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2025001129GL

August 18, 2025

**VIA email and US Mail**

liabilityclaims@portlandoregon.gov  
City of Portland  
Attn: Risk Management/Liability  
1120 SW Fifth Ave., Ste. 1040  
Portland, OR 97204

**RE: Our Client : Cathy McCoog on behalf of [REDACTED]**  
**Date/Incident : March 10, 2025**  
**Location : SE 148<sup>th</sup> Ave. and SE Clinton St., Portland, OR**

**TORT CLAIM NOTICE**

Dear Sir or Madam:

Please be advised that this law firm represents Cathy McCoog on behalf of her minor son, [REDACTED], in reference to a motor vehicle v. pedestrian crash which occurred on March 10, 2025, at approximately 7:15 a.m. at a crosswalk near the intersection of SE 148<sup>th</sup> Avenue and SE Clinton Street in Portland, Oregon.

Pursuant to the Oregon Tort Claims Act, ORS 30.275 et seq., notice is hereby given that Ms. McCoog intends to file a civil claim against the City of Portland and/or its related entities responsible for the design, maintenance and signage of the roadway area involved in the accident. Simply put, we believe the crosswalk where the accident happened is dangerous and has been for some time. We are aware that the City has been put on notice in the past.

By way of background, [REDACTED] was a pedestrian on his way to high school and was crossing SE 148<sup>th</sup> Avenue, using the designated crosswalk, when an apparently speeding vehicle failed to yield the right of way, striking [REDACTED] and causing him life threatening injuries, including [REDACTED], a [REDACTED] and [REDACTED]. He spent weeks in the hospital and is still not fully recovered. We will be filing a civil action in due course; the criminal action (the driver initially failed to stop for the accident) is currently underway.

Kindly direct all future communications to my attention at the address above.

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### **DEMAND TO PRESERVE EVIDENCE**

You are hereby notified not to destroy, conceal or alter any video, paper or electronic files, or any other information generated by and/or stored on any computer system or any storage median in your possession, custody, or control, including the possession, custody or control of affiliated agencies that were involved in the above-referenced incident in any manner. This includes any and all video and documents related to the subject crosswalk and any and all accidents, injuries, etc. that have occurred there, both [REDACTED] and any others.

In order to assure that the City of Portland and any related associated entities who may be involved in the design, maintenance and signage at or near the accident location, maintains their obligation to preserve documents and things, please forward a copy of this letter to any and all persons and entities with custodial responsibilities for the items referred to herein. In other words, if the City intends to say the crosswalk was not its responsibility, please immediately let me know who the City believes is responsible for that crosswalk, its markings, signage, etc.

### **PUBLIC RECORDS REQUEST**

Please also consider this letter a formal request for any and all internal reports, surveillance video, photographs and/or statements regarding the subject incident and/or the subject crosswalk.

I look forward to working with you to resolve this matter in due course. Please direct all correspondence to me at McKelvey Law, LLC at the address on this letterhead.

Best Regards,



LOWELL P. MCKELVEY

LPM:wsl  
cc: client