

CITY OF OAKLAND



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October 15, 2024

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Devin D. Leverett and Brandy O. Bendy v. City of Oakland,*
Michael Fox and DOES 1 through 25, inclusive
Alameda County Superior Court Case No. 22CV017577
City Attorney File No. 34771/34769
(Oakland Police Department – Traffic Collision)

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the sum of Three Hundred Thousand Dollars and Zero Cents (\$300,000.00), payable to Devin D. Leverett and Brandy O. Bendy in a manner specified by Plaintiffs' counsel.

This lawsuit arises from an auto accident at the intersection of High Street and International Boulevard, involving Oakland Police Department Officer Michael Fox and Plaintiffs Devin Leverett and Brandy Bendy. Officer Fox was driving a marked Ford Explorer SUV, traveling in the opposite direction to Plaintiffs. After the traffic signal facing Plaintiffs turned green, they entered the intersection. Officer Fox also entered the intersection and made a left turn in front of Plaintiffs' motorcycle causing Plaintiffs to collide with the rear right fender of Officer Fox's cruiser.

Plaintiff Leverett suffered muscle strains, neck and back pain, acute pain to the left knee, left shoulder pain, and recurring headaches, memory problems, and emotional distress. Plaintiff Bendy suffered muscle strains, left knee pain, and a left ankle sprain with damage to the cartilage and bone in the ankle joint, which required surgical repair.

The Council has determined that settlement in the amount of \$300,000.00, without admitting liability and to avoid further litigation, is in the best interest of the City.

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The City Council authorized settlement of this case in Closed Session on Thursday, October 3, 2024 (moved by Councilmember Noel Gallo and seconded by Councilmember Kevin Jenkins – 6 Ayes, 2 Excused – President Pro Tem Dan Kalb and Councilmember Carroll Fife.)

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is fluid and cursive, with the first name "Barbara" and last name "Parker" clearly legible.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Hans I. Moore