

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

Council Agenda
Item No. XI.V
8/13/2024

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 *Marcia Johnson-Kathan v. The City of Oklahoma City*, Oklahoma County District Court Case No. CJ-2020-4974;

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.

Plaintiff Marcia Johnson-Kathan, through counsel Steven Crowe, alleges that on February 23, 2019, she was walking in the dark in a crowd of people in downtown Oklahoma City between Bricktown and the Paycom Center after attending a Thunder game, when she allegedly tripped on an elevated portion of the sidewalk near West Reno Avenue and South EK Gaylord Boulevard, injuring herself. Plaintiff allegedly experienced a broken shoulder which, despite having two surgeries, is still an ongoing injury. Plaintiff submitted medical bills totaling \$183,000. This office, in its investigation, discovered that the City of Oklahoma City is responsible for this portion of sidewalk and likely had constructive notice of the alleged defect.

The City, represented by Assistant Municipal Counselors Katie Goff and Sherri Katz, engaged in negotiations with Plaintiff's counsel. Plaintiff has agreed to accept, and this office has agreed to recommend, full and final settlement of all aspects of this lawsuit for \$94,000.

It is the recommendation of this office that the Mayor and Council authorize the Municipal Counselor to confess judgment in favor of Plaintiff without admitting liability in this case in the amount of \$94,000. 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.