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

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

Nos.: RG18930929, RG20062473

(PROPOSED) JUDGMENT

Plaintiff,

v.

City of Oakland,

Defendant.

City of Oakland,

Counter-Plaintiff,

v.

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

Counter-
Defendant.

This is the Court’s proposed judgment. The Parties must submit any objections or comments (limited to two pages, excluding the caption page) to this proposed judgment by Friday, January 12, 2024, at 4:00 p.m., with courtesy copies delivered by email to Department 21. If any comments or objections are filed, the Court will determine whether to schedule a hearing for oral argument. (See Cal. R. Ct. 3.1590(k) (“The court may order a hearing on proposals or objections to a proposed statement of decision or the proposed judgment.”).)

1 * * *

2 This action came on regularly for trial in Department 514 of the Superior Court of
3 California, the Honorable Noël Wise, Judge, presiding. The Court bifurcated the issue of
4 liability and held a bench trial that began on July 10, 2023, and concluded on October 11,
5 2023. On November 22, 2023, the Court issued its Statement of Decision on liability in
6 which the Court found in favor of Oakland Bulk and Oversized Terminal, LLC and
7 Oakland Global Rail Enterprise LLC. The Court then held a bench trial on the issue of
8 damages that began on November 28, 2023, and concluded on December 1, 2023. On
9 December 22, 2023, the Court issued its Statement of Decision on damages awarding
10 Oakland Bulk and Oversized Terminal and Oakland Global Rail Enterprise either an
11 equitable or legal remedy.

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

15 Accordingly, the Court enters its judgment for Oakland Bulk and Oversized
16 Terminal and Oakland Global Rail Enterprise and against the City of Oakland as follows:

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

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

8 The Clerk will enter this judgment. The Clerk is directed to serve notice of entry of
9 the judgment to the parties.

10 IT IS SO ORDERED.

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12 Dated: January 8, 2024

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14 Noël Wise
15 Judge of the Superior Court
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