

JULY 20, 2023

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, July 20, 2023*

Litigation Negotiations

NAME OF ACTION:

Armando Foster v. City Oakland, Stak Zahourek, and DOES 1 – 50

Alameda County Superior Court Case No. 21CV004024

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

The council authorized settlement in the amount of **\$190,000.00**

This case arose out of an incident occurring on **June 23, 2019**

FACTS/ISSUES:

On July 23, 2019, Plaintiff Armando Foster (“Foster”) was involved in a high speed automobile accident with an Oakland Police Department (“OPD”) vehicle, at the intersection of High Street and Walnut Street in Oakland. An OPD traffic collision report found the officer at fault for the accident, and Foster filed suit against the City alleging the officer drove negligently, which caused the accident.

Foster claims they suffered various orthopedic injuries as well as a spinal injury. Foster’s neurosurgeon recommended that Foster undergo spinal surgery and further medical treatment estimated to cost \$63,486.68. Foster also claims an inability to perform all of the demands of their pre-accident vocations, and that they suffered from a \$165,000 wage loss as a result.

The City has determined that settlement in the amount of \$190,000.00, without admitting liability and to avoid further litigation, is in the best interest of the City. The approved settlement resolves all claims made by Foster in this matter.

Motion Made by: **Gallo**

Motion Seconded by: **Ramachandran**

AYES: Fife, Gallo, Jenkins, Kalb, **Kaplan, Ramachandran**, Reid and President Fortunato **Bas= 5**

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

ABSENT: Fife, Gallo, **Jenkins, Kalb**, Kaplan, Ramachandran, **Reid** and President Fortunato **Bas= 3**

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