

JOINT RESOLUTION

JOINT RESOLUTION OF THE CENTRAL OKLAHOMA TRANSPORTATION AND PARKING AUTHORITY 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 MAETTA WILSON, ARISING OUT OF INJURIES SUSTAINED IN AN AUTOMOBILE ACCIDENT ON MARCH 22, 2022.

WHEREAS, on or about March 22, 2022, Maetta Wilson, an Embark bus driver who is employed by the Central Oklahoma Transportation and Parking Authority (COTPA), received personal injuries due to an automobile collision; and

WHEREAS, the injuries occurred when Alberto Cardona attempted to change lanes to avoid striking a stopped vehicle in the inside lane, striking both the Embark bus in the outside lane and the stopped vehicle that was in the inside lane; and

WHEREAS, COTPA, doing business as Embark, is a public trust included on the City's own risk certificate for workers compensation coverage; and

WHEREAS, COTPA and the OCMFA have currently paid \$44,964.89 in Workers' Compensation medical and associated expenses as a result of Maetta Wilson's injuries; and

WHEREAS, COTPA and the OCMFA are entitled, pursuant to 85A O.S. § 43, to seek recovery of Workers' Compensation expenses paid on behalf of Maetta Wilson 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 Maetta Wilson, Peter J. Ram, Esq., has entered into a settlement agreement with Alberto Cardona's insurance company in the amount of \$25,000, which represents Mr. Cardona's insurance policy limits, and Maetta Wilson has requested the COTPA/OCMFA agree to a settlement of the subrogation claim for medical expenses, in the amount that the COTPA/OCMFA is entitled by statute, 85A O.S. § 43 - \$10,000, 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. Wilson's additional damages; and

WHEREAS, the Trustees of the Central Oklahoma Transportation and Parking Authority 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

Maetta Wilson, 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 \$44,964.89, 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 Trustees of the Central Oklahoma Transportation and Parking Authority 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 OCMFA/COTPA to authorize the Municipal Counselor, or his designee, to settle the City's pending subrogation claim. Maetta Wilson's claim for injuries to her body against COTPA remain at issue.

NOW, THEREFORE, BE IT RESOLVED by the Chairman and Trustees of the Central Oklahoma Transportation and Parking Authority 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 \$10,000 from insurance proceeds recovered for medical expenses paid on behalf of Maetta Wilson resulting from the March 22, 2022 automobile collision is hereby approved, that OCMFA and COTPA 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 CHAIRMAN OF THE CENTRAL OKLAHOMA TRANSPORTATION AND PARKING AUTHORITY this 4 day of August, 2023.

ATTEST:



[Signature] Secretary [Signature] Chairman

ADOPTED BY THE TRUSTEES AND APPROVED BY THE CHAIRMAN OF THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY this 15TH day of AUGUST, 2023.

ATTEST:

OKLAHOMA CITY MUNICIPAL FACILITIES
AUTHORITY

Amy K. Simpson
Secretary



David Holt
Chairman

REVIEWED for form and legality.

Anthony Williams
Assistant Municipal Counselor