

October 5, 2023

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, October 5, 2023*

Litigation Negotiations

NAME OF ACTION:

California Fair Plan Association v. City of Oakland and DOES 1-20
Alameda County Superior Court, Case No. 22CV006836

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

The council authorized settlement in the amount of **\$35,000.00**

This case arose out of incidents occurring on **July 6, 2021**

FACTS/ISSUES:

Plaintiff California Fair Plan Association is the insurer for real property damage that occurred at 2201 Arrowhead Avenue in Oakland, CA on July 6, 2021. A tree limb/branch broke off a 70-foot-tall Monterey pine tree and fell onto the house at that address, causing damage. The tree is designated as an “official” City tree. California Fair Plan Association has taken on the legal rights of the homeowners for purposes of this lawsuit, which is called subrogation.

California Fair Plan Association indemnified the property owners for the costs to repair the damage, and claims damages in the amount of \$55,701.58.

The City determined that settlement in the amount of \$35,000.00 to California Fair Plan Association without admitting liability and to avoid further litigation, is in the best interest of the City.

Motion Made by: **Councilmember Kalb**

Motion Seconded by: **Councilmember Fife**

AYES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas = 7

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

ABSENT: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas = 1

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