

Resolution

Version 2.3 released on 8/3/21
Use for all types of Resolutions



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned
☐ Posted

Date: 10.26.2022
Item #: 2210.02456

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

Primary Details

Board Approval

Department: Legal
Contact Name: Michelle McGrew (tmd)

Other Board Name

Email: tmcgrew@cityoftulsa.org

City Council Approval

☒ Yes ☐ No

Phone: 9185967717

Resolution Type

Authorizing Sinking Fund Credit or Payment

Owner-Grantor

Jack Talbot Morris

Amount

\$175,000.00

Case Number

19-CV-0073

TMAPC Number

Council District

Description (Subject)

Payment of Lawsuit

Bid/Project Number

Section

Township

Range

Addition

Lot

Block

Address

Budget

Funding Source(s)

TOTAL:

Approvals

Department: _____
Legal: _____
Board: _____
Mayor: _____
Other: _____

Date: 10.25.22
Date: 10-25-2022
Date: OCT 26 2022
Date: _____

Policy Statement

Background Information

On October 19, 2022 Mayor Bynum approved settlement of the above lawsuit in the amount of \$175,000.00. The Agreed Judgment was signed by the Judge and filed with the Court on October 14, 2022. (see attached Judgment)

Summation of the Requested Action

Upon Council approval, request Mayor direct Finance to issue a check in the amount of \$175,000.00 payable to: Jack Talbot Morris, Plaintiff and Swab & Stall, PA, attorneys and forward to Legal Department for further processing.

Emergency Clause?

☐ Yes
☐ No

Reason for Emergency Clause

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (addt'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addt'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 PAYMENT IN FULL OF A JUDGMENT SETTLEMENT, FROM SURPLUS MONIES IN THE SINKING FUND; AND DECLARING AN EMERGENCY.

WHEREAS, on the 14th day of October, 2022, in Case No. 19-CV-0073, filed in the United States District Court for the Northern District of Oklahoma, judgment was entered based on a settlement agreed by and between Jack Talbot Morris, Plaintiff, and the City of Tulsa, Defendant, in the sum of One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00), 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 City's 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 City of Tulsa's Sinking Fund:

To the order of JACK TALBOT MORRIS, Plaintiff, and Swab & Stall, PA, Attorneys at Law, the sum of One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00); 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)

Chairman 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 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

(1) JACK TALBOT MORRIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 19-CV-0073-CVE-JFJ
)	
(1) CITY OF TULSA, a municipal corporation, and the Tulsa Police Department;)	
(2) JOSHUA DUPLER;)	
(3) ANTHONY FIRST; and)	
(4) KURT DODD, Individually,)	
)	
Defendants.)	

AGREED JUDGMENT

This matter comes on for consideration of the parties' joint motion to enter agreed judgment (Dkt. # 130). Plaintiff Jack Talbot Morris and defendant City of Tulsa (City) state that they have reached a settlement of plaintiff's claims and they ask the Court to enter an agreed judgment submitted by the parties. The Court has reviewed the motion and finds that it should be granted.¹ Plaintiff previously filed a stipulation of dismissal (Dkt. # 129) of his claims against defendants Joshua Dupler, Anthony First, and Kurt Dodd, and this agreed judgment will terminate all remaining claims in this case.

The Court, having reviewed the allegations set forth in plaintiff's amended complaint (Dkt. #28), has been advised that the judgment proceeds being paid on behalf of the City to the plaintiff shall be paid from the City's pooled cash and investment portfolio which has sufficient funds

¹ The parties are advised that the "journal entry of judgment" is a procedure utilized by the state courts of Oklahoma, and the Federal Rules of Civil Procedure simply require that district courts enter a judgment pursuant to Fed. R. Civ. P. 58

available to pay the agreed judgment. The Court has further been advised that the City's Mayor has authorized a compromise settlement in a lump sum of \$175,000 and the Court being satisfied that plaintiff fully understands the nature of this action with regard to its finality which precludes additional or further compensation for damages arising from the events identified in plaintiff's amended complaint and, upon being further advised by plaintiff that it is his desire to settle the entirety of all claims and causes of action relating to the events identified in the amended complaint, including costs, fees, interest, and attorney fees, upon payment in the sum of \$175,000, the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;
2. That plaintiff is fully aware of his rights in this matter and it is plaintiff's desire to compromise his right to trial by jury;
3. That plaintiff desires to accept as full, final and complete settlement the one-time payment of the sum of \$175,000, for any and all damages, losses, fees, attorney fees, interest, and expenses sustained as a result of the events identified in plaintiff's amended complaint;
4. That this settlement is not an admission that the City or its employees were negligent, committed assault and battery, or violated the plaintiff's constitutional rights, but is only recognition of the uncertainty of trial;
5. The plaintiff has agreed to forgo any and all claims against the City and its employees individually;
6. That the City has agreed to settle plaintiff's lawsuit in the lump sum of \$175,000;

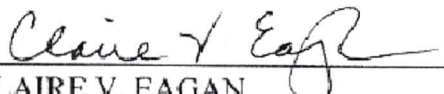
7. That the City shall pay the \$175,000 lump sum to plaintiff from the City's pooled cash and investment portfolio which has sufficient funds available to pay said judgment within forty-five (45) days of the filing of this agreed judgment;

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

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the joint motion to enter agreed judgment (Dkt. # 130) is **granted**, and judgment is entered in favor of plaintiff Jack Talbot Morris and against defendant City of Tulsa in the amount of \$175,000, plus post-judgment interest from this date in the amount of 4.15 percent per annum.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this is a final judgment terminating this case and payment to plaintiff by the City of Tulsa will preclude any further or separate action by plaintiff against defendant City of Tulsa or any employees of the City of Tulsa arising from or pertaining to the events described in plaintiff's amended complaint.

DATED this 14th day of October, 2022.



CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

/s/ Eric W. Stall

Eric W. Stall, OBA # 13886

Benjamin Fu, OBA # 21181

SWAB & STALL, P.A.

ATTORNEYS FOR PLAINTIFFS

/s/ T. Michelle McGrew

T. Michelle McGrew, OBA #20279

R. Lawson Vaughn, III, OBA # 21557

Senior Assistant City Attorneys

City Hall, One Technology Center

175 East Second Street, Suite 685

Tulsa, OK 74103

mmcgrew@cityoftulsa.org

lvaughn@cityoftulsa.org

ATTORNEYS FOR DEFENDANT

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

Legal



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd 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

Lawsuit - Settlement

Department

Legal

Incident Date

Name

Jack Talbot Morris

Contact Name

T. Michelle McGrew (tmd)

Legal Case No.

19-CV-0073-CVE-JFJ

Court Order Date

Email

mmcgrew@cityoftulsa.org

Amount

\$175,000.00

Originating Department

Police

Council Approval

☐ Yes ☒ No

Phone

9185967717

Date Filed City Clerk

Budget/Payments

Funding Source(s) / Checks to be Issued

TOTAL:

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 10.11.22
Date: 10-11-2022
Date: _____
Date: _____
Date: _____

Summary

Background Information

Jack Morris filed suit against the City and three Tulsa Police Officers after he was arrested for failure to comply with lawful orders not to breach a police perimeter, assaulted two police officers and resisted arrest. He plead guilty to misdemeanor charges of obstruction and resisting. In his suit he sought damages for physical injuries as well as pain, suffering and humiliation and fear. The City filed Motions for Summary Judgment on behalf of the City and three officers. Judge Eagan ruled that the officer were not entitled to qualified immunity and that the Plaintiff could proceed on his state claims against the officers and City. On October 7, 2022 the parties participated in a settlement conference where the City secured a dismissal with prejudice of all three officers and settlement between the City and Mr. Morris in the amount of \$175,000.00. (see attached Memo)

Summation of the Requested Action

Request the Mayor to approve settlement of this lawsuit in the amount of \$175,000.00.

Other Pertinent Information

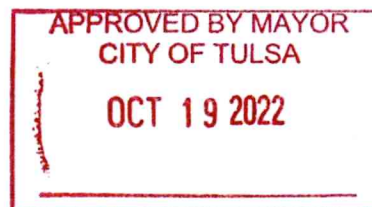
Processing Information for City Clerk's Office

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 executed RFA to City Legal for further processing



INTEROFFICE CORRESPONDENCE

To: Mayor GT Bynum
From: T. Michelle McGrew, Senior Assistant City Attorney
Date: October 11, 2022
Subject: Settlement Approval, Jack Talbot Morris v. City of Tulsa,
Case No. 19-cv-0073-CVE-JFJ

This case involves the arrest of Jack Morris on August 16, 2017. Morris was arrested after he failed to comply with lawful orders not to breach a police perimeter, assaulted two police officers, and resisted arrest. He was charged with two felony counts of assault and battery on a police officer, a misdemeanor charge of resisting, and a misdemeanor charge of obstruction. Subsequently, Morris plead guilty to a misdemeanor charge of obstruct and a misdemeanor charge of resisting.

Morris filed suit alleging three Tulsa police officers used excessive force and violated his constitutional rights. He also alleged a 1983 failure to train and supervise claim against the City as well as state claims against the officers for assault and battery and negligence. He also filed state claims against the City for negligent training and supervision. He claimed damages for a left elbow fracture, a cheek fracture and a laceration to his right eyebrow. He also claimed damages for pain, suffering, humiliation and fear. Additionally, he sought punitive damages against the three officers.

After conducting discovery, we filed motions for summary judgment on behalf of the City and the officers. Judge Eagan granted the motions in part and denied them in part. She ruled the officers are not entitled to qualified immunity and that a jury could find that the officers violated Morris' constitutional rights by using excessive force. She found that Plaintiff failed to establish a 1983 federal municipal liability claim against the City. The judge, however, also ruled that Plaintiff could proceed on his state court claims against the officers and the City.

On October 7, 2022, the parties attended a second Settlement Conference. After protracted negotiations, the City Legal Department secured a dismissal with prejudice as to all three officers and settlement between the City and Plaintiff in the amount of \$175, 000.00 which includes all damages, fees, attorney fees, interest, and costs. The Legal Department recommends approval of this settlement in the amount of \$175,000.00.

If you have any questions or need any additional information, please do not hesitate to contact me.

Respectfully,