

**DECEMBER 16, 2021**

**CLOSED SESSION REPORT OF FINAL ACTION**

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

Litigation Negotiations

**NAME OF ACTION:**

**Claudine Jones v. City of Oakland, Joseph D. Evinger, Sara A. Evinger, and Does 1-20**

Alameda County Superior Court, Case No. RG21087883

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

The council authorized settlement in the amount of **\$300,000.00**.

This case arose out of an incident occurring on **March 1, 2019**.

**FACTS/ISSUES:**

On March 1, 2019, Plaintiff Claudine Jones tripped on an uneven slab of sidewalk in front of the house at 5900 Ivanhoe Road, which is located on the corner of Chabot and Ivanhoe Roads in Oakland. Plaintiff alleges a City tree in a planting strip near the uneven sidewalk caused the sidewalk to lift upward. Plaintiff's foot struck the uplifted sidewalk and she fell forward, landing on her left hip and breaking her femur. Plaintiff had surgery to stabilize her fractured femur, followed by inpatient recovery, and subsequently in-home nursing and physical therapy. Plaintiff now walks with a limp and alleges chronic pain following her treatment.

Plaintiff sued the City, alleging that the sidewalk was a dangerous condition of public property. Plaintiff's alleged special damages at this time are approximately \$82,423.72. The approved settlement resolves all claims with Plaintiff in this matter.

Motion Made by: **Councilmember Kalb**

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=