

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

Council Agenda
Item No. XI. S
2/13/2024

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 *Catonya Cospers v. The City of Oklahoma City, and Elkhorn Capital Partners, LLC d/b/a Quail Plaza Apartments*, Oklahoma County District Court Case No. CJ-2023-1746;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding settlement of 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 discussions in the public interest.

On March 30, 2023, Plaintiff, represented by Jim Buxton, filed a Petition in the above action against The City of Oklahoma City and Elkhorn Capital Partners, LLC. The Plaintiff's claims of negligence and nuisance arise from multiple wastewater floods allegedly occurring on January 2022, August 12, 2022, August 20, 2022, August 21, 2022, August 28, 2022, September 13, 2022, and September 16, 2022, at her apartment residence located at Quail Plaza Apartments, 11002 North May Avenue, Apartment #112, in Oklahoma City.

The parties engaged in discovery, and City's counsel confirmed the Plaintiff had repeated backups in her apartment unit on the alleged dates. Plaintiff's documented property damage totals approximately \$6,350.00 Plaintiff also sought and provided support for an individual nuisance cause of action, including the costs, annoyance, and discomfort of being temporarily displaced from her home. The monetary value of nuisance would be a question for the jury and is subject to the personal injury limits of the Governmental Tort Claims Act.

The City of Oklahoma City, through Assistant Municipal Counselors Benjamin Rose and Katie Goff, negotiated a settlement with the Plaintiff's counsel wherein this office agreed to recommend settlement of all Plaintiff's causes of action in the matter in the amount \$20,000.00. This settlement is subject to the approval of the City Council.

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. A Resolution authorizing the Municipal Counselor to prepare, execute, and file the necessary paperwork is attached. 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.