

# CITY OF OAKLAND



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June 15, 2021

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Terry Baker v. City of Oakland, Marcell Patterson, Individually and in the Capacity of a Police Officer for the Oakland Police Department, and Does 1-10**  
**Alameda County Superior Court Case No. RG20054133**  
**City Attorney File No. 33730**  
**(Oakland Police Department – Automobile Accident)**

President Fortunato Bas 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 lawsuit for the sum of: Twelve Million Dollars and No Cents (\$12,000,000.00), payable to the Law Offices of John Burris and Terry Baker, and directing the City Attorney to initiate legal action against Oakland police officer Marcell Patterson for indemnity.

This action arises from a June 5, 2019 automobile accident involving an Oakland Police Department vehicle at the intersection of Lemon Street and Curtola Parkway in Vallejo, California. An unmarked Oakland Police Department Ford Explorer collided with a Kia Forte sedan driven by Terry Baker at approximately 11:42 p.m., while the Explorer was traveling approximately 50 miles per hour. The Defendant Oakland police officer Marcell Patterson, who was driving the Oakland Police Department vehicle, was determined to be at fault for running a red light. Plaintiff alleged personal injury claims based upon negligence in operating a motor vehicle, including claims for permanent brain injury, multiple broken bones, and other serious injuries; and Plaintiff claims \$1,386,674.00 in past and future wage and benefit loss, \$2,441,085.90 in past medical expenses, and \$8,657,890.00 for future care, including medical, psychological and in-home care, among other damages, including pain and suffering.

The City Council authorized settlement of this case in Closed Session on Thursday, June 3, 2021 (moved by Councilmember Loren Taylor and seconded by President Pro Tem Dan Kalb) - 5 Ayes (Councilmembers Loren Taylor, Dan Kalb, Carroll Fife, Nikki Fortunato Bas, and Sheng Thao), 2 Noes (Councilmembers Noel Gallo and Rebecca Kaplan), 0 Absent, 1 Abstention (Councilmember Treva Reid).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is fluid and cursive, written over a white background.

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Kevin P. McLaughlin

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