

APPROVED AS TO FORM AND LEGALITY



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 GOSVAMI MARQUEZ AND MIRIAM HERNANDEZ VS CITY OF OAKLAND, TOMMY NGUYEN AND DOES 1-25, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV024146, CITY ATTORNEY FILE NO. 35273 IN THE AMOUNT OF ONE HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$125,000.00) (OAKLAND POLICE DEPARTMENT – NEGLIGENCE)

WHEREAS, Gosvami Marquez and Miriam Hernandez allege that on December 20, 2022 they were involved in a motor vehicle accident involving Police Officer Tommy Nguyen at the intersection of San Leandro and 66th Avenue in Oakland. They allege that Officer Nguyen negligently drove into the intersection on a red light and collided with a third party, after which the officer's vehicle collided into Hernandez's vehicle. Gosvami Marquez and Miriam Hernandez allege that Officer Nguyen was negligent and that the City of Oakland is liable because the accident occurred while the officer was in the course and scope of employment; and

WHEREAS, Gosvami Marquez and Miriam Hernandez claim personal injuries related to the accident including neck, shoulder, back sprain, low back disc bulge for Marquez and neck, shoulder and back sprain for Hernandez; and

WHEREAS, Gosvami Marquez and Miriam Hernandez filed a lawsuit against the City of Oakland, Tommy Nguyen, and DOES 1-25, Alameda County Superior Court Case No. 22CV024146, alleging the negligence of Officer Tommy Nguyen and vicarious liability against the City of Oakland; and

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

WHEREAS, without admitting wrongdoing or liability, the City has determined to settle the claims against the City and Tommy Nguyen for the sum of One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00); now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the case of *Gosvami Marquez and Miriam Hernandez v. City of Oakland, Tommy Nguyen and DOES 1-25*, Alameda County Superior Court Case No. 22CV024146, for the sum of One Hundred And Twenty-Five Thousand Dollars and No Cents (\$125,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, GALLO, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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