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OFFICE OF THE CITY ATTORNEY  
OAKLAND

CITY OF OAKLAND



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Office of the City Attorney  
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January 5, 2016

**HONORABLE CITY COUNCIL**  
Oakland, California

**Re: Stephen Turner v. City of Oakland, et al.**  
**Alameda County Superior Court No. RG14745550**  
**City Attorney File No. 30046**  
**(Oakland Police Department – Motor Vehicle Accident)**


President Gibson McElhaney and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and Requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the total sum of Forty-five Thousand Dollars and No Cents (\$45,000.00) payable to Law Office of Theresa A. Baumgartner and Stephen Turner.

This action arises out of the above-referenced action, in which Oakland Police Department Officer Daniel Salcido may have failed to exercise sufficient caution when entering an intersection against a red light in the course of an emergency pursuit. As a result, the police vehicle collided with Plaintiff Stephen Turner's vehicle on February 26, 2014.

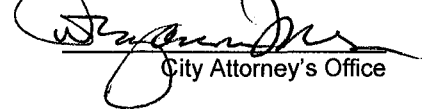
The Council authorized settlement of this case in Closed Session on Tuesday, December 8, 2015 (moved by Councilmember Noel Gallo and seconded by Councilmember Rebecca Kaplan, 8 Ayes.

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney assigned:  
Arlene M. Rosen

1793702



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 STEPHEN TURNER V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14745550, CITY ATTORNEY'S FILE NO. 30046 IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$45,000.00) (OAKLAND POLICE DEPARTMENT – MOTOR VEHICLE ACCIDENT)**

**WHEREAS**, on February 26, 2014, plaintiff Stephen Turner was driving eastbound on 13<sup>th</sup> Street and entered the intersection at Webster Street on a green light when an Oakland Police Department officer driving a marked police vehicle southbound on Webster Street activated the overhead light rack and entered the intersection at 13<sup>th</sup> Street on a red light, striking plaintiff's vehicle, resulting in injury to plaintiff and damage to his vehicle; and

**WHEREAS**, upon entering the intersection against the red light, the emergency vehicle was required to exercise due care to avoid striking motorists who had the right of way at the intersection; and

**WHEREAS**, Stephen Turner filed Alameda County Superior Court Case No. RG14-745550 against the City of Oakland, et al. seeking compensation for his damages; now, therefore, be it

**RESOLVED**: That the City Attorney is authorized and directed to compromise and settle the case of Stephen Turner v. City of Oakland, et al., Alameda County Superior Court Case No. RG14-745550, City Attorney's File No. 30046, for the sum of Forty-five Thousand Dollars and No Cents (\$45,000.00), and be it

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

**FURTHER RESOLVED**: That the sum of Forty-five Thousand Dollars and No Cents (\$45,000.00) be paid to Law Office of Theresa A. Baumgartner and Stephen Turner.

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