

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

Council Agenda
Item No. XI. Z
1/30/2024

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 *Michael Aaron Krause, Special Administrator of the Estate of Max Krause, Jr, Deceased v. City of Oklahoma City*, in the District Court of Oklahoma County, CJ-2021-5;

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.

Plaintiff Michael Krause, Special Administrator of the Estate of Max James Krause, Jr., alleges an Oklahoma City Police Officer acted negligently in a collision involving an OCPD vehicle and a bicycle ridden by Max Krause, Jr. Plaintiff alleges on August 21, 2019, around 10:30 PM, an OCPD officer struck Mr. Krause's bicycle on West Hefner Road near Dorothy Drive in the outside lane. This collision resulted in the death of Mr. Krause. The Plaintiff is represented by Luke Abel. The City is represented by Assistant Municipal Counselors Richard Mann and Katie Goff.

After extensive discovery in anticipation of a jury trial on January 22, 2024, the parties engaged in settlement negotiations wherein this office has agreed to recommend and Plaintiff has agreed to accept, as settlement of all aspects of this lawsuit, \$125,000.

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.