

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, April 22, 2014**

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

NAME OF CASE:

Marilyn Johnson v. City of Oakland

Alameda County Superior Court Case No. RG11604205

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

The Council authorized settlement in the amount of **\$ 36,000**

This case arose out of incidents that occurred on **March 25, 2011**

FACTS OF THE CASE:

Plaintiff, Ms. Marilyn Johnson, sustained a torn meniscus and other knee injuries when she fell on an upraised sidewalk near the intersection of Midvale Avenue and MacArthur Blvd. Ms. Johnson has incurred \$18,000 in medical expenses and may require surgery in the future.

Motion Made by: Councilmember **Noel Gallo**

Motion Seconded by: Councilmember **Rebecca Kaplan**

AYES: Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf President
Kernighan =8

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

ABSENT: Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf President
Kernighan =

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

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, April 22, 2014**

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

NAME OF CASE:

Elba Sandoval v. City of Oakland

Alameda County Superior Court Case No. HG12611690

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

The Council authorized settlement in the amount of **\$ 30,000**

This case arose out of incidents that allegedly occurred **between 2009 and 2011**

FACTS OF THE CASE:

Plaintiff, Ms. Elba Sandoval filed a lawsuit against the city in May 2011 after she was terminated from City employment. She alleged that the city discriminated against her on the basis of her race and has asserted claims for discrimination, harassment, retaliation, defamation, hostile work environment, negligent and intentional infliction of emotional distress, and she sought reinstatement, compensation for lost health insurance and retirement benefits and emotional distress. With no admission of liability, the parties have agreed to settle all claims in this matter for \$30,000.

Motion Made by: Councilmember **Noel Gallo**

Motion Seconded by: Councilmember **Rebecca Kaplan**

AYES: Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf President
Kernighan =8

NOES: Brook Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf President
Kernighan =

ABSENT: Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf President
Kernighan =

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

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, April 22, 2014**

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

NAME OF CASE:

In Re Municipal Derivatives Antitrust Litigation
MDL No. 1950

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

The Council authorized acceptance of a settlement in the amount of **\$ 281,750**

This case arose out of incidents that occurred between **January, 1992 and August 2011**

FACTS OF THE CASE:

The City of Oakland along with the County of Alameda, County of Fresno Financing Authority, City of Fresno, and the East Bay Delta Housing & Finance Agency, sued various financial institutions and brokers for their role in a longstanding conspiracy to fix prices and rig bids in the municipal derivatives industry.

Thus far, in parallel proceedings:

- Bank of America has effectively admitted its guilt in exchange for entering into the Department Of Justice's leniency program and receiving immunity from criminal prosecution;
- Six executives from both UBS and GE have been found guilty of manipulation with respect to specific agreements; and
- Twelve other executives have pled guilty for their role in the conspiracy to manipulate particular guaranteed investment contracts.

To negotiate this better settlement, the City of Oakland opted out of a nationwide class settlement last year under which City would have received significantly less, \$285. City will continue to negotiate with the remaining defendants.

Motion Made by: Councilmember **Lynette Gibson McElhaney**

Motion Seconded by: Councilmember **Larry Reid**

AYES: Gibson McElhaney Kalb Reid Schaaf President Kernighan =5

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

ABSENT: Brooks Gallo Kaplan =3

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

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, April 22, 2014**

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

NAME OF CASE:

**Claim of State Farm Insurance Co. as subrogee for Christian Puscasi,
Claim No. C29946**

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

The Council authorized acceptance of a settlement in the amount of **\$ 17,252.88**

This case arose out of incidents that occurred on **August 5, 2013**

FACTS OF THE CASE:

A City Public Works employee driving a city vehicle ran a red light and collided with driver, Christian Puscasi, at the intersection of Santa Clara and Oakland Avenue. The cost to repair the vehicle was \$18,252.88. This settlement will pay the auto insurer's subrogation claim.

Motion Made by: Councilmember **Noel Gallo**

Motion Seconded by: Councilmember **Rebecca Kaplan**

AYES: Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf President Kernighan =8

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

ABSENT: Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf President Kernighan =

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

