

## **CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: ***Tuesday, October 18, 2016***

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

### **NAME OF ACTION:**

**Claim of CSAA Insurance Exchange, as subrogee of (a/s/o) Jeanne Foss-Swaine  
Our Claim No. C30480  
(Oakland Police Department – Automobile Collision)**

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

Council authorized settlement in the amount of: **\$7,420.43**

This case arose out of incidents that occurred in **January 17, 2015**

### **FACTS/ISSUES:**

On January 17, 2015, Ms. Foss-Swaine's vehicle was struck and significantly damaged in the driveway of her residence at 225 Mandalay Road by an Oakland Police vehicle that rolled downhill when the vehicle was not set in park. The insurer for Ms. Foss-Swaine's vehicle sought reimbursement from the City for property damage and rental vehicle costs. The settlement resolves all claims in this matter.

Motion Made by: Councilmember Reid

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, October 18, 2016*

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

### **NAME OF ACTION:**

**Anita Aaron v. City of Oakland**  
**Alameda County Superior Court Case No. RG14717380**  
**(Oakland Public Works-Dangerous Condition)**

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

Council authorized acceptance of settlements in the amounts of: **\$110,000**

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

### **FACTS/ISSUES:**

On September 4, 2014, Ms. Anita Aaron, who is legally blind and walks with a cane, tripped and fell on an uplifted sidewalk on Alcatraz Avenue in Oakland and suffered arm and neck injuries requiring two surgeries that entailed placement of a plate and screws in her arm. Ms. Aaron claims she is no longer as independent as she was and has limited her daily activities. Ms. Aaron sued seeking compensation for medical costs of approx. \$27,000, lost wages of approx. \$5,400 and pain and suffering. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember **Gallo**

Motion Seconded by: Councilmember **Reid**

**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, October 18, 2016***

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

### **NAME OF ACTION:**

**Tracy Hobbs v. City of Oakland**  
**Alameda County Superior Court Case No. RG14753212**  
**(Oakland Public Works–Dangerous Condition)**

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

Council authorized acceptance of settlements in the amounts of: **\$75,000**

This case arose out of incidents that occurred in **January 27, 2014**

### **FACTS/ISSUES:**

On January 27, 2014, Ms. Tracy Hobbs suffered a concussion and injuries to her face, teeth and hands when her front bicycle tire was caught in a large crack in the City's roadway on Beach Street, causing her to flip over her handlebars. Three teeth had to be extracted, required a dental bridge and her dentist recommends dental implants. Ms. Hobbs sued seeking compensation for medical expenses of approx. \$21,000, lost wages of approx. \$9,000 and pain and suffering. This settlement resolves all claims in this matter.

Motion Made by: Councilmember **Gallo**

Motion Seconded by: Councilmember **Campbell-Washington**

**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, October 18, 2016***

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

### **NAME OF ACTION:**

**Michael Smith, a Minor by and through his G.A.L. Danelle Cyrus et al. v. City of Oakland**  
**Alameda County Superior Court Case No. RG15778881**  
**(Oakland Parks and Recreation-Dangerous Condition)**

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

Council authorized acceptance of settlements in the amounts of: **\$60,000**

This case arose out of incidents that occurred in **October 1, 2014**

### **FACTS/ISSUES:**

On October 1, 2014, Michael Smith, who is six years old, suffered a hand injury when the door of the restroom at Bushrod Recreation Center slammed shut and severed the tip of an index finger. Michael's mother, Ms. Danelle Cyrus, recovered the tip of the finger, an attempt to surgically reattach it failed and Michael required two subsequent surgeries to reattach the finger tip and he will hopefully regain sensation over time. Ms. Cyrus sued seeking compensation for unpaid medical expenses of approx. \$14,500 and emotional distress. This settlement resolves all claims in this matter.

Motion Made by: Councilmember **Reid**

Motion Seconded by: Councilmember **Guillen**

**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 =