

FILED
OFFICE OF THE CITY CLERK
OAKLAND

22 APR 21 PM 5:06

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89158 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF PLAINTIFF JORGE GONZALEZ IN THE CASE OF JORGE GONZALEZ AND PEDRO RIVAS V. CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT, DANIEL DARNELL MULLENS, AND DOES 1 TO 100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21091854, CITY ATTORNEY'S FILE NO. 34284, IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$45,000.00) (OAKLAND POLICE DEPARTMENT – MOTOR VEHICLE COLLISION)

WHEREAS, an Oakland Police Department (“OPD”) vehicle driven by OPD Officer Daniel Darnell Mullens collided with a vehicle driven by Plaintiff Jorge Gonzalez while Plaintiff Gonzalez was stopped at a red light with Co-Plaintiff Pedro Rivas as a passenger at the intersection of Adeline Street and 7th Street on Moraga Avenue and La Salle Avenue on January 18, 2018;

WHEREAS, Plaintiff Jorge Gonzalez alleges injuries, including injuries to the back and neck that resulted in lost income and other damages;

WHEREAS, Plaintiff Gonzalez and Co-Plaintiff Rivas filed a lawsuit alleging negligent operation of a motor vehicle against the City of Oakland and Officer Mullens in Alameda County Superior Court, Case No. RG21091854;

WHEREAS, Co-Plaintiff Rivas previously settled co-Plaintiff Rivas’s claims against the City of Oakland and Officer Mullens for a settlement payment of \$15,000.00;

WHEREAS, Plaintiff Gonzalez has agreed to resolve Plaintiff Gonzalez’s claims against the City of Oakland and Officer Mullens for a settlement payment of \$45,000.00;

WHEREAS, the City does not admit any wrongdoing, liability, or any of Plaintiff Gonzalez or Co-Plaintiff Pedro Rivas’s allegations and has considered all the evidence, litigation costs, and litigation risks in this case; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claims of Plaintiff Jorge Gonzalez against the City and Officer Mullens in the case of Jorge

Gonzalez and Pedro Rivas v. City of Oakland, Oakland Police Department, Daniel Darnell Mullens, and Does 1 to 100, Alameda Superior Court Case No. RG21091854, City Attorney File No. 34284, for the sum of Forty-Five Thousand Dollars and Zero Cents (\$45,000.00); and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY - 3 2022

PASSED BY THE FOLLOWING VOTE:

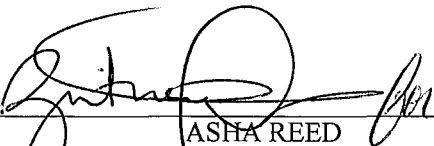
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS *8*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

ATTEST:


ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California