

Resolution

Version 2.5 released on 6/29/23
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

Date: 07.10.2024

☐ Posted

Item #: 2407.01771

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

T. Michelle McGrew (tmd)

Email

tmcgrew@cityoftulsa.org

Phone

9185967717

Resolution Type

Authorizing Sinking Fund Credit or Payment

Owner-Grantor

Tracie Lewis

Amount

\$569,000.00

Case Number

CJ-2022-2783

TMAPC Number

Council District

Description (Subject)

Payment of Jury Verdict

Bid/Project Number

Section

Township

Range

Addition

Lot

Block

Address

Budget

Funding Source(s)

TOTAL:

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 7-8-24

Date: 7/8/22-2024

Date: JUL 10 2024

Date: _____

Date: _____

Policy Statement

Background Information

On April 8, 2024 a jury trial began in the above referenced case. On April 12, 2024 the Jury returned a verdict in favor of the Plaintiff Tracie Lewis in the amount of \$569, 000.00 against the Defendant City of Tulsa. The Judgment was signed by the Judge and filed with the court on May 28, 2024. (See attached Judgment)

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 \$569,000.00 made payable to Tracie Lewis, Plaintiff, David Mitchell Garrett Law Office, PLLC and Christopher L. Camp, Attorney at Law and return to the Legal Department for further processing.

Emergency Clause?

☐ Yes

☐ No

Reason for Emergency Clause

(Published in the Tulsa World,
_____, 2024.)

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 12th day of April, 2024, in Case No. CJ-2022-2783, filed in the District Court for Tulsa County, State of Oklahoma, a jury awarded damages to Tracie Lewis, Plaintiff, against the City of Tulsa, Defendant, in the sum of Five Hundred Sixty Nine Thousand Dollars and 00/100 (\$569,000.00), representing principal judgment, which award 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; 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 TRACIE LEWIS, Plaintiff, and Mitchell Garrett Jr. and Christopher L. Camp, Attorneys for Plaintiff, the sum of Five Hundred Sixty Nine Thousand Dollars and 00/100 (\$569,000.00); the same representing the full amount of the judgment, 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

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

**TULSA COUNTY DISTRICT COURT
STATE OF OKLAHOMA**

**DISTRICT COURT
FILED
MAY 28 2024**

TRACIE LEWIS,

Plaintiff,

v.

**CITY OF TULSA *ex rel.* TULSA
POLICE DEPARTMENT,**

Defendant.

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

**Case No. CJ-2022-2783
Hon. Tracy L. Priddy**

JUDGMENT

This matter came on for jury trial before this Court on April 8, 2024. Plaintiff appeared by and through her counsel of record, Christopher L. Camp and D. Mitchell Garrett, Jr., and Defendant appeared by and through its counsel, T. Michelle McGrew and Kristina L. Gray. At the docket call, the parties announced ready. Plaintiff presented her witnesses and evidence beginning on April 9, 2024, and rested on April 11, 2024. Defendant moved for a directed verdict but the Court denied the motion. On April 11, 2024, Defendant presented its witnesses and evidence and then rested. The Defendant again moved for a directed verdict. The Court granted the motion in part. The Court specifically found that Plaintiff's protected speech consisted solely of her June 8, 2015 Ethics Complaint. The Court denied the motion for directed verdict as to all other matters. Having been instructed by the Court, the jury returned its verdict on April 12, 2024, as follows:

The jury foreperson and nine other jurors signed the verdict form finding in favor of Plaintiff Tracie Lewis, and against Defendant City of Tulsa *ex rel.* Tulsa Police Department, on Plaintiff's claim for First Amendment Retaliation brought under 42


Plaintiff Tracie Lewis, on her claim for First Amendment Retaliation brought under 42 U.S.C. § 1983, is awarded final judgment against Defendant City of Tulsa *ex rel.* Tulsa Police Department in the amount of \$569,000.00, together with interest thereon as prescribed pursuant to OKLA. STAT. tit. 12 § 727.

Dated this _____ day of _____, 2024.

HON. TRACY L. PRIDDY
TULSA COUNTY DISTRICT COURT

APPROVED AS TO FORM:


Christopher L. Camp, OBA #18541
CAMP LAW FIRM
7122 South Sheridan Road, Suite #2-382
Tulsa, Oklahoma 74133
Telephone: (918) 200-4871
Facsimile: (918) 340-6799
E-mail: camplawfirm@gmail.com


D. Mitchell Garrett, Jr., OBA #20704
GARRETT LAW
320 South Boston Avenue, Suite 825-G
Tulsa, Oklahoma 74103
Telephone: (918) 221-6190
Facsimile: (918) 340-6799
E-mail: mitchell@garrett.legal

Attorneys for Plaintiff Tracie Lewis

T. Michelle McGrew, OBA #20279
Kristina L. Gray, OBA #21685
CITY OF TULSA
175 East 2nd Street, Suite 685
Tulsa, Oklahoma 74103
Telephone: (918) 596-7717
E-mail: mmcgrew@cityoftulsa.org
kgray@cityoftulsa.org

Attorneys for Defendant City of Tulsa
ex rel. Tulsa Police Department

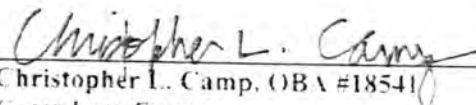
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

Plaintiff Tracie Lewis' on her claim for First Amendment Retaliation brought under 42 U.S.C. § 1983 is awarded final judgment against Defendant City of Tulsa and Tulsa Police Department in the amount of \$500,000.00, together with interest thereon as prescribed pursuant to Oklahoma Statute Title 12 § 727.

Dated this 24 day of MAY, 2024.

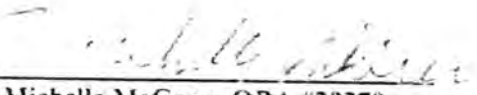
~~HON. TRACY L. PRIDDY~~
TRACY L. PRIDDY
TULSA COUNTY DISTRICT COURT

APPROVED AS TO FORM:


Christopher L. Camp, OBA #18541
CAMP LAW FIRM
7122 South Sheridan Road, Suite #2-382
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320 South Boston Avenue, Suite 825-C
Tulsa, Oklahoma 74103
Telephone: (918) 221-6190
Facsimile: (918) 340-6799
E-mail: mitchell@garrett.legal

Attorneys for Plaintiff Tracie Lewis


T. Michelle McGrew, OBA #20279
Kristina L. Gray, OBA #21685
CITY OF TULSA
175 East 2nd Street, Suite 685
Tulsa, Oklahoma 74103
Telephone: (918) 596-7717
E-mail: mmcgrew@cityoftulsa.org
kgray@cityoftulsa.org

Attorneys for Defendant City of Tulsa
ex rel. Tulsa Police Department

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

DISTRICT COURT
FILED

MAY 28 2024

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

TRACIE LEWIS, an individual,

Plaintiff,

vs.

CITY OF TULSA *ex rel.* TULSA POLICE
DEPARTMENT;

Defendants.

Case No. CJ-2022-2783

Hon. Tracy L. Priddy

AMENDED OFFER OF PROOF

COMES NOW the Defendant, City of Tulsa, by and through its attorneys, T. Michelle McGrew, Senior Assistant City Attorney, and Kristina Gray, Litigation Division Manager and files this Amended Offer of Proof pursuant to 62 O.S. § 362 and *Fields v. Ind. Sch. Dist. No. 1 of Tulsa County*, 2002 OK CIV APP 109, 84 P.3d 779 (Okla. App. 2002), as follows:

1. This matter came on for jury trial on April 8, 2024. On April 12, 2024 the jury returned a verdict in favor of the Plaintiff and affixed actual damages against Defendant whereby Defendant shall be required to pay Plaintiff as the sum of Five Hundred Sixty Nine Thousand Dollars and 00/100 (\$569,000.00) for any and all damages or losses sustained as a result of the events identified in Plaintiff's Petition. Any application for attorney fees or costs will be made separately;

2. The judgment proceeds shall be paid from the Defendant's Sinking Fund as 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 Defendant to pay said judgment in full, including court costs and interest thereon, as evidenced by the attached Affidavit of Chad D. Becker, Financial Services Manager of City of Tulsa Finance

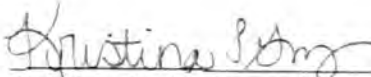
Department (see attached Exhibit "A").

Respectfully submitted,

CITY OF TULSA, OKLAHOMA
a municipal corporation

JACK C. BLAIR
City Attorney

By:



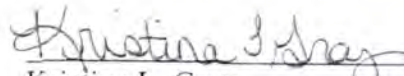
T. Michelle McGrew, OBA #20279
Sr. Assistant City Attorney
Kristina L. Gray, OBA #21685
Litigation Division Manager
CITY OF TULSA
175 East Second Street, Suite 685
Tulsa, Oklahoma 74103
Telephone: (918) 596-7717
Facsimile: (918) 596-9700
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF MAILING

I, T. Michelle McGrew, hereby certify that on this 29th day of May, 2024 I caused to be mailed a true, exact and complete copy of the above and foregoing document to:

D. Mitchell Garrett Jr.
320 South Boston, Suite 825-G
Tulsa, OK 74103

Christopher Camp
7122 South Sheridan Road, Suite #2-382
Tulsa, OK 74133


Kristina L. Gray

DEFENDANT'S EXHIBIT "A"

AFFIDAVIT OF CHAD D. BECKER

STATE OF OKLAHOMA)
)
COUNTY OF TULSA) ss

The undersigned, Chad D. Becker, of lawful age, first being duly sworn upon his oath, deposes and says:

1. I am the Financial Services Manager for the City of Tulsa Finance Department in Tulsa, Oklahoma.

2. There is a surplus of cash and investments in the City of Tulsa Sinking Fund, over and above accrued liabilities and statutory obligations, which would allow the Defendant to pay the settlement judgment amount of \$569,000.00 as agreed upon in the *Journal Entry of Judgment Upon Agreed Settlement*.

FURTHER AFFIANT SAYETH NOT



Chad D. Becker, Financial Services Manager
City of Tulsa
Finance Department

SUBSCRIBED AND SWORN to before me this 22nd day of May, 2024.



Notary Public

My Commission Expires:

08-16-2027



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

TRACIE LEWIS, an individual,

Plaintiff,

vs.

CITY OF TULSA *ex rel.* TULSA POLICE
DEPARTMENT;

Defendants.

Case No. CJ-2022-2783

Hon. Tracy L. Priddy

**DISTRICT COURT
FILED**

MAY 22 2024

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

OFFER OF PROOF

COMES NOW the Defendant, City of Tulsa, by and through its attorney, T. Michelle McGrew, Senior Assistant City Attorney, and files this Offer of Proof pursuant to 62 O.S. § 362 and *Fields v. Ind. Sch. Dist. No. 1 of Tulsa County*, 2002 OK CIV APP 109, 84 P.3d 779 (Okla. App. 2002), as follows:

1. This matter came on for jury trial on April 8, 2024. On April 12, 2024 the jury returned a verdict in favor of the Plaintiff and affixed actual damages against Defendant whereby Defendant shall be required to pay Plaintiff as full, final and complete settlement the sum of Five Hundred Sixty Nine Thousand Dollars and 00/100 (\$569,000.00) for any and all damages, losses, fees and expenses sustained as a result of the events identified in Plaintiff's Petition;

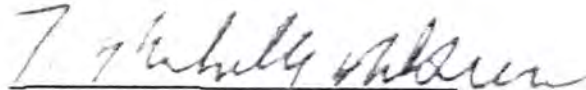
2. The settlement proceeds shall be paid from the Defendant's Sinking Fund as it appears from a survey of the Sinking Fund that there is a surplus of cash and investments in said fund, over and above accrued liabilities and statutory obligations, which would allow the Defendant to pay said judgment in full, including court costs and interest thereon, as evidenced by the attached Affidavit of Chad D. Becker, Financial Services Manager of City of Tulsa Finance Department (see attached Exhibit "A").

Respectfully submitted,

CITY OF TULSA, OKLAHOMA
a municipal corporation

JACK C. BLAIR
City Attorney

By:



T. Michelle McGrew, OBA #20279

Sr. Assistant City Attorney

Kristina L. Gray, OBA #21685

Litigation Division Manager

CITY OF TULSA

175 East Second Street, Suite 685

Tulsa, Oklahoma 74103

Telephone: (918) 596-7717

Facsimile: (918) 596-9700

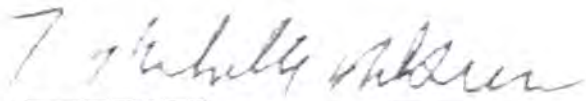
ATTORNEYS FOR DEFENDANT

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I, T. Michelle McGrew, hereby certify that on this ____ day of May, 2024 I caused to be mailed a true, exact and complete copy of the above and foregoing document to:

D. Mitchell Garrett Jr.
320 South Boston, Suite 825-G
Tulsa, OK 74103

Christopher Camp
7122 South Sheridan Road, Suite #2-382
Tulsa, OK 74133



T. Michelle McGrew

DEFENDANT'S EXHIBIT "A"

AFFIDAVIT OF CHAD D. BECKER

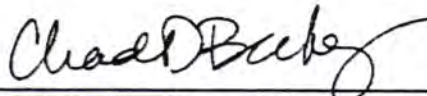
STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

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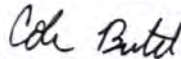
2. There is a surplus of cash and investments in the City of Tulsa Sinking Fund, over and above accrued liabilities and statutory obligations, which would allow the Defendant to pay the settlement judgment amount of \$569,000.00 as agreed upon in the *Journal Entry of Judgment Upon Agreed Settlement*.

FURTHER AFFIANT SAYETH NOT



Chad D. Becker, Financial Services Manager
City of Tulsa
Finance Department

SUBSCRIBED AND SWORN to before me this 22nd day of May, 2024.



Notary Public

My Commission Expires:

08-16-2027

