

CITY OF OAKLAND



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November 1, 2022

HONORABLE CITY COUNCIL
Oakland, California

Subject: Joan McCloskey v. City of Oakland, and DOES 1 – 25, inclusive
Alameda County Superior Court Case No. RG20068494
City Attorney File No. 31049
(Department of Public Works – Inverse Condemnation)

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 and Ten Thousand Dollars and No Cents (\$310,000.00), payable to Hoge Fenton on behalf of Joan McCloskey.

This action arises out of two landslides that allegedly damaged Plaintiff's residence. After a period of heavy rains, on or about January 19, 2016, a clogged City storm drain inlet allegedly caused flooding and a collapse of a dirt slope, causing a significant mudslide that damaged Plaintiff's residential property. After another period of heavy rains, on or about February 21, 2017, another landslide allegedly occurred due to the same problem, and damaged Plaintiff's property 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.

The Council authorized settlement of this case in Closed Session on Thursday, October 20, 2022 (moved by Councilmember Noel Gallo and seconded by Councilmember Treva Reid - 7 Ayes and 1 absent – Councilmember Loren Taylor).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Christina Lum