

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF EMILIO CASTELLANOS AND DINAH CASTELLANOS V. CITY OF OAKLAND, ERIC MCGINITY AND DOES 1-50, ALAMEDA COUNTY SUPERIOR COURT CASE NO 23CV055346, CITY ATTORNEY FILE NO. 35252 IN THE AMOUNT OF THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$355,000.00) (OAKLAND POLICE DEPARTMENT – VICARIOUS LIABILITY/NEGLIGENCE)

WHEREAS, Plaintiffs Emilio Castellanos and Dinah Castellanos allege that on December 5, 2021, they were involved in a motor vehicle accident involving Police Officer Eric McGinity at the intersection of Foothill Blvd approaching 68th Avenue in Oakland. They allege that Officer McGinity negligently drove into the intersection, lights and siren activated, on a red light and collided with Castellanos' vehicle. Emilio Castellanos and Dinah Castellanos allege that Officer McGinity was negligent and that the City of Oakland is liable because the accident occurred while the officer was in the course and scope of employment; and

WHEREAS, Emilio Castellanos and Dinah Castellanos claim personal injuries related to the accident including finger fractures requiring surgery and the insertion of hardware to the dominant hand, bilateral knee injury and whiplash for Emilio Castellanos and back, neck and shoulder sprains, a concussion and Post-Traumatic Stress Disorder for Dinah Castellanos; and

WHEREAS, Emilio Castellanos and Dinah Castellanos filed a lawsuit against the City of Oakland, Eric McGinity and DOES 1-50, Alameda County Superior Court Case No. 23CV055346, alleging the negligence against Officer Eric McGinity and vicarious liability against the City of Oakland; and

WHEREAS, the City has considered all the evidence, litigation costs and litigation risks in this case; and

WHEREAS, without admitting wrongdoing or liability, the City has determined to settle the claims against the City and Eric McGinity for the sum of Three Hundred Fifty-Five Thousand Dollars and No Cents (\$355,000.00); now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the case of *Emilio Castellanos and Dinah Castellanos v. City of Oakland, Eric McGinity and DOES 1-50*, Alameda County Superior Court Case No. 23CV055346, for the sum of Three Hundred Fifty-Five Thousand Dollars and No Cents (\$355,000.00); and be it

FURTHER RESOLVED: that the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, GALLO, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California