

OCTOBER 6, 2022

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, October 6, 2022*

Litigation Negotiations

NAME OF ACTION:

Sami Jabaji, an individual v. The City of Oakland; a public entity; The County of Alameda, a public entity; California Department of Transportation dba Cal Trans; a public entity; State of California, a public entity and DOES 1 - 20, inclusive

Alameda County Superior Court Case No. RG19046209

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

The council authorized settlement in the amount of **\$745,000.00**

This case arose out of incidents occurring on **June 20, 2019**.

FACTS/ISSUES:

On June 20, 2019, Plaintiff Sami Jabaji crashed their bicycle when it became lodged in a sinkhole located on Harrison Street, between Moss Avenue and MacArthur Boulevard, in Oakland. Jabaji initially landed on their head and shoulder, and Jabaji also hit their back, side, and ankle.

Jabaji claims they suffered a traumatic brain injury and various orthopedic injuries including a broken clavicle, which required surgery and further medical treatment, and which allegedly resulted in chronic pain. Jabaji also claims a herniated spinal disc injury resulted in chronic pain and will require a future discectomy surgery. Jabaji alleges frequent headaches since the day of the accident, and Jabaji's neurologist opines those headaches are the result of a traumatic brain injury.

Jabaji sued the City, alleging that the sinkhole was a dangerous condition of public property. Jabaji's alleged economic damages at this time are approximately \$140,000. Jabaji's orthopedic surgeon recommends surgery to remove the hardware in Jabaji's collarbone and the discectomy surgery for the herniated disc, along with physical therapy and pain management, all of which are expected to cost no more than \$150,000. Jabaji claims additional future medical expenses of approximately \$3 million.

The City has determined that settlement in the amount of \$745,000.00, without admitting liability and to avoid further litigation, is in the best interest of the City. The approved settlement resolves all claims made by Plaintiff in this matter.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Kalb**

AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 7

NOES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSENT: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=1

ABSTENTIONS: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=