

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, February 18, 2014**

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

NAME OF CASE:

Antionette Henderson v. City of Oakland,
Alameda County Superior Court Case No. RG11595026

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

The Council authorized settlement in the amount of **\$44,000**

This case arose out of incidents that occurred on **September 27, 2010**

FACTS OF THE CASE:

Plaintiff, Antoinette Henderson, was sitting in her car parked at 4070 Piedmont Avenue when a large branch fell shattering the rear window and collapsing the roof onto the top of her head. Ms. Henderson was stunned and required the assistance of a bystander to get out of her car. According to responding City emergency and Public Works personnel, the fallen branch was approximately 8 inches in diameter and 25 feet long.

Ms. Henderson suffered shoulder strain and numbness in her arms, blurred vision in one eye, headaches, memory loss, anxiety and light-headedness, and required months of physical therapy and treatment by an orthopedic surgeon for disc, herniation and other injuries to her spine.

Ms. Henderson's medical expenses total \$16,717.65 and she remains at risk for future back and neck problems. Ms. Henderson, a self-employed hairdresser, also claims \$35,000.00 in income loss, as she was unable to work for four months after the incident and could only work part-time upon her return to work because standing on her feet and raising her arms for hours at a time was painful and exacerbated her condition.

Motion Made by: Councilmember **Gibson McElhaney**

Motion Seconded by: Councilmember **Reid**

AYES: ~~Brooks Gallo~~ Gibson McElhaney Kalb Kaplan Reid Schaaf President
Kernighan = **5**

NOES: Brooks Gallo Gibson McElhaney Kalb Kaplan Reid Schaaf President
Kernighan =

ABSENT: Brooks Gallo ~~Gibson McElhaney Kalb Kaplan Reid Schaaf~~ President
Kernighan = **3**

ABSTENTIONS: Brooks Gallo Gibson McElhaney Kalb Kaplan Reid Schaaf
President Kernighan =