

**FEBRUARY 2, 2023**

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Tuesday, February 2, 2023*

Litigation Negotiations

**NAME OF ACTION:**

**Ma Carmen Sierra Bautista, an individual v. Mark Crawford, an individual; City of Oakland, a public municipality; and DOES 1 - 100, inclusive**

Alameda County Superior Court Case No. RG21099088

This matter is listed as **Item No. 1(b)** on the Closed Session Agenda:

The council authorized settlement in the amount of **\$180,000.00.**

This case arose out of incidents occurring on **July 29, 2019.**

**FACTS/ISSUES:**

On July 29, 2019, Defendant City employee Mark Crawford was driving a garbage truck that rear-ended Plaintiff Ma Carmen Bautista's vehicle. The accident occurred at the intersection of Coolidge Avenue and Montana Street. Crawford was in the course and scope of employment at the time of the accident.

Bautista alleges that Bautista suffered injuries as a result of the incident, including injuries to Bautista's neck, back and right shoulder/arm. Bautista alleges that Crawford was negligent, and that the City is responsible because Crawford was in the course and scope of employment. Bautista's medical expenses are approximately \$80,000, and Bautista claims future medical expenses, and damages for pain and suffering.

The City has determined that settlement in the amount of \$180,000.00 to Bautista, without admitting liability and to avoid further litigation, is in the best interest of the City

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Kaplan**

**AYES:** **Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran,** Reid, and **President Fortunato Bas=6**

**NOES:** Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=

**ABSENT:** Fife, Gallo, Jenkins, **Kalb,** Kaplan, Ramachandran, **Reid,** and President Fortunato Bas=2

**ABSTENTIONS:** Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=