

OCTOBER 17, 2017

**CLOSED SESSION - REPORT OUT OF FINAL DECISION**

Date of Meeting: *Tuesday, October 17, 2017*

Litigation Negotiations

**NAME OF ACTION:**

**Lucio G. Pelayo, et al. v. Jung/City of Oakland et al.**

Alameda County Superior Court Case No. RG 16829240

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

Council authorized settlement amount of: **\$30,000 (\$15,000 for each plaintiff)**

This case arose out of incidents that occurred: **February 2, 2016**

**FACTS/ISSUES:**

This case arises out of a vehicle collision involving an Oakland Police Officer driving a police vehicle at the intersection of 51st Avenue and International Boulevard. Plaintiffs Lucio and Alberto Pelayo's vehicle stopped at the stop sign and proceeded northbound on 51st Avenue and collided with a police vehicle responding to a non-emergency call, with emergency lights on but no siren. The police vehicle, using the left-turn lane to avoid traffic, proceeded straight through the intersection westbound on International Boulevard.

Paramedics took both plaintiffs to Kaiser Hospital where they were treated for back, hand and leg pains, in part from soft-tissue injuries, were provided medication and released. Mr. Alberto Pelayo required additional treatment at a pain clinic. Plaintiff's medical expenses are approximately \$7,000, and their 1995 Chevrolet Silverado was worth approximately \$5,000 to \$7,000, but they claim it was totaled. This settlement of \$15,000 to each plaintiff, totaling \$30,000, will resolve all claims in this matter.

Motion Made by: Councilmember Dan Kalb

Motion Seconded by: Councilmember Lynette Gibson McElhaney

**AYES:** Brooks, Campbell-Washington, Gallo, Gibson McElhaney, Guillén, Kalb, Kaplan and President Reid = **8**

~~**NOES:** Brooks, Campbell-Washington, Gallo, Gibson McElhaney, Guillén, Kalb, Kaplan and President Reid =~~

~~**ABSENT:** Brooks, Campbell-Washington, Gallo, Gibson McElhaney, Guillén, Kalb, Kaplan and President Reid =~~

~~**ABSTENTIONS:** Brooks, Campbell-Washington, Gallo, Gibson McElhaney, Guillén, Kalb, Kaplan and President Reid =~~