

**March 7, 2024**

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, March 7, 2024*

Litigation Negotiations

**Deborah Ferguson v. City of Oakland and Does 1-100**  
**Alameda County Superior Court Case No. 22CV022371**

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

The council authorized settlement in the amount of \$175,000.00

This case arose out of an incident occurring on December 29, 2021.

**FACTS/ISSUES:**

Plaintiff Deborah Ferguson (“Ferguson”) alleges that on December 29, 2021, an oak tree on City property fell onto Ferguson’s vehicle as Ferguson drove by the tree on southbound Shepard Canyon Road, near Escher Drive. The oak tree shattered the windshield and Ferguson alleges that it hit Ferguson’s head causing a traumatic brain injury. Ferguson alleges that the oak tree fell because a larger pine tree on the hillside above it, which the City had previously identified as a falling hazard but failed to remove, fell on it in stormy weather. Ferguson alleges that the incident caused headaches, dizziness, anxiety, emotional distress, and Ferguson seeks damages for medical expenses, wage loss and pain and suffering. Ferguson alleges that both trees constituted dangerous conditions of public property.

The City has determined that settlement in the amount of \$175,000.00, without admitting liability and to avoid litigation, is in the City’s best interest.

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=

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

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