

**APRIL 21, 2022**

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, April 21, 2022*

Litigation Negotiations

**NAME OF ACTION:**

**Holly Ross-Sisneros as trustee of the Second Amended and Restated Revocable Trust Agreement of the Helen S. Ross Trust; and Paul Mico v. City of Oakland, East Bay Municipal Utilities District, Sarah Wheeler, an individual as DOE 1; and DOES 2 - 100, inclusive**

Alameda County Superior Court Case No. RG17877986

**AND**

**Karl W. Kreplin and Anita A. Kreplin; The Karl W. Kreplin and Anita Aragon Kreplin Revocable Trust v. City of Oakland; EBMUD; Holly Ross-Sisneros; and DOES 1 - 20, inclusive**

Alameda County Superior Court Case No. RG19026819

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

The Council authorized settlement in the amount of **\$1,100,000.00**.

This case arose out of an incident occurring on **February 21-24, 2017**.

**FACTS/ISSUES:**

This action arises out of a landslide on February 21-24, 2017. Plaintiffs Holly Ross-Sisneros, Karl Kreplin, Anita Kreplin, and Cross-Complainant Sarah Wheeler allege that a City of Oakland storm drain pipe caused a landslide that damaged their residential properties at 6933 Armour Drive, 49 Vista Del Mar Court, and 43 Vista Del Mar Court.

The Plaintiffs seek \$2,300,000 to recover money to repair the damage from the landslide, costs of past emergency repairs and geotechnical engineering work, compensation for loss of use of the properties and attorneys' fees and costs.

Motion Made by: **Councilmember Taylor**

Motion Seconded by: **Councilmember Kalb**

**AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 7**

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

**ABSENT: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas**= 1

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