

# Resolution

Version 2.5 released on 6/29/23  
Use for all types of Resolutions



## 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: 11.29.2023

☐ Posted

Item #: 2311.02706

*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)

Resolution Type:  
Authorizing Sinking Fund Credit or Payment

Amount: \$20,000.00  
Case Number: CJ-2022-331

Description (Subject):

Section: Township

Lot: Block

### Other Board Name

Email: mmcgreg@cityoftulsa.org

Owner-Grantor:  
Climet Martin and Twanna Adkins

TMAPC Number:

Bid/Project Number:

Range:

Address:

### City Council Approval

☒ Yes ☐ No

Phone: 9185967717

Council District:

Addition:

## Budget

Funding Source(s):

TOTAL:

## Approvals

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

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

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

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

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

Date: 11.19.23

Date: 11-23

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

Date: NOV 29 2023

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

## Policy Statement

### Background Information

On August 30, 2023 Mayor approved settlement in this case in the amount of \$20,000.00. The Journal Entry was signed by the Judge and filed with the Court on November 14, 2023. (See attached JE)

### Summation of the Requested Action

Request Mayor and Council approve payment of this lawsuit and sign the Resolution and direct Finance to issue a check in the amount of \$20,000.00 made payable to Climet Martin and Twanna Adkins, Plaintiffs; SolomonSimmons Law and Johnson-Cephas Law, Attorneys and return to the 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 (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

### Additional Routing and Processing Details

Please return executed RFA and Resolution to City Legal for further processing

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(Published in the Tulsa World,  
\_\_\_\_\_, 2023.)

## **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 November, 2023, in Case No. CJ-2022-331, filed in the District Court of Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Climet Martin and Tawanna Adkins, Plaintiffs, and the City of Tulsa, Defendant, in the sum of Twenty Thousand Dollars and 00/100 (\$20,000.00), 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 CLIMET MARTIN and TAWANNA ADKINS Plaintiffs, and SOLOMONSIMMONSLAW and JOHNSON-CEPHAS LAS, Attorneys at Law, the sum of Twenty Thousand Dollars and 00/100 (\$20,000.00); the same representing the full amount of the judgment, interest, costs and attorney fees, now due and owing to the Plaintiffs 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

CLIMET MARTIN and  
TAWANNA ADKINS,  
  
Plaintiffs,  
  
vs.  
  
THE CITY OF TULSA, a municipal  
corporation,  
  
Defendant.

DISTRICT COURT  
FILED

NOV 14 2023

The Court, having reviewed the allegations set forth in Plaintiffs' Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 9 day of Nov., 2023 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 Thousand Dollars and 00/100 (\$20,000.00) 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 Thousand Dollars and 00/100 (\$20,000.00), 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 Thousand Dollars and 00/100 (\$20,000.00), 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 Thousand Dollars and 00/100 (\$20,000.00);

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 Thousand Dollars and 00/100 (\$20,000.00), 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' claims against Defendant City of Tulsa are dismissed with prejudice and that payment to Plaintiffs by Defendant City of Tulsa will preclude any further or separate action by Plaintiffs against Defendant City of Tulsa or any employee of Defendant City of Tulsa arising from or pertaining to the events described in Plaintiffs' Petition.

**DAMAN CANTRELL**

JUDGE OF THE DISTRICT COURT

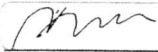
APPROVED AS TO FORM AND CONTENT:

By:



Damario Solomon-Simmons  
Kymberli J.M. Heckenkemper  
Jourdan Johnson  
SolomonSimmonsLaw  
601 South Boulder Avenue, Suite 602  
Tulsa, OK 74119  
(918) 551-8999  
(918) 558-8039 Facsimile

By:



Lashandra Peoples-Johnson  
Cordal Cephas  
Johnson-Cephas Law  
2816 East 51<sup>st</sup> Street, Suite 200  
Tulsa, OK 74105  
(918) 992-6890

By:



T. Michelle McGrew, OBA #20279  
Senior Assistant City Attorney  
City of Tulsa  
175 East Second Street, Suite 685  
Tulsa, Oklahoma 74103  
(918) 596-7717  
(918) 596-9700 Facsimile



## eSignature Details

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**Signer ID:** gufYSb2uWJpDqCRdQ4Xdvqsi  
**Signed by:** Kymberli Heckenkemper  
**Sent to email:** kheckenkemper@solomonsimmons.com  
**IP Address:** 98.190.124.148  
**Signed at:** Nov 7 2023, 1:22 pm CST

**Signer ID:** pePwGYvz7rfYtspv6bsvAATs  
**Signed by:** Cordal Cephas  
**Sent to email:** cordal@johnsoncephaslaw.com  
**IP Address:** 64.207.229.170  
**Signed at:** Nov 7 2023, 1:30 pm CST

# Legal Records

Version 2.8 released on 6/29/23

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

### Contact Name

T. Michelle McGrew (tmd)

### Court Order Date

### Email

mmcgrew@cityoftulsa.org

### Council Approval

☐ Yes ☒ No

### Phone

9185967717

### Incident Date

6/4/20

### Legal Case No.

CJ-2022-331

### Amount

\$20,000.00

### Name

Climet Martin and Twanna Adkins

### Originating Department

Police

### Date Filed City Clerk

2/4/22

## Budget/Payments

Funding Source(s) / Checks to be Issued

## Approvals

TOTAL:

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

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

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

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

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

APPROVED BY MAYOR  
CITY OF TULSA

AUG 30 2023

Date: 8.24.2023

Date: 8-24-2023

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

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

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

## Summary

### Background Information

On June 4, 2020 Tulsa Police Officers stopped two minors (I.F. and C.M.) due to suspicious activity. During the encounter one of the minors (I.F.) became combative. Both minors were handcuffed and taken into custody. I.F. was subsequently charged with felony assault and battery of a police officer, resisting and jaywalking. C.M. was released with no charges being filed against him. I.F. was released into the custody of his mother. I.F.'s mother and C.M.'s guardian filed a tort claim alleging excessive force, unreasonable search and seizure and negligence. On February 1, 2022 they filed suit in District Court alleging these same violations, seeking damages in excess of \$75,000.00. After the depositions of C.M. (he has since reached the age of majority) and I.F.'s mother, the parties reached a settlement of this matter in the amount of \$20,000.00. (see attached memo)

### Summation of the Requested Action

Request Mayor approve settlement of this lawsuit in the amount of \$20,000.00 and return to the Legal Department for further processing.

### Other Pertinent Information

## Processing Information for City Clerk's Office

### Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

### Additional Routing and Processing Details

Return executed RFA to City Legal for further processing.

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*INTEROFFICE CORRESPONDENCE*

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**To:** Mayor G.T. Bynum  
**From:** T. Michelle McGrew, Senior Assistant City Attorney  
**Date:** August 24, 2023  
**Subject:** Settlement Approval for Case No. CJ-2022-331

On June 4, 2020, TPD officers Barnhart and Terwilliger were patrolling the area of 1300 N. Osage Drive, a well-known high crime area. Some of the recent crimes in the area include: homicides, shootings, robberies, assaults, larcenies, burglaries, weapons offenses, and drug sales/usage.

As the officers patrolled the area, they observed two male subjects walking southbound on N. Osage Drive, approaching W. Newton Street. It was extremely hot outside. The temperature was in excess of 95 degrees. Officers saw that one of subjects was sweating profusely, yet he was wearing a long-sleeved hoodie, with the hood up, and jeans. Officers observed a noticeable bulge in the kangaroo pocket of the hoodie. The inappropriate clothing, noticeable bulge and being in a high crime area lead officer to believe the subject was concealing something in his waistband, possibly a gun.

When the subjects began walking in the middle of the roadway (Jaywalking), the officers had reasonable suspicion to detain them. Officers activated their emergency lights and air horn but the subjects refused to stop for officers and continued to walk southbound. One of the officers exited the patrol vehicle and gave several verbal announcements. The subjects defiantly ignored the officers and continued walking away.

One of the officers asked the subject (later identified as I. F., a minor) to stop. I.F. refused so the officer grabbed him by the shoulders to get him to stop. I.F. immediately pulled away and began swinging his shoulders wildly. I.F. and both officers went to the ground. Officers tried to handcuff I.F. but he continued to resist by pulling his hands away and hiding them under his chest.

Officers finally handcuffed I.F. but he still was combative. Officers escorted him to the patrol car but I.F. refused to sit down and placed his feet on the car free, preventing the officers from closing the door. Officers wrestled I.F. to get his seatbelt fastened. He, however, continued to move around and was able to remove his seatbelt. While the officer was trying to control him, I.F. headbutted the officer and spit on the driver's seat of the patrol car.



During the search of I.F., officers found a fanny pack in the kangaroo pocket of his hoodie. The fanny pack contained a green plastic container with marijuana residue. I.F. refused to give officers his name and date of birth. The other subject, C.M. (then 15) was initially handcuffed, and then released. C.M. was cooperative. I.F. was arrested on felony assault and battery of a police officer, resisting, and jaywalking. He was released to the custody of his mother, after he signed a promise to appear at Osage Courthouse on July 7, 2020.

After filing a tort claim, I.F.'s mother and C.M.'s legal guardian filed suit, in Tulsa County District Court, on the minor's behalf on February 1, 2022. Plaintiffs allege claims for civil assault and battery; excessive force under the Oklahoma Constitution; unreasonable seizure; unreasonable search; and negligence. Plaintiffs claimed damages in excess of \$75,000.00.

After the depositions of C.M. and I.F.'s mother, the parties reached a settlement of the entire case, with no admission of liability, in the amount of \$20,000.00. Settlement is simply reduces costs of experts and avoids the uncertainties of trial. The Legal Department recommends approval of these settlements.

Respectfully,

A handwritten signature in black ink, appearing to read 'T. McGrew', followed by a long horizontal flourish line.

T. Michelle McGrew  
Senior Assistant City Attorney