

# 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: 03.05.2025  
 Posted        Item #: 2503.00601

*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: Hayes T. Martin (tmd)

Email: hmartin@cityoftulsa.org

Phone: 9185967717

Resolution Type: Authorizing Sinking Fund Credit or Payment

Owner-Grantor: Reuben Gant

Amount: \$100,000.00  
Case Number: CJ-2021-2930

TMAPC Number: \_\_\_\_\_  
Council District: \_\_\_\_\_

Description (Subject): \_\_\_\_\_

Bid/Project Number: \_\_\_\_\_

Section: \_\_\_\_\_  
Township: \_\_\_\_\_

Range: \_\_\_\_\_  
Addition: \_\_\_\_\_

Lot: \_\_\_\_\_  
Block: \_\_\_\_\_

Address: \_\_\_\_\_

## Budget

Funding Source(s)

TOTAL:

## Approvals

Department: \_\_\_\_\_  
Legal: \_\_\_\_\_  
Board: \_\_\_\_\_  
Mayor: \_\_\_\_\_  
Other: \_\_\_\_\_

Date: 2.28.25  
Date: 2/28/25  
Date: MAR 06 2025  
Date: \_\_\_\_\_

## Policy Statement

### Background Information

On February 12, 2025 the Mayor approved settlement in this matter in the amount of \$100,000.00. The Journal Entry was signed by the Judge and filed with the Court on February 27, 2025. (See attached JE)

### Summation of the Requested Action

Request Council execute Resolution. Request Mayor approved payment in this matter and direct Finance to issue a check in the amount of \$100,000.00 made payable to Reuben Gant, Plaintiff and Mike Manning, Attorney at Law and Smolen & Roytman, Attorneys at Law 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 (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 and Resolution to City Legal for further processing.

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(Published in the Tulsa Daily Commerce  
& Legal News,  
\_\_\_\_\_, 2025.)

## **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 27th day of February, 2025, in Case No. CJ-2021-2930, filed in the District Court for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Reuben Gant, Plaintiff, and the City of Tulsa, Defendant, in the sum of One Hundred Thousand Dollars (\$100,000.00), 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 REUBEN GANT, Plaintiff, and MIKE MANNING and DANIEL E. SMOLEN, Attorneys at Law, the sum of One Hundred Thousand Dollars (\$100,000.00); 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

Monroe Nichols, IV, 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 DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA**

REUBEN GANT, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 TONY GILLESPIE, as a Fireman for the )  
 City of Tulsa and the CITY OF TULSA, )  
 )  
 Defendants. )

Case No. CJ-2021-2930  
Judge William D. LaFortune

**DISTRICT COURT  
FILED  
FEB 27 2025  
DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY**

**JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT**

NOW ON this 25 day of Feb 2025, this matter comes before the undersigned Judge. Plaintiff Reuben Gant appears by and through his attorney of record, Daniel E. Smolen, and Defendant City of Tulsa, appears by and through its attorney of record, Hayes T. Martin, Assistant City Attorney.

The Court, having reviewed the allegations set forth in Plaintiff's Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 25 day of Feb 2025 evidencing that the statutory requirements pursuant to 62 O.S. § 362 have been met and that the judgment proceeds being paid by Defendant City of Tulsa to the Plaintiff 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 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 compromise settlement in the sum of One Hundred Thousand Dollars and 00/100 (\$100,000.00) 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 his desire to settle the entirety of all claims and causes of action relating to the events identified in his Petition, including costs and fees, upon payment in the sum of One Hundred Thousand Dollars and 00/100 (\$100,000.00), 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 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 from the City of Tulsa the sum of One Hundred Thousand Dollars and 00/100 (\$100,000.00), 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 One Hundred Thousand Dollars and 00/100 (\$100,000.00);

8. That the City shall pay 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 has and will recover from Defendant City of Tulsa, Oklahoma, damages in the total sum of One Hundred Thousand Dollars and 00/100 (\$100,000.00), 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 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**

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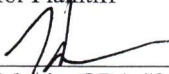
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:



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Daniel E. Smolen, OBA #19943  
701 S. Cincinnati Avenue  
Tulsa, OK 74119  
Attorney for Plaintiff



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Hayes T. Martin, OBA #32059  
175 East Second Street, Suite 685  
Tulsa, OK 74103  
Attorney for Defendant