

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

Council Agenda  
Item No. XI. Y  
9/26/2023

**TO:** The 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 *Charlotte Rosko, Victoria Rosko, and William Rosko, individually v. The City of Oklahoma City* in the Oklahoma County District Court Case No. CJ-2022-4166;

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. § 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.

On November 30, 2022, Plaintiffs, represented by Jim Buxton, filed an Amended Petition in the above action against The City of Oklahoma City. Plaintiffs' claims of negligence and nuisance arise from multiple wastewater floods allegedly occurring on June 27, 2021 and April 11, 2022 at their residence at 2817 NW 157th Street.

The parties engaged in discovery and City's counsel confirmed, despite an initial finding the alleged initial flooding at Plaintiffs' property was caused by rain fall, it may have caused by a grease blockage. Plaintiffs' alleged property damages associated with the wastewater floods is approximately \$40,000. Each Plaintiff has also submitted evidence to support individual nuisance causes of action, including the alleged ongoing inconvenience of having sewage in the home as well as PTSD and other ongoing stress. The monetary value of nuisance would be a question for the jury and is subject to the personal injury limits of the Governmental Tort Claims Act.

The City of Oklahoma City, through Assistant Municipal Counselors Katie Goff and Benjamin Rose, negotiated a settlement with the Plaintiffs' counsel wherein this office agreed to recommend settlement of all Plaintiffs' causes of action in the matter in the amount \$183,000. Per Plaintiffs' counsel, a backflow preventer has already been installed at the subject property. This settlement is subject to the approval of the City Council.

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.