

DECEMBER 16, 2021

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, December 16, 2021*

Litigation Negotiations

NAME OF ACTION:

State Compensation Insurance Fund v. City of Oakland and DOES 1 to 50
Alameda County Superior Court Case No. RG18891438

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

The council authorized settlement in the amount of **\$ 45,000.**

This case arose out of incidents occurring on **October 11, 2016.**

FACTS/ISSUES:

Plaintiff insurer State Compensation Insurance Fund (“SCIF”) brought this workers’ compensation subrogation matter concerning alleged injuries sustained on October 11, 2016 by John Sandoval. SCIF alleges that Sandoval, an employee of the insured employer tripped and fell on a City sidewalk adjacent to 5833 Harmon Avenue, near the intersection of Seminary Avenue. Sandoval claimed Sandoval’s left foot went into a hole in the sidewalk, causing Sandoval to land on the right side and sustain injuries of the right shoulder, right knee, and right wrist. Sandoval underwent surgery to repair the right rotator cuff and twenty-six sessions of physical therapy and missed almost one year of work.

SCIF claimed the injury made Sandoval more susceptible to workplace re-injury in May 2018, which required more physical therapy and missed work. SCIF paid total benefits of \$107,462.61 attributable to the alleged injuries and sought general damages for pain and suffering on behalf of Sandoval. Settlement will resolve all claims against defendant City in this matter. Sandoval, whom SCIF notified about the proposed settlement, has never been a party to this action and has not intervened.

Motion Made by: **Councilmember Thao**

Motion Seconded by: **Vice Mayor Kaplan**

AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 8

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

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

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