

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

Council Agenda
Item No. XI. V
11/19/2024

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Resolution authorizing the Municipal Counselor to confess judgment without admission of liability in the case of *Dillon Reeder, Individually, and TKJ Classen Group, LLC v. The City of Oklahoma City*, Oklahoma County District Court, Case No. CJ-2024-1620;

AND/OR

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

Plaintiffs in this case are an LLC being the owner of an office building located at 1330 North Classen Boulevard, and its managing member. Plaintiffs allege, on April 14, 2023, and on November 14, 2023, they experienced a wastewater flood on the bottom floor of the property. Plaintiffs allege the City was negligent in maintaining its wastewater lines, which caused two separate floods of the property. Plaintiffs further allege the city performed no preventative maintenance on the 117-year-old wastewater line until after the first sewer backup on April 14, 2023. Plaintiffs filed this lawsuit alleging property damages for both wastewater floods exceeding \$200,000. Plaintiffs also allege over \$50,000 in lost rental income, for a total demand amount of \$550,000.

Plaintiffs are represented by Logan Turner. The City is represented by Assistant Municipal Counselors Benjamin Rose and Sherri Katz. On July 11, 2024, parties participated in a court ordered mediation but did not reach a settlement agreement. On August 9, 2024, Judge Stinson denied City's Partial Motion for Summary Judgement to limit the action to one plaintiff. After negotiations with Plaintiffs' counsel, this office has agreed to recommend settlement of all Plaintiffs' causes of action against the City in this matter in the amount of \$275,000.

It is the recommendation of this office that the Council approve the settlement as stated above. If Council agrees, a Resolution authorizing the Municipal Counselor to prepare, execute, and file the necessary paperwork is attached. If Council desires more information regarding the merits of this case, it is the recommendation of this office that the Council enter into Executive Session.