

2. No action.

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

Council Agenda  
Item No. XI. Y  
1/30/2024

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 *Tammy Agnello v. City of Oklahoma City*, Oklahoma County District Court, Case No. CJ-2023-2066;

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. (2023 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 April 14, 2023, Plaintiff filed this lawsuit against the City of Oklahoma City alleging a negligence cause of action resulting in personal injuries arising from a November 12, 2021, traffic collision between Plaintiff and an Oklahoma City Developmental Services' vehicle driven by City employee, Ronald Churchill. Plaintiff's counsel has provided supporting documentation for personal injuries to Plaintiff in the amount \$55,216. The Plaintiff is represented by attorney Christian M. Zeaman. The City is represented by Assistant Municipal Counselors Linda Samuel-Jaha and Zachary Waldroup.

Investigation into this accident shows that on Sunday, November 12, 2021, Plaintiff was traveling northbound on North May Avenue at Northwest 192<sup>nd</sup> Street and North May Avenue. Plaintiff stopped and then proceeded from a four way stop. Mr. Churchill, traveling westbound on North May Avenue, approached the stop sign at the intersection of Northwest 192<sup>nd</sup> Street and failed to stop, colliding into the vehicle driven by the Plaintiff. As a result of this accident Plaintiff alleges injuries to her neck and lower back to include disc protrusion at C3/4 and C4/5 and facet arthropathy at C5/6 and C6/7. Plaintiff received cervical epidural steroid injections and it has been recommended that she move forward with a cervical facet joint surgery.

Plaintiff and counsel for the City have engaged in settlement negotiations. Counsel for the City has agreed to recommend \$71,500, as full and final settlement of all aspects of City's involvement in this litigation, including any future medical expenses. Plaintiff, through her counsel, has 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 Plaintiff without admitting liability in this case in the amount of \$71,500. 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.