

# 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: 08.07.2024  
☐ Posted      Item #: 2408.02077

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

## Primary Details

### Board Approval

Department: Legal  
Contact Name: Hayes T. Martin (tmd)

### Other Board Name

Email: hmartin@cityoftulsa.org

### City Council Approval

☒ Yes    ☐ No

Phone: 9185967717

### Resolution Type

Authorizing Sinking Fund Credit or Payment

### Owner-Grantor

Lily Elrick

Amount: \$30,000.00

Case Number: CJ-2022-810

### 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: 8.5.24  
Date: 8/5/24  
Date: AUG 07 2024  
Date: \_\_\_\_\_

## Policy Statement

### Background Information

On July 17, 2024 Mayor Bynum approved settlement in the above lawsuit in the amount of \$30,000.00. The Journal Entry was signed by the Judge and filed with the Court on July 31, 2024. (See attached JE)

### Summation of the Requested Action

Request Council approve Resolution and Mayor Bynum approve payment of this lawsuit and direct Finance to issue one check in the amount of \$28,196.11 made payable to Lily Elrick, Plaintiff and Wandres Law, PC, attorneys at law; and issue one check in the amount of \$1,803.89 made payable to Oklahoma Healthcare Authority and return 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 (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 and Resolution to City Legal for further processing.

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DISTRICT COURT  
FILED

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

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 her Petition, including costs and fees, upon payment in the sum of Thirty Thousand Dollars and 00/100 (\$30,000.00), the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;
2. That Plaintiff 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 from the City of Tulsa the sum of Thirty Thousand Dollars and 00/100 (\$30,000.00), 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. That Plaintiff has agreed to dismiss with prejudice or forgo any and all claims against the City of Tulsa and its employees individually;
6. That by agreement of the parties, Defendant's payment to Plaintiff will stand as full compensation from the City to Plaintiff and precludes any further or separate action by Plaintiff or those he 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 Thirty Thousand Dollars and 00/100 (\$30,000.00);
8. That the City shall pay Plaintiff from the City of Tulsa's pooled cash and

investment portfolio 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 has and will recover from Defendant City of Tulsa, Oklahoma, damages in the total sum of Thirty Thousand Dollars and 00/100 (\$30,000.00), 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 pooled cash and investment portfolio which has sufficient funds available to pay said judgment; and

IT IS FURTHER ORDERED BY THE COURT that Plaintiff's claims against Defendant City of Tulsa are 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.

William D. LaFortune  
JUDGE OF THE DISTRICT COURT

7/30/24

APPROVED AS TO FORM AND CONTENT:

  
Loren R. Toombs, OBA #33357  
1202 East 33<sup>rd</sup> Street  
Tulsa, OK 74105



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Hayes T. Martin, OBA #32059  
Assistant City Attorney  
City of Tulsa  
175 East Second Street, Suite 685  
Tulsa, OK 74103  
(918) 596-7717  
Attorney for City of Tulsa

(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 31st day of July, 2024, in Case No. CJ-2022-810, filed in the District Court for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Lily Elrick, Plaintiff, and the City of Tulsa, Defendant, in the sum of Thirty Thousand Dollars and 00/100 (\$30,000.00) 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:

One to the order of LILY ELRICK, Plaintiff and WANDRES LAW, PC, Counsel for Plaintiff; the sum of Twenty Eight Thousand One Hundred Ninety Six Dollars and 11/100 (\$28,196.11); and one to OKLAHOMA HEALTHCARE AUTHORITY, the sum of One Thousand Eight Hundred Three Dollars and 89/100 (\$1,803.89); 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 2.9 released on 11/29/23

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*



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## 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

### Court Order Date

### Council Approval

☐ Yes ☒ No

### Department

Legal

### Contact Name

Hayes T. Martin (tmd)

### Email

hmartin@cityoftulsa.org

### Phone

9185967717

### Incident Date

6/8/21

### Legal Case No.

CJ-2022-810

### Amount

\$30,000.00

### Name

Lily Elrick

### Originating Department

Information Technology

### Date Filed City Clerk

6/21/21

## Budget/Payments

Funding Source(s) / Checks to be Issued

**TOTAL:**

## Approvals

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

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

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

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

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

**APPROVED BY MAYOR  
CITY OF TULSA**

**JUL 17 2024**

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

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

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

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

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

## Summary

### Background Information

Ms. Elrick is alleging both property and personal injury damages as the result of a motor vehicle accident that occurred on June 8, 2021 when an employee of the City of Tulsa's IT Department ran a stop sign, causing her to strike the side of the City vehicle. The City has admitted liability in this matter. The parties have negotiated a settlement of all claims in the amount of \$30,000.00. (See attached memo)

### Summation of the Requested Action

Request Mayor approve settlement of this matter in the amount of \$30,000.00 and return to City Legal 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

Please return executed RFA to City Legal for further processing.



## LEGAL

JULY 8, 2024

### SETTLEMENT APPROVAL REQUEST

Mayor G.T. Bynum

Re: Settlement Approval  
*Lily Elrick v. City of Tulsa, CJ-2022-00810*

Dear Mayor Bynum:

I am writing to request approval of a settlement of the above-styled lawsuit brought by Attorneys Loren Toombs and Patrick Wandres against the City of Tulsa on behalf of Lily Elrick for the amount of \$30,000.00.

#### Factual Background

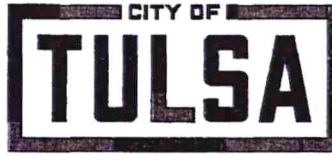
Plaintiff alleged she was injured on June 8, 2021, when an IT Department employee ran a stop sign, causing her to strike the side of the City vehicle. The City employee was working on the rapid response to the cyberattack and was looking at Google Maps on his phone, causing him to run the stop sign. Accordingly, the City has admitted liability. As a result of the accident, Plaintiff's vehicle was damaged resulting in a total loss. Senior Assistant City Attorney Lawson Vaughn negotiated a settlement for Plaintiff's property damages prior to her filing this lawsuit.

#### Claimed Damages

Plaintiff also suffered personal injuries. Plaintiff was treated by EMSA and taken to Hillcrest Medical Center where she was diagnosed with a neck strain. Plaintiff claims that in the following week, she began to feel pain in her lower back and her right wrist. Plaintiff's lower back and neck pain appear to have resolved, but she claims to still suffer significant wrist pain. Plaintiff claims that this accident has caused her to switch fields of study and abandon several of her hobbies.

#### Settlement

In preparation for settlement negotiations in this matter, I presented this case to you by email and was authorized to negotiate a settlement to resolve case. The parties have negotiated the settlement of all claims and the Legal Dept. recommends approval of



## LEGAL

settlement of this lawsuit in the amount of \$30,000.00, which includes all damages, fees, attorney fees, interest, and costs.

Respectfully,

A handwritten signature in black ink, appearing to read "Hayes T. Martin".

Hayes T. Martin  
Assistant City Attorney  
City of Tulsa