

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

Council Agenda
Item No. XI. AH
5/7/2024

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney concerning the case styled *Big Top Entertainment, LLC, d/b/a Dollhouse Lounge, Misty Kokojan Individually and as Owner of Big Top Entertainment, LLC, d/b/a Dollhouse Lounge, Jerry E. Johnson, Annah Ledesma, Karly Neumann, Margaret Shuart, Abigail Whisman, Lauren Farris and Luis Vargas, v. The City of Oklahoma City*, in the Oklahoma County District Court Case No. CJ-2023-656, 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.

On February 3, 2023, Plaintiffs, represented by Jim Buxton and Scott Beyea, filed the above action alleging negligence and nuisance against the City of Oklahoma City. Plaintiffs allege a January 22, 2022, wastewater flood at 311 East Sheridan Avenue, in the basement of a Bricktown burlesque club. Plaintiffs include Big Top Entertainment LLC, the owner Misty Kokojan, and seven employees of the nightclub. The City filed a Motion for Summary Judgment on December 19, 2023, heard in front of the Honorable Sheila Stinson on January 19, 2024. The Court sustained the City's motion in part, first finding that Plaintiff Kokojan's stated damages must be separate and apart from anything claimed by the LLC. Secondly, the Court sustained the motion in full as to Plaintiff Annah Ledesma due to a lack of standing. Plaintiff Abigail Whisman was previously dismissed voluntarily by Plaintiff's counsel.

The Pre-Trial Conference was held on February 14, 2024, wherein this case was set for a jury trial on June 3, 2024, and the parties were ordered to mediate prior to May 24, 2024. Mediation is currently scheduled with Mediator Tim Martin on May 9, 2024. The City is represented by Assistant Municipal Counselors Benjamin Rose and Katie Goff.

It is the recommendation of this office that Council retire into executive session with the Municipal Counselor to discuss the upcoming mediation.