

**FEBRUARY 24, 2022**

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, February 24, 2022*

Litigation Negotiations

**NAME OF ACTION:**

**Frank K. Berfield v. Frederick Wynn; Greenwich Logistics, LLC, a Delaware Corporation, dba 1-800 Courier; 1-800 Courier Brokers, LLC, a Delaware Corporation; City of Oakland; and DOES 1 - 100**  
Alameda County Superior Court, Case No. RG20063846

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

The Council authorized settlement in the amount of **\$200,000.00**.

This case arose out of an incident occurring on **June 30, 2019**.

**FACTS/ISSUES:**

On June 30, 2019, Plaintiff Frank Berfield rode a motorcycle on Grass Valley Road and collided with a delivery van driven by Defendant Frederick Wynn. Wynn was turning left from Sun Valley Drive onto Grass Valley Road. Plaintiff fractured Plaintiff's right hand and right ankle, which required surgery and rehabilitation, and allegedly resulted in continuing impairment to both the hand and the ankle. Plaintiff also suffered a dislocated right hand, and various cuts and bruising. Plaintiff sued the City, Wynn, and Wynn's employer.

Plaintiff alleges that the street and intersection was a dangerous condition of public property, primarily due to the presence of numerous large eucalyptus trees near the intersection which interfered with the sight lines of the drivers. Plaintiff's alleged economic damages at this time are approximately \$324,000. Plaintiff settled Plaintiff's claims against the other defendants for an additional amount. The approved settlement resolves all of Plaintiff's claims in this matter.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Reid**

**AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 8**

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

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

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