



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BANKERS STANDARD INSURANCE COMPANY AS SUBROGEE OF CYNTHIA WOOD V. CITY OF OAKLAND AND DOES 1 THROUGH 25, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV019905, IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$150,000.00) (DEPARTMENT OF PUBLIC WORKS – INVERSE CONDEMNATION)

WHEREAS, 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.; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, Plaintiffs filed suit entitled *Bankers Standard Insurance Company as subrogee of Cynthia Wood v. City of Oakland, et al.*, and DOES 1-25, Alameda County Superior Court Case No. 22CV019905 alleging negligence, inverse condemnation, trespass, nuisance, and dangerous condition of public property; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Plaintiffs’ claims for the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00); now therefore be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Bankers Standard Insurance Company as subrogee of Cynthia Wood v. City of*

Oakland, et al., and DOES 1-25, Alameda County Superior Court Case No. 22CV019905, for the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00); 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