

CITY OF OAKLAND



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October 17, 2023

HONORABLE CITY COUNCIL
Oakland, California

**Subject: California Fair Plan Association v. City of Oakland and DOES 1-20 Inclusive
Alameda County Superior Court, Case No. 22CV006836
City Attorney File No. 34910
(Department of Public Works – Dangerous Condition)**

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 Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00), payable to Plaintiff California Fair Plan Association, in a manner specified by Plaintiff's counsel.

Plaintiff California Fair Plan Association is the insurer for real property damage that occurred at 2201 Arrowhead Avenue in Oakland, CA on July 6, 2021. A tree limb/branch broke off a 70-foot-tall Monterey pine tree and fell onto the house at that address, causing damage. The tree is designated as an "official" City tree. California Fair Plan Association has taken on the legal rights of the homeowners for purposes of this lawsuit, which is called subrogation.

California Fair Plan Association paid to repair the property damage on behalf of the property owners and claims damages in the amount of \$55,701.58.

The City determined that settlement in the amount of \$35,000.00 to California Fair Plan Association, without admitting liability and to avoid further litigation, is in the best interest of the City.

The City Council authorized settlement of this case in closed session on Thursday, October 5, 2023 (moved by President Pro Tem Dan Kalb and seconded by Councilmember Carroll Fife – 7 Ayes and 1 Excused – Councilmember Noel Gallo).

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Lorena Matei