

CITY OF OAKLAND



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July 28, 2020

HONORABLE CITY COUNCIL
Oakland, California

Subject: RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASES OF SAMUEL MAXWELL V. CITY OF OAKLAND, ET AL., AND WRONGFUL DEATH PLAINTIFFS V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NOS. RG1785307, RG16843631, AND RELATED CASE NOS., RELATED TO THE DECEMBER 2, 2016 TRAGIC FIRE AT THE PRIVATELY-OWNED WAREHOUSE COMMONLY REFERRED TO AS THE “GHOST SHIP” FOR THE AMOUNT OF NINE MILLION TWO HUNDRED THOUSAND DOLLARS (\$9.2 MILLION) TO SAMUEL MAXWELL AND TWENTY THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$23.5 MILLION) TO WRONGFUL DEATH PLAINTIFFS

President Kaplan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests the Council’s approval of a resolution authorizing the compromise and settlement of Alameda County Superior Court Case Nos. RG1785307, RG16843631, and related case nos., in the total amount of Thirty-Two Million Seven-Hundred Thousand Dollars (\$32.7 Million). The settlement will be allocated as follows: Nine Million Two Hundred Thousand Dollars (\$9.2 Million) to Samuel Maxwell and Twenty-Three Million Five Hundred Thousand Dollars (\$23.5 Million) to the Wrongful Death Plaintiffs.

Plaintiffs’ lawsuits arise from the tragic fire on December 2, 2016 at a privately-owned warehouse that has been referred to as the “Ghost Ship.” Mr. Maxwell survived the fire but will live with severe, lifelong injuries and major medical expenses.

The Wrongful Death Plaintiffs are related to thirty two of the thirty-six victims who perished. Wrongful Death Plaintiffs’ claims are based on the loss of care, comfort, and society of their loved ones.

The City asserts, as the agreement provides, that it is not liable for these tragic losses. The City settled this case because of the cost-benefit analysis. The City’s total insurance coverage is \$22 million.

President Kaplan And Members Of The City Council:

July 28, 2020

Subject: Resolution Authorizing and Directing the City Attorney to Compromise and Settle the Cases of Samuel Maxwell v. City of Oakland, et al., and Wrongful Death Plaintiffs v. City of Oakland, et al.

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The Council unanimously authorized settlement of this case in Closed Session on Thursday, July 16, 2020 (moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Noel Gallo – 8 Ayes).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is cursive and stylized.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
David Pereda

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