

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

Council Agenda
Item No. IX. AB.1&2
8/16/2022

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Resolution authorizing the Municipal Counselor to confess judgment without admitting liability in the District Court of the State of Oklahoma, case styled *Caleb T. Berkley. v. The City of Oklahoma City*, Case No. CJ-2021-4383;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding the above pending litigation as authorized by 25 O.S. (2021) §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the litigation in the public interest.

In the above lawsuit, Plaintiff Caleb T. Berkley, filed suit against the City of Oklahoma City alleging negligence on the part of the City of Oklahoma City. The allegation is that on or about December 22, 2020, a city vehicle operated by the Animal Welfare Division, struck a vehicle from the rear in which the Plaintiff was the driver. As a result, the Plaintiff sustained grievous injuries and incurred substantial losses. Liability was determined to lay on the shoulders of the City. Mr. Berkley claimed injuries to his neck and back as well as other related injuries. Over the past two years, Mr. Berkley has incurred substantial medical bills related to his treatment greater than the settlement amount. This proposed settlement is for an amount that covers medical bills and costs Mr. Berkley has incurred.

This case has been set for Pre Trial-Conference September 7, 2022. Discovery has progressed and as a result, settlement negotiations have ensued. On July 28, 2022, the parties reached a settlement agreement in the amount of Eighty-Two Thousand Five Hundred dollars (\$82,500.00) in exchange for dismissal of all claims, with prejudice, against Defendant City of Oklahoma City.

The Plaintiff is represented by Caleb Redman of Parish Devaughn. The city is represented by Jeramy W. Jarman and Thomas L. Tucker, Assistant Municipal Counselors.

It is the recommendation of this office that the Council approve the settlement as stated above. If Council agrees, a Resolution authorizing the Municipal Counselor to prepare, execute, and file the necessary paperwork is attached. If Council desires more information regarding the merits of this case, it is the recommendation of this office that the Council enter into Executive Session.