

MAY 19, 2022

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, May 19, 2022*

Litigation Negotiations

NAME OF ACTION:

**Scott Rietz v. City of Oakland, Berry Bros. Towing & Transport Inc., and
DOES 1 - 40, inclusive**

Alameda County Superior Court Case No. RG21087166

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

The council authorized settlement in the amount of **\$100,000.00**.

This case arose out of incidents occurring on **February 23, 2019**.

FACTS/ISSUES:

This action arises out of a trip and fall on February 23, 2019. Plaintiff Scott Rietz was walking around Plaintiff's car when Plaintiff tripped and fell over the broken sidewalk on Alicia Street, near Market Street, in Oakland. The broken sidewalk existed for over 10 years, but was likely caused by Berry Brothers regularly parking vehicles on the sidewalk.

Plaintiff, who was 75 years old at the time of the incident, alleges that Plaintiff suffered a serious hip fracture and underwent two hip surgeries. Plaintiff claims past and future medical expenses, loss wages, and pain and suffering.

Motion Made by: **Councilmember Fife**

Motion Seconded by: **Councilmember Taylor**

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= 2

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