


2021 JUN -3 PM 7:44


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 88701 C.M.S.

RESOLUTION (1) AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF: 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, IN THE AMOUNT OF TWELVE MILLION DOLLARS AND NO CENTS (\$12,000,000.00) ARISING FROM A JUNE 5, 2019 AUTO ACCIDENT INVOLVING AN OPD VEHICLE AT THE INTERSECTION OF LEMON STREET AND CURTOLA PARKWAY IN VALLEJO, CALIFORNIA; AND (2) AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO INITIATE LEGAL ACTION AGAINST OAKLAND POLICE OFFICER MARCELL PATTERSON FOR INDEMNITY (OAKLAND POLICE DEPARTMENT - AUTOMOBILE ACCIDENT)

WHEREAS, an unmarked Oakland Police Department Ford Explorer collided with a Kia Forte driven by Terry Baker in the late evening of June 5, 2019; and

WHEREAS, the Oakland Police Department vehicle was traveling at an estimated speed of 50 miles per hour; and

WHEREAS, the officer driving the Oakland Police Department vehicle was determined to be at fault for running a red light; and

WHEREAS, Alameda County Superior Court Case No. RG20054133 was filed against the City of Oakland and Officer Marcell Patterson alleging 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

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Terry Baker's claim against it and Officer Patterson for the sum of Twelve Million Dollars and No Cents (\$12,000,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Terry Baker v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG20054133 for the sum of Twelve Million Dollars and No Cents (\$12,000,000.00); and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to initiate legal action against Oakland police officer Marcell Patterson for indemnity; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 15 2021

PASSED BY THE FOLLOWING VOTE:

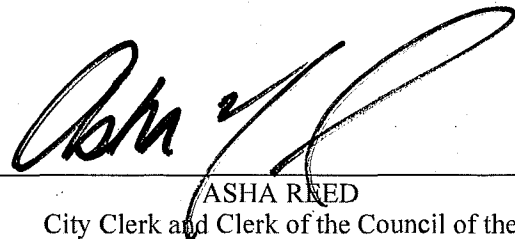
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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