

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

Council Agenda
Item No. XI. W
8/13/2024

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 *Vanessa House Beer Co., L.L.C. v. The City of Oklahoma City*, in the District Court of Oklahoma County, State of Oklahoma Case No. CJ-2022-1375;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney concerning the above pending litigation, 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 pending litigation in the public interest.

Background:

In the above case, Plaintiff Vanessa House Beer Co., L.L.C., alleges inverse condemnation of its place of business located at 118 NW 8th Street in Oklahoma City. Specifically, it is alleged that a street resurfacing project on NW 8th Street encountered numerous delays lasting approximately 13 months, during which time Plaintiff allegedly experienced a significant loss of business due to patrons having difficulty accessing the premises. As part of its defense, the City is claiming breach of contract, negligence, and indemnification against independent contractors A-Tech Paving and CEC Corporation.

Vanessa House Beer Co. L.L.C., is represented by attorneys James Johnson and Russell Wantland of Resolution Legal Group. The City of Oklahoma City is represented by Assistant Municipal Counselors Dustin Parris and Steven Barker. A-Tech Paving is represented by attorneys Robert Skeith and George Emerson of Riggs, Abney, Neal, Turpen, Orbison & Lewis. CEC Corporation is represented by attorneys Bradley Donnell and R. Cooper Black of McAfee & Taft, PC.

On July 24, 2024, the parties attended mediation before mediator Timothy Martin of DeWitt, Paruolo & Meek, PLLC.

The City reached a tentative settlement of this case for a total sum of \$60,000, with all parties bearing their own costs, expenses and attorney fees.

If Council agrees to the settlement proposal, a resolution authorizing and directing the Municipal Counselor to enter into an agreed settlement and journal entry of judgment for a total amount of \$60,000 is submitted herewith for the Council's approval.

If Council should desire more information as to the merits of this case, it is the recommendation of this office that Council retire into executive session.