

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

Council Agenda
Item No. XI. X
4/9/2024

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 *Margaret Rose Tucker v. City of Oklahoma City*, Oklahoma County District Court, Case No. CJ-2022-5563;

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 November 14, 2022, Plaintiff filed this lawsuit against the City of Oklahoma City alleging a negligence cause of action resulting in personal injuries arising from a September 18, 2021, fall after stepping on a plastic water meter lid located on a sidewalk at North Classen Boulevard between NW 23rd and NW 24th Street. Plaintiff has alleged damages in excess of \$75,000. Plaintiff's counsel has provided supporting documentation for personal injuries to Plaintiff in the amount \$15,923.17. The Plaintiff is represented by attorney Mark W. Albert. The City is represented by Assistant Municipal Counselors Linda Samuel-Jaha and Zachary A. Waldroup.

Investigation into this incident shows that on the morning of September 18, 2021, while walking to catch the City bus, Plaintiff alleges her leg fell through a plastic water utilities cover at 2419 NW Classen causing her to sustain personal injuries. Upon the arrival of EMSA and OKC fire engine E5, abrasions to Plaintiff's left leg were addressed, wood was placed vertically in the hole and caution tape was placed around the hole left by the broken utilities cover. E5 notified dispatch about the utilities cover and requested the water department be notified. As a result of her fall, Plaintiff was injured and received medical care to include X-rays, CT scans, medication, treatment for a deep hematoma of her left tibia and nerve contusions.

Plaintiff and counsel for the City have engaged in settlement negotiations. Counsel for the City has agreed to recommend \$25,000, as full, and final settlement of all aspects of City's involvement in this litigation, including but not limited to, any future medical expenses. Plaintiff, through her 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 \$25,000. 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.