

MAY 7, 2020

CLOSED SESSION REPORTED OUT FINAL DECISION

Date of Meeting: *Thursday, May 7, 2020*

Litigation Negotiations

NAME OF ACTION:

City of Oakland, a municipal corporation v. Nerine Cherepy, an individual; Edwin Sanchez & Sons Construction, Inc., a California corporation; W.C. Drilling, Inc. D/B/A West Coast Drilling, a California corporation; Butler Concrete, a Nevada limited liability company; and DOES 1 through 20 inclusive; and related actions
Alameda County Superior Court, Case No.RG18896713

This matter is listed as **Item No. 1(b)** on the Closed Session Agenda:

The council authorized settlement to receive payment in the amount of: **\$450,000.00**

This case arose out of incidents occurring on or about: **April, 2016**

FACTS/ISSUES:

Nerine Cherepy, a Piedmont homeowner, hired contractors to perform construction improvements to her property, which abuts Cavendish Lane, a public street that is located primarily in the City of Oakland. Her contractors, named defendants in the law suit, were responsible for excavating immediately next to Cavendish Lane and causing the road to fail. The City of Oakland sued the homeowner and her several contractors to recover funds to repair the damage to Cavendish Lane. Following mediation the parties agreed, subject to approval of the Council, to settle City of Oakland's claims for \$450,000.00. The repairs are complete. This settlement provides full compensation for the costs of damage assessment, repair and Department of Transportation staff time on the matter.

Motion Made by: **Councilmember Larry Reid**

Motion Seconded by: **Councilmember Noel Gallo**

AYES: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan= **8**

NOES: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

ABSENT: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

ABSTENTIONS: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=