



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 9/08/2026

REQUESTER: Jeanne Snider

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2627-35: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY DONALD PACZOSA UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *DONALD PACZOSA V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2026-00253 K; 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:

Donald Paczosa is a 13-year Maintenance Worker for the City of Norman's Park Maintenance Division of the Parks and Recreation Department. He was hired on August 6, 2013, as a Maintenance Worker I and promoted to Maintenance Worker II on September 23, 2016. He filed workers compensation case CM3-2026-00253 K on January 15, 2026 with the Oklahoma Workers' Compensation Commission alleging a single incident on the job injury to the Neck, Whole Back, Left Hand, and Left Arm from a fall on February 18, 2026. The City denied injury(ies) to the Left Hand and Left Arm and the case proceeded through the normal litigation process.

Prior to a trial being held, Mr. Paczosa agreed to a settlement in the total amount of \$28,920, which represents 20% percent permanent partial disability (PPD) to the Neck and 0 percent PPD to the Whole Back, Left Hand and Left Arm plus an additional \$3,000 for continued medical maintenance of hardware. The settlement is recommended for consideration by the City Council.

DISCUSSION:

Medical Treatment.

On February 20, 2025, Mr. Paczosa was initially seen at Norman Regional Occupational Medicine for neck and back pain with headaches. He was treated conservatively to include physical therapy. He continued to follow-up and reportedly experienced marked improvement in lower and mid-back discomfort; however, he continued to experience neck and concussion symptomatology. Due to continued worsening of symptoms, he was sent for cervical spine and brain magnetic resonance imaging (MRI) on April 8, 2025. On April 14, 2025, imaging was reviewed and due to continued symptomatology Mr. Paczosa was referred to neurology. He was examined by Dr. Jason Leinen on April 21, 2025, for residual neck pain and a repeat cervical MRI with contrast was recommended by the radiologist for further evaluation. Based on MRI results and continued symptomatology, he was referred to neurosurgery. On August 19, 2025, he was seen by Dr. Jeffrey Nees reporting significant improvement of all symptoms with minimal neck pain, slight numbness and radiating numbness into fingertips on left. The repeat cervical MRI was reviewed showing multilevel disc disease and findings on exam indicating potential coexistent peripheral nerve entrapment. Before proceeding with surgical decompression, Dr. Nees recommended an electromyography (EMG) of the left upper extremity. Mr. Paczosa followed up with Dr. Nees on September 26, 2025 and results of the September 10, 2025, EMG were reviewed revealing C6-7 radiculopathy into the left arm and hand confirming the presence of moderate to severe carpal tunnel syndrome on the left-hand side, which according to Dr. Nees was unrelated to the injury. On January 5, 2026, Mr. Paczosa underwent a multi-level cervical discectomy fusion C4-5, C5-6 and C6-7 for cervical stenosis with myelopathy and myelomalacia. Postoperatively he followed up with Dr. Nees and was released at maximum medical improvement, regular work without restrictions on February 20, 2026, and returned to work February 23, 2026.

Issues for Trial. Since there is no question Mr. Paczosa's injury occurred during 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 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 PPD.

Evaluations.

Mr. Paczosa was evaluated by Lonnie Litchfield, M.D., on March 11, 2026, and opined an impairment rating of 3 percent (\$3,888) permanent partial impairment (PPI) to the greater occipital nerve, over and above any prior injury, 4 percent (\$5,184) due to chronic migraines, over and above any prior injury, 9 percent (\$11,664) due to vestibular disequilibrium, over and above any prior injury, and 27 percent (\$34,992) to the cervical spine, over and above any prior injury. In addition, Dr. Litchfield opined that Mr. Paczosa would need continued medical benefits in the nature of pain management in regard to chronic pain, assigned a pain management specialist for treatment, and given entitlements for prescription medications or any treatments his treating physician deems necessary as well as maintenance for retained hardware in the cervical spine and vocational rehabilitation if necessary. On July 15, 2026, Mr. Paczosa was then evaluated by the City's medical expert, William Jones, M.D., MPH, and

opined 7 percent (\$9,072) PPI to the cervical spine and 0 percent due to post-injury headaches, occipital nerve, head, vestibular disorder, left arm, left hand, thoracic spine, and lumbar spine and opined continued medical maintenance including vocational training would not be required. The City's maximum exposure for total PPD would be \$55,728.

Trial. The case proceeded through the normal litigation process; however, Mr. Paczosa has agreed to settlement as outlined below. If a trial were held, the Judge would determine nature and extent to his injury and award permanent partial disability as well as order continued medical maintenance and vocational rehab if required.

Proposed Settlement. The proposed settlement closes Workers' Compensation Commission Case 2026-00253 K in a lump sum payment of \$28,920 (less 20% attorney fee). Pursuant to 85A O.S. § 31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the total amount of \$777.60, representing (3%) of the permanent partial disability awards 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 cases and closes out any continued medical treatment. The settlement is beneficial to Mr. Paczosa 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 \$518.40; Special Occupational Health & Safety Tax in the amount of \$194.40; and Workers Comp Commission Filing fee in the amount of \$140.00.

In addition, the City would incur an additional cost and fee for the Cleveland County Court Filing Fee in the amount of \$160.23.

These additional costs and fees total \$1,013.03, which brings the total cost of the settlement to the City to \$29,933.03.

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 payments as outlined above. If approved, the settlement amount would be paid to Mr. Paczosa 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. Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.