

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

Council Agenda
Item No. XI. Q
11/5/2024

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Resolution authorizing the Municipal Counselor to confess Judgment without admitting liability in the case of *Robert Malmberg v. City of Oklahoma City*, Oklahoma County District Court, Case No. CJ-2022-4919;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding settlement discussions in this case as authorized by 25 O.S. (2023 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the litigation with settlement discussion in the public interest.

On October 4, 2022, Plaintiff filed this lawsuit against the City of Oklahoma City alleging a negligence cause of action resulting in personal injuries and lost wages arising from a January 24, 2022, traffic collision between a vehicle driven by Plaintiff, and an Oklahoma City Police Department vehicle driven by an on-duty police officer with his emergency lights and sirens engaged. Plaintiff's counsel has provided supporting documentation for personal injuries and lost wages to the City in the amount \$44,583.00. Plaintiff's original demand was \$175,000. The Plaintiff is represented by attorneys M. Blake Yaffe, D. Eliot Yaffe and S. Alex Yaffe. The City is represented by Assistant Municipal Counselors Linda Samuel-Jaha and Sherri Katz.

Investigation into this accident shows that on Monday, January 22, 2022, at approximately 2:00 in the afternoon, Plaintiff and the Police Officer were traveling southbound on Anderson Road, when the Officer sees a vehicle speeding northbound. The Officer engages his emergency equipment and attempts to make a U-turn and collides into the driver's side of Plaintiff's vehicle.

As a result of this accident, Plaintiff alleges injuries to his neck, back, elbows, knees, wrist, and shoulder, requiring surgery to his left shoulder to repair a rotator cuff tear, shoulder impingement and torn cartilage in his shoulder joint.

Plaintiff's attorney and counsel for the City have engaged in settlement negotiations. After negotiations, Counsel for the City has agreed to recommend \$85,000, as full and final settlement of all aspects of City's involvement in this litigation, including any future medical expenses. Plaintiff, through his counsel, has agreed to accept this amount.

It is the recommendation of this office that the Mayor and Council authorize the Municipal Counselor to confess judgment in favor of Plaintiff without admitting liability in this case in the amount of \$85,000. If Council would like more information regarding this case, it is the recommendation of the Municipal Counselor that Council retire into executive session with the Municipal Counselor to receive confidential communications with its attorney regarding this possible settlement.