

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

Council Agenda
Item No. XI. U
8/29/2023

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 *Justin Guinn; Katherine Grasham. v. The City of Oklahoma City* in the Oklahoma County District Court Case No. CJ-2022-0036;

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. (2022 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 January 4, 2022, Plaintiffs, now represented by Jim Buxton, filed a Petition in the above action against The City of Oklahoma City. Plaintiffs' claims of negligence and nuisance arise from several wastewater floods allegedly occurring continuously in September of 2020, November of 2020 and February of 2021 at their residence at 1013 NE 14th Street.

The parties engaged in discovery and City's counsel confirmed, despite an initial finding the alleged repeated flooding at Plaintiffs' property was caused by an issue on a private line, it was likely caused by the City's line serving the property having collapsed and then disintegrated. Plaintiffs' alleged property damages associated with the wastewater floods is approximately \$20,000. Each Plaintiff has also submitted evidence to support individual nuisance causes of action. The monetary value of nuisance would be a question for the jury and is subject to the personal injury limits of the Governmental Tort Claims Act.

The City of Oklahoma City, through Assistant Municipal Counselors Katie Goff and Benjamin Rose, negotiated a settlement with the Plaintiffs' counsel wherein this office agreed to recommend settlement of all Plaintiffs' causes of action in the matter in the amount \$95,000 and Plaintiffs have agreed to install a backflow preventer at their property. This settlement is subject to the approval of the City Council.

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. A Resolution authorizing the Municipal Counselor to prepare, execute, and file the necessary paperwork is attached. 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.

Recommendation: Resolution be adopted and/or Executive Session be held.