

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

Council Agenda
Item No. XI. X
12/31/2024

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 *Alisha Coulter and Justin Coulter, both as individuals and on behalf of J.C., J.C., and J.C., all minors v. City of Oklahoma City*, Oklahoma County District Court, Case No. CJ-2024-235;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding settlement discussions in this case as authorized by 25 O.S. (2024 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the litigation with settlement discussion in the public interest.

On January 12, 2024, Plaintiffs filed this lawsuit against the City of Oklahoma City alleging a negligence cause of action resulting in property damage and personal injuries arising from their vehicle driving over an uncovered wastewater manhole located at 2110 Southeast 59th Street on July 4, 2023, at approximately 10:00 p.m. Plaintiffs' counsel has provided supporting medical documentation for personal injuries to Plaintiffs in an amount in excess of \$20,000. Plaintiffs' counsel made a final demand of \$57,500. Plaintiffs' property damage was covered by insurance. The Plaintiffs are represented by attorney, William F. Johnston. The City is represented by Assistant Municipal Counselors Linda Samuel-Jaha and Sherri Katz.

Investigation into this incident shows that on Tuesday, July 4, 2023, at approximately 10:00 p.m., Plaintiffs were traveling westbound on Southeast 59th Street in the outside westbound lane in Oklahoma City. The Oklahoma City wastewater manhole cover located just west of south Eastern Avenue was off the manhole. Plaintiff Alisha Coulter ran over the open manhole damaging the tires of their vehicle. As a result of this incident, Plaintiff Alisha Coulter alleges she suffered cervical and lumbar strains to her back. Plaintiff Justin Coulter alleges he suffered a cervical and thoracic strain. Plaintiff J.C. (minor #1) alleges he suffered with headaches and low back pain. Plaintiff J.C. (minor #2) alleges he suffered from lower back pain and Plaintiff J.C. (minor #3) alleges he suffered from thoracic pain and headaches as a result of this incident. All Plaintiffs received conservative medical treatment for their alleged injuries including anti-inflammatories, muscle relaxers and physical therapy.

Plaintiffs' counsel and counsel for the City have engaged in settlement negotiations. Counsel for the City has agreed to recommend \$35,000, as full and final settlement of all aspects of City's involvement in this litigation, including any future medical expenses. Plaintiffs, through their counsel, have agreed to accept this amount.

It is the recommendation of this office that the Mayor and Council authorize the Municipal Counselor to confess judgment in favor of Plaintiffs without admitting liability in this case in the amount of \$35,000. 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.