



19 APR -4 PM 4:00

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April 16, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Aaron Minyard v. City of Oakland, et al.*
Alameda County Superior Court Case No. RG18893200
City Attorney File No. 31272
(Oakland Police Department – Vehicle Collision)

President Kaplan 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 sum of One Hundred Eighty Thousand Dollars and No Cents (\$180,000.00), payable to Aaron Minyard.

In January 2017, an Oakland Police Department vehicle collided with Mr. Minyard while he was stopped on his bicycle at the intersection of Market Street and 53rd Street in Oakland, California. He suffered a broken leg, a facial fracture, and dental injuries. Mr. Minyard could not work for three and one-half months and endured pain and suffering including a leg cast for one month and use of a wheelchair for two months. He incurred medical and dental expenses of about \$65,000.00, lost wages of approximately \$10,000 and will require an additional \$5,000 to \$10,000 in future dental care. Mr. Minyard sued the City, alleging negligent operation of a motor vehicle, and has agreed to settle for a settlement payout of \$180,000.00 from the City. This settlement will resolve all claims in this matter.

The Council authorized settlement of this case in Closed Session on Tuesday, April 2, 2019 (moved by Vice Mayor Larry Reid and seconded by Councilmember Noel Gallo - 7 Ayes, 0 Noes, 1 Absent – Councilmember Lynette Gibson McElhaney).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Assigned Attorneys:
David A. Pereda, Special Counsel
Andrew S. Huang, Deputy City Attorney

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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 AARON MINYARD v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE No. RG18893200, IN THE AMOUNT OF ONE HUNDRED EIGHTY THOUSAND DOLLARS AND NO CENTS (\$180,000.00) (OAKLAND POLICE DEPARTMENT – VEHICLE COLLISION)

WHEREAS, Aaron Minyard alleges that on February 15, 2016, an Oakland Police Department vehicle struck him at the intersection of Market Street and 53rd Street in Oakland, California; and

WHEREAS, Mr. Minyard alleges he suffered injuries, including a broken leg, facial bone fracture, and dental injuries, and sustained other damages as a result of this accident; and

WHEREAS, Mr. Minyard could not work for three and one-half months, endured pain and suffering including a leg cast for one month and use of a wheelchair for two months, and incurred medical and dental expenses of about \$65,000.00, lost wages of about \$10,000 and will require an additional \$5,000 to \$10,000 in future dental care; and

WHEREAS, Mr. Minyard sued the City of Oakland alleging negligent operation of a motor vehicle and has agreed to settle his lawsuit for a settlement payment of \$180,000; 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 Aaron Minyard v. City of Oakland, et al., Alameda County Superior Court Case No. RG18893200, City Attorney's File No. 31272, for the sum of One Hundred Eighty Thousand Dollars and No Cents (\$180,000.00); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Aaron Minyard and his counsel; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES -- FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES --

ABSENT --

ABSTENTION --

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California