



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 DEVIN D. LEVERETT AND BRANDY O. BENDY V. CITY OF OAKLAND, MICHAEL FOX, AND DOES 1 THROUGH 25, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV017577, CITY ATTORNEY FILE NOS. 34771/34769, IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$300,000.00) (OAKLAND POLICE DEPARTMENT – MOTOR VEHICLE ACCIDENT)

WHEREAS, Plaintiffs Devin Leverett and Brandy Bendy allege that on April 25, 2021, they sustained physical injuries as a result of a motor vehicle collision with Oakland Police Officer Michael Fox; and

WHEREAS, Plaintiffs allege that Officer Fox was driving a marked Ford Explorer SUV, traveling in the opposite direction to Plaintiffs. After the traffic signal facing Plaintiffs turned green, they entered the intersection. Officer Fox also entered the intersection and made a left turn in front of Plaintiffs' motorcycle causing Plaintiffs to collide with the rear right fender of Officer Fox's cruiser; and

WHEREAS, Plaintiff Leverett allegedly suffered muscle strains, neck and back pain, acute pain to the left knee, left shoulder pain, and recurring headaches, memory problems, and emotional distress; and

WHEREAS, Plaintiff Bendy allegedly suffered muscle strains, left knee pain, and a left ankle sprain with damage to the cartilage and bone in the ankle joint, which required surgical repair; and

WHEREAS, Plaintiffs filed a lawsuit entitled *Devin D. Leverett and Brandy O. Bendy v. City of Oakland, Michael Fox and DOES 1-25, inclusive*, Alameda County Superior Court Case No. 22CV017577, alleging a single claim of negligence; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in these cases; and

WHEREAS, the City has determined that it is in the City's best interest to settle this lawsuit without admitting liability or wrongdoing and to avoid further litigation; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Devin D. Leverett and Brandy O. Bandy v. City of Oakland, Michael Fox and DOES 1-25, inclusive*, Alameda County Superior Court Case No. 22CV017577, for the sum of Three Hundred Thousand Dollars and Zero Cents (\$300,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California