



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 03/12/2024

REQUESTER: AshLynn Wilkerson, Assistant City Attorney

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, ADMENDMENT, AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2324-3:
SUBMITTED BY CINDY BARBADILLO TRINIDAD IN THE AGREED SETTLEMENT AMOUNT OF \$14,000 FOR DAMAGE TO HER VEHICLE, MEDICAL EXPENSES, AND PAIN AND SUFFERING AS A RESULT OF AN ACCIDENT WITH A CITY UTILITIES VEHICLE AT CLASSEN BOULEVARD AND LOIS STREET.

BACKGROUND:

A claim was filed by Cindy Barbadillo Trinidad, through her attorney Bryan Garrett, for vehicle damage, medical expenses, and pain and suffering that occurred when her vehicle was struck by a City Utilities Department vehicle on November 13, 2023, near the intersection of Classen Boulevard and Lois Street.

DISCUSSION:

This incident was investigated by City staff who found on November 13, 2023, a City Utilities Department employee was driving her City vehicle southbound on Classen Boulevard. As she neared the intersection of Lois Street, the City employee observed the vehicle in front of her suddenly and unexpectedly apply their brakes. The employee attempted to change lanes to avoid striking the stopped vehicle, however she subsequently struck Claimant's vehicle that was traveling in the other lane. Neither driver received emergency medical services and both vehicles were able to be driven from the scene of the incident. The collision was later classified as preventable and the employee was issued a traffic citation by the responding police officer.

Claimant provided three (3) repair estimates for her 2006 Toyota Corolla with the lowest estimate being \$3,504.03. Claimant also provided medical bills totaling \$6,995, representing treatment she sought for aches and pains from November 14 through December 1, 2023. This brings total expenses to \$10,499.03.

Claimant's "Tort Claim Notice" requested compensation for this incident in the amount of \$175,000. After City Attorney staff discussed this matter with Claimant's attorney, an agreement was reached to settle all claims in this action (property, medical, pain and suffering) in the total

amount of \$14,000. The City Attorney's office now presents this item to City Council for consideration of the proposed settlement.

RECOMMENDATION:

Based on the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Cindy Barbadillo Trinidad, through her attorney Bryan Garrett, in the agreed settlement amount of \$14,000, as set forth above be approved. Adequate funds to pay this settlement are available in the Risk Management – Special Claims account (43122351-44724).