

June 21, 2023

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Wednesday, June 21, 2023*

Litigation Negotiations

NAME OF ACTION:

Timothy Michael Ryan v. City of Oakland, et al.
U.S. District Court, N.D. Cal. Case No. 4:22-cv-00521 DMR

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 an incident occurring on **June 1, 2020**.

FACTS/ISSUES:

On June 1, 2020 Timothy Ryan (“Ryan”), a KCBS Radio news reporter, attended demonstrations in downtown Oakland which followed the murder of George Floyd. At 8th Street and Broadway at approximately 7:40 p.m., Oakland Police Department officers (“OPD”) and Alameda County Sheriff’s Office deputies deployed a large amount of tear gas. Ryan ran into the street to escape the tear gas, rolled Ryan’s right ankle, and suffered a fracture in the right foot and two torn ankle ligaments. OPD later acknowledged this use of tear gas was excessive.

Ryan underwent surgery and has some continued limitations and pain, and retired from working at KCBS Radio due to the injuries. Ryan claims this use of tear gas violated Ryan’s rights under the First and Fourth Amendments. After several motions to dismiss, discovery, and two settlement conferences, the parties agreed to settle Ryan’s claims for \$400,000.00, including satisfaction of Ryan’s employer’s workers’ compensation lien.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Kalb**

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=