

## **CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, February 1, 2024*

Litigation Negotiations

**NAME OF ACTION:**

*Bankers Standard Insurance Company as Subrogee of Cynthia Wood v. City of Oakland, and DOES 1 through 50, inclusive*  
**Alameda County Superior Court Case No. 22CV019905**

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

The council authorized settlement in the amount of **\$150,000.00**

This case arose out of an incident occurring on **January 22, 2022**.

### **FACTS/ISSUES:**

On January 22, 2022, a large redwood tree on City property, whose roots had been cut by a City crew 17 months earlier, fell onto the property of Cynthia Wood (“Wood”) at 77 Bowling Drive. Wood submitted an insurance claim to their homeowner’s carrier, Bankers Standard Insurance Company (“BSIC”). BSIC paid Wood \$226,081.27 for covered losses and then filed a subrogation lawsuit against the City asserting that the City is liable for the loss because its employees improperly destabilized the tree.

The tree caused significant damage to an automatic iron gate, a stucco fence, a patio and pergola, and external portions of the house. It also knocked down another large tree on the property. The City has determined that settlement for \$150,000.000 to BSIC, 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 Kaplan**

**AYES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=8**

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

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

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