

May 4, 2023

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, May 4, 2023*

Litigation Negotiations

**NAME OF ACTION:**

**Terry Smith v. City of Oakland and DOES 1 to 30**  
Alameda County Superior Court, Case No. RG21101859

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

The Council authorized settlement in the amount of **\$150,000.00**.

This case arose out of an incident occurring on **January 29, 2021**.

**FACTS/ISSUES:**

Plaintiff Terry Smith (“Smith”) alleges that on January 29, 2021, Smith was injured while being transported by Officer McBride of the Oakland Police Department. Smith alleges that when the officer made a U-turn, Smith’s body was thrown across the rear passenger area and Smith’s shoulders and head struck the hard seat bottom and seat back of the vehicle. Smith alleges that medical professionals diagnosed Smith with a near complete tear of the ulnar collateral ligament of the left thumb and a torn rotator cuff in the right shoulder due to this incident and underwent ligament reconstruction surgery and arthrodesis surgery for the left thumb and rotator cuff repair surgery.

Smith sued the City, alleging Officer McBride was negligent while transporting Smith. The City has determined that settlement in the amount of \$150,000.00 to Smith, without admitting liability and to avoid further litigation, is in the best interest of the City.

The approved settlement resolves all of Smith’s claims in this matter.

Motion Made by: **Councilmember Kaplan**

Motion Seconded by: **Councilmember Fife**

**AYES:** **Fife**, Gallo, **Kalb, Kaplan**, Reid, **Jenkins, Ramachandran and President Fortunato**  
**Bas=6**

**NOES:** Fife, Gallo, Kalb, Kaplan, Reid, Jenkins, Ramachandran and President Fortunato Bas=

**ABSENT:** Fife, **Gallo**, Kalb, Kaplan, **Reid**, Jenkins, Ramachandran and President Fortunato  
Bas=2

**ABSTENTIONS:** Fife, Gallo, Kalb, Kaplan, Reid, Jenkins, Ramachandran and President  
Fortunato Bas=