

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: SETTLEMENT OF LAWSUIT
FILED BY RONALD WOOD

FROM: Richard Doyle,
City Attorney

DATE: November 28, 2018

RECOMMENDATION

Approve a settlement with Ronald Wood in the amount of \$500,000.00 and authorize the City Attorney to execute a Settlement Agreement.

OUTCOME

Settle the federal court lawsuit filed by Mr. Wood with a payment by the City in the amount of \$500,000.00, including all attorneys' fees and costs.

BACKGROUND

On September 24, 2015, a San Jose police officer was dispatched to the 6100 block of Monterey Highway on a welfare check. The officer was informed by multiple parties that Mr. Wood was acting strangely. The officer stopped his vehicle next to Mr. Wood, lowered the passenger side window of his patrol car, and attempted to speak with him. Mr. Wood reached inside the open window and began to rummage through the officer's duffel bag. The officer exited his vehicle and attempted to de-escalate the situation by use of his voice, taser and pepper spray, none of which appeared to have an effect on Mr. Wood. The officer called for backup and Mr. Wood moved to the driver's side of the vehicle and said he was going to get the shotgun from the car. He apparently was unable to release the shotgun but turned toward the officer in a manner suggesting that he had the gun at which time the officer shot him four times. Mr. Wood fell to the pavement and back-up officers arrived at the scene within a couple of minutes. Mr. Wood continued to be unresponsive to officer commands to show his hands and after several minutes he was shot with a 40 mm non-lethal "rubber bullet" in an effort to gain his compliance.

Mr. Wood alleges that the officer should have moved the patrol vehicle away from Mr. Wood, exited the vehicle, and waited for back-up. He also contended that the officer knew the shotgun had not been removed from its rack, that the officer never saw a gun in Mr. Wood's hands, and that the officer never gave him a warning that the officer was going to shoot him.

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Damages include \$3.6 million in past medical bills, an unknown amount for future medical care, including multiple surgeries to address his injuries, and past and future wage losses are alleged to be \$380,000. Medi-Cal paid for a portion of the treatment and asserted a lien in the amount of \$469,000.

ANALYSIS

Under the proposed settlement, Mr. Wood and his attorneys will receive a total of \$500,000.00. This is a negotiated settlement between the parties, with no admission or finding of liability, to avoid the risks inherent in litigation. It has become difficult to predict jury trial results in cases involving unarmed suspects and potential mental health issues. The nature and extent of the injuries and the amount of the medical costs create a significant damages exposure if the lawsuit was to be tried and Mr. Wood prevailed.

PUBLIC OUTREACH/INTEREST

This memorandum and the Settlement Agreement have been posted on the City's website for the December 11, 2018 agenda.


COST SUMMARY/IMPLICATIONS

The settlement will be paid from the City's claims reserve fund.

CEQA

Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

RICHARD DOYLE, City Attorney

By 

CHRISTIAN B. NIELSEN
Chief Deputy City Attorney

cc: David Sykes, City Manager

For questions, please contact RICHARD DOYLE, City Attorney, at (408) 535-1900