



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

### RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**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