

**March 7, 2024**

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, March 7, 2024*

Litigation Negotiations

**NAME OF ACTION:**

**Flatiron West, Inc. v. City of Oakland**  
**Alameda County Superior Court Case No. RG19041029**

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

The council authorized settlement in the amount of N/A.

This case arose out of an incident occurring on N/A.

**FACTS/ISSUES:**

This lawsuit arises out of the public improvement project known as the Replacement of Embarcadero Bridge over Lake Merritt Channel (the “Project”). The City contracted with Plaintiff Flatiron West, Inc. (“Flatiron”) to serve as the general contractor for the Project. Flatiron alleges that the City breached the contract and is indebted to Flatiron for the sum of “at least \$3.3 million,” including damages allegedly for unpaid work performed by Flatiron to complete the Project, and delays allegedly caused by the City. The City filed a cross-complaint for damages against Flatiron, as well as against the joint venture that designed the Project.

The City Council has authorized settlement of the lawsuit by payment to the City of \$250,000.00 in resolution of all claims by all parties in the case, and a release of all claims by all parties, except any claims the City may have for latent defects.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Kalb**

**AYES:** Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=**6**

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

**EXCUSED:** Fife, Gallo, Jenkins, Kalb, Kaplan, **Ramachandran, Reid**, and President Fortunato Bas=**2**

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