

JULY 20, 2023

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, July 20, 2023*

Litigation Negotiations

NAME OF ACTION:

Elizabeth Youhn v. City of Oakland, Athol LLC and DOES 1-20
Alameda County Superior Court, Case No. RG21094482

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

The council authorized settlement in the amount of **\$150,000**

This case arose out of incidents occurring on **March 5, 2020**

FACTS/ISSUES:

Plaintiff Elizabeth Youhn (“Youhn”) alleges that on March 5, 2020 they tripped on an uneven sidewalk in front of 201 Athol Avenue. Youhn alleges that there was a slightly more than 2-inch sidewalk uplift due to the roots of a nearby City tree. Youhn fell forward, landing on their elbow.

Youhn fractured their left elbow and had surgery two days later that included the placement of hardware (screws). In December 2022, Youhn underwent a second surgery to remove the hardware that was causing pain. The second surgery did not alleviate the pain and discomfort Youhn was having as a result of the first surgery and Youhn is considering a third surgery. Youhn’s past medical expenses are approximately \$45,000. Her future medical expenses are estimated at \$29,000. Additionally, Youhn claims damages for pain and suffering.

The City determined that settlement in the amount of \$150,000 to Youhn, without admitting liability and to avoid further litigation, is in the best interest of the City.

Motion Made by: **Gallo**

Motion Seconded by: **Bas**

AYES: Fife, Gallo, Jenkins, Kalb, **Kaplan**, Ramachandran, Reid, and President Fortunato **Bas = 5**

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

ABSENT: Fife, Gallo, **Jenkins**, **Kalb**, Kaplan, Ramachandran, **Reid**, and President Fortunato **Bas = 3**

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