

**JULY 20, 2023**

**CLOSED SESSION REPORT OF FINAL ACTION**

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

Litigation Negotiations

**NAME OF ACTION:**

**Marilyn Risi v. City of Oakland, Heart and Dagger LLC, Heart and Dagger Saloon, and Does 1 to 10**

Alameda County Superior Court, Case No. RG21102752

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

The Council authorized settlement in the amount of **\$35,000.00**

This case arose out of an incident occurring on **August 28, 2020**

**FACTS/ISSUES:**

On August 28, 2020, Plaintiff Marilyn Risi (“Risi”) was walking on the sidewalk in front of 504 Lake Park Avenue when they fell and suffered a broken arm which required surgery. Risi attributes the fall to a sidewalk offset and alleges that this defect was a dangerous condition of public property and that the City had constructive notice of it. Risi seeks damages for medical expenses and pain and suffering. The approved settlement resolves all claims with Risi in this matter.

Motion Made by: **Bas**

Motion Seconded by: **Gallo**

**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=**