

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612
Office of the City Attorney (510) 238-3601
Barbara J. Parker FAX: (510) 238-6500
City Attorney TTY/TDD: (510) 238-3254
(510) 238-6324

February 20, 2024

HONORABLE CITY COUNCIL
Oakland, California

Subject: **Bankers Standard Insurance Company as Subrogee of Cynthia Wood v. City of Oakland, and DOES 1 through 50, inclusive**
Alameda County Superior Court Case No. 22CV019905
City Attorney File No. 35184
(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 lawsuit for the sum of One Hundred and Fifty Thousand Dollars and Zero Cents (\$150,000.00), payable to the Bankers Standard Insurance Company in a manner specified by Plaintiff's counsel.

On January 22, 2022, a large redwood tree on City property, whose roots had been cut by a City crew 17 months earlier, fell onto the property of Cynthia Wood ("Wood") at 77 Bowling Drive. Wood submitted an insurance claim to their homeowner's carrier, Bankers Standard Insurance Company ("BSIC"). BSIC paid Wood \$226,081.27 for covered losses and then filed a subrogation lawsuit against the City asserting that the City is liable for the loss because its employees improperly destabilized the tree. The tree caused significant damage to an automatic iron gate, a stucco fence, a patio and pergola, and external portions of the house. It also knocked down another large tree on the property.

The City has determined that settlement for a payment of \$150,000.000 to BSIC, without admitting liability and to avoid further litigation, is in the City's best interests.

The City Council authorized settlement of this case in closed session on Thursday, February 1, 2024 (moved by Councilmember Noel Gallo and seconded by Councilmember Rebecca Kaplan - 8 Ayes.)

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

Barbara J. Parker
City Attorney

Assigned Attorney:
Hans Moore

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