

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, November 5, 2013*

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

NAME OF CASE:

Kazeem Upshaw v. City of Oakland

USDC Case No. C11-05044

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

The Council authorized settlement in the amount of **\$65,000**

This case arose out of incidents that occurred on **October 16, 2010**

FACTS OF THE CASE:

Plaintiff, Kazeem Upshaw, heard numerous gunshots close to his home and went to investigate. At the corner of 52nd and West St., he encountered victims of a shooting, including a young woman and an injured boy. He took the boy across the street to Children’s Hospital and returned to the crime scene, intending to aid the young woman. At this point, police officers were at the scene.

Police officers instructed Mr. Upshaw and another unidentified man to stay back from the crime scene. An altercation with officers ensued and Mr. Upshaw was taken into custody and incarcerated for several days.

During the altercation, Mr. Upshaw sustained injuries to his face from palm strikes by police, including bruising and abrasions, a swollen eye, bloody nose and bruising on his body. In addition to physical injury, Mr. Upshaw claims that he suffered emotional distress as a result of being beaten and incarcerated. His physical injuries have largely resolved, although he claims that his right eye now “jumps” on occasion and that he has lingering pain in his left hand.

Motion Made by: Councilmember **Gallo**

Motion Seconded by: Councilmember **Gibson McElhaney**

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, November 5, 2013*

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

NAME OF CASE:

Claim of Christina and Alfonso Acampo
OCA Claim No. C29342

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

The Council authorized settlement in the amount of **\$9,123.14**

This case arose out of incidents that occurred on **June 11, 2012**

FACTS OF THE CASE:

A limb from a city tree fell on the Acampo's car, a 1970's Chevy Camaro, and it sustained major damage. The vehicle was repairable based on an estimate of \$9,123.14. This settlement covers the cost of repairs.

Motion Made by: Councilmember **Gallo**

Motion Seconded by: Councilmember **Reid**

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, November 5, 2013*

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

NAME OF CASE:

Claim of Blesilda Alcantara
OCA Claim No. C29545

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

The Council authorized settlement in the amount of **\$9,229.83**

This case arose out of incidents that occurred on _____

FACTS OF THE CASE:

A City sewer main backed up flooding Ms. Alcantara's property at 2058 Rosedale Avenue. The bathroom, kitchen and bedroom were flooded, damaging the flooring, baseboards, cabinets and carpeting. This payment covers the costs of clean up, reconstruction and replacement of the affected materials.

Motion Made by: Councilmember **Gallo**

Motion Seconded by: Councilmember **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 =