

FEBRUARY 24, 2022

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, February 24, 2022*

Litigation Negotiations

NAME OF ACTION:

Rebecca Thomas v. City of Oakland and DOES 1 – 20
Alameda County Superior Court, Case No. RG20065500

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

The Council authorized settlement in the amount of **\$50,000.00**.

This case arose out of an incident occurring on **January 19, 2020**.

FACTS/ISSUES:

On January 19, 2020, Plaintiff Rebecca Thomas was walking on Mountain Boulevard when Plaintiff tripped and fell on a deteriorated section of an asphalt berm on the side of the road. Plaintiff's face and head struck the ground. Plaintiff was later diagnosed with post-concussion syndrome after complaints of chronic severe headaches. Plaintiff's physicians noted trauma to Plaintiff's right knee as a result of the fall, and Plaintiff later had total knee replacement surgery on this knee.

Plaintiff sued the City, alleging the condition of the road was a dangerous condition of public property. Plaintiff's alleged economic damages at this time are approximately \$43,082. The approved settlement resolves all claims with Plaintiff in this matter.

Motion Made by: **Councilmember Thao**

Motion Seconded by: **Councilmember Gallo**

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=