

FEBRUARY 2, 2023

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Tuesday, February 2, 2023*

Litigation Negotiations

NAME OF ACTION:

Renee Kessler Miller, an individual v. City of Oakland and DOES 1 - 100, inclusive
Alameda County Superior Court Case No. 21CV002203

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

The Council authorized settlement in the amount of **\$30,000.00**.

This case arose out of an incident occurring on **June 14, 2021**.

FACTS/ISSUES:

Plaintiff Renee Kessler Miller alleges that on June 14, 2021, Miller tripped on a pothole while walking from a street parking space to the sidewalk in front of 6200 Antioch Street. The pothole was partially covered by the left front of Miller's parked car. Miller fell to the ground and was later diagnosed with a right ankle sprain, fracture to the tip of the fibula, and an abnormal proliferation of fibrous tissue in the ankle ligament.

Miller sued the City, alleging the pothole was a dangerous condition of public property. Miller's damages for recoverable past medical expenses are \$11,227. The City has determined that settlement in the amount of \$30,000.00 to Miller, without admitting liability and to avoid further litigation, is in the best interest of the City.

The approved settlement resolves all of Miller's claims in this matter.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Jenkins**

AYES: **Fife, Gallo, Jenkins**, Kalb, **Kaplan, Ramachandran**, Reid, and **President Fortunato Bas=6**

NOES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=

ABSENT: Fife, Gallo, Jenkins, **Kalb**, Kaplan, Ramachandran, **Reid**, and President Fortunato Bas=2

ABSTENTIONS: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=