



**Processing Information for City Clerk's Office**

**Post Execution Processing**

- Mail vendor copy (add'l signature copies attached)
- Must be filed with other governmental entity
- Add'l governmental entity approval(s) required

**Additional Routing and Processing Details**

Return executed RFA and Resolution to City Legal for further processing.

---

(Published in the Tulsa World,  
\_\_\_\_\_, 2022.)

## **RESOLUTION**

A RESOLUTION AUTHORIZING INVESTMENT IN A JUDGMENT, TO BE LEVIED AGAINST AND PAID FROM MONIES IN THE SINKING FUND AS PROVIDED BY OKLAHOMA LAW; AND DECLARING AN EMERGENCY.

WHEREAS, on the 8<sup>th</sup> day of August, 2022, in Case No. CJ-2022-02735, filed in the District Court of Tulsa County, judgment was entered based on a settlement agreed to by and between Patrick and Katie Fox, Plaintiffs, and the City of Tulsa, Defendant, in the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00), representing principal judgment, interest, costs and attorney fees, was entered against the City of Tulsa, which settlement has been approved by the Court; and

WHEREAS, it appears from a survey of the Sinking Fund that there is a surplus of cash and investments in said fund, over and above accrued liabilities and statutory obligations, which would allow the City of Tulsa to pay said judgment in full, including court costs and interest thereon; and

WHEREAS, it is desirable and in the best interest of the City of Tulsa to make such present payment out of the Sinking Fund, and thereafter reimburse the Sinking Fund from subsequent tax levies, as provided by 62 O.S. ' 435.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TULSA, OKLAHOMA:

Section 1. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized to consummate and complete the payment of said judgment by drawing the following warrant on the Sinking Fund:

To the order of Patrick and Katie Fox, Plaintiffs, the sum of Twenty-five Thousand Dollars (\$25,000.00); the same representing the full amount of the judgment, interest, costs and attorney fees, now due and owing to the Plaintiff in the lawsuit identified above.

Section 2. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized and directed to properly advise the Tulsa County Excise Board by appropriate reports, of the prepayment of said judgment in order that said Board may include said prepaid judgment as a necessary and lawful expense of the Sinking Fund of the City of Tulsa, Oklahoma, for which appropriate tax levies may be made to replenish said Sinking Fund, as provided by the provisions of Title 62 of the Statutes of the State of Oklahoma.

Section 3. That an emergency exists for the preservation of the public peace, health and safety, by reason whereof this Resolution shall take effect immediately from and after its passage, approval, and publication.

ADOPTED by the Council: \_\_\_\_\_ (Date)

ADOPTED as an emergency measure: \_\_\_\_\_ (Date)

\_\_\_\_\_  
Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_  
Date Time

G.T. Bynum, Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: \_\_\_\_\_,  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Mayor

(Seal)  
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
City Attorney

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA

PATRICK FOX, )  
KATIE FOX )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
CITY OF TULSA, )  
 )  
Defendant. )

DISTRICT COURT  
**FILED**

SEP 08 2022

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

Case No. **CJ-2022-02735**  
Judge: **KELLY M. GREENOUGH**

**JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT**

NOW ON this 6<sup>th</sup> day of Sept 2022, this matter comes before the undersigned Judge. Plaintiffs, Patrick and Katie Fox, appear pro se, and Defendant City of Tulsa, appears by and through its attorney of record, Kristina L. Gray, Litigation Division Manager.

The Court, having reviewed the allegations set forth in Plaintiffs' Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 2<sup>nd</sup> day of Sept 2022 evidencing that the statutory requirements pursuant to 62 O.S. § 362 have been met and that the judgment proceeds being paid by the Defendant to the Plaintiffs herein shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment as evidenced by the Affidavit of Chad D. Becker attached as Exhibit "A" to the Defendant's *Offer of Proof*, and the Court being advised that the City's Mayor has authorized a compromised settlement in the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00) and the Court being satisfied that Plaintiffs fully understand the nature of this action with regard to its finality which precludes additional or further compensation for damages arising from the occurrence of the event identified in Plaintiffs' Petition and, upon being further advised by Plaintiffs that it is

their desire to settle the entirety of all claims and causes of action relating to the events identified in their Petition, including costs and fees, upon payment in the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00), the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;

2. That Plaintiffs for themselves and in their representative capacity are fully aware of their rights in this matter and it is Plaintiffs' desire to compromise their right to trial by jury;

3. That Plaintiffs' desire to accept as full, final, and complete settlement the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00), for any and all damages, losses, fees, and expenses sustained as a result of the events identified in Plaintiffs' Petition;

4. That this settlement is not an admission that the City of Tulsa, or its employees were negligent, but is only a recognition of the uncertainty of trial;

5. The Plaintiffs have agreed to dismiss with prejudice or forgo any and all claims against any employees of the City of Tulsa individually;

6. That by agreement of the parties, Defendant's payment to Plaintiffs will stand as full compensation to Plaintiffs in their personal and representative capacity and preclude any further or separate action by Plaintiffs or those they represent against City of Tulsa, a municipal corporation, or any of its employees, arising from or relating to the events described in Plaintiffs' Petition;

7. That the City has agreed to settle Plaintiffs' lawsuit in the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00);

8. That the City shall pay the Plaintiffs from the City of Tulsa's Sinking Fund which

has sufficient funds available to pay said judgment; and

9. That all parties request this Court to approve and finalize their mutual settlement;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiffs for themselves and in their representative capacity have and recover from the Defendant City of Tulsa, Oklahoma, damages in the total sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00), as full, final, and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiffs' Petition and that said damages shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment; and

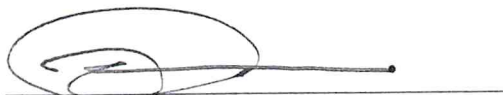
IT IS FURTHER ORDERED BY THE COURT that Plaintiffs' claim against Defendant City of Tulsa is dismissed with prejudice and that payment to Plaintiff by Defendant City of Tulsa will preclude any further or separate action by Plaintiff against Defendant City of Tulsa or any employee of Defendant City of Tulsa arising from or pertaining to the events described in Plaintiffs' Petition.

KELLY M. GREENOUGH  
JUDGE OF THE DISTRICT COURT

9-6-22

APPROVED AS TO FORM AND CONTENT:

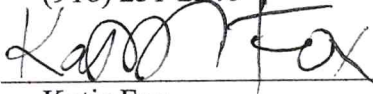
By: \_\_\_\_\_



Patrick Fox

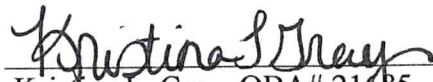
Pro Se, Plaintiff  
2272 E. 34<sup>th</sup> St.  
Tulsa, OK 74105  
(918) 231-2346

By:



Katie Fox  
Pro Se, Plaintiff  
2272 E. 34<sup>th</sup> St.  
Tulsa, OK 74105  
(918) 231-2346

By:



Kristina L. Gray, OBA# 21685  
Litigation Division Manager  
City of Tulsa  
175 East Second Street, Suite 685  
Tulsa, Oklahoma 74103  
(918) 596-7717  
(918) 596-9700 Facsimile

I, Don Newberry, Court Clerk, for Tulsa County, Oklahoma,  
hereby certify that the foregoing is a true, correct and full  
copy of the instrument herewith set out as appears on record  
in the Court Clerk's Office of Tulsa County, Oklahoma, this

SEP 08 2022  
By:   
Deputy

# Legal Records

Version 2.6 released on 8/3/21

For torts, lawsuits, settlements, and other legal actions. Use other more specified RFAs for other record types including Contracts, MOUs, Election Actions, Worker's Compensation Orders and Miscellaneous



### CITY COUNCIL USE ONLY

Date Received: \_\_\_\_\_  
Committee Date: \_\_\_\_\_  
1<sup>st</sup> Agenda Date: \_\_\_\_\_

Tracking #: \_\_\_\_\_  
Committee: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
2<sup>nd</sup> Agenda Date: \_\_\_\_\_

### CITY CLERK USE ONLY

Scanned Date: \_\_\_\_\_  
 Posted Item #: \_\_\_\_\_

**All department items requiring Council approval must be submitted through the Mayor's Office.**

## Primary Details

### Legal Action Type

Tort - Approval of Claim

### Court Order Date

### Council Approval

Yes  No

### Department

Legal

### Contact Name

Julie Makinson

### Email

jmakinson@cityoftulsa.org

### Phone

9185967717

### Incident Date

### Legal Case No.

### Amount

\$25,000.00

### Name

C22-0032 Fox

### Originating Department

Streets and Stormwater

### Date Filed City Clerk

2/16/22

Name or Description

## Budget/Payments

### Funding Source(s) / Checks to be Issued

: \_\_\_\_\_ \$25,000.0

**TOTAL:** \_\_\_\_\_ \$25,000.0

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

## Approvals

Department: \_\_\_\_\_

Legal: \_\_\_\_\_

Board: \_\_\_\_\_

Mayor: \_\_\_\_\_

Other: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED BY MAYOR  
CITY OF TULSA

JUL 20 2022

## Summary

### Background Information

Provide background information on the requested action.

### Summation of the Requested Action

Request Mayor approve tort claim settlement of \$25,000.00, and approve the filing fee of \$242.14 for Legal to file the necessary court documents for the settlement proceeds to be paid from the sinking fund.

Summarize the pertinent details of the requested action

### Other Pertinent Information

Provide any additional information that should be considered when considering approval of this contract document

## Processing Information for City Clerk's Office

### Post Execution Processing

- Mail vendor copy (add'l signature copies attached)
- Must be filed with other governmental entity
- Add'l governmental entity approval(s) required

### Additional Routing and Processing Details

Please return stamped approved copy to Legal.

---

*INTEROFFICE CORRESPONDENCE*

---

**To:** Mayor G.T. Bynum  
**From:** Kristina L. Gray, Litigation Division Manager  
**Date:** July 11, 2022  
**Subject:** Tort Claim Approval, Case #C22-0032

Patrick and Katie Fox present tort claim #C22-0032 for property damage in the amount of \$26,000.00. Estimates for repairs were included with the claim.

Mr. and Mrs. Fox allege that in July 2021, the storm sewer had issues. They state that leaks in the storm sewer pipe and soil being drawn into the pipe, led to sink holes that caused the collapse of their patio.

The Legal Department, with assistance from the Stormwater division of the Streets and Stormwater Department, reviewed this claim. Stormwater confirmed that two different repairs were made to voids after heavy rains, however, they dispute the scope of repair to the patio.

After additional review and the uncertainty of trial, the Legal Department recommends this claim be approved at the statutory limit of \$25,000.

If you agree with the recommendation, please approve the filing fee in the amount of \$242.14 for Legal to file the necessary court documents for the settlement proceeds to be paid from the sinking fund.

Respectfully,



Kristina L. Gray  
Litigation Division Manager

/jam