland Public Works – Dangerous Condition)

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

The City Council approved settlement in the amount of: **\$62,500**

This case arose out of incidents that occurred on: **August 1, 2014**

FACTS/ISSUES:

On August 1, 2014, seven-year-old Camille Li tripped and fell over an uplifted sidewalk near 238 9th Street. She suffered an elbow fracture that required surgery, placement of temporary pins and a long-arm cast, that medically precluded her from resuming her usual PE, violin, martial arts and swimming activities for approximately four months. It was determined that the roots of a city tree caused the uplift. Ms. Li's mother, Ella Leung, sued the City and adjacent property owners alleging maintenance and knowledge of a dangerous condition seeking reimbursement for approximately \$40,000 in medical expenses and pain and suffering. The adjacent property owners were dismissed from the lawsuit. 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, Guillén, Kalb, Kaplan, Reid = 6

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

ABSENT: Gallo and President Gibson McElhaney = 2

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