

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, May 7, 2013*

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

NAME OF CASE:

**Vernesta Johnson v. City of Oakland
USDC Case No. C12-01725 LB**

This matter is listed as **Item No. 1(b)** 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 2011

FACTS OF THE CASE:

This is a wrongful death action filed by Decedent, Arthur Raleigh's mother, ex-wife and minor child. Plaintiffs claim that Oakland police officers used excess force in fatally shooting Decedent.

Motion Made by: Councilmember Kaplan

Motion Seconded by: Councilmember Gallo

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

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 =

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Litigation/Anticipated Litigation:

NAME OF CASE:

**Jacqueline Dixon v. City of Oakland
ACSC Case No. RG11559368**

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

The Council authorized settlement in the amount of \$ 61,667.00

This case arose out of incidents that occurred on June 2009

FACTS OF THE CASE:

Plaintiff tripped and fell on an uneven portion of sidewalk that was separated due to tree roots. Plaintiff claimed the sidewalk constituted a dangerous condition of public property. Plaintiff suffered a dislocated shoulder, fractured her ankle and suffered additional injuries. Medical expenses totaled \$48,500

Motion Made by: Councilmember Kalb

Motion Seconded by: Councilmember Gallo

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

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

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

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

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Litigation/Anticipated Litigation:

NAME OF CASE:

**Jaymes Evans v. City of Oakland
ACSC Case No. RG11610704**

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

The Council authorized settlement in the amount of \$ 10,000

This case arose out of incidents that occurred on January 2011

FACTS OF THE CASE:

Plaintiffs suffered soft tissue injuries when an Oakland Police Department vehicle collided with their car. Medical expenses totaled \$5,600

Motion Made by: Councilmember _____

Motion Seconded by: Councilmember _____

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

**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 =**

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Litigation/Anticipated Litigation:

NAME OF CASE:

**City of Oakland v. Eric Holder, Attorney General of the United States, Melinda Haag, U.S. Attorney for the Northern District of California
USDC Case No. C12-5245 & Ninth Circuit Case No. 13-15391**

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

The Council authorized settlement in the amount of \$_____

This case arose out of incidents that occurred on _____

FACTS OF THE CASE:

Council authorized waived the existing conflict for the law firm DLA Piper, LLP, so that the firm can represent the City prop bono (i.e., without charges for legal fees) in this litigation. The litigation challenges the federal government's right to pursue a forfeiture action against the landlord of Harborside Health Center, an Oakland permitted dispensary. The firm represents DODG which has filed an action against the City of Oakland alleging breach of a lease agreement.

Motion Made by: Councilmember Kaplan _____

Motion Seconded by: Councilmember Kalb _____

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

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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Litigation/Anticipated Litigation:

NAME OF CASE:

Claim of Sui Bill Lee, Claim #C29454

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

The Council authorized settlement in the amount of \$ 6,840.00

This case arose out of incidents that occurred on October 2012

FACTS OF THE CASE:

Plaintiff alleged his driveway and garage floor were damaged by the roots of an official City tree. Plaintiff paid a contractor \$6,840.00 to repair the damage to his property.

Motion Made by: Councilmember Gibson-McElhaney

Motion Seconded by: Councilmember Gallo

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

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 =