



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 TERRY SMITH V. CITY OF OAKLAND AND DOES 1 TO 30, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21101859, CITY ATTORNEY FILE NO. 34617, IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$150,000.00) (OAKLAND POLICE DEPARTMENT - NEGLIGENCE)

WHEREAS, Plaintiff Terry Smith alleges that on January 29, 2021, Smith was injured while being transported by Officer McBride of the Oakland Police Department; and

WHEREAS, 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.

WHEREAS, Smith alleges 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; and

WHEREAS, Smith filed Alameda County Superior case number RG21101859 against the City of Oakland, alleging a claim for negligence; and

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

WHEREAS, the City admits no wrongdoing or liability; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Terry Smith v. City of Oakland and DOES 1 to 30, Alameda County Superior Court case number RG21101859, City Attorney file number 34617, for the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00); and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to take whatever steps 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