

**OCTOBER 20, 2022**

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, October 20, 2022*

Litigation Negotiations

**NAME OF ACTION:**

**Joan E. McCloskey v. City of Oakland; and DOES 1 - 25, inclusive**  
Alameda County Superior Court Case No. HG20068494

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

The council authorized settlement in the amount of **\$310,000.00**.

This case arose out of incidents occurring on **January 19, 2016 and February 21, 2017**.

**FACTS/ISSUES:**

This action arises out of two landslides that damaged Plaintiff's residence.

After a period of heavy rains, on or about January 19, 2016, a clogged City storm drain inlet caused flooding and a collapse of a dirt slope, allegedly causing a significant mudslide that damaged the Plaintiff's residential property located at 4400 Whittle Avenue. After another period of heavy rains, on or about February 21, 2017, another landslide occurred allegedly due to the same problem, and damaged 4400 Whittle Ave. again.

As a result of the two incidents, Plaintiff claims property damage, loss of use of the property, emotional distress, and attorneys' fees and costs.

The City has determined that settlement in the amount of \$310,000.00, without admitting liability and to avoid further litigation, is in the best interest of the City.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Reid**

**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=