

**SEPTEMBER 15, 2022**

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, September 15, 2022*

Litigation Negotiations

**NAME OF ACTION:**

**California Capital Insurance Company as subrogee of 350 Fourth Street LLC v. City of Oakland and DOES 1 - 25, inclusive**  
**Alameda County Superior Court Case No. RG21102644**

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

The council authorized settlement in the amount of **\$45,000.00**.

This case arose out of an incident occurring on **December 1, 2020**.

**FACTS/ISSUES:**

On December 1, 2020, at approximately 12:00 p.m., a City sewer main backed up at Webster and Embarcadero causing raw sewage to flood Plaintiff's insured's basement through a cleanout valve located at 350 4th Street in Oakland, California. Plaintiff alleges the City's main sewer line failed after a buildup of heavy grease prevented normal flow of sewage in the City's sewer main and resulted in the flooding of the insured's basement.

Plaintiff is claiming real property damage in the amount of \$86,715.01 and prejudgment interest at ten percent (10%) per annum from the date of payment. Plaintiff also claims attorneys' fees and costs. The approved settlement resolves all claims with Plaintiff in this matter.

Motion Made by: **Kalb**

Motion Seconded by: **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**

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