

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

Council Agenda
Item No. XI. S
3/12/2024

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 *James Chaney and Melanie Chaney v. City of Oklahoma City, et al.*, in the District Court of Oklahoma County, CJ-2022-1983;

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. (2023 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 James and Melanie Chaney allege, on February 17, 2021, they experienced a wastewater flood at their residence at 2320 East Overholser Court. Plaintiffs alleged this flood was caused by a series of events in the which the subzero temperatures froze the fire suppression system at Putnam City West High School, causing a leak which overloaded the City's nearby lift station, allegedly leading to a wastewater flood at Plaintiffs' residence. Plaintiffs further allege the City did not timely respond to the wet well alarm alerting the City to the overloaded lift station. Plaintiffs filed this lawsuit naming both the City and Putnam City Public Schools as defendants, alleging damages which exceed \$475,000. On December 20, 2023, Judge Ogden granted the School District's Motion for Summary Judgment but denied the City's. Plaintiff James Chaney is represented by himself and Michelle Campney. Ms. Campney also represents Plaintiff Melanie Chaney. The City is represented by Assistant Municipal Counselors Katie Goff and Benjamin Rose.

On February 12, 2024, the remaining parties participated in a court ordered mediation, but did not reach a settlement agreement that day. However, after the mediation, counsel negotiated a settlement wherein this office agreed to recommend settlement of all Plaintiffs' causes of action against the City in this matter in the amount of \$195,000.

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. 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.