

MARCH 18, 2021

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, March 18, 2021*

Litigation

NAME OF ACTION:

Christopher Robert Saites v. City of Oakland and DOES 1 to 10
Alameda County Superior Court Case No. RG20050438

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

The Council authorized settlement in the amount of **\$185,000**

This case arose out of incidents occurring on **March 28, 2019**

FACTS/ISSUES:

On March 28, 2019, Plaintiff Christopher Saites, while riding a Lime electric scooter on Sixth Street, hit a pothole; his scooter flipped propelling him forward and his face struck the ground. Plaintiff had extensive, complex maxillofacial fractures (i.e., serious midface and jaw fractures), including fractures in his nose, ocular orbital walls, and jaw, and fractures between his teeth. Plaintiff alleged that the pothole constituted a dangerous condition of public property and that the City had actual and constructive notice of this alleged dangerous condition. He sought damages, for past and future medical expenses and pain and suffering. Plaintiff's medical expenses to date are \$96,543. The approved settlement resolves all issues in this matter.

Motion Made by: **Councilmember Taylor**

Motion Seconded by: **Councilmember Kalb**

AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 8

NOES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSENT: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSTENTIONS: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=