

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
Hayward Hall of Justice

<p>Oakland Bulk And Oversized Terminal, LLC et al Plaintiff/Petitioner(s) VS. City of Oakland et al Defendant/Respondent (s)</p>	<p>No. RG18930929</p> <p>Date: 10/27/2023</p> <p>Time: 4:24 PM</p> <p>Dept: 514</p> <p>Judge: Noël Wise</p> <p style="text-align: center;">ORDER</p>
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The Court issued its Proposed Statement of Decision (SOD) today, October 27, 2023, for the liability phase of the trial.

In accordance with Rule of Court 3.1590(g), the Parties have fifteen days to file any comments or objections to the Proposed SOD. The Parties' comments or objections are due no later than close of business on Monday, November 13, 2023, with two sets of courtesy copies delivered to Department 514.

The Parties must limit their comments or objections to 15 pages. If necessary, the Parties may also file an appendix if they think they need to preserve additional issues for appeal. In addition, the Parties may, and are encouraged to file, an erratum of ministerial or typographical errors (in table format - indicating the page number of the error, the citation/information that is incorrect, and the correct citation/information in redline) for any information incorrectly spelled, cited, etc. in the proposed SOD.

The Court has already reviewed all the trial materials and briefs (including the Parties' proposed SODs). The Court also has all the trial exhibits and trial transcripts. It is therefore unnecessary to attach exhibits or repeat arguments that have already been made.

If comments or objections are filed, then the Court will determine whether a hearing will be scheduled for oral arguments. (See Cal. R. Ct. 3.1590(k).)

The court sets the case for further hearing on November 16, 2023, at 9 AM in Department 514. Unless the Court otherwise notifies the Parties in advance, the Court will not hear oral arguments regarding the Parties' comments or objections to the proposed SOD on that date. The hearing on November 16, 2023, will only address the remedy phase of the trial, including the nature and scope of the remedy sought, scheduling, experts, etc.

The damages phase of trial will begin Tuesday, November 28, 2023, at 9 AM in Department 514. Based on previous trial estimates the Parties provided to the Court, the Court anticipates closing arguments will be completed on Thursday, November 30, 2023, but no later than the afternoon of Friday, December 1, 2023. Trial will be held from 9 AM to 4:30 PM each day that week with one 90-minute break for lunch.


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If the Parties think supplemental briefing is necessary on issues regarding damages (prior to the next phase of trial), the Court will address the potential scope and timing of that briefing during the hearing on November 16, 2023.

Case Management Conference is scheduled for 11/16/2023 at 09:00 AM in Department 514 at Hayward Hall of Justice.

Court Trial is scheduled for 11/28/2023 at 09:00 AM in Department 514 at Hayward Hall of Justice.

Dated : 10/27/2023



Noël Wise / Judge