

JOINT RESOLUTION

JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY APPROVING SETTLEMENT OF THE WORKERS' COMPENSATION SUBROGATION CLAIM RELATED TO PAYMENT OF MEDICAL BILLS PAID PURSUANT TO STATE LAW UNDER WORKERS' COMPENSATION AGAINST ANY PROCEEDS RECOVERED ON BEHALF OF ANDREA MOTLEY, ARISING OUT OF INJURIES SUSTAINED IN AN AUTOMOBILE ACCIDENT ON SEPTEMBER 21, 2023.

WHEREAS, on or about September 21, 2023, Andrea Motley, a police officer who is employed by the City of Oklahoma City, received personal injuries due to an automobile collision. The injuries occurred when Yaleissa Higuera ran a red light, striking multiple vehicles at the intersection of SW 29th & Pennsylvania. The City of Oklahoma City and the OCMFA have currently paid \$45,225.51 in Workers' Compensation medical and associated expenses as a result of Andrea Motley's injuries.; and

WHEREAS, the City of Oklahoma City has its own risk certificate for workers compensation coverage; and

WHEREAS, the City of Oklahoma City and the OCMFA have currently paid \$45,225.51 in Workers' Compensation medical and associated expenses as a result of Andrea Motley's injuries; and

WHEREAS, the City of Oklahoma City and the OCMFA are entitled, pursuant to 85A O.S. § 43, to seek recovery of Workers' Compensation expenses paid on behalf of Andrea Motley which resulted from this incident, and that are claims paid as the result of injuries caused by the negligent acts of third parties; and

WHEREAS, Counsel for Andrea Motley, Austin S. Pieratt, Esq., has entered into a settlement agreement with Yaleissa Higuera's insurance company in the amount of \$25,000, which represents Ms. Higuera's insurance policy limits, and Andrea Motley has requested the City of Oklahoma City/OCMFA agree to a settlement of the subrogation claim for medical expenses, in the amount that the City of Oklahoma City/OCMFA is entitled by statute, 85A O.S. § 43 - \$8,333.33, as payment in full for its Workers' Compensation subrogation lien, and the other monies available will be used for attorney's fees and compensation for Ms. Motley's additional damages; and

WHEREAS, the City of Oklahoma City and the Trustees of the Oklahoma City Municipal Facilities Authority have been fully informed of the facts and issues surrounding the subrogation claim for medical expenses incurred on behalf of Andrea Motley, and her claim for Workers Compensation benefits arising from injuries caused by this incident during her employment will

remain at issue; and

WHEREAS, COTPA and the OCMFA have processed and paid medical claims to date in the amount of \$45,225.51, which amount exceeds the settlement authority granted to the Municipal Counselor's Office in an earlier joint resolution of the City Council and OCMFA; and

WHEREAS, the City of Oklahoma City and Trustees of the Oklahoma City Municipal Facilities Authority, after considering all the relevant facts herein, believe it is in the best interest of the City of Oklahoma City/OCMFA to authorize the Municipal Counselor, or his designee, to settle the City's pending subrogation claim.

NOW, THEREFORE, BE IT RESOLVED by the City of Oklahoma City and by the Chairman and Trustees of the Oklahoma City Municipal Facilities Authority that the settlement of the subrogation interest held by The City of Oklahoma City in the amount of \$8,333.33 from insurance proceeds recovered for medical expenses paid on behalf of Andrea Motley resulting from the September 21, 2023 automobile collision is hereby approved, that the City of Oklahoma City and OCMFA reserve all rights under 85A O.S. § 43 for recoupment before the Workers' Compensation Commission, and that the Municipal Counselor, or his designee, is authorized to take any appropriate action to settle the pending subrogation claim.

ADOPTED BY THE TRUSTEES AND APPROVED BY THE MAYOR OF THE CITY OF OKLAHOMA CITY this 11TH day of MARCH, 2025.

ATTEST:


City Clerk


THE CITY OF OKLAHOMA CITY


Mayor

ADOPTED BY THE TRUSTEES AND APPROVED BY THE CHAIRMAN OF THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY this 11TH day of MARCH, 2025.

ATTEST:


Secretary


OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY


Chairman

REVIEWED for form and legality.



Assistant Municipal Counselor