



**BENJAMIN B. GRANDY**

A T T O R N E Y   A T   L A W

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May 8, 2025

2025000755LAW

**VIA FAX, EMAIL, FIRST CLASS MAIL  
& CERTIFIED MAIL RETURN  
RECEIPT REQUESTED**

Office of the City Attorney  
City of Portland  
1221 SW 4th Avenue, Suite 430  
Portland, OR 97204

**VIA FAX, EMAIL, FIRST CLASS MAIL  
& CERTIFIED MAIL RETURN  
RECEIPT REQUESTED**

City of Portland  
c/o Risk Management/Liability  
1120 SW 5th Avenue, Suite 1040  
Portland, OR 97204-1912

**VIA FIRST CLASS MAIL  
& CERTIFIED MAIL RETURN  
RECEIPT REQUESTED**

Portland Police Bureau  
1111 SW 2nd Avenue  
Portland, OR 97201

**Re: TORT CLAIMS NOTICE**

Name of Claimants: Christian Perez and Muhammed Kizilay  
Location of Incident: At or near Northwest 17th Avenue and Northwest Lovejoy Street, Portland, Oregon  
Date of Incident: November 22, 2024  
Responsible Parties: City of Portland, Portland Police Bureau, and the individual officers, employees, and agents involved

**To Whom It May Concern:**

Please be advised that this office represents Christian Perez and Muhammed Kizilay in connection with serious bodily injuries they sustained in a November 22, 2024, motor vehicle crash. This letter constitutes formal notice of a claim pursuant to ORS § 30.275. Mr. Perez and Mr. Kizilay will be asserting claims for damages against the City of Portland, the Portland Police Bureau, and one or more officers, employees, or agents of these public bodies for the injuries they suffered as a result of the November 22, 2024, crash. Mr. Perez's and Mr. Kizilay's claims include, but are not limited to, causes of action based on negligence, recklessness, violations of constitutional substantive and procedural due process, interference with liberty interests, and denial of equal protection under the law. My clients intend to pursue their legal rights, including, but not limited to, claims for economic and noneconomic damages, injunctive relief, punitive damages, and other equitable remedies for the incident described herein.

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Please note my representation in your file and direct all future communications to this office. Please do not contact my clients directly. The mailing address where correspondence regarding these claims may be sent is P.O. Box 726, Beaverton, Oregon 97075.

A description of the time, place, and circumstances giving rise to the claim is as follows: My clients were injured when David Callaway drove in a reckless and wanton manner while fleeing police who were chasing him. On Friday, November 22, 2024, at or around 10:04 a.m., a Public Safety Support Specialist ("PS3") assigned to Central Precinct responded to a report of a stolen vehicle to be recovered in the area of Northwest Marshall Street and Northwest 13th Avenue. The PS3 located the vehicle, a 2025 BMW X6, and saw people inside. He requested assistance from Portland Police officers, who responded. The stolen vehicle, which was being operated by David Callaway, remained stationary until police officers arrived.

When the first police officers arrived at the scene, Mr. Callaway drove off and began driving at a high, reckless speed. At least one officer activated their emergency lights and engaged in a pursuit, but Mr. Callaway would not yield and continued eluding the officers. In addition to activating emergency lights, officers used sirens and violated traffic laws and Portland Police Bureau policies, procedures, and directives during their pursuit of Mr. Callaway. Mr. Callaway continued driving in a reckless and wanton manner, causing a crash at Northwest 16th and Northrup and causing a serious injury crash with two Toyota Prius sedans at Northwest 17th Avenue and Northwest Lovejoy Street. One of the Toyotas was struck so hard it rolled onto its side. After the crash, a Portland Police officer pulled his vehicle up to pin the stolen car in case the reckless driver tried to drive off again. Mr. Kizilay and Mr. Perez were driving the two Toyota Priuses. Mr. Kizilay was in the Toyota Prius that was struck so hard it rolled onto its side.

As a result of the incident, David Callaway was convicted of Attempted Assault in the First Degree, Assault in the Third Degree, Assault in the Third Degree, and Failure to Perform Duties of a Driver to Injured Persons (Multnomah County Case No. 24CR62089).

Our investigation is ongoing. However, the officers and employees whom we are aware of that were involved in this incident are the following: Trey Jackson; Elijah T. Robinson; Brian D. Chaco; Tracie M. Marshall; Jakhary J. Jackson; Broden Schull; Amadeo Huq; Jason A. Worthington; MJ Moore; Jack R. Ossenkop; Damien Dale; Nathaniel P. Jones; Maxwell Stewart; Officer Barber; and Sergeant Chapman.

The crash on November 22, 2024, occurred after Portland Police officers negligently and/or recklessly pursued a stolen vehicle in violation of Portland Police Bureau rules, policies, procedures, and directives—creating an unreasonable danger to

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the public—and causing the driver of the stolen vehicle to drive in a reckless and wanton manner and eventually crash into my clients' vehicles.

The City of Portland, Portland Police Bureau, and their officers, agents, and employees knew, or should have known, of the dangers that engaging in police pursuits pose to members of the public. Just five months before, on July 2, 2024, Portland Police investigated the death of Jennifer Parise—also an innocent bystander—who died in the City of Portland after a suspect fleeing from the Gresham Police crashed into her vehicle. Portland Police are supposed to be trained and prepared to respond to such situations appropriately. However, in this case, the officers chose to initiate a pursuit unreasonably, negligently, and recklessly, placing innocent bystanders, such as my clients, in danger. The Portland Police officers who engaged in the pursuit of the stolen vehicle in this case did so in violation of the express Portland Police Bureau rules, policies, procedures, and directives, which were designed to avoid just these types of occurrences. In this case, the Portland Police were aware of the unreasonable risk to innocent members of the community, like my clients, but engaged in the pursuit anyway. The City of Portland and the Portland Police Bureau were also negligent in hiring, retaining, training, and supervising their officers, employees, and agents.

#### **NOTICE TO PRESERVE EVIDENCE**

We are providing this letter as a formal notice requesting the immediate preservation of all potentially relevant evidence. We ask that the City of Portland and the Portland Police Bureau take steps to preserve all physical and electronically stored evidence relating to this incident. This includes, but is not limited to, all electronic data from each vehicle and every individual involved, such as from body-worn cameras, dash-cams, in-car video, audio recordings, Mobile Audio and Video (MAV) systems, mobile phones, or other electronic devices.

Please also preserve all GPS and telematics data and other electronic data, such as vehicle location history, speed, braking, and activation of emergency lights and sirens from all vehicles and individuals involved in the incident. We request that you retain all communications, including emails, text messages, dispatch logs, CAD entries, radio traffic, and any other electronic messages or records of any kind related to this event.

In addition, we ask that you preserve any 911 call recordings and transcripts, whether from members of the public or officers. We also request that you preserve all video surveillance footage including from all City-operated sources, such as from the Portland Streetcar system, particularly footage from facilities at 1516 NW Northrup Street, Portland, OR 97209, and 1604-1600 NW Northrup Street, Portland, OR 97209, and from the streetcars running the Portland Streetcar North/South Line (NS), which are along the route of the pursuit.

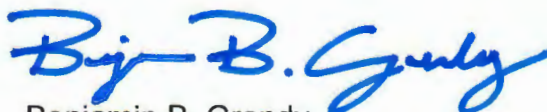
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We also request the preservation of all internal documents and communications related to the pursuit, including incident reports, pursuit authorizations, and any supervisory review materials. Training records for the officers involved, along with copies of any materials regarding the Portland Police Bureau's vehicle pursuit policy—Directive 630.05—should also be preserved. We ask that you retain any prior complaints involving pursuit-related conduct. We further ask that you preserve any damage reports, fleet maintenance records, and forensic downloads or event data recorder (EDR) data from the vehicles involved.

This request applies to all on-site and off-site systems, servers, cloud storage, removable media, mobile devices, backup tapes, and archives used by the City, its departments, or its officers, employees, or agents. We request that you suspend any document destruction policies or automatic deletion procedures that might affect the materials described above. Destruction of relevant evidence may lead to a request for spoliation instructions and other appropriate remedies in future litigation.

If you have any questions about the scope of this request or anything else, please feel free to contact me.

Very truly yours,



Benjamin B. Grandy

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