

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**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**

**WHEREAS**, on December 2, 2016, there was a tragic fire at a privately owned warehouse which has been referred to as the “Ghost Ship”;

**WHEREAS**, Plaintiff Samuel Maxwell filed a lawsuit naming the owners of the warehouse property, the property’s master tenants, the City of Oakland, and others, based on injuries Mr. Maxwell suffered in the fire;

**WHEREAS**, “Wrongful Death Plaintiffs”—who are related to 32 of the 36 victims who perished—also filed lawsuits naming the owners of the warehouse property, the property’s master tenants, the City of Oakland, and others, based on Wrongful Death Plaintiffs’ loss of care, comfort, and society from their loved ones,

**WHEREAS**, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

**WHEREAS**, the settlement agreement expressly provides that the City admits no wrongdoing or liability; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle Alameda County Superior Court Case Nos. RG1785307, RG16843631, and related case nos., in the amounts 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 the Wrongful Death Plaintiffs,

**FURTHER RESOLVED:** That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Samuel Maxwell, the Wrongful Death Plaintiffs, and their counsel; and be it

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
Acting City Clerk and Clerk of the Council of  
the City of Oakland, California