

CITY OF OAKLAND



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May 16, 2023

HONORABLE CITY COUNCIL
Oakland, California

Subject: Terry Smith v. City of Oakland and DOES 1 to 30
Alameda County Superior Court Case No. RG21101859
City Attorney File No. 34617
(Oakland Police Department – Negligence)

Dear President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled claim for the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), payable to Plaintiff Terry Smith, through Smith's attorneys at the Law Offices Of Andrew Wolff.

Plaintiff Terry Smith ("Smith") alleges that on January 29, 2021, Smith was injured while being transported by Officer McBride of the Oakland Police Department. Smith alleges that when the officer made a U-turn, Smith's body was thrown across the rear passenger area and Smith's shoulders and head struck the hard seat bottom and seat back of the vehicle. Smith alleges that medical professionals diagnosed Smith with a near complete tear of the ulnar collateral ligament of the left thumb and a torn rotator cuff in the right shoulder due to this incident and underwent ligament reconstruction surgery and arthrodesis surgery for the left thumb and rotator cuff repair surgery. The City has determined that settlement in the amount of \$150,000.00 to Smith, without admitting liability and to avoid further litigation, is in the best interest of the City.

The City Council authorized settlement of this case in Closed Session on Thursday, May 4, 2023 (moved by Councilmember Rebecca Kaplan and seconded by Councilmember Carroll Fife – 6 Ayes, 2 Absent – Councilmember Noel Gallo and Councilmember Treva Reid).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Han Tran

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