



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 MARY NICOLAS AND CHANTHOEUN KONG V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV033069, CITY ATTORNEY FILE NO. 35662, IN THE SUM OF FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$50,000.00), PAYABLE TO MARIEL NICOLAS IN THE AMOUNT OF FORTY-THREE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$43,500.00), AND TO CHANTHOEUN KONG IN THE AMOUNT OF SIX THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$6,500.00) (OAKLAND POLICE DEPARTMENT- VEHICLE ACCIDENT)

WHEREAS, 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.; and

WHEREAS, Plaintiffs claim they suffered back and neck injuries, which caused them to incur medical bills, lose income and property, and suffer pain and distress; and

WHEREAS, Plaintiffs filed a lawsuit in the Superior Court of the State of California, County of Alameda, Case No. 23CV033069, alleging a motor vehicle negligence claim against the officer and the City; and

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

WHEREAS, the City admits no wrongdoing, fault or liability; 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 Mary Nicolas and Chanthoeun Kong v. City of Oakland, et al., Alameda County Superior Court Case No. 23CV033069, for the sum of Fifty Thousand Dollars and Zero Cents (\$50,000.00); 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,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California