



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/25/2025

REQUESTER: Jeanne Snider

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2526-76: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY NICHOLAS MUSGROVE UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *NICHOLAS MUSGROVE V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2025-03313 M; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

BACKGROUND:

Nicholas Musgrove is a Fire Captain for the City of Norman's Suppression Division of the Fire Department. He was hired on March 3, 2008, as a firefighter recruit and promoted to firefighter March 3, 2009, Fire Driver Engineer February 9, 2014, and Fire Captain October 31, 2024. Mr. Musgrove filed Workers Compensation Commission Case 2025-03313 M on June 24, 2025, alleging a single incident injury to the Right Knee and Right Lower Leg on December 7, 2024, when getting out of a truck. The City denied injury to the Right Lower Leg and the case proceeded through the normal litigation process.

Prior to a trial being held, Mr. Musgrove has agreed to a settlement in the total amount of \$20,790, which represents 21 percent permanent partial impairment (PPI) to the Right Knee and zero percent PPI to the Right Lower Leg. The settlement is recommended for consideration by the City Council.

DISCUSSION:

Medical Treatment. Mr. Musgrove was initially seen at Norman Regional Hospital Services the day of the injury and was given an orthopedic referral due to magnetic resonance imaging (MRI)

imaging which showed a patellar tendon rupture with rupture of the lateral patellofemoral retinaculum. On December 9, 2024, he was seen by Dr. Bond and surgical repair was recommended due to MRI findings. He underwent a Right Knee patella tendon repair on December 12, 2024, followed by postoperative physical therapy. Mr. Musgrove continued to follow-up with Dr. Bond until he was released at maximum medical improvement (MMI) without restrictions on May 12, 2025.

Issues for Trial. There is no question Mr. Musgrove injured his Right Knee in the course of his employment with the City. The primary issues to be tried before the Workers' Compensation Commission are the extent of his injury to the Right Knee and whether the injury is permanent in nature. Permanent partial disability is a factual determination made by the Workers' Compensation Commission Trial Judge based on doctors' opinions and medical records regarding the extent of permanent partial impairment.

Evaluations. Mr. Musgrove was evaluated by Dr. Lance Rosson on July 29, 2025, regarding the above claim and opined a rating of 39 percent (\$38,610) PPI to the Right Knee. In addition, Dr. Rosson opined Mr. Musgrove should be given entitlement to continued medical benefits, in the nature of prescription medications on an as needed basis, as well as other treatment his treating physician or further selected physicians might deem necessary as well as ongoing and medical maintenance indefinitely as the retained hardware/instrumentation/prosthetic/medical device could potentially result in future issues and need for additional surgical intervention.

He was then evaluated by Dr. William Jones on September 23, 2025, the medical expert for the City. Dr. Jones opined 7 percent (\$6,930) PPI to the Right Knee and no future medical treatment, ongoing palliative and maintenance medications or vocational retraining warranted. He further opined that the patellar tendon allograft and anchors are not medical or prosthetic devices, and are not intended to be repaired, replaced, or removed. The Right Lower Leg denied by the City was not rated or included in either report from Dr. Rosson or Dr. Jones. The City's maximum impairment exposure for total PPD would be \$38,610.

Trial. The case proceeded through the normal litigation process; however, Mr. Musgrove has agreed to a settlement of the case as outlined below. If a trial was held, the Judge could determine nature and extent to his injuries and award permanent partial disability.

Proposed Settlement. The proposed settlement closes Workers' Compensation Commission Case 2025-03313 M in a lump sum payment of \$20,790 (less attorney fee) representing the settlement amount discussed above. Pursuant to 85A O.S. § 31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$623.70, representing (3%) of the permanent partial disability award shall be deducted and paid to the Oklahoma Tax Commission.

It is felt that the settlement is fair and reasonable. A settlement is beneficial to the City in that it is a full, final and complete settlement of any and all claims and closes out any continued medical treatment. This settlement is beneficial to Mr. Musgrove in that it provides certainty for an award and would be paid in a lump sum rather than at a weekly rate over a period of time.

Furthermore, if the case was settled in this manner, the City would incur additional costs and fees of:

Workers' Compensation Administration Fund Tax in the amount of \$415.80; Special Occupational Health & Safety Tax in the amount of \$155.93, and Workers Comp Commission Filing fee in the amount of \$140. In addition, the City would incur an additional cost and fee for the Cleveland County Court Filing Fee in the amount of \$154.14.

These additional costs and fees total \$865.87, which brings the total cost of this settlement to the City to \$21,655.87. Adequate funds are available in the Order/Settlements Account (43330102-42131).

RECOMMENDATION:

For the reasons outlined above, it is believed the settlement is fair, reasonable, and in the best interest of the City. Acceptance of the settlement would require the payments as outlined above. If approved, the settlement amount would be paid to Mr. Musgrove and his attorney in a lump sum. The settlement would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85A O.S. § 107, 51 O.S. § 159, and 62 O.S. § 361, *et seq* and 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq*. Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.