



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF OLANDER COLEMAN AND NESTOR MATOS V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, CASE NO. 3:23-CV-6484-LJC, CITY ATTORNEY FILE NO. 35477, FOR THE SUM OF ONE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$175,000.00) (OAKLAND POLICE DEPARTMENT-VIOLATION OF CIVIL RIGHTS, 42 U.S.C § 1983, NEGLIGENCE)

WHEREAS, on August 13, 2022, an armored Oakland Police Department (“OPD”) Emergency Response Vehicle, known as the Bearcat, collided with a 2006 Honda Civic driven by Olander Coleman (“Coleman”) in front of the Welcome Inn at 9920 MacArthur Blvd; and

WHEREAS, Nestor Matos (“Matos”) was a passenger in the Honda Civic; and

WHEREAS, the accident occurred during a high-risk OPD operation to apprehend two armed felony suspects wanted for kidnapping and carjacking who OPD officers believed were in a 2015 Audi in the parking lot of the Welcome Inn;

WHEREAS, immediately after the accident, two OPD police officers briefly pointed their guns at Coleman and/or Matos, mistakenly believing that the Bearcat had collided with the suspect vehicle and that the vehicle’s occupants were armed and dangerous;

WHEREAS, Coleman and Matos allege that the police officers detained them without reasonable suspicion and violated their constitutional rights under the Fourth and Fourteenth Amendments;

WHEREAS, Coleman and Matos also claim personal injuries from the accident and allege a negligence claim against the City based on the Bearcat’s failure to yield the right of way;

WHEREAS, Coleman and Matos seek economic and general damages and an award of attorneys’ fees and costs;

WHEREAS, Coleman and Matos filed a lawsuit against the City of Oakland and three OPD police officers in *Olander Coleman and Nestor Matos v. v. City of Oakland, et al.*, U. S. District Court, Northern District of California, Case No. 3:23-cv-6484-LJC; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City has determined that it is in the City's best interest to settle this lawsuit without admitting liability or wrongdoing and to avoid further litigation; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Olander Coleman and Nestor Matos v. v. City of Oakland, et al., U. S. District Court, Northern District of California, Case No. 3:23-cv-6484-LJC, City Attorney File No. 35477, for the sum of One Hundred and Seventy-Five Thousand Dollars (175,000.00) payable to Coleman and Matos, and their attorneys; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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