

FEBRUARY 16, 2023

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, February 16, 2023*

Litigation Negotiations

NAME OF ACTION:

California Capital Insurance Company as subrogee of the Gee Family Trust v City of Oakland and DOES 1 - 25, inclusive
Alameda County Superior Court Case No. 22CV015984

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

The council authorized settlement in the amount of **\$64,605.83**

This case arose out of an incident occurring on **January 24, 2022**

FACTS/ISSUES:

On January 24, 2022, a City sewer main below the intersection at 5 Monte Cresta Avenue and Kelton Court allegedly became blocked, causing raw sewage to back up into the toilet and bathtub of Plaintiff California Capital Insurance Company's ("CCIC") insured's apartment. Raw sewage allegedly backed up into the kitchen, living room, dining room and bedroom of Unit 107 of the apartment complex. CCIC claims it paid \$64,605.83 to repair real property damage to its insured's apartment. CCIC also claims prejudgment interest, attorneys' fees and costs. The City has determined that settlement in the amount of \$64,605.83 to CCIC, without admitting liability and to avoid further litigation, is in the best interest of the City.

Motion Made by: **President Pro Tem Kalb**

Motion Seconded by: **Councilmember Kaplan**

AYES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas= 6

NOES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=

ABSENT: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas= 2

ABSTENTIONS: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=