

JOINT RESOLUTION

JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY APPROVING SETTLEMENT OF THE WORKERS' COMPENSATION SUBROGATION CLAIM RELATED TO PAYMENT OF MEDICAL BILLS PAID PURSUANT TO STATE LAW UNDER WORKERS' COMPENSATION AGAINST ANY PROCEEDS RECOVERED ON BEHALF OF STEPHEN CATHEY, ARISING OUT OF INJURIES SUSTAINED IN AN AUTOMOBILE ACCIDENT ON NOVEMBER 20, 2020.

WHEREAS, on or about November 20, 2020, an Embark bus driver who is employed by the City of Oklahoma City, Stephen Cathey, received personal injuries due to an automobile collision which occurred when Robert Bilbay changed lanes improperly while trying to pass the Embark bus, striking both the Embark bus and another vehicle that was in the inside lane; and

WHEREAS, the City of Oklahoma City and the OCMFA have currently paid \$76,777.25 in Workers' Compensation medical and associated expenses as a result of Stephen Cathey's injuries; and

WHEREAS, the City of Oklahoma City and OCMFA are entitled, pursuant to 85A O.S. § 43, to seek recovery of Workers' Compensation expenses paid on behalf of Stephen Cathey which resulted from this incident, and that are claims paid as the result of injuries caused by the negligent acts of third parties; and

WHEREAS, Counsel for Stephen Cathey, Daniel M. Davis, has entered into a settlement agreement with Robert Bilbay's insurance company in the amount of \$100,000.00, which represents Mr. Bilbay's insurance policy limits and is asking that the City of Oklahoma City accept its statutory interest of \$39,725.89, as payment in full for its Workers' Compensation subrogation lien; and

WHEREAS, the City Council and Trustees of the Oklahoma City Municipal Facilities Authority have been fully informed of the facts and issues surrounding the subrogation claim arising from the injuries sustained by Stephen Cathey, an eligible employee; and

WHEREAS, the City of Oklahoma City and OCMFA have processed and paid medical claims to date in the amount of \$76,777.25, which amount exceeds the settlement authority granted to the Municipal Counselor's Office in an earlier resolution of the City Council; and

WHEREAS, the City Council and Trustees of the Oklahoma City Municipal Facilities Authority, after considering all the relevant facts herein, believe it is in the best interest of the Authority/City to authorize the Municipal Counselor, or his designee, to settle the City's pending subrogation claim.


NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of The City of Oklahoma City and by the Chairman and Trustees of the Oklahoma City Municipal Facilities Authority that the settlement of the subrogation interest held by The City of Oklahoma City in the amount of \$39,725.89 from insurance proceeds recovered on behalf of Stephen Cathey resulting from the November 20, 2020 automobile accident is hereby approved and that the Municipal Counselor, or his designee, is authorized to take any appropriate action to settle the pending subrogation claim.

ADOPTED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF OKLAHOMA CITY this 22nd day of November, 2022.

ATTEST:

THE CITY OF OKLAHOMA CITY

Amy K. Simpson
City Clerk



David Holt
Mayor

ADOPTED BY THE TRUSTEES AND APPROVED BY THE CHAIRMAN OF THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY this 22nd day of November, 2022.

ATTEST:

OKLAHOMA CITY MUNICIPAL FACILITIES
AUTHORITY

Amy K. Simpson
Secretary



David Holt
Chairman

REVIEWED for form and legality.

Anthony M. Brown
Assistant Municipal Counselor