

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

Council Agenda
Item No. XI. AB
01/30/2024

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney concerning the case of *James Chaney and Melanie Chaney v. City of Oklahoma City, et al.*, in the District Court of Oklahoma County, CJ-2022-1983 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 discussions in the public interest.

Plaintiffs James and Melanie Chaney allege on February 17, 2021, they experienced a wastewater flood at their residence at 2320 East Overholser Court. Plaintiffs alleged this flood was caused by a series of events in the which the subzero temperatures froze the fire suppression system at Putnam City West High School, causing a leak which overloaded the City's nearby lift station, allegedly leading to a wastewater flood at Plaintiffs' residence. Plaintiffs further allege the City did not timely respond to the wet well alarm alerting the City to the overloaded lift station. Plaintiffs filed this lawsuit naming both the City and Putnam City Public Schools as defendants. On December 20, 2023, Judge Ogden granted the School District's Motion for Summary Judgment but denied the City's. Plaintiff James Chaney is represented by himself and Michelle Campney. Ms. Campney also represents Plaintiff Melanie Chaney. The City is represented by Assistant Municipal Counselors Katie Goff and Benjamin Rose.

The parties have been court ordered to participate in a mediation which is currently scheduled for February 12, 2024. This matter has further been set for a jury trial on April 22, 2024 before Judge Richard Ogden.

It is the recommendation of this office Council retire into Executive Session to further discuss this case.