

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, July 29, 2014*

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

NAME OF CASE:

Dao The Diep v. City of Oakland, et al.

Alameda County Superior Court Case No. RG12645758

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

The Council authorized settlement in the amount of \$ 10,000.00

This case arose out of incidents that occurred on Sept. 11, 2011

FACTS OF THE CASE:

Dao The Diep, an eighty-four (84) year old man, rode a Segway over a sheet of plywood that had been placed over an open PG&E utility box located in the City sidewalk near the intersection of Seventh and Jackson Streets. The plywood collapsed, the Segway tipped over and Mr. Diep fell and sustained serious injuries, including head trauma, broken nose, finger and cuts.

Mr. Diep filed suit against PG&E and the City of Oakland, alleging the sidewalk was in a dangerous condition and seeking hospitalization and medical costs and lost wages for two weeks. PG&E has settled for \$125,000.

Motion Made by: Councilmember Rebecca Kaplan

Motion Seconded by: Councilmember Noel Gallo

AYES: Brooks Gallo Gibson Mcelhaney Kalb Kaplan ~~Reid~~ Schaaf President
Kernighan = 7

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

ABSENT: ~~Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf~~
~~President Kernighan~~ = 1

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

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Date of Meeting: *Tuesday, July 29, 2014*

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

NAME OF CASE:

Tadhq Goggin v. C/O

Alameda County Superior Court Case No. RG12-615075

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

The Council authorized settlement in the amount of \$ 8,500.00

This case arose out of incidents that occurred on May 3, 2011

FACTS OF THE CASE:

Mr. Goggin, age 15, was riding a bicycle on the 2200 block of Harrison Street in Oakland, CA when his bicycle was struck by a City of Oakland parking enforcement vehicle driven by a City employee. This occurred as the employee drove forward on a green light after having stopped on a red light, and according to Mr. Goggin's testimony, he made a left-hand signal from his bike and moved his bicycle across several lanes in front of the employee to make a turn. Mr. Goggin sustained minor injuries and his bicycle and clothing were damaged.

Motion Made by: Councilmember Lynette Gibson McElhaney

Motion Seconded by: Councilmember Rebecca Kaplan

AYES: Brooks Gallo Gibson Mcelhaney Kalb Kaplan ~~Reid~~ Schaaf President
Kernighan = 7

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

ABSENT: ~~Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf~~
~~President Kernighan~~ = 1

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

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Date of Meeting: *Tuesday, July 29, 2014*

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

NAME OF CASE:

City of Oakland v. Ambac Financial Group, Inc., et al.
San Francisco Superior Court Case No. CJC-08-4555

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

The Council authorized acceptance of a settlement in the amount of **\$ 1,000.00**

This case arose out of incidents that occurred in August 2008

FACTS OF THE CASE:

On August 28, 2008, the City filed a lawsuit in the San Francisco County Superior Court against several municipal bond insurance companies, alleging fraud and breach of contract in addition to other claims, some of which have been dismissed by the court. One defendant, FSA/Assured, has offered to settle the litigation with all Plaintiffs which results in the amount of \$1,000.00 for the City of Oakland. The Council authorized acceptance of this nominal settlement, in part, because the City suffered no damages as a result of FSA's actions and the City has no claims pending against FSA.

Motion Made by: Councilmember Noel Gallo

Motion Seconded by: Councilmember Libby Schaaf

AYES: Brooks Gallo Gibson Mcelhaney Kalb Kaplan ~~Reid~~ Schaaf President
Kernighan = 7

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

ABSENT: ~~Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf~~
~~President Kernighan~~ = 1

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

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, July 29, 2014**

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

NAME OF CASE:

City of Oakland, et al., v. AIG Financial Products Corp., et al
United States District Court Case No. C08-02116 MEJ

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

The Council authorized accepting a settlement in the amount of **\$ 325,000.00**

This case arose out of incidents that occurred between 1992 - 2011

FACTS OF THE CASE:

The City of Oakland and several other city and county entities 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 criminal proceedings:

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

Last year, the City of Oakland opted out of a nationwide class settlement with BofA, which resulted in a settle offer for \$325,000.00. Litigation will continue on Oakland's behalf against remaining defendants: UBS, JPG, Piper Jaffrey, Societe Generale, National Westminster, Natixis, CDR, George K. Baum, and Sound Capital Management.

Motion Made by: Councilmember Noel Gallo

Motion Seconded by: Councilmember Libby Schaaf

AYES: Brooks Gallo Gibson Mcelhaney Kalb Kaplan ~~Reid~~ Schaaf President Kernighan = 7

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

ABSENT: ~~Brooks Gallo Gibson Mcelhaney Kalb Kaplan Reid Schaaf President Kernighan~~ = 1

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