

OCTOBER 21, 2021

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, October 21, 2021*

Litigation Negotiations

NAME OF ACTION:

Michelle Williams v. City of Oakland and DOES 1 - 20
Alameda County Superior Court Case No. RG19042561

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

The council authorized settlement in the amount of **\$400,000.00**

This case arose out of incidents occurring on or about **December 14, 2014**

FACTS/ISSUES:

Plaintiff Michele Williams alleges that the City's storm drain pipe located in an easement in the back yard of her residence deteriorated and broke apart, creating a large sinkhole next to the exterior wall of the home. Plaintiff alleges that as a result of the sinkhole, the entire west side of the home (running parallel and adjacent to the City storm drain) is between 3.5 to 6.9 inches lower than the east side of the home.

Plaintiff sued the City for negligence and claimed property damages, emotional distress damages, and attorney's fees. The City has determined that settlement in the amount of \$400,000 to Plaintiff, without admitting liability and to avoid further litigation, is in the best interest of the City.

Motion Made by: **Councilmember Taylor**

Motion Seconded by: **Councilmember Gallo**

AYES: **Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas = 6**

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

ABSENT: Fife, Gallo, **Kalb**, Kaplan, Reid, Taylor, Thao and President Fortunato Bas = 1

ABSTENTION: Fife, Gallo, Kalb, Kaplan, **Reid**, Taylor, Thao and President Fortunato Bas = 1