

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

Council Agenda
Item No. XI. N
8/27/2024

TO: 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 *Ashlee Maze, Kurtis Gaunce, and Ashlee Maze and Kurtis Gaunce as Parents and Next of Friends of A.G., E.G., and G.G., Minor Children v. The City of Oklahoma City, City Heights South, LLC, d/b/a 717 Ventura South Apartments and Greenline Apartment Management, LLC*, Oklahoma County District Court Case No. CJ-2023-2595;

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. (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 May 5, 2023, Plaintiffs, represented by Jim Buxton, filed a Petition in the above action against The City of Oklahoma City and co-defendants. The Plaintiffs allege negligence and nuisance due to several wastewater floods occurring in their apartment unit at 7724 Monterey Drive between March 8, 2022 through September 8, 2022. Through its investigation, the City discovered that, while there is evidence the Defendants City Heights South and Greenline Apartment Management, LLC likely have some liability in these incidents, the City likely had notice of prior issues on the mainline segment servicing the subject property before at least one of the alleged backups. Plaintiffs' document their actual property damages in the amount of \$20,000, and they allege nuisance damages in the amount of \$175,000 for each of the five plaintiffs. These damages are based on their displacement from and loss of use of their apartment unit.

The City, represented by Assistant Municipal Counselors Katie Goff and Sherri Katz, engaged in negotiations with Plaintiffs' counsel. Plaintiffs have agreed to accept, and this office has agreed to recommend, full and final settlement of all aspects of this lawsuit for \$36,000.

It is the recommendation of this office that the Mayor and Council authorize the Municipal Counselor to confess judgment in favor of Plaintiffs without admitting liability in this case in the amount of \$36,000. 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.