

DECEMBER 2, 2021

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, December 2, 2021*

Litigation Negotiations

NAME OF ACTION:

Gateway Bank, F.S.B. v. City of Oakland, and DOES 1 - 10, inclusive
Alameda County Superior Court, Case No. RG21098594

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

The council authorized settlement in the amount of **\$307,370.08**.

This case arose out of incidents occurring on **November 12, 2019**.

FACTS/ISSUES:

Plaintiff Gateway Bank alleges a City-sewer main clogged on November 12, 2019, causing sewage to flow into the Plaintiff's basement offices at 360 Eighth Street. Plaintiff alleges it incurred \$438,399.51 in costs associated with clean-up, reconstruction, property replacement, and loss of use.

Plaintiff sued the City for inverse condemnation and dangerous condition of public property. The City has determined that settlement in the amount of \$307,370.08 to Plaintiff, without admitting liability and to avoid further litigation, is in the best interest of the City.

Motion Made by: **Council President Fortunato Bas**

Motion Seconded by: **Councilmember Gallo**

AYES: **Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao** and President **Fortunato Bas**= 6

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

ABSENT: Fife, Gallo, **Kalb**, Kaplan, Reid, Taylor, **Thao** and President Fortunato Bas=2

ABSTENTION(S): Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=