

Resolution

Version 2.7 released on 7/1/25
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: 01.14.2026
 Posted Item #: 601.00091

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: Kristina Gray/slg

Email: kgray@cityoftulsa.org

Phone: 9185967717

Resolution Type: Authorizing Sinking Fund Credit or Payment

Owner-Grantor: Malcolm Scott and Demarchoe Carpenter

Amount: \$15,000,000.00
Case Number: 17-CV-400

TMAPC Number: _____
Council District: _____

Description (Subject): Payment of Lawsuit

Bid/Project Number: _____

Section: _____
Township: _____

Range: _____
Addition: _____

Lot: _____
Block: _____

Address: _____

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____
Legal: Kristina Gray
Board: _____
Mayor: _____
Other: _____

Date: 1-12-26
Date: 1/12/26
Date: _____
Date: JAN 14 2026
Date: _____

Policy Statement

Background Information

Mr. Scott and Mr. Carpenter were each convicted of one count of First-Degree Murder, two counts of Shooting with Intent to Kill, and one count of a Vehicle to Facilitate Discharge of a Weapon in November, 1995. On November 10, 2016, the OK Court of Criminal Appeals affirmed Judge Holmes' ruling to grant Mr. Scott and Mr. Carpenters 2014 applications for Post-Conviction Relief in the Tulsa County District Court claiming their convictions should be vacated. In 2017, Mr. Scott and Mr. Carpenter filed suit against the City of Tulsa, and several former Tulsa Police Officers. The City of Tulsa was able to negotiate a settlement of claims in the amount of \$15,000,000.00. The Journal Entry was signed by the Judge and filed with the court on November 11, 2025. (See attached JE)

Provide background information on the requested action.

Summation of the Requested Action

Request Council execute the attached Resolution. Request the Mayor approve payment of this lawsuit and direct Finance to issue a check in the amount of \$15,000,000.00 made payable to Malcolm Nigel Scott and Demarchoe Carpenter, Plaintiffs and Loevy & Loevy attorneys at law and return to the Legal Department for further processing.

Summarize the pertinent details of the requested action.

Emergency Clause?

Yes

No

Reason for Emergency Clause

Payment must be made within sixty (60) days of filing of the Journal Entry which was November 11, 2025.

Explain why you are requesting that the City Council approve the action with an 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 the Legal Department for further processing.

(Published in the Tulsa World,
_____, 2026.)

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 11th day of November, 2025, in Case No. 17-CV-400, 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 Malcolm Nigel Scott and Demarchoe Carpenter, Plaintiffs, and the City of Tulsa, Defendant, in the sum of Fifteen Million Dollars (\$15,000,000.00), 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 MALCOLM NIGEL SCOTT and DEMARCHOE CARPENTER, Plaintiffs, and LOEVY & LOEVY Attorneys at Law, the sum of Fifteen Million Dollars (\$15,000,000.00); 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)

Chair of the Council

OFFICE OF THE MAYOR

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
Date

Time

Mayor

(Seal)

ATTEST:

City Clerk

APPROVED:

City Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) MALCOLM NIGEL SCOTT, and)
(2) DEMARCHOE CARPENTER,)
)
Plaintiffs,)
)
v.)
)
(1) CITY OF TULSA, OKLAHOMA,)
(2) GARY MEEK, and)
(3) RANDALL W. SOLOMON,)
)
Defendants.)

Case No. 17-CV-400-GAG-CDL

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 11th day of December 2025, this matter comes before the undersigned Judge. Plaintiffs Malcolm Scott and Demarchoe Carpenter appear by and through their attorneys of record, Elizabeth Wang, Jon Loevy, and Jordan Poole of Loevy and Loevy and Joseph Norwood of the Norwood Law Firm. Defendant City of Tulsa appears by and through its attorneys of record, Kristina L. Gray, R. Lawson Vaughn, and Hayes T. Martin, assistant city attorneys for City of Tulsa Legal Department. This Court has been advised that the parties have reached a settlement of Plaintiffs’ claims. The parties have filed a Joint Motion To Enter Journal Entry of Judgment Upon Agreed Settlement [Doc. No. 362], pursuant to Fed. R. Civ. P. 58. This Court hereby grants the Motion and enters the following Journal Entry of Judgment Upon Agreed Settlement:

The Court, having reviewed the allegations set forth in Plaintiffs’ Fourth Amended Complaint [Dkt. #150], has been advised that the judgment proceeds being paid on behalf of the Defendant City of Tulsa to the Plaintiffs herein shall be paid from the City of Tulsa’s pooled cash and investment portfolio which has sufficient funds available to pay said judgment. The Court has further been advised that the City’s Mayor and City Council have authorized a compromise

settlement in a lump sum of Fifteen Million Dollars and 00/100 (\$15,000,000.00) 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 events identified in Plaintiffs' Fourth Amended Complaint 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 the Fourth Amended Complaint, including costs, fees, interest, and attorney fees, upon payment in the sum of Fifteen Million Dollars and 00/100 (\$15,000,000.00) the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;
2. That Plaintiffs 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 one-time payment of the sum of Fifteen Million Dollars and 00/100 (\$15,000,000.00), for any and all damages, losses, fees, attorney fees, interest, and expenses sustained as a result of the events identified in Plaintiffs' Fourth Amended Complaint;
4. That this settlement is not an admission that the City of Tulsa or its employees were negligent or violated the Plaintiffs' constitutional rights, but is only recognition of the uncertainty of trial;
5. That Plaintiffs have agreed to dismiss with prejudice and/or forgo any and all claims against the City of Tulsa and its employees individually;
6. That the Defendant, City of Tulsa, has agreed to settle Plaintiff's lawsuit in the lump sum of Fifteen Million Dollars and 00/100 (\$15,000,000.00);

8. That the Defendant City of Tulsa shall pay the Fifteen Million Dollars and 00/100 (\$15,000,000.00) lump sum to the Plaintiffs from the City of Tulsa's pooled cash and investment portfolio which has sufficient funds available to pay said judgment within sixty (60) days or as soon as possible following the filing of this Journal Entry by the Court;

9. That the City of Tulsa shall be permitted to extend the estimated tax levy to reimburse its sinking fund to a period of ten (10) years as authorized by 51 O.S. § 159(C);

10. That all parties request this Court to approve and finalize their mutual settlement;

11. That the Court retains jurisdiction to adjudicate any motions regarding attorneys' liens, which form part of the same case or controversy under 28 U.S.C. § 1367; and

12. That the Plaintiffs will satisfy any and all liens from the settlement amount to be paid by the City including any attorney liens as determined by this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiffs will recover from the Defendant City of Tulsa damages in the total sum of Fifteen Million Dollars and 00/100 (\$15,000,000.00) for any and all damages, losses, fees, attorney fees, interest, and expenses incurred or sustained incident to the events described in Plaintiffs' Fourth Amended Complaint and that the Fifteen Million Dollars and 00/100 (\$15,000,000.00) lump sum shall be paid from the City of Tulsa's pooled cash and investment portfolio which has sufficient funds available to pay said judgment within sixty (60) days or as soon as possible following the filing of this Journal Entry by the Court;

IT IS FURTHER ORDERED BY THE COURT that Plaintiffs' claims against Defendant City of Tulsa and any of its employees are dismissed with prejudice and that payment to Plaintiffs by the City of Tulsa on behalf of Defendant City of Tulsa will preclude any further or separate

action by Plaintiffs against Defendant City of Tulsa or any employees of the City of Tulsa arising from or pertaining to the events described in Plaintiffs' Fourth Amended Complaint.



GUSTAVO GELPI
UNITED STATES CIRCUIT JUDGE

APPROVED AS TO FORM AND CONTENT:

s/ Elizabeth Wang
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ATTORNEYS FOR DEFENDANT CITY OF TULSA

Legal Records

Version 3.1 released on 7/1/25

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



CITY COUNCIL USE ONLY		CITY CLERK USE ONLY	
Date Received: _____	Tracking #: _____	<input type="checkbox"/> Scanned	Date: <u>12.17.2025</u>
Committee Date: _____	Committee: _____	<input type="checkbox"/> Posted	Item #: <u>2512.03131</u>
1 st Agenda Date: _____	Hearing Date: _____		
	2 nd 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 <input type="radio"/> Yes <input checked="" type="radio"/> No
Department Legal	Contact Name Kristina L Gray (crw)	Email kgray@cityoftulsa.org
Incident Date 9/10/94	Legal Case No. 17-CV-400	Phone 918-596-7717
Name Malcolm Nigel Scott and Demarchoe Carpenter	Amount \$15,000,000.00	Originating Department Police
	Date Filed City Clerk _____	

Budget/Payments

Funding Source(s) / Checks to be Issued

TOTAL:

Approvals

Department: _____
 Legal: _____
 Board: _____
 Mayor: _____
 Other: _____

Date: 12.11.25
 Date: 12/11/25
 Date: _____
 Date: DEC 17 2025
 Date: _____

Summary

Background Information

Mr. Scott and Mr. Carpenter were each convicted of one count of First-Degree Murder, two counts of Shooting with Intent to Kill, and one count of a Vehicle to Facilitate Discharge of a Weapon in November, 1995. On November 10, 2016, the OK Court of Criminal Appeals affirmed Judge Holmes' ruling to grant Mr. Scott and Mr. Carpenter's 2014 applications for Post-Conviction Relief in the Tulsa County District Court claiming their convictions should be vacated. In 2017, Mr. Scott and Mr. Carpenter filed suit against the City of Tulsa, and several former Tulsa Police Officers. The City of Tulsa was able to negotiate a settlement of claims in the amount of \$15,000,000.00 (see attached memo).

Summation of the Requested Action

Request the Mayor approve settlement of lawsuit in the amount of \$15,000,000.00. Please return to City Legal for further processing.

Other Pertinent Information

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 to City Legal for further processing.

INTER-OFFICE CORRESPONDENCE

To: Mayor Monroe Nichols
From: Kristina L. Gray, Litigation Division Manager
Date: December 11, 2025
Subject: Settlement Approval
Scott and Carpenter v. COT, et al; Case No. 17-CV-400

In the early morning hours of September 10, 1994, a group of people, including various Hoover Crip gang members, gathered near the street at 227 E. 29th Street North in Tulsa for a party. Around 2:40 a.m., shots were fired from a passing vehicle into the crowd. A bullet struck and killed 19-year-old Karen Summers. Kenneth Price and Alonzo Johnson were also shot and injured but survived.

The Tulsa Police Department investigated and turned their findings over to the District Attorney's Office. Several witnesses told TPD officers that they saw Scott and Carpenter shooting from the moving vehicle.

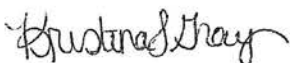
In November of 1995, Scott and Carpenter were each convicted of one count of First-Degree Murder, two counts of Shooting with Intent to Kill, and one count of Use of a Vehicle to Facilitate Discharge of a Weapon. They were both sentenced to life plus 170 years in prison.

In 2014, both Scott and Carpenter filed Applications For Post-Conviction Relief in the Tulsa County District Court claiming their convictions should be vacated. On May 13, 2016, Judge Sharon Holmes entered an Order granting their applications. The State appealed to the Oklahoma Court of Criminal Appeals, which affirmed Judge Holmes' ruling on November 10, 2016.

In 2017, Malcolm Scott and Demarchoe Carpenter filed suit against the City of Tulsa, and several former Tulsa Police officers. After the Defendants filed motions for summary judgment limited claims remained against the City of Tulsa as well as two former police officers.

A settlement conference was conducted in October 2025 in this case. Commissioner Laurel Roberts appeared on behalf of your office along with two City Councilors. With your authority and the agreement of the two City Councilors present, a settlement was reached in the amount of \$15 Million pending a majority approval of the City Council. The settlement was approved by a majority vote of the City Council on October 15, 2025.

Respectfully,



Kristina L. Gray
Litigation Division Manager