

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

Council Agenda
Item No. XI. T
11/19/2024

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Resolution authorizing the Municipal Counselor to confess judgment without an admission of liability in the case of *Kimberly Thompson and Juanita Hill, as Co-Administrators of the Estate of Bennie Joe Edwards, Deceased v. Sergeant Keith Duroy, Sergeant Clifford Holman, and the City of Oklahoma City*, in the United States District Court for the Western District of Oklahoma Case No. CIV-2021-1133-JD;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding the above case as authorized by 25 O.S. (2024 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

On December 1, 2021, Plaintiffs filed a lawsuit in the United States District Court of the Western District of Oklahoma against The City of Oklahoma City and individual defendants, Oklahoma City Police Department officers Master Sergeant Keith Duroy and Sergeant Clifford Holman. The Plaintiffs are the Co-Administrators of the estate of Bennie Edwards. This case arises from allegations related to an officer involved shooting on December 11, 2020, near the 2100 block of West Hefner Road. Plaintiffs allege Duroy and Holman were City employees and are liable under a theory of excessive force pursuant to 42 U.S.C. §1983. Allegations against the City include §1983 Municipal Liability under *Monell* and *Canton*. The Defendant Officers are represented by the firm Collins, Zorn, and Wagner. The City is represented by Assistant Municipal Counselors Katie Goff and Richard Mann.

On October 22, 2024, Council entered into Executive Session where the Municipal Counselor's office provided confidential and privileged information about this case, and Council provided settlement guidance. On October 25, 2024, the parties and counsel attended a court ordered Judicial Settlement Conference where the Plaintiffs and the City reached a tentative settlement in the amount of One Million Fifty Thousand Dollars (\$1,050,000).

It is the recommendation of this office that Council approve the settlement. If Council agrees, a Resolution authorizing the Municipal Counselor to prepare, execute, and file the necessary paperwork is attached. If Council desires more information regarding the merits of this case, it is the recommendation of this office that the Council enter into Executive Session with the Municipal Counselor.