

MAY 29 2025

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CITY OF EMERYVILLE
CLAIM FORM



Please Type or Print and return to:

City Attorney's Office, City of Emeryville
1333 Park Avenue Emeryville, Ca 94608
Phone: 510.596.4381 Fax: 510.596.3724
Email: city_attorney@emeryville.org

CLAIM AGAINST City of Emeryville, including but not limited to Public Works
(Name of Entity)

Claimant's name Lily Freund SS# _____

Claimant's date of birth _____ Telephone # _____

Claimant's address _____

Address where notices about claim are to be sent, if different from above: The Hamilton Law Firm, 100 Pine Street, Suite 1250, San Francisco, CA 94111

Date of incident/accident: December 4, 2024

Date injuries, damages, or losses were discovered: December 4, 2024

Location of incident/accident: The pedestrian crosswalk at the intersection of Christie Avenue and Powell Street in Emeryville.

What did entity or employee do to cause this loss, damage, or injury? See attached.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? Unknown

What specific injuries, damages, or losses did claimant receive? See attached.

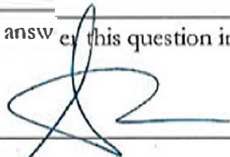
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking, or which is the appropriate court of jurisdiction [Government Code 910(f)]? See attached

How was this amount calculated (please itemize)? See attached.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 05/29/2025

Signature: 

If signed by representative:

Representative's Name Alexandra Hamilton Address The Hamilton Law Firm, 100 Pine Street, Suite 1250, San Francisco, CA 94111

Telephone # 415-570-7590

Relationship to Claimant: Attorney

ATTACHMENT TO GOVERNMENT CLAIM

Incident

On December 4, 2024 at approximately 5:32 p.m., Lily Freund was injured when she was walking in a marked crosswalk and hit by a vehicle turning right (“INCIDENT”). At the time of the INCIDENT, Lily was walking across Christie Avenue at the intersection of Christie Avenue and Powell Street in Emeryville (“INCIDENT SITE”). The pedestrian signal turned to “WALK” and the vehicle signal turned to “GREEN.” As Lily was crossing within the crosswalk during a green light, Lily was struck by Kaylie Chiaki Sumi who was turning right from Powell Street onto Christie Avenue in a 2021 grey Honda Civic, License No. 9HIX056. The car struck Lily’s left side, threw her approximately two feet onto the pavement on her right side, ran over her left ankle, and broke her glasses. See attached Traffic Collision Report.



Basis of Claim

On the date of the INCIDENT, the INCIDENT SITE had various defective, unsafe, and dangerous conditions, including but not limited to the traffic configuration and traffic signal

ATTACHMENT TO GOVERNMENT CLAIM

configuration. The crosswalk is over 80 feet long and crosses four lanes of traffic. The two northbound lanes include a left-turn lane onto Powell and a through/left-turn/right-turn lane onto Powell. The two southbound lanes receive traffic from the two right-turn lanes off of Powell, the through lane on Christie, and a left-turn lane off of Powell onto Christie. The traffic signal configuration allows vehicles to turn right from Powell Street onto Christie Avenue during the same phase when pedestrians receive a “Walk” signal as well as to turn right on a red light. This setup leads to direct conflicts between turning vehicles and pedestrians in the crosswalk, increasing the risk of collisions. The situation is exacerbated by the high volume and speed of vehicles making this turn, often from two lanes, which can obscure drivers’ views of pedestrians and vice versa. Contributing to the risk, the intersection’s design includes a wide turn radius that encourages fast turns and a dedicated turn lane that obstructs the driver’s view of the crosswalk. As a result, drivers frequently fail to yield to pedestrians, making the intersection especially hazardous.

The INCIDENT SITE was in a dangerous and unsafe condition due to the negligent discharge of mandatory and nondelegable duties, construction, building, control, operation, management, development, maintenance, inspection and/or repair of the INCIDENT SITE, including but not limited to the failure to construct, build, control, operate, manage, develop, maintain, inspect, and/or repair the INCIDENT SITE in a manner that was safe for pedestrians and the failure to warn the public of the dangerous and unsafe condition of the INCIDENT SITE. Among other things, the City of Emeryville, through its employees and/or contractors, created and/or maintained an unsafe intersection and pedestrian crosswalk as described above. The City of Emeryville failed to warn the public, including but not limited to pedestrians, of the dangerous conditions of the INCIDENT SITE and the need to avoid these dangerous conditions.

The City of Emeryville allowed the INCIDENT SITE to continue to exist in a dangerous, defective, and unsafe condition before and at the time of the INCIDENT despite its hazardous risk to persons traveling there. The City of Emeryville failed to construct, build, control, operate, manage, develop, maintain, inspect, and/or repair the INCIDENT SITE in a manner that was safe for pedestrians by, among other things, failing to protect pedestrians, failing to warn of dangerous conditions, and allowing the INCIDENT SITE to exist as a hazard to the public.

The City of Emeryville had actual and/or constructive notice of the dangerous conditions described above in sufficient time prior to the INCIDENT to have taken measures to correct and/or prevent against such dangerous conditions. These dangerous conditions were known to or should have been known to The City of Emeryville, who had the authority and responsibility to take adequate measures to protect the public against the dangerous conditions they created and/or allowed to exist at the INCIDENT SITE.

ATTACHMENT TO GOVERNMENT CLAIM

As a result of the City of Emeryville's actions, omissions and conduct that resulted in the dangerous condition, Lily was injured as described herein.

Description of Claimant's injury, property damage or loss

As a result of the INCIDENT, Lily suffered serious physical injuries, including but not limited to injuries to her left ankle, left foot, right hip, right upper thigh, and right elbow. In addition to contusions, bruising, and swelling, Lily suffered a fractured right elbow. The injuries resulted in significant pain, discomfort, and sleep deprivation. In the treatment of said injuries, Lily has sustained economic damages for past and future medical treatment.

Lily has and will continue to suffer non-economic damages, including but not limited to physical pain, mental suffering, emotional distress, embarrassment, disfigurement, physical impairment, grief, anxiety, and loss of enjoyment of life.

At the time of this incident, Ron Freund was lawfully married to Lily Freund and benefited from the love, society, comfort, services, conjugal, fellowship, caring, shared responsibility, and shared finances of his wife. As a direct and proximate result of the actions, omissions and conduct of the City of Emeryville as described herein, Ron Freund has been deprived, and continues to be deprived, of Lily Freund's loss of love, companionship, comfort, care, assistance, protection, affection, society, moral support, training and guidance, and loss of the enjoyment of sexual relations.

The full nature and extent of Lily's and Ron's damages are not yet known; however, the damages for each exceed \$10,000 pursuant to Government Code § 910(f) and the \$35,000 jurisdictional limit for small claims court so any lawsuit arising from this incident shall be subject to unlimited court jurisdiction.

Additional Notes

Please do not hesitate to contact Alexandra A. Hamilton should you need any additional information to evaluate this government claim:

Alexandra A. Hamilton, Esq.
The Hamilton Law Firm
100 Pine Street, Suite 1250
San Francisco, CA 94111
Tel. | Fax 415-570-7590
alexandra@thehamiltonlaw.com