

**JANUARY 21, 2020**

**CLOSED SESSION ACTIONS AND DIRECTION**

Date of Meeting: *Tuesday, January 21, 2020*

Litigation Negotiations

**NAME OF ACTION:**

**Max and Feliciano Lynn v. Paramount Theatre of the Arts Incorporated and City of Oakland**  
**Alameda County Superior Court Case No. RG19009173**

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

The council authorized settlement in the amount of: **\$75,000.00**

This case arose out of incidents occurring on: **June 1, 2018**

**FACTS/ISSUES:**

On June 1, 2018, Kevin Lynn walked up the south exterior staircase at the Paramount Theatre during “First Friday” festivities and fell to his death. Plaintiffs, Kevin’s parents Max and Feliciano Lynn, assert a wrongful death action, alleging that the staircase represents a dangerous condition on public property. The City owns the property, and Paramount Theatre of the Arts, Inc. is the operator.

The City disputes liability but the City and Paramount Theatre agreed to make a good faith effort to assess the feasibility of adding additional pipes to the diagonal sections of the exterior stairs of the Theater to raise their effective height to reduce the risk of future falls.

This settlement will resolve all claims in this matter.

**Present:**

Motion Made by: **Councilmember Gibson McElhaney**

Motion Seconded by: **Councilmember Fortunato Bas**

**AYES:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan= **8**

**NOES:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

**ABSENT:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

**ABSTENTIONS:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

**JANUARY 21, 2020**

**CLOSED SESSION ACTIONS AND DIRECTION**

Date of Meeting: *Tuesday, January 21, 2020*

Litigation Negotiations  
**NAME OF ACTION:**

**Roberta Castro Green v. City of Oakland and DOES 1-20**  
**Alameda County Superior Court Case No. RG18903676**

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

The council authorized settlement in the amount of: **\$50,000.00**

This case arose out of incidents occurring: **March 22, 2017**

**FACTS/ISSUES:**

On March 22, 2017, Plaintiff Roberta Castro Green tripped on a sidewalk located at 3120 Webster Street. Plaintiff testified that she lost her balance and began to fall forward; she does not know why she initially lost her balance. While falling forward, she tried to catch her balance with her right foot. She claims that her right foot then tripped on a height differential between sidewalk slabs, causing her to fall hard on her right arm and shoulder. Ms. Green suffered serious injuries including a massive right rotator cuff tear and fractured rib. She underwent surgery to her right shoulder; her arm was immobilized for eight weeks and she no longer has full range of motion.

Ms. Green sued to recover her medical expenses and for damages for pain and suffering. This settlement resolves all claims in this matter.

Motion Made by: **Vice Mayor Reid**  
Motion Seconded by: **Councilmember Gallo**

**AYES:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan= **8**

**NOES:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

**ABSENT:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

**ABSTENTIONS:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=