COUNCIL AGENDA: 1/13/2026
FILE: 26-035
ITEM: 3.3

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: SUSANA ALCALA WOOD, City Attorney

SUBJECT: **GREEN v. CITY OF SAN JOSE, ET. AL. – SETTLEMENT**

DATE: December 17, 2025

RECOMMENDATION

Approve a settlement in the case of *Green v. City of San Jose, et. al.,* U.S. Dist. Ct., N.D. Cal., case no 5:22-cv-02174-NC, in the amount of $8,000,000.00 and authorize the City Attorney to execute a Settlement Agreement.

OUTCOME

Settle the lawsuit brought by Plaintiff K'aun Green with a payment by the City of San José of $8,000,000.00, each side to bear their own costs, including attorneys' fees.

BACKGROUND

This lawsuit arises from an officer involved shooting that occurred at the La Victoria restaurant near the entrance of the San Jose State campus at approximately 3 am on March 27, 2022. Police were at the scene of a homicide that happened a few hundred feet away from La Victoria and approximately 30 minutes before the incident with Mr. Green. The police officers saw people running from the restaurant and heard that there was a man with a gun inside the restaurant who was fighting with other patrons. Police arrived on the scene quickly, just moments before Mr. Green came rushing out of the door with a gun in his hand. Former Officer McNamara shot Mr. Green four times from just five feet away. Subsequently, it was revealed that McNamara had written racist text messages regarding the incident with Mr. Green.

Plaintiff alleged serious physical injuries to his left arm, left leg, and abdomen, as well as emotional distress, as a result of the incident.

ANALYSIS

This is a negotiated settlement between the parties to avoid the risks inherent in litigation. The proposed agreement will conclude the litigation without further cost, expense, or risk of loss to the City or City employees.

PUBLIC OUTREACH/INTEREST

This memorandum and the Settlement Agreement have been posted on the City's website for the January 13, 2026, open session 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.

By_____
SUSANA ALCALA WOOD
City Attorney

cc: Jennifer Maguire, City Manager

For questions, please contact SUSANA ALCALA WOOD, City Attorney, at (408) 535-1900.