

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, NOVEMBER 29, 2016**

Litigation Negotiations

NAME OF ACTION:

Lamar Green v. City of Oakland

Alameda County Superior Court Case No. RG15775898
(Oakland Public Works-Dangerous Condition)

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

City Council authorized settlement in the amount of: **\$28,000**

This matter arose out of incidents that occurred: **March 6, 2015**

FACTS/ISSUES:

Just after 6:00 p.m. on March 6, 2015, Mr. Green, who was scheduled to play with his band, Moon Candy, at the Oakland Museum's First Friday celebration, tripped and fell in a large pothole as he exited his vehicle on 10th Street near a parking spot adjacent to the Museum. Mr. Green suffered a dislocated knee and his leg was placed in an immobilizer for six weeks during which time he had to cancel several events for his Band. Mr. Green's medical expenses were over \$13,000 and he lost over \$3,700 in earnings. Mr. Green sued to recover those costs and compensation for pain and suffering. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember **Brooks**

Motion Seconded by: Councilmember **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, NOVEMBER 29, 2016**

Anticipated Litigation

NAME OF ACTION:

Claim of W.S. Wilson

Claim No. C30803

(Oakland Public Works-Inverse Condemnation)

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

City Council authorized settlement in the amount of: **\$31,902.61**

This matter arose out of incidents that occurred: **August 12, 2015**

FACTS/ISSUES:

On August 12, 2015, Mr. Wilson's commercial complex at 411 East 18th Street was flooded with raw sewage when a City sewer main became blocked. Mr. Wilson seeks reimbursement of costs he incurred for hazardous waste clean-up, general reconstruction (\$25,964.12) and the cost to replace carpet in area of the complex (\$5,938.49), which total the amount of the settlement. 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 = **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 =