

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

Council Agenda
Item No. XI. T
11/5/2024

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Resolution authorizing the Municipal Counselor not to appeal the Journal Entry of Judgment of the small claims court in the case of *Eric Andrews v. City of Oklahoma City*, Oklahoma County District Court, Case No. SC-2024-14272, and authorizing payment in the amount of \$1,222.01;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding this lawsuit payment 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 discussion in the public interest.

On August 21, 2024, Plaintiff filed the above-referenced small claims lawsuit alleging that claimant's vehicle was damaged on September 19, 2023, when it struck a large pothole while traveling at or near 14901 North Kelly in Oklahoma City. Damages are alleged in the total amount of \$2,812.00, the cost of tire replacement, repairs, front end alignment, lost wages and court costs. This amount is supported by documentation.

Claimant's original claim regarding this matter was administratively closed without a recommendation for payment due in significant part to the initial information regarding the lack of prior notice; however, pictures of the location of the incident show a large portion of the road missing, with prior repair of the road evident. Ultimately, claimant filed a small claims lawsuit regarding his claim, requesting to be awarded \$2,812.00 and court costs. Claimant was awarded \$1,152.60 in damages as well as \$69.41 court costs, for a total of \$1,222.01. The City is not asking for authorization to appeal or attempt to vacate this Journal Entry of Judgment.

It is, therefore, the recommendation of this office that Council authorize the Municipal Counselor not to appeal the Journal Entry of Judgment entered by the small claims court and authorize payment in the case of *Eric Andrews v. The City of Oklahoma City* in the amount of \$1,222.01. If Council desires more information, it is the recommendation of this office that it retire into executive session with the Municipal Counselor.