

2. No action.

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

Council Agenda
Item No. XI. AA
01/30/2024

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 *Dorian Quillen v. City of Oklahoma City and Bishop Construction LLC*, in the District Court of Oklahoma County, *CJ-2022-206* and to waive potential indemnification against Bishop Construction LLC related to this action;

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.

Plaintiff Dorian Quillen alleges on May 15, 2021, she rode her bicycle onto a closed portion of the recently relocated, but not yet open to the public, West River Trail, near South Council Road and Interstate 40. Plaintiff alleges several minutes into the bike ride, her bicycle became entangled in a strip of yellow construction tape, placed along the trail with two orange traffic cones which caused her to fall and injure herself. Plaintiff alleges negligence on behalf of Oklahoma City for failure to warn of “hidden” dangers. Plaintiff has asserted the same allegations against Defendant Bishop Construction: the contractor who constructed the portion of the trail where Plaintiff alleges she was injured and the contractor who placed the cones and tape. Plaintiff alleges damages which exceed \$250,000, to include medical bills and lost wages. The Plaintiff is represented by Linda McGuire and Kent McGuire. The City is represented by Assistant Municipal Counselors Katie Goff and Benjamin Rose. Bishop Construction is represented by Tom Paruolo and Logan Turner.

On January 9, 2024, the parties attended a court ordered mediation where the City of Oklahoma City, through Assistant Municipal Counselors Katie Goff and Linda Samuel-Jaha, negotiated a settlement with the Plaintiff’s counsel wherein this office agreed to recommend settlement of all Plaintiffs’ causes of action against the City in the matter in the amount \$35,000.

Bishop Construction, through its attorneys, also reached a resolution to this matter. As part of this negotiation, counsel for the City further agreed to recommend that the City not seek indemnification from Bishop or otherwise attempt to collect from Bishop related to this matter.

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.