



December 7, 2016

***For Immediate Release***

**ARMY BASE DEVELOPER ASKS FEDERAL COURT TO INVALIDATE OAKLAND CITY ORDINANCE  
TARGETING OPERATIONS OF WEST GATEWAY BULK MARINE TERMINAL**

Oakland Bulk and Oversized Terminal (OBOT) filed suit in federal court to invalidate the City of Oakland’s targeting of an essential component of the Oakland Army Base reuse plan, the bulk commodity marine terminal at the West Gateway of the Oakland Global Trade and Logistics Center (West Gateway Terminal) at the former Oakland Army Base.

The City approved and vested OBOT’s right to develop and operate the West Gateway Terminal in 2012 and 2013. This approval was without limitation as to the thousands of legal bulk commodities that market forces could cause to be moved through the facility. Such is the industry standard and expectation for such facilities. But in June 2016, the City adopted an Ordinance and Resolution specifically targeting the West Gateway Terminal, prohibiting the transport and handling of coal and petcoke.

“It is truly regrettable that the City has left us no alternative but to take this action,” said Phil Tagami, President and CEO of California Capital and Investment Group (CCIG), OBOT’s sole corporate member. “We applied for and the City approved and vested exactly what the market demands: a terminal capable of being fully responsive to market demands for global transport of legal commodities over its 66-year useful life. Restricting any commodity on political grounds puts a cloud of uncertainty over the entire project going forward. What will be the next commodity to which the Council objects?”

The lawsuit alleges that the City’s adoption and application of the Ordinance to the West Gateway Terminal is illegal for three reasons. First, it is unconstitutional, violating the Commerce Clause of the United States Constitution. Second, it is preempted by at least three federal statutes. And third, it is a breach of the 2013 development agreement that vested OBOT’s right to develop and operate the West Gateway Terminal without restriction as to particular commodities. The lawsuit seeks remedies that include declaratory and injunctive relief invalidating the Ordinance and Resolution.

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