

JANUARY 18, 2024

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, January 18, 2024*

Litigation Negotiations

GREGORY MILLER V. CITY OF OAKLAND AND DOES 1-100

Alameda County Superior Court Case No. 22CV008896

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

The council authorized settlement in the amount of \$100,000

This case arose out of incidents occurring on May 6, 2020.

FACTS/ISSUES:

Miller alleges that on May 6, 2020, Miller was riding their bicycle northbound on Monterey Boulevard, south of Leimert Boulevard, when the bicycle wheel lodged into a parallel storm drain grate, throwing Miller from the bicycle. Miller alleges Miller suffered injuries including to the left knee and lower back causing considerable pain and significantly limiting their lifestyle to this day. Miller alleges that the presence of parallel slats in the grate constitutes a dangerous condition of public property.

The City has determined that settlement in the amount of \$100,000.00, without admitting liability and to avoid litigation, is in the City's best interest.

Motion Made by: **Councilmember Ramachandran**

Motion Seconded by: **Councilmember Reid**

AYES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=7

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

ABSENT: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas =1

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