

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Alameda

**06/26/2023 at 09:37:23 PM**

By: Gina Fu,  
Deputy Clerk

1 MANATT, PHELPS & PHILLIPS, LLP  
BARRY W. LEE (Bar No. CA 088685)  
2 Email: bwlee@manatt.com  
CHRISTOPHER L. WANGER (Bar No. CA 164751)  
3 Email: cwanger@manatt.com  
One Embarcadero Center, 30th Floor  
4 San Francisco, CA 94111  
Telephone: (415) 291-7400  
5 Facsimile: (415) 291-7474

6 Attorneys for Plaintiff and Counter Defendant  
OAKLAND BULK AND OVERSIZED TERMINAL,  
7 LLC, Plaintiff OAKLAND GLOBAL RAIL  
ENTERPRISE, LLC and Counter Defendant  
8 CALIFORNIA CAPITAL & INVESTMENT GROUP

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF ALAMEDA

12  
13 OAKLAND BULK AND OVERSIZED  
TERMINAL, LLC, a California limited  
14 liability company and OAKLAND  
GLOBAL RAIL ENTERPRISE, LLC, a  
15 California limited liability company,

16 Plaintiffs,

17 v.

18 CITY OF OAKLAND, a California  
municipal corporation,

19 Defendant.  
20

Consolidated Case Nos. RG18930929/  
RG20062473

Assigned to Dept. 514

Jury Trial Demanded

**PLAINTIFF AND COUNTER DEFENDANT  
OAKLAND BULK AND OVERSIZED  
TERMINAL, LLC AND PLAINTIFF  
OAKLAND GLOBAL RAIL ENTERPRISE,  
LLC'S WITNESS LIST**

Trial Date: July 10, 2023

Date Action Filed: December 4, 2018

1 Plaintiff and Counter-Defendant Oakland Bulk and Oversized Terminal, LLC, Plaintiff  
2 Oakland Global Rail Enterprise, LLC, and Defendant California Capital and Investment Group  
3 (collectively, “Plaintiffs”) presently anticipate calling the witnesses listed below for live  
4 testimony during their case-in-chief. Plaintiffs reserve the right to call witnesses not listed below  
5 including any witnesses identified by the City of Oakland, to present the listed and/or additional  
6 witnesses by deposition, and to amend and supplement this list.

7 1. **Brown, Peter**—Plaintiffs’ Damages.

8 2. **Cappio, Claudia**—Interactions with plaintiffs and administration/development of  
9 the West Gateway Project and public improvements; Development Agreement; Lease.

10 3. **Cashman, Patrick**—Interactions with plaintiffs and development of West  
11 Gateway Project and public improvements.

12 4. **Kaplan, Rebecca**—Interactions with plaintiffs; City’s actions/inactions re West  
13 Gateway Project; Development Agreement; Lease Agreement; ACTC funding; City finances.

14 5. **Kennedy, Francis**—Interactions with plaintiffs; development of West Gateway  
15 Project and public improvements.

16 6. **Lake, Elizabeth**—Interactions with plaintiffs; Lease Disposition and  
17 Development Agreement; City Long Range Property Management Plan; Development  
18 Agreement; Lease; City’s actions/inactions re West Gateway Project; development of West  
19 Gateway Project and public improvements; City finances.

20 7. **McClure, Mark**—Interactions with City; Lease Disposition and Development  
21 Agreement; Development Agreement; Lease; City’s actions/inactions re West Gateway Project;  
22 development of West Gateway Project and public improvements; subleases; property  
23 management; financing; anticipated revenues.

24 8. **Monetta, John**—Interactions with plaintiffs; development of West Gateway  
25 Project and public improvements.


26 9. **Morodomi, Megan**—Interactions with City; development of West Gateway  
27 Project and public improvements.

28

- 1           10.    **Port of Oakland** - Interactions with City and Plaintiffs; development of West  
2 Gateway Project; all attempts to negotiate and execute with the City a Rail Access Agreement.
- 3           11.    **Schaaf, Libby**—Interactions with Plaintiffs; Lease Disposition and Development  
4 Agreement; Development Agreement; Lease; City’s actions/inactions re West Gateway Project;  
5 development of West Gateway Project and public improvements; City finances.
- 6           12.    **Sanders, Skyler**—Interactions with City; Lease Disposition and Development  
7 Agreement; Development Agreement; Lease; City’s actions/inactions re West Gateway Project;  
8 development of West Gateway Project and public improvements; subleases; property  
9 management; financing; anticipated revenues.
- 10          13.    **Stotka, Chris**—WOPR; rail infrastructure and operations.
- 11          14.    **Tagami, Phil**—Interactions with City; Lease Disposition and Development  
12 Agreement; Development Agreement; Lease; City’s actions/inactions re West Gateway Project;  
13 development of West Gateway Project and public improvements; subleases; property  
14 management; financing; City finances; grant programs; anticipated revenues.
- 15          15.    **Thronson, Eric**— Interactions with City; development of West Gateway Project  
16 and public and private improvements; grant programs and related compliance and reporting.
- 17          16.    **Wolff, Jim**—Development of West Gateway Project; sublease; financing.

18  
19 Dated: June 26, 2023

MANATT, PHELPS & PHILLIPS, LLP

20  
21 By:   
22 Barry W. Lee  
23 Attorneys for Plaintiffs  
24 CALIFORNIA CAPITAL &  
25 INVESTMENT GROUP, INC.,  
26 OAKLAND BULK AND OVERSIZED  
27 TERMINAL, LLC and OAKLAND  
28 GLOBAL RAIL ENTERPRISE, LLC