

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, July 26, 2016**

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

NAME OF ACTION:

**Elba Becerra v. San Pablo Commercial Center, City of Oakland, et al.
Alameda County Superior Court Case No. RG15772706
(Oakland Public Works – Dangerous Condition)**

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

Council authorized settlement in the amount of: **\$75,000**

This case arose out of incidents that occurred in **April 2, 2015**

FACTS/ISSUES: SETTLEMENT AUTHORITY

On April 2, 2015, Elba Becerra (65 years old) tripped and fell over an elevated sidewalk panel in front of 1630 San Pablo Ave. allegedly caused by a City tree. She suffering multiple arm fractures that required surgery to insert a metal plate and screws. After surgery, she needed several months of physical therapy and was not able to work for about six months after her injury. Ms. Becerra sued the City alleging a dangerous condition seeking reimbursement for medical expenses of approximately \$52,000, lost wages of approximately \$10,000 and pain and suffering. This settlement resolves all claims in this matter.

Motion Made by: Councilmember **Gallo**

Motion Seconded by: Councilmember **Kaplan**

AYES: ~~Brooks~~, **Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid** and President ~~Gibson McElhaney~~ = **6**

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~~ = **2**

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

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, July 26, 2016**

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

NAME OF ACTION:

James Barrett v. City of Oakland

Alameda County Superior Court Case No. RG15777910
(Oakland Public Works – Trip & Fall/Dangerous Condition)

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

Council authorized settlement in the amount of: **\$35,000**

This case arose out of incidents that occurred in **October 4, 2014**

FACTS/ISSUES: SETTLEMENT AUTHORITY

On October 4, 2014, Mr. Barrett, who requires the use of a cane, fell as he walked in front of 2100 Telegraph Ave. when his cane caught in an opening of a City irrigation control box. He fell on his face injuring his head, face and tongue, he bled profusely and required 6 stitches. Mr. Barrett's medical bills totaled \$23,763.30. Mr. Barrett sued seeking reimbursement of his medical costs totaling approximately \$23,000 and pain and suffering. This settlement resolves all claims in this matter.

Motion Made by: Councilmember **Kaplan**

Motion Seconded by: Councilmember **Gallo**

AYES: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney~~ = **6**

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~~ = **2**

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

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, July 26, 2016*

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

NAME OF ACTION:

Fu Ming Zhang v. City of Oakland, et al.,
Alameda County Superior Court Case No. RG15779485
(Oakland Public Works – Dangerous Condition)

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

Council authorized settlement in the amount of: **\$60,000**

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

FACTS/ISSUES:

On March 20, 2015 at the uncontrolled intersection of International Boulevard and Market Street, a Public Works' employee driving a City truck struck Mr. Zhang while he was crossing the street in the crosswalk. Mr. Zhang suffered a fractured hip and required monitoring and evaluation in the hospital and a rehabilitation facility for several months thereafter. Mr. Zhang sued the City seeking reimbursement for medical expenses exceeding \$75,000 and pain and suffering. This settlement resolves all claims in this matter.

Motion Made by: Councilmember **Kaplan**

Motion Seconded by: Councilmember **Gallo**

AYES: ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney~~ = **6**

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~~ = **2**

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