

JUNE 3, 2021

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, June 3, 2021*

Litigation Negotiations
NAME OF ACTION:

Terry Baker v. City of Oakland; Marcell Patterson, individually and in his capacity as a police officer for the Oakland Police Department; and DOES 1-10
Alameda County Superior Court Case No. RG20054133

This matter is listed as **Item No. 1(e)** on the Closed Session Agenda:

The Council: 1) authorized settlement in the amount of **\$12,000,000.00**, and
2) authorized and directed the City Attorney to initiate legal action against Oakland police officer Marcell Patterson for indemnity.

Council passed a Motion to Schedule the Resolution approving the settlement on June 15, 2021
Council Meeting Agenda:

Motion made by Councilmember Taylor,
Motion seconded by Council President Fortunato Bas
7 Ayes: Fife, Gallo, Kalb, Reid, Taylor, Thao, Fortunato Bas;
1 Abstention: Kaplan

This case arose out of incidents occurring on **June 5, 2019**

FACTS/ISSUES:

On June 5, 2019 at approximately 11:42 p.m., off-duty Oakland Police Department (“OPD”) Officer Marcell Patterson collided with the vehicle driven by Plaintiff Terry Baker at the intersection of Curtola Parkway and Lemon Street in Vallejo. The officer was commuting home in a City-owned Ford Explorer and “t-boned” the driver’s side of Plaintiff’s small sedan at approximately 50 miles per hour. Plaintiff suffered serious injuries including a six-week coma, permanent brain injuries, and multiple broken bones. Plaintiff has ongoing memory loss, permanent loss of sense of smell and partial vision loss, and continues to experience significant pain and cannot stand for more than a few minutes at a time. It is unclear whether Plaintiff will be able to live alone and care for personal needs in the future and unlikely Plaintiff will ever work again. 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. This settlement will resolve all claims against the City in this matter.

In addition, the Council authorized and directed the City Attorney to initiate legal action against Officer Patterson for indemnity.

Motion Made by: **Councilmember Taylor**
Motion Seconded by: **Councilmember Kalb**

AYES: ~~Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas~~= 5

NOES: ~~Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas~~=2

ABSENT: ~~Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas~~=

ABSTENTIONS: ~~Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas~~= 1