

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

Council Agenda
Item No. XI. S
5/20/2025

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Joint Resolution with the Oklahoma City Municipal Facilities Authority approving settlement of the Workers' Compensation subrogation claim related to payment of medical bills paid pursuant to state law under Workers' Compensation against any proceeds recovered on behalf of Floyd Tiger, arising out of injuries sustained in an automobile accident on February 15, 2024;

AND/OR

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

On or about February 15, 2024, a City of Oklahoma City employee, Floyd Tiger, received personal injuries due to an automobile collision which occurred when Torrie Curtis rear-ended Mr. Tiger at the intersection of SW 44th & Pennsylvania. The City of Oklahoma City and the OCMFA have currently paid \$131,866.76 in Workers' Compensation medical and associated expenses as a result of Floyd Tiger's injuries.

The City of Oklahoma City and OCMFA are entitled, pursuant to 85A O.S. § 43, to seek recovery of Workers' Compensation expenses paid on behalf of Floyd Tiger which resulted from this incident, and that are claims paid as the result of injuries caused by the negligent acts of third parties.

Floyd Tiger has entered into a settlement agreement with Torrie Curtis' insurance company in the amount of \$25,000, which represents Ms. Curtis' insurance policy limits. Floyd Tiger has requested the City/OCMFA agree to a settlement of the subrogation claim for the entire amount of the liability policy - \$25,000, as payment in full for its Workers' Compensation subrogation lien. Furthermore, the insurance company in question, American Farmers & Ranchers has filed an Interpleader Action in the District Court of Oklahoma with a hearing set for June 30, 2025 where the Court will rule on the distribution of funds.

The Municipal Counselor's Office has reviewed the file and based upon the facts of this case, and the related case law, it is the recommendation of this office that the City/OCMFA settle this subrogation claim for \$25,000, accept such payment and strike the hearing set for June 30, 2025.

By prior Joint Resolution of The City of Oklahoma City and the Oklahoma City Municipal Facilities Authority, the Municipal Counselor, or his designee, has been granted authority to settle and subrogate paid Workers' Compensation Subrogation claims that are in the amount of \$40,000

or less. The City's subrogation interest in this claim exceeds this amount. Therefore, the City Council and OCMFA must vote whether to approve the settlement of subrogation.

If Council or OCMFA Trustees desire to further discuss the merits of this case, it is the recommendation and advice of the Municipal Counselor that the Council/Authority retire to executive session as permitted by 25 O.S. (2024 Supp.) § 307(B)(4), to discuss the issues and resolution of this case. However, if Council/Trustees agree with the recommendation of this office, a Resolution approving the settlement of the subrogation claim and authorizing the Municipal Counselor to take any appropriate action to settle the subrogation interest has been prepared for Council's consideration and approval.

JJ