

THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR

Council Agenda
Item No. XI. Y
3/11/2025

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 *Tenluke Property, 609 W. Memorial, LLC, Tenluke Management, LLC, 1Peter411, LLC, Crossway Medical Clinic W. Memorial, PLLC, 1Corinthians1558, PLLC, Stuart W. Schrader, D.O., Genesis 8, LLC; Jeffrey Floyd, MD, Corlee Foot & Anke, LLC, Bryce Corlee, DPM, AACFAS, Darren Elenburg, DPM, P.C., Darren Elenburg, DPM, FACFAS, v. City of Oklahoma City*, in the District Court of Oklahoma County, Case Number CJ-2024-3921

AND/OR

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

Plaintiffs Tenluke Property, 609 W. Memorial, LLC, Tenluke Management, LLC, 1Peter411, LLC, Crossway Medical Clinic W. Memorial, PLLC, 1Corinthians1558, PLLC, Stuart W. Schrader, D.O., Genesis 8, LLC; Jeffrey Floyd, MD, Corlee Foot & Anke, LLC, Bryce Corlee, DPM, AACFAS, Darren Elenburg, DPM, P.C., Darren Elenburg, DPM, FACFAS, allege they experienced a wastewater flood at their business, Crossway Medical Center, located at 609 W. Memorial Rd, Oklahoma City, OK. Plaintiffs alleged this flood was caused by a series of events in which waste and sewer water backed up and into their joint business space on both September 30 and October 4, 2023. Plaintiffs further allege the City did not maintain and operate the City's sewer system properly and that the City did not timely address or curtail the flooding. Plaintiffs filed this lawsuit naming the City of Oklahoma City on June 17, 2024. The matter is currently set for a Pre-Trial Conference before the Honorable Judge Dishman on April 29, 2025, and the parties have been ordered to participate in mediation prior to the Pre-Trial Conference.

Prior to court ordered mediation, counsel for the City agreed to recommend, and counsel for Plaintiffs agreed to accept, \$465,000 as full and final settlement of all claims of all Plaintiffs in this matter: TenLuke Property, 609 W. Memorial, LLC, Tenluke Management, LLC, 1Peter411, LLC, Crossway Medical Clinic W. Memorial, PLLC, 1Corinthians1558, PLLC, Stuart W. Schrader, D.O., Genesis 8, LLC; Jeffrey Floyd, MD, Corlee Foot & Anke, LLC, Bryce Corlee, DPM, AACFAS, Darren Elenburg, DPM, P.C., Darren Elenburg, DPM, FACFAS

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. A Resolution authorizing the Municipal Counselor to prepare, execute, and file the necessary paperwork is attached. 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.