



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/14/23

REQUESTER: Rickey Knighton II, Assistant City Attorney

PRESENTER: Rickey Knighton II, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT: OF RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF BRITTANY REID, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MARCONIA LYNN KESSEE V. CLEVELAND COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA COURT CASE CIV-2019-113, IN THE AMOUNT OF \$650,000.

BACKGROUND:

This case was brought by Patricia Thompson, as personal representative of the estate of Marconia Lynn Kessee, on January 15, 2019 under the Fourth, Eighth, and Fourteenth Amendments of the Federal Constitution and tort claims under Oklahoma law involving an incident that occurred on January 18, 2018. It was removed to the United States District Court for the Western District of Oklahoma on February 5, 2019. On June 16, 2022, the Court appointed Brittany Reid, as successor personal representative of the estate. On October 30, 2023, Ms. Reid indicated that she would settle the case for \$650,000.

DISCUSSION:

Ms. Reid has stated her willingness to settle the case for \$650,000. Because this matter involves pending litigation, the merits of this case were discussed during executive session held on October 24, 2023. The settlement offer is within the range discussed with Council in Executive Session.

RECOMMENDATION:

It is believed that the proposed settlement is fair, reasonable and in the best interests of the City. It is recommended the settlement of this matter be approved by City Council and that this office be directed to reduce the settlement amount to judgment in accordance with 51 O.S. §159, and 62 O.S. §362. The settlement amount will then be placed on the property tax rolls for collection over the next three years. Under this process, one- third of the judgment amount plus interest at the statutory rate on the unpaid balance is collected through property tax roll assessments over

that time period. This statutorily allowed procedure for payment of judgments against a municipality will minimize the impact of the settlement on the City funds.