

  
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 CASE OF JADADUDE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY V. CITY OF OAKLAND AND DOES 1-40, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 24CV066406, CITY ATTORNEY'S FILE NO. 35756, IN THE AMOUNT OF TWO HUNDRED AND THIRTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$235,000.00) (DEPARTMENT OF PUBLIC WORKS- INVERSE CONDEMNATION) AND THE RELATED CALIFORNIA TORT CLAIM OF STATE NATIONAL INSURANCE COMPANY, CITY ATTORNEY'S FILE NO. 35756, IN THE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$35,000.00) (DEPARTMENT OF PUBLIC WORKS- INVERSE CONDEMNATION)**

**WHEREAS**, Plaintiff Jadadude, LLC (“Jadadude”) alleges that on December 30, 2022, sewage from a clogged sewer main backed up into three units of an apartment building located at 3764 Fruitvale Avenue causing property damage, including damage to floors, cabinets, drywall, insulation, and fixtures. Consequently, Jadadude suffered loss of rents and other business expenses; and

**WHEREAS**, Jadadude attributes the sewage backup to defective maintenance and control of the sewer main by the City of Oakland (“City”); and

**WHEREAS**, Jadadude filed a lawsuit in the Superior Court of the State of California, County of Alameda, Case No. 24CV066406, alleging an inverse condemnation claim against the City; and

**WHEREAS**, Jadadude seeks to recover money damages for cleanup and repair, business losses, and attorneys’ fees and costs, and

**WHEREAS**, Jadadude’s insurer, State National Insurance Company, filed a related government claim against the City, pursuant to the California Tort Claims Act (Government Code section 810, et seq.), seeking to recover money it paid Jadadude under a policy of insurance covering losses related to sewage backup; and

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

**WHEREAS**, the City admits no wrongdoing, fault or liability, and

**WHEREAS**, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Jadadude, LLC, a California limited liability company v. City of Oakland and Does 1-40, Inclusive, Alameda Superior Court Case No. 24CV066406, for the sum of Two Hundred and Thirty-Five Thousand Dollars and Zero Cents (\$235,000.00) and the related California tort claim of State National Insurance Company for the sum of Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California