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Superior Court of California,
County of Alameda

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12 OAKLAND GLOBAL RAIL ENTERPRISE, LLC, *and Counter-*
Defendant CALIFORNIA CAPITAL & INVESTMENT GROUP

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

16 OAKLAND BULK AND OVERSIZED
TERMINAL, LLC, a California limited liability
17 company and OAKLAND GLOBAL RAIL
ENTERPRISE, LLC, a California limited
18 liability company,

19 Plaintiffs,

20 v.

21 CITY OF OAKLAND, a California municipal
corporation,

22 Defendant.

23 CITY OF OAKLAND,

24 Counter-Plaintiff,

25 v.

26 OAKLAND BULK AND OVERSIZED
TERMINAL, LLC, and CALIFORNIA
27 CAPITAL INVESTMENT GROUP, INC.

28 Counter-Defendants.

Consolidated Case Nos. RG18930929 /
RG20062473

Unlimited Civil Case / Assigned to
Judge Noël Wise, Dept. 514

**PLAINTIFFS' SUMMARY DAMAGES
TABLES**

Trial Date: July 10, 2023 (Phase 1)
November 28, 2023 (Phase 2)

1 Plaintiffs provide the following summary tables of the damages they seek during this phase
2 of trial. Plaintiffs seek two alternative damages remedy scenarios:

3 Scenario 1: an adjudication in which the Ground Lease remains in effect and Plaintiffs are
4 awarded specific performance as well as damages of approximately \$20 million for past damages
5 incurred from the time of breach up until the end of trial and issuance of the statement of decision
6 on damages (estimated December 31, 2023).

7 Scenario 2: an adjudication in which Plaintiffs are awarded damages of approximately \$159
8 million representing the actual direct damages that Plaintiffs suffered for the City's breaches
9 through the 66-year life of the Ground Lease.

10 Plaintiffs' summary damages tables are attached as **Exhibit A** and include three tables:

- 11 • The first table summarizes the damages Plaintiffs seek for the period from February
12 16, 2016 through the Federal Decision. Plaintiffs seek these damages under both
13 Scenario 1 and Scenario 2.
- 14 • The second table summarizes the damages Plaintiffs seek for the period from the
15 Federal Decision until this Court's issuance of the Statement of Decision on
16 damages. For purposes of the calculation, Plaintiffs use the end date December 31,
17 2023. Plaintiffs seek these damages under both Scenario 1 and Scenario 2.
- 18 • The third table summarizes the damages Plaintiffs seek after issuance of the
19 Statement of Decision (January 1, 2024) through the end of the Ground Lease in
20 February 2082. Plaintiffs seek these damages under Scenario 2 only.

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Date: November 27, 2023

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By: 

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EXHIBIT A

Exhibit A: Summary Damages Tables By Time Period

Damages Incurred for the Period February 16, 2016 through May 15, 2018 (Federal ruling)			
Category	Date Incurred	Amount	Description
Out-of-Pocket Damages	08/19/2016 - 05/15/2018	\$ 4,618,364	50% of Legal and Professional Fees incurred related to Federal trial
	Total, Rounded:	\$ 4,600,000	
Damages Incurred for the Period May 16, 2018 through December 31, 2023 (Estimated date of State ruling)			
Category	Date Incurred	Amount	Description
Out-of-Pocket Damages	05/16/2018 - 09/2020	\$ 331,740	50% of Legal and Professional Fees incurred related to Federal trial
Out-of-Pocket Damages	05/16/2018 - 11/2021	274,701	Payroll - Additional staff time and expenses incurred from the breach date through November 2021 due to the City's alleged breaches
Out-of-Pocket Damages	2022	5,000	Extra Costs due to Illegal Dumping - K-Rail Barriers
Out-of-Pocket Damages	10/2022 - 04/2023	37,982	Extra Costs due to Illegal Dumping - Repair & Maintenance
OBOT Actual Damages	06/2018 - 12/2023	19,300,000	Actual damages incurred by OBOT under the subleases with ITS and OGRE due to the City's alleged breaches
OGRE Actual Damages	06/2018 - 12/2023	(5,400,000)	Actual damages incurred by OGRE due to the City's alleged breaches
	Total, Rounded:	\$ 14,500,000	
Damages Incurred for the Period January 2024 through February 2082 (Master Lease expiration)			
Category	Date Incurred	Amount	Description
OBOT Actual Damages	01/2024 - 02/2082	90,500,000	Actual damages incurred by OBOT under the subleases with ITS and OGRE due to the City's alleged breaches
OGRE Actual Damages	01/2024 - 02/2082	50,000,000	Actual damages incurred by OGRE due to the City's alleged breaches
	Total:	\$ 140,500,000	