

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

December 21, 2021

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Gateway Bank, F.S.B. v. City of Oakland and DOES 1 - 10, inclusive
Alameda County Superior Court Case No. RG21098594
City Attorney File No. 33856
(Public Works – Failed Sewer Main)**

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Three Hundred-Seven Thousand and Three Hundred-Seventy Dollars and Eight Cents (\$307,370.08), payable to Plaintiff Gateway Bank, F.S.B., through its attorneys the Kirschenbaum Law Corporation.

This action against the City of Oakland arises out of an alleged City sewer main failure on November 12, 2019, resulting in a sewage backup into Plaintiff's offices at 360 8th Street. Plaintiff alleges the sewage backup damaged Plaintiff's property, and Plaintiff incurred additional damage for costs associated with clean-up, reconstruction, property replacement, and loss of use. The City has determined that settlement in the amount of \$307,370.08, without admitting liability and to avoid further litigation, is in the best interests of the City.

The Council authorized settlement of this case in closed session on Thursday, December 2, 2021 (moved by Council President Nikki Fortunato Bas and seconded by Councilmember Noel Gallo – 6 Ayes, 2 Absent – Councilmembers Dan Kalb and Sheng Thao).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER
City Attorney

Assigned Attorney
Michael Quirk