

CITY OF OAKLAND



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December 16, 2024

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Olander Coleman and Nestor Matos v. v. City of Oakland, et al.
USDC, Northern District of California, Case No. 3:23-cv-6484-LJC;
City Attorney File No. 35477
(Oakland Police Department – Violation of Civil Rights, 42 U.S.C. §
1983, Negligence)**

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 claim for the sum of One Hundred and Seventy-Five Thousand Dollars and No Cents (\$175,000.00), payable to Plaintiffs and their counsel.

In this case, plaintiffs Olander Coleman and Nestor Coleman allege that the Oakland Police Department (“OPD”) unlawfully detained them at gun point following an August 13, 2022 auto accident in front of the Welcome Inn, located at 9920 MacArthur Blvd. The accident involved an armored OPD Emergency Response Vehicle known as a “Bearcat” and the 2006 Honda Civic that Coleman was driving with Matos as a passenger.

The accident occurred during a high-risk OPD operation to apprehend two armed felony suspects wanted for kidnapping and carjacking who police officers believed were in a 2015 Audi in the parking lot of the Welcome Inn. Immediately after the accident, two OPD police officers briefly pointed their guns at Coleman and Matos, mistakenly believing that the Bearcat had collided with the suspect vehicle and that the vehicle’s occupants were armed and dangerous.

Coleman and Matos allege that the police officers detained them without reasonable suspicion, violating their constitutional rights under the Fourth and Fourteenth Amendments. Coleman and Matos also claim personal injuries from the accident and allege a negligence claim against the City because the Bearcat failed to yield the right of way. Coleman and Matos seek economic and general damages and an award of attorneys’ fees and costs.

The City has determined that settlement in the amount of \$175,000, 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, December 12, 2024 moved by Councilmember Carroll Fife and seconded by Councilmember Noel Gallo - 6 Ayes, 2 Excused – Councilmembers Kevin Jenkins and Janani Ramachandran).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is written in a cursive style with a large, prominent "P" at the end.

BARBARA J. PARKER
City Attorney

Assigned Attorney:

John A. Burke , Supervising Deputy City Attorney