

## CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, October 20, 2015**

Litigation Negotiations

**NAME OF ACTION:**

**Janet Linn v. City of Oakland, et al.**

Alameda County Superior Court Case No. RG14719094  
(Oakland Public Works – Dangerous Condition)

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

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

This case arose out of incidents that occurred on **March 1, 2013**

**FACTS/ISSUES:**

In March 2013, Janet Linn tripped on an area of broken sidewalk on 12th Street between Jackson Street and Madison Street. Ms. Linn suffered a cut to her head and a broken wrist requiring surgery and she continues to feel residual soreness. Ms. Linn's medical bills total approximately \$30,000. She seeks reimbursement plus pain-and-suffering damages. This settlement will resolve all claims in this matter.

Motion Made by: Councilmember **Larry Reid**

Motion Seconded by: Councilmember **Noel Gallo**

**AYES:** Brooks, Campbell-Washington, Gallo, Guillén, ~~Kalb~~, Kaplan, Reid and President Gibson McElhaney = **7**

**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~~ = **1**

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

## CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, October 20, 2015*

Litigation Negotiations

**NAME OF ACTION:**

**Chase Dickens v. City of Oakland, et al.**

Alameda County Superior Court Case No. RG14744830  
(Oakland Public Works – Dangerous Condition)

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

The Council authorized settlement in the amount of **\$40,000**

This case arose out of incidents that occurred on **June 6, 2014**

**FACTS/ISSUES:**

On June 6, 2014, Chase Dickens struck a pothole in the road at 40<sup>th</sup> and Telegraph as he rode his bicycle. He was thrown from his bicycle and suffered a fractured sternum, requiring medical treatment. Mr. Dickens claims medical expenses in excess of \$26,000, economic damages in excess of \$28,000 and lost wages in excess of \$1,700. 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 =

## CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, October 20, 2015**

Litigation Negotiations

**NAME OF ACTION:**

**Enfemia Palacios and Idania Carmona v. City of Oakland**

Alameda County Superior Court Case No. RG14741812

(Oakland Public Works – Motor Vehicle Accident)

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

The Council authorized settlement in the amount of **\$50,000**

This case arose out of incidents that occurred on **September 28, 2012**

**FACTS/ISSUES:**

On September 28, 2012 an employee driving a City Public Works van struck Ms. Palacios vehicle at 14<sup>th</sup> and Franklin Streets. Ms. Carmona was a passenger in Ms. Palacios vehicle. Both plaintiffs suffered injury and claim a combined total in excess of \$33,000 for medical expenses, property damages and lost wages, and also seek reimbursement for pain and suffering. 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, Gallo, ~~Guillén~~, Kalb, Kaplan, Reid and President Gibson McElhaney = **7**

**NOES:** ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney~~ = **1**

**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, October 20, 2015**

Anticipated Litigation Negotiations

**NAME OF ACTION:**

**Claim of Michelle Sosa**

**Claim No. 30519**

(Oakland Public Works – Failed Sewer Main)

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

The Council authorized settlement in the amount of \$ **16,331.00**

This case arose out of incidents that occurred on **November 9, 2014**

**FACTS/ISSUES:**

On November 9, 2014, the City's sewer main was blocked causing raw sewage to flood on and into the Plaintiff's property. Ms. Sosa presented a claim for clean-up costs and for damages to her sewer lateral. This settlement resolves all claims in this matter.

Motion Made by: Councilmember **Desley Brooks**

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

**AYES:** Brooks, Campbell-Washington, Gallo, ~~Guillén~~, Kalb, Kaplan, Reid and President Gibson  
McElhaney = **5**

**NOES:** ~~Brooks, Campbell-Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson~~  
McElhaney = **1**

**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 = **2**

## CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, October 20, 2015*

Anticipated Litigation Negotiations

**NAME OF ACTION:**

**Claim of Pacific Gas and Electric Company**

Claim No. C30545

(Oakland Public Works– Property Damage)

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

The Council authorized settlement in the amount of **\$8,310.72**

This case arose out of incidents that occurred on **November 18, 2014**

**FACTS/ISSUES:**

On November 18, 2014, City Staff was conducting repairs on a sewer line and inadvertently struck a gas line owned by PG&E. A claim was presented against the City for the cost to repair the gas line and for the loss of natural gas. 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 =

\*Vote contingent on natural gas claim at wholesale rates.