

SEPTEMBER 15, 2022

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, September 15, 2022*

Litigation Negotiations

NAME OF ACTION:

Kate Didech vs. City of Oakland, and DOES 1 - 20, Inclusive
Alameda County Superior Court, Case No. RG19030982

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

The Council authorized settlement in the amount of **\$65,000.00**.

This case arose out of an incident occurring on **July 8, 2018**.

FACTS/ISSUES:

On July 8, 2018, Plaintiff Kate Didech was riding an electric scooter downhill on Vernon Street when the scooter's front tire became caught in a sinkhole. Didech fell to the ground and was later diagnosed with a closed, displaced fracture of the bony tip of the right elbow.

Didech sued the City, alleging the condition of the road was a dangerous condition of public property. Didech's damages for recoverable past medical expenses are \$21,875.64 with future medical expenses estimated to be \$10,000. The approved settlement resolves all claims with Didech in this matter.

Motion Made by: Councilmember **Gallo**

Motion Seconded by: Councilmember **Fife**

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=