

FILED
ALAMEDA COUNTY

JAN 23 2024

CLERK OF THE SUPERIOR COURT

By Nicole Platt

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
RENÉ C. DAVIDSON COURTHOUSE

Oakland Bulk & Oversized Terminal,
LLC, et al.,

Plaintiff,

v.

City of Oakland,

Defendant.

Nos.: RG18930929, RG20062473

JUDGMENT

City of Oakland,

Counter-Plaintiff,

v.

Oakland Bulk & Oversized Terminal,
LLC, et al.,

Counter-
Defendant.

This action came on regularly for trial in Department 514 of the Superior Court of California, the Honorable Noël Wise, Judge, presiding. The Court bifurcated the issue of liability and held a bench trial that began on July 10, 2023, and concluded on October 11, 2023. On November 22, 2023, the Court issued its Statement of Decision on liability in which the Court found in favor of Oakland Bulk and Oversized Terminal, LLC and Oakland Global Rail Enterprise LLC. The Court then held a bench trial on the issue of damages that began on November 28, 2023, and concluded on December 1, 2023. On

1 December 22, 2023, the Court issued its Statement of Decision on damages awarding
2 Oakland Bulk and Oversized Terminal and Oakland Global Rail Enterprise either an
3 equitable or legal remedy.

4 On January 5, 2025, Oakland Bulk and Oversized Terminal and Oakland Global
5 Rail Enterprise elected the equitable remedy awarding specific performance and
6 declaratory relief.

7 Accordingly, as to Oakland Bulk and Oversized Terminal and Oakland Global Rail
8 Enterprise's complaint, and the City of Oakland's complaint, the Court enters judgment
9 for Oakland Bulk and Oversized Terminal and Oakland Global Rail Enterprise, and
10 against the City of Oakland as follows:

- 11 • The Court finds and orders that Oakland Bulk and Oversized Terminal is not in
12 default of the Army Base Gateway Redevelopment Project Ground Lease for West
13 Gateway dated February 16, 2016, for failure to meet the Initial Milestone deadline
14 of August 14, 2018.
- 15 • The Court finds and orders that the City of Oakland's termination of the Ground
16 Lease on November 22, 2018, was unlawful and invalid, and is therefore void.
- 17 • The Court finds and orders that the City of Oakland's corresponding termination of
18 the Development Agreement dated July 16, 2013, with respect to the West Gateway
19 property is also, therefore, void.
- 20 • The Court finds and orders that Section 6.1.1.1 (the "Initial Milestone Date") of the
21 Ground Lease is extended, due to events of Force Majeure, by a period of two years
22 and six months from the date of entry of judgment under section 664 of the Code of
23 Civil Procedure.

1 The Court orders that any party may file a memorandum of costs and motion for
2 attorneys' fees as allowed by law and the Parties' contracts. (Code Civ. Proc. § 1032;
3 Cal. R. Ct. 3.1700, 3.1702.)

4 The Clerk will enter this judgment. The Clerk is directed to serve notice of entry of
5 the judgment to the Parties.

6 IT IS SO ORDERED.

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8 Dated: January 23, 2024



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Noël Wise
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 01/23/2024
PLAINTIFF/PETITIONER: Oakland Bulk And Oversized Terminal, LLC et al	Chad Finke, Executive Officer / Clerk of the Court By: <u><i>Nicole Hall</i></u> Deputy N. Hall
DEFENDANT/RESPONDENT: City of Oakland et al	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: RG18930929

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Judgment entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

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Chad Finke, Executive Officer / Clerk of the Court

Dated: 01/23/2024

By:

Nicole Hall

N. Hall, Deputy Clerk