

**CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: *Wednesday, November 5, 2014*

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

**NAME OF CASE:**

**Estate of Matthew Cicelske et al. v. City of Oakland et al.**  
United States District Court Case No. C13-0379 JSC

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

The Council authorized settlement in the amount of **\$75,000**

This case arose out of incidents that occurred on **January 29, 2011**

**FACTS OF THE CASE:**

Oakland police officers responded to the home of Mr. Cicelske's former girlfriend after she made a 911 call reporting that he was outside her home with a BB gun, acting as if he was on military patrol. Based on additional information from neighbors and yelling from the house, officers were concerned that Mr. Cicelske was mentally disturbed and could become violent. Mr. Cicelske then burst through a door of the house holding an airsoft pellet gun that closely resembles an AR-15 assault rifle and was shot by police.

Motion Made by: **Councilmember Schaaf**

Motion Seconded by: **Councilmember Gallo**

**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 =

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

**NAME OF CASE:**

**Linda Smith v. City of Oakland**

Alameda County Superior Court Case No. RG13665558

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

The Council authorized settlement in the amount of **\$2,000,000**

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

**FACTS OF THE CASE:**

A City employee driving a City public works vehicle ran a red light at 14<sup>th</sup> Street and Franklin Street and struck a vehicle in the intersection. The City vehicle was propelled onto the sidewalk and struck the plaintiff who was a pedestrian. Ms. Smith suffered arm fractures, a lacerated spleen, broken ribs, skin lacerations and other significant injuries, and was taken by ambulance to the hospital where she was placed in the intensive care unit. She required surgery to place rods, pins and screws to address the fractures. She suffers pain and other medical problems she alleges resulted from the accident, and asserts she will need additional surgery and in-home care for the remainder of her life. The cost of future care and surgery is estimated to be over 2 million dollars.

Motion Made by: **Councilmember Reid**

Motion Seconded by: **Councilmember Kernighan**

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

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

**ABSENT:** Gibson Mcelhaney = 1

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

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**Litigation/Anticipated Litigation:**

**NAME OF CASE:**

**State Farm General Insurance Co. v. City of Oakland**  
Alameda County Superior Court Case No. RG14733470

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

The Council authorized settlement in the amount of **\$13,326.92**

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

**FACTS OF THE CASE:**

A City employee driving a public works vehicle ran a red light at 14<sup>th</sup> Street and Franklin Street and struck a vehicle in the intersection. The City vehicle was propelled onto the sidewalk and struck the plaintiff who was a pedestrian. One of the vehicles involved in the accident was propelled into the business at 1407 Franklin Street causing damage. This settlement will satisfy an insurance claim brought by State Farm Insurance on behalf of the business owners.

Motion Made by: **Councilmember Reid**

Motion Seconded by: **Councilmember Kernighan**

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

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

**ABSENT:** Gibson Mcelhaney = **1**

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

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

**NAME OF CASE:**

**Julia B. Kim v. City of Oakland**

Alameda County Superior Court Case No. RG07358758

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

The Council authorized settlement in the amount of **\$56,830.00**

This case arose out of incidents that occurred on **November 17, 2005**

**FACTS OF THE CASE:**

Ms. Kim was the high bidder for a piece of excess city property sold at auction, paying \$500,000. The property was sold as-is but contained an exclusive easement in favor of an adjacent owner that significantly limited her use of the property. Ms. Kim, a novice buyer, was not aware of the easement and her broker did not advise her of it. Ms. Kim sued the broker and City seeking recovery of the full purchase price. This settlement will cover costs related to securing clear title to the property, title insurance and her attorneys' fees.

Motion Made by: **Councilmember Kaplan**

Motion Seconded by: **Councilmember Gallo**

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

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

**ABSENT:** Kalb = 1

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