

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

Council Agenda  
Item No. XI. S  
11/5/2024

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 *Scott v. City of Oklahoma City, Jarred Tipton, Ashley Copeland, and Jennifer Titus*, United States District Court for the Western District of Oklahoma, Case No. CIV-22-624-J;

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. (2023 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.

In the above case, Plaintiff, as next of Kin of the Decedent, alleges on May 20, 2019, Decedent's Constitutional rights were violated by a use of force by three Oklahoma City Police Officers. Officers responded to a Priority 1 Assault with a Deadly Weapon call at 1024 Southeast 44th Street. When they arrived, the officers encountered the subject who led them on a foot chase before he was taken to the ground. Decedent continued to resist arrest while the officers attempted to handcuff him. Once he was handcuffed, officers discovered a firearm in his pocket. While he was handcuffed, after being rolled onto his side to assist with his breathing, Decedent became unresponsive and later died at the hospital. The Plaintiff has sued the officers and the City pursuant to 42 USC §1983 alleging a violation of Decedent's rights under the Fourth and Fourteenth Amendments claiming that the officers used excessive force and also had deliberate indifference to Decedent's medical needs. The Plaintiff is represented by Daniel Smolen. The City is represented by Assistant Municipal Counselors Richard Mann and Katie Goff. The Defendant Officers are represented by Collins, Zorn & Wagner Law Firm.

On June 18, 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 June 25, 2024, the parties attended a Judicial Settlement Conference, but did not reach an accord. On October 22, 2024, the parties attended a mediation where the Plaintiff and the City reached a settlement in the amount of Four Hundred Thousand Dollars (\$400,000).

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.