

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI. W
3/11/2025

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Joint Resolution with the Oklahoma City Municipal Facilities Authority approving settlement of the Workers' Compensation subrogation claim related to payment of medical bills paid pursuant to state law under Workers' Compensation against any proceeds recovered on behalf of Andrea Motley, arising out of injuries sustained in an automobile accident on September 21, 2023;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney concerning the above pending litigation, as authorized by 25 O.S. (2024 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the pending litigation in the public interest.

On or about September 21, 2023, a police officer who is employed by the City of Oklahoma City, Andrea Motley, received personal injuries due to an automobile collision which occurred when Yaleissa Higuera ran a red light, striking multiple vehicles at the intersection of SW 29th & Pennsylvania. The City of Oklahoma City and the OCMFA have currently paid \$45,225.51 in Workers' Compensation medical and associated expenses as a result of Andrea Motley's injuries.

The City of Oklahoma City and OCMFA are entitled, pursuant to 85A O.S. § 43, to seek recovery of Workers' Compensation expenses paid on behalf of Andrea Motley which resulted from this incident, and that are claims paid as the result of injuries caused by the negligent acts of third parties.

Counsel for Andrea Motley, Austin S. Pieratt, Esq., has entered into a settlement agreement with Yaleissa Higuera's insurance company in the amount of \$25,000, which represents Ms. Higuera's insurance policy limits. Andrea Motley has requested the City/OCMFA agree to a settlement of the subrogation claim for the amount that the City/OCMFA is entitled by statute, 85A O.S. § 43 - \$8,333.33, as payment in full for its Workers' Compensation subrogation lien. The other monies available will be used for attorney's fees and compensation for Ms. Motley's additional damages.

The Municipal Counselor's Office has reviewed the file and based upon the facts of this case, and the related case law, it is the recommendation of this office that the City/OCMFA settle this subrogation claim for \$8,333.33.

By prior Joint Resolution of The City of Oklahoma City and the Oklahoma City Municipal Facilities Authority, the Municipal Counselor, or his designee, has been granted authority to settle and subrogate paid Workers' Compensation Subrogation claims that are in the amount of \$40,000 or less. The City's subrogation interest in this claim exceeds this amount. Therefore, the City

Council and OCMFA must vote whether to approve the settlement of subrogation.

If Council or OCMFA Trustees desire to further discuss the merits of this case, it is the recommendation and advice of the Municipal Counselor that the Council/Authority retire to executive session as permitted by 25 O.S. (2024 Supp.) § 307(B)(4), to discuss the issues and resolution of this case. However, if Council/Trustees agree with the recommendation of this office, a Resolution approving the settlement of the subrogation claim and authorizing the Municipal Counselor to take any appropriate action to settle the subrogation interest has been prepared for Council's consideration and approval.