

18 JUN 14 PM 2:07

CITY OF OAKLAND



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June 19, 2018

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: *Elliott Van Fleet v. City of Oakland***  
**Alameda County Superior Court No. RG17864375**  
**City Attorney File No. 31295**  
**(Oakland Police Department – Motor Vehicle Accident)**

President Guillen and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of the resolution authorizing compromise and settlement of the above-entitled claim for the sum of Twelve Million Dollars and Zero Cents (\$12,000,000.00).

This matter arises from motor vehicle collision on March 25, 2017 involving the Oakland Police Department and a motorcyclist Elliott Van Fleet. Plaintiff Elliott Van Fleet, then thirty-three (33) years old, sustained serious injuries, including the fusion of his spinal vertebrae, amputation of his left leg below his knee, and several fractures.

The Council authorized settlement of this case in Closed Session on Tuesday, May 15, 2018 (moved by Vice Mayor Campbell Washington and seconded by Councilmember Gallo – 6 Ayes, 1 Absent – Council President Reid and 1 Abstention – Councilmember Brooks.)

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Michelle M. Meyers

  
City Attorney's Office

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# OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF *ELLIOTT VAN FLEET V. CITY OF OAKLAND*, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17864375, CITY ATTORNEY'S FILE NO. 31295, IN THE AMOUNT OF TWELVE MILLION DOLLARS AND ZERO CENTS (\$12,000,000.00) (OAKLAND POLICE DEPARTMENT – MOTOR VEHICLE ACCIDENT)**

**WHEREAS**, this matter arises from motor vehicle collision on March 25, 2017 involving the Oakland Police Department and a motorcyclist Elliott Van Fleet. Plaintiff Elliott Van Fleet sustained serious injuries, including the amputation of his lower left leg.

**WHEREAS**, Plaintiff filed the above-referenced action to recover monetary damages; and

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff's claims against it for the sum of Twelve Million Dollars and No Cents (\$12,000,000.00); now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of *Elliott Van Fleet v. City of Oakland*, Alameda County Superior Court Case No. RG17864375, City Attorney's File No. 31295, for a sum not to exceed Twelve Million Dollars and No Cents (\$12,000,000.00) payable by the City of Oakland; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the City of  
Oakland, California