Resolution

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

CITY COUNCIL USE ONLY				CITY CLERK USE ONLY	
Date Received:		Tracking #:		☐ Scanned	Date: 12.13.2023
Committee Date:		Committee:		☐ Posted	Item #: 2312.02917
1st Agenda Date:		Hearing Date:			
		2nd Agenda Date:			

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

Primary Details

Board Approval

Other Board Name

City Council Approval
● Yes ○ No

Department
Legal

Contact Name
Komron Takmil (tmd)

Email
ktakmil@cityoftulsa.org

Phone
9185967717

Resolution Type
Authorizing Sinking Fund Credit or Payment

Owner-Grantor
Altaneisha Gatling

Amount
$250,000.00

Case Number
22-CV-339

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:		**Date:** 12.6.23
Legal:		**Date:** 12/6/23
Board:		**Date:**
Mayor:		**Date:** DEC 13 2023
Other:		**Date:**

Policy Statement

Background Information
On November 15, 2023 the Mayor approved settlement in this matter in the amount of $250,000.00. The Journal Entry of Judgment was signed by the Judge and filed with the court on December 5, 2023. (See attached JE)

Summation of the Requested Action
Request Council approve Resolution and Mayor approve payment in this lawsuit and direct Finance to issue a check in the amount of $250,000.00 made payable to Altaneisha Gatling, Plaintiff; Paul Gee and Gary L. Richardson, Attorneys at Law and forward to City Legal 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

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

IN THE UNITED STATES DISTRICT COURT FOR NORTHERN DISTRICT OF OKLAHOMA

ALTANEISHA GATLING,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 22-CV-00339-GKF-JFJ
	)	
CITY OF TULSA and	)	
CHRISTOPHER R. BEYERL,	)	
	)	
Defendants.	)	

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 5th day of December, 2023, this matter comes before the undersigned Judge. Plaintiff, Altaneisha Gatling, appears by and through her attorneys of record, Paul Gee and Gary L. Richardson, and Defendant City of Tulsa, appears by and through its attorney of record, Komron Takmil, Assistant City Attorney.

The Court, having reviewed the allegations set forth in Plaintiff's Complaint, and has been advised that the judgment proceeds being paid by the Defendant to the Plaintiff herein shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment. The Court has further been advised that the City's Mayor has authorized a compromised settlement in the sum of Two Hundred Fifty Thousand Dollars and 00/100 ($250,000.00) 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 occurrence of the event identified in Plaintiff's Petition and, upon being further advised by Plaintiff that it is her desire to settle the entirety of all claims and causes of action relating to the events identified in its Petition, including costs and fees, upon payment in the sum of Two Hundred Fifty Thousand Dollars and 00/100 ($250,000.00), the Court finds:

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

2. That Plaintiff for herself and in her representative capacity is fully aware of her rights in this matter and it is Plaintiff's desire to compromise her right to trial by jury;

3. That Plaintiff desires to accept as full, final, and complete settlement the sum of Two Hundred Fifty Thousand and 00/100 ($250,000.00), for any and all damages, losses, fees, and expenses sustained as a result of the events identified in Plaintiff's 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 Plaintiff has 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 Plaintiff will stand as full compensation to Plaintiff in her personal and representative capacity and preclude any further or separate action by Plaintiff or those she represents against City of Tulsa, a municipal corporation, or any of its employees, arising from or relating to the events described in Plaintiff's Petition;

7. That the City has agreed to settle Plaintiff's lawsuit in the sum of Two Hundred Fifty Thousand Dollars and 00/100 ($250,000.00);

8. That the City shall pay the Plaintiff 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 Plaintiff for herself and in her representative capacity has and recovers from the Defendant City of Tulsa, Oklahoma, damages in the total sum of Two Hundred Fifty Thousand Dollars and 00/100

($250,000.00), as full, final, and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiff's 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 Plaintiff's 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 Plaintiff's Petition.

Gregory K. Frizzell

GREGORY K. FRIZZELL
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

By: /s/Paul Gee
Paul Gee
3314 East 51st Street, Suite 208
Tulsa, OK 74135

By: /s/Gary L. Richardson
Gary L. Richardson
7447 South Lewis Avenue
Tulsa, OK 74136

By: /s/Komron Takmil
Komron Takmil, OBA #33282
Assistant City Attorney
City of Tulsa
175 East Second Street, Suite 685
Tulsa, Oklahoma 74103
(918) 596-7717
(918) 596-9700 Facsimile

(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 day of 5th day of December, 2023, in Case No. 22-CV-339-GKF-JFJ, filed in the United States District Court for The Northern District of Oklahoma, judgment was entered based on a settlement agreed to by and between Altaneisha Gatling, Plaintiff, and the City of Tulsa, Defendant, in the sum of Two Hundred Fifty Thousand Dollars and 00/100 ($250,000.00), 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 ALTANEISHA GATLING, Plaintiff, and PAUL GEE and GARY L. RICHARDSON, Attorneys for Plaintiff, the sum of Two Hundred Fifty Thousand Dollars and 00/100 ($250,000.00); 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

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				CITY CLERK USE ONLY	
Date Received:		Tracking #:		☐ Scanned	Date:
Committee Date:		Committee:		☐ Posted	Item #:
1st Agenda Date:		Hearing Date:			
		2nd Agenda Date:			

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

Primary Details

Legal Action Type
Lawsuit - Settlement

Court Order Date

Council Approval
○ Yes ● No

Department
Legal

Contact Name
Komron Takmil (tmd)

Email
ktakmil@cityoftulsa.org

Phone
9185967717

Incident Date
7/16/21

Legal Case No.
22-CV-339-GKF-JFJ

Amount
$250,000.00

Name
Altaneisha Gatling

Originating Department
Police

Date Filed City Clerk
2/28/22

Budget/Payments

Funding Source(s) / Checks to be Issued

TOTAL:

Approvals

Department:		**Date:** 11-13-23
Legal:		**Date:** 11/13/2023
Board:		**Date:**
Mayor:		**Date:**
Other:		**Date:**

APPROVED BY MAYOR
CITY OF TULSA
NOV 15 2023

Summary

Background Information

On July 16, 2021 Altaneisha Gatling was detained during a traffic stop by Tulsa Police Officer Beyerl. She was a passenger in the vehicle that police stopped. Officer Beyerl observed that Ms. Gatling was wearing a fanny pack around her waist and inquired if she had a gun. She stated she did have a gun in her fanny pack. Ms. Gatling stated she did have an Oklahoma Handgun License and Concealed Carry Permit. It was approximately 21 minutes into the stop before this information was obtained and Officer Beyerl believed Ms. Gatling was violating the Oklahoma Self-Defense Act by not disclosing that she was armed upon initial contact. On November 5, 2021, Officer Beyerl submitted a probable cause affidavit to the Tulsa District Attorney signed by a Judge and an arrest warrant was issued for Ms. Gatling's arrest. Ultimately the District Attorney dismissed the case as the law regarding identifying the fact you are lawfully in possession of a firearm if the law enforcement officer does not demand the information changed in November 2019. Since Ms. Gatling followed the Self Defense Act when approached by Officer Beyerl, he lacked probable cause for the arrest. The City negotiated a settlement of this matter in the amount of $250,000.00. The Legal Department recommends approval of this settlement. (See attached memo)

Summation of the Requested Action

Request Mayor approve settlement of this lawsuit in the amount of $250,000.00 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 (addt'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addt'l governmental entity approval(s) required

Additional Routing and Processing Details

Please return executed RFA to City Legal for further processing.

INTER-OFFICE CORRESPONDENCE

To:	Mayor G.T. Bynum
From:	Komron Takmil, Assistant City Attorney
Date:	November 13, 2023
Subject:	Settlement Approval, Case No. 4:22-cv-339-GKF-JFJ

On the evening of July 16, 2021, Altaneisha Gatling was detained during a traffic stop near the area of 11500 E Skelly Dr. Officer Beyerl and Officer Hickey were on patrol as part of an assignment to the Special Investigation's Division, Organized Gang Unit in an area known to the Tulsa Police Department as a high violent crime area. The officers observed a grey 2016 Chevrolet Equinox traveling northbound towards their police vehicle near the Economy Inn and Suites at 11525 E 41st St. The Chevrolet Equinox made a left turn and went around a building instead of traveling to the motel and began accelerating through the parking lots. Given the area and behavior of the vehicle, Officer Beyerl had a reasonable suspicion that the only reason the Chevrolet began accelerating was to avoid contact with police.

Officer Beyerl caught up with the driver, Jacob Singleton, and passenger Altaneisha Gatling as they were about to enter the QuikTrip at 11315 E 11th St. Officer Beyerl stopped Singleton and asked if had a driver's license on his person and Singleton immediately became confrontational, alleging Officer Beyerl had made an illegal stop. Gatling stated that the only reason they were stopping Singleton was because he was a black man. Officer Beyerl observed Singleton to have a North Carolina Tarheel, NC logo, tattooed on his left forearm and through training and experience Beyerl believed NC to stand for the Neighborhood Crip organized criminal street gang. When other officers arrived on scene, they informed Officer Beyerl that they knew Singleton as "Infant" and that he was a named suspect in a recent Burglary from Vehicle where a firearm was stolen from the vehicle.

Based on the information provided, Officer Beyerl believed that a firearm was in the vehicle. Officer Beyerl observed Gatling wearing a black fanny pack around her waist and asked Gatling if she had a gun or anything on her and she stated that she did have a gun in her fanny pack. Officer Beyerl removed the fanny pack from Gatling and discovered a loaded Glock 26 pistol. Gatling stated that she did have an Oklahoma Handgun License and Concealed Carry Permit. From his initial contact with Gatling until Office Beyerl asked her if she had a firearm on her person, it was approximately 21 minutes and 16 seconds. Officer Beyerl's belief at the time was that Gatling was violating the Oklahoma Self-Defense Act by not disclosing to him that she did have a card and was or was not armed upon initial contact.

On November 5, 2021, Officer Beyerl submitted a probable cause affidavit to the Tulsa County District Attorney stating the evidence regarding Gatling's alleged Unlawful Carry for failing to immediately inform him that she had a firearm permit and was armed. The probable cause affidavit was signed by a Tulsa County Judge and an arrest warrant was issued for Gatling in violation of 21 O.S. § 1272, Unlawful Carry.

At the time of the incident on July 16, 2021, and filing of the probable cause affidavit on November 5, 2021, Officer Beyerl had a belief that Gatling violated section 1290.8 (D) of the Self-Defense Act. Pre-amended language, section 1290.8 (D) stated, in relevant part "[I]t shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed or unconcealed handgun pursuant to the authority of the Oklahoma Self-Defense Act when the person comes into contact with any law enforcement officer." Section 1290.8 (D) of the Self-Defense Act was amended and became effective on November 1, 2019. The amended language states, in relevant part "[N]o person shall be required to identify himself or herself as a handgun licensee or as lawfully in possession of any other firearm if the law enforcement officer does not demand the information." Ultimately, the District Attorney dismissed the case on December 2, 2021.

Liability and Damages

After the federal court granted, in part, and denied in part, the City's Motion for Summary Judgment, Plaintiff Gatling's only remaining claims are: § 1983 False Arrest Fourth Amendment against Officer Beyerl; Common law negligence against the City and Officer Beyerl; Common law false arrest against the City and Officer Beyerl; Common law malicious prosecution against Officer Beyerl; and § 1983 Malicious Prosecution against Officer Beyerl. The motion was granted as to all municipal liability claims against the City under 42 U.S.C. § 1983 as Plaintiff failed to identify a municipal policy or custom that caused the alleged unconstitutional action.

Ms. Gatling legally purchased a firearm, obtained a concealed carry permit, and followed the Self-Defense Act when approached by Officer Beyerl. Given the lack of probable cause for the arrest the City and Officer Beyerl faced potential liability for a considerable amount in damages and attorney's fees.

Settlement

In his lawsuit, the Plaintiff is seeking lost earnings of at least $32,240.00, outrage and emotional distress of at least $250,000.00, Punitive Damages in the amount of at least $250,000.00, attorneys' fees and costs.

Using the authority you previously provided for $250,000.00, we have negotiated a settlement with the Plaintiff to resolve this matter for $250,000.00. The negotiated settlement will include execution of a Release and Settlement of all claims by the Plaintiff as well as a Dismissal With Prejudice of the pending lawsuit against the City and Officer Christopher Beyerl.

The City Legal Department recommends that you approve settlement for $250,000.00.

Respectfully,

Komron Takmil
Assistant City Attorney