

CITY OF OAKLAND



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February 18, 2025

HONORABLE CITY COUNCIL
Oakland, California

Subject: Mary Nicolas and Chanthoeun Kong v. City of Oakland, et al.
Case No. 23CV033069
City Attorney File No. 35662
(Oakland Police Department- Vehicle accident)

President Pro Tempore Gallo 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 Fifty Thousand Dollars and Zero Cents (\$50,000.00), payable to Mariel Nicolas and their attorneys in the amount of Forty-Three Thousand Five Hundred Dollars (\$43,500.00) and to Chanthoeun Kong and their attorneys in the amount of Six Thousand Five Hundred Dollars (\$6,500.00).

Plaintiffs Mariel Nicolas and Chanthoeun Kong allege that on August 8, 2022, while driving on West MacArthur Boulevard near Fairmount Avenue, an Oakland Police Department ("OPD") officer driving an OPD vehicle made an unsafe lane change and collided with the passenger side of their 2005 Toyota Corolla. Plaintiffs claim they suffered back and neck injuries, which caused them to incur medical bills, lose income and property, and suffer pain and distress.

The Council has determined that settlement in the amount of \$50,000.00, without admitting liability and to avoid further litigation, is in the best interest of the City.

The City Council authorized settlement of this case in Closed Session on Thursday, February 6, 2025 (moved by Councilmember Carroll Fife and seconded by Councilmember Zac Unger - 7 Ayes, 1 Absent – Council President Kevin Jenkins (serving as Mayor pursuant to Charter Section 303).

Respectfully submitted,

A handwritten signature in blue ink that reads "Ryan Richardson".

RYAN RICHARDSON
City Attorney

Assigned Attorney:
Courtney O'Brien