

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: **Tuesday, July 1, 2014**

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

NAME OF CASE:

**Claim of Gerald and Christina Gray
Claim no. C29678**

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

The Council authorized settlement in the amount of \$ **372,222.13**

This case arose out of incidents that occurred on **July 16, 2013**

FACTS OF THE CASE:

City employees performing maintenance on the City's sanitary sewer main caused a catastrophic sewer flood into the Gray's home located at 7895 Sterling Drive. Raw sewage came up through the plumbing and inundated all floors of the Greys' home causing severe damage and sewage contamination to bathrooms, cabinets and fixtures, kitchen and appliances bedrooms, laundry room and garage, and destroying flooring and sub-flooring, walls, baseboards, HVAC system, carpeting, furniture and personal property. There are no previous claims for this location. This settlement pays for the cost of repairs and replacement.

Motion Made by: Councilmember Desley Brooks

Motion Seconded by: Councilmember Lynette Gibson McElhaney

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 1, 2014**

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

NAME OF CASE:

Eloise Chitmon v. City of Oakland, et al.
Alameda County Superior Court Case No. RG12655533

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

The Council authorized settlement in the amount of \$ **105,000.00**

This case arose out of incidents that occurred on **November 11, 2011**

FACTS OF THE CASE:

Eloise Chitmon crossed the street at 30th and Filbert and was injured when she fell into an open storm sewer. The storm sewer's grate was missing, presumably been stolen by thieves looking to sell the metal as scrap. Ms. Chitmon sustained significant injuries, fracturing ankle and suffering trauma to her hip, leg and knee, and requiring surgery. She has lingering pain in her leg, swelling in her foot and cannot do the same types of physical activities that she used to do.

Ms. Chitmon's claim is for medical expenses, the personal care required after the accident, lost income, permanent damage to her leg and pain and suffering and has agreed to this settlement to cover those settle costs.

Motion Made by: Councilmember Lynette Gibson McElhaney

Motion Seconded by: Councilmember Rebecca Kaplan

AYES: Brooks Gallo Gibson Mcelhaney Kalb Kaplan ~~Reid~~ Schaaf President
Kernighan = **6**

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

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 1, 2014**

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

NAME OF CASE:

Peter Dixon v. City of Oakland, et al.
United States District Court Case No. C12-5207 DMR

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

The Council authorized settlement in the amount of \$ **25,000.00**

This case arose out of incidents that occurred on **December 9, 2011**

FACTS OF THE CASE:

Plaintiff Peter Dixon was stopped, detained and handcuffed in West Oakland by Personal Protective Services ("PPS") private security officers, a co-defendant in the case, for allegedly engaging in a drug transaction and charging and battering PPS officers. Oakland police were called and allege Mr. Dixon initially yelled profanities and refused to give his name, but eventually provided his name and was driven home by police.

Mr. Dixon suffered a wrist fracture during the altercation with PPS officers and asserts the injury was aggravated by PPS officers placing him and handcuffs and Oakland police who did not remove the handcuffs during their questioning. He has stated that no OPD officer physically manhandled or otherwise injured him.

Mr. Dixon filed suit against PPS and OPD alleging against civil rights violations and detention without cause because police did not adequately investigate the PPS officer's battery claim. The overall settlement proposal is \$135,000.00, which includes a payment of \$110,000.00 from PPS. The settlement attributable to OPD is based on the civil rights claim, not physical injury.

Motion Made by: Councilmember Larry Reid

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 =