

CITY OF OAKLAND



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March 7, 2023

HONORABLE CITY COUNCIL
Oakland, California

Subject: **California Capital Insurance Company as Subrogee of Gee Family Trust v. City of Oakland and DOES 1-25, Inclusive**
Alameda County Superior Court Case No. 22CV015984
City Attorney File No. 35070
(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 claim for the sum of Sixty Four Thousand Six Hundred Five Dollars and Eighty-Three Cents (\$64,605.83), payable to the California Capital Insurance Company in a manner specified by Plaintiff's counsel.

On January 24, 2022, a City sewer main below the intersection at 5 Monte Cresta Avenue and Kelton Court allegedly became blocked, causing raw sewage to back up into the toilet and bathtub of Plaintiff California Capital Insurance Company's ("CCIC") insured's apartment. Raw sewage allegedly backed up into the kitchen, living room, dining room and bedroom of Unit 107 of the apartment complex. CCIC claims it paid \$64,605.83 to repair real property damage to its insured's apartment. CCIC also claims prejudgment interest, attorneys' fees and costs. The City has determined that settlement in the amount of \$64,605.83 to CCIC, 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, February 16, 2023 (moved by President Pro Tem Dan Kalb and seconded by Councilmember Rebecca Kaplan - 6 Ayes, 2 Excused – Councilmember Janini Ramachandran and Councilmember Noel Gallo.)

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is fluid and cursive, with the first name being the most prominent.

Barbara J. Parker
City Attorney

Assigned Attorney:
Hans Moore