

**CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: *Tuesday, April 21, 2015*

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

**NAME OF CASE:**

**F.R., a minor, by and through his guardian ad litem, Matthew Raynor v. City of Oakland, et al.**  
United States District Court Case No. C14-01876 LB; &

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

The Council authorized settlement in the amount of **\$ 230,000.00**

This case arose out of incidents that occurred on **April 3, 2013**

**FACTS OF THE CASE:**

On the night of 4/3/13, plaintiff minors F.R. and other minors, then 16, were detained by OPD officers following a radio report of an armed robbery by three black males at 10<sup>th</sup> and Jefferson Streets, when a witness misidentified them as the robbers. A detaining officer fired a shot at the minors in the course of police issuing commands to get down and the shot grazed plaintiff F.W.'s cheek. The plaintiffs were taken into custody and F.W. received medical attention before they were taken to the police department for questioning. Neither F.R. nor any of the other minors were charged with a crime and F.R. sued the city alleging wrongful detention/false arrest, excessive force, and emotional distress.

This settlement will resolve all claims against the City.

Motion Made by: **Councilmember Rebecca Kaplan**

Motion Seconded by: **Councilmember Dan Kalb**

**AYES:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney = 6

**NOES:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

**ABSENT:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney = 2

**ABSTENTIONS:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

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Date of Meeting: *Tuesday, April 21, 2015*

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

**NAME OF CASE:**

**L.W., a minor, by and through his guardian ad litem, Troyreac Henry v. City of Oakland, et al.**  
United States District Court Case No. C14-01877 LB;

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

The Council authorized settlement in the amount of **\$ 45,000.00**

This case arose out of incidents that occurred on **April 3, 2013**

**FACTS OF THE CASE:**

On the night of 4/3/13, plaintiff minor L.W. and other minors, then 16, were detained by OPD officers following a radio report of an armed robbery by three black males at 10<sup>th</sup> and Jefferson Streets, when a witness misidentified them as the robbers. A detaining officer fired a shot at the minors in the course of police issuing commands to get down and the shot grazed one of the minor's cheek. The minors were taken into custody and the minor with the grazed cheek received medical attention before they were taken to the police department for questioning. Neither L.W. nor any of the minors were charged with a crime. L.W. sued the City alleging emotional distress related to witnessing the other minor get shot.

This settlement will resolve all claims against the City.

Motion Made by: **Councilmember Rebecca Kaplan**

Motion Seconded by: **Councilmember Dan Kalb**

**AYES:** ~~Brooks~~, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, ~~Reid~~ and President Gibson McElhaney = **6**

**NOES:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

**ABSENT:** ~~Brooks~~, ~~Campbell-Washington~~, ~~Gallo~~, ~~Guillen~~, ~~Kalb~~, ~~Kaplan~~, ~~Reid~~ and President Gibson McElhaney = **2**

**ABSTENTIONS:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

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

**NAME OF CASE:**

**Yolanda Cobbs and Michelle Lee v. City of Oakland, et al.**  
Alameda County Superior Court Case No. RG14720182

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

The Council authorized settlement in the amount of **\$52,000**

This case arose out of incidents that occurred on **August 18, 2013**

**FACTS OF THE CASE:**

Yolanda Cobbs and Michelle Lee tripped and fell on a damaged sidewalk fronting 1411 92<sup>nd</sup> Avenue. Ms. Cobbs suffered a right ankle fracture and dislocation. She required surgical insertion of metal screws and a plate into her ankle. Ms. Lee suffered soft tissue back and leg injuries. They filed suit alleging the City maintained a dangerous condition. This settlement will resolve all claims against the City.

Motion Made by: **Councilmember Abel Guillen**

Motion Seconded by: **Councilmember Anne Campbell-Washington**

**AYES:** ~~Brooks,~~ Campbell-Washington, Gallo, Guillen, Kalb, ~~Kaplan,~~ Reid and President Gibson McElhaney = **5**

**NOES:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

**ABSENT:** ~~Brooks,~~ ~~Campbell-Washington,~~ ~~Gallo,~~ ~~Guillen,~~ ~~Kalb,~~ ~~Kaplan,~~ ~~Reid~~ and President Gibson McElhaney = **3**

**ABSTENTIONS:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

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

**NAME OF CASE:**

**Reynelder Julian v. City of Oakland, et al.**

Alameda County Superior Court Case No. RG14736991

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

The Council authorized settlement in the amount of **\$15,000**

This case arose out of incidents that occurred on **January 25, 2014**

**FACTS OF THE CASE:**

Reynelder Julian tripped and fell in the roadway near 2550 Pleasant Street - a public street with several cracks, divots and holes. Ms. Julian sprained her ankle and suffered a fracture requiring medical treatment. Ms. Julian filed suit alleging the City maintained a dangerous condition. This settlement will resolve all claims against the City.

Motion Made by: **Councilmember Dan Kalb**

Motion Seconded by: **Councilmember Noel Gallo**

**AYES:** ~~Brooks~~, Campbell-Washington, Gallo, Guillen, Kalb, ~~Kaplan, Reid~~ and President Gibson McElhaney = **5**

**NOES:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

**ABSENT:** ~~Brooks~~, ~~Campbell-Washington~~, ~~Gallo~~, ~~Guillen~~, ~~Kalb~~, ~~Kaplan, Reid~~ and President Gibson McElhaney = **3**

**ABSTENTIONS:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

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Date of Meeting: *Tuesday, April 21, 2015*

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

**NAME OF CASE:**

**Clifton Raines v. City of Berkeley, et al.**

Alameda County Superior Court Case No. RG13686968

This matter is listed as **Item No. 1(g)** 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 **October 15, 2012**

**FACTS OF THE CASE:**

Mr. Clifton Raines tripped and fell in a privately owned drain line clean-out box located in the public sidewalk adjacent to 6720 San Pablo Avenue in Oakland and a Sherwin Williams paint store. Mr. Raines suffered broken bones in his feet, requiring medical treatment. He filed suit against the City of Oakland, adjacent property owner Cristin Schatz, the Sherwin Williams Company, East Bay Municipal Utility District and the City of Berkeley. Defendants East Bay Municipal Utility District and the City of Berkeley were dismissed from the case. The total settlement agreed to by Mr. Raines is \$34,000.00 – defendant Cristin Schatz is contributing \$24,000.00 and the City of Oakland is contributing \$10,000.00. This settlement resolves all claims against the City and all cross-complaints in the action will be dismissed.

Motion Made by: **Councilmember Noel Gallo**

Motion Seconded by: **Councilmember Dan Kalb**

**AYES:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney = 5

**NOES:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =

**ABSENT:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney = 3

**ABSTENTIONS:** Brooks, Campbell-Washington, Gallo, Guillen, Kalb, Kaplan, Reid and President Gibson McElhaney =