

Resolution

Version 2.7 released on 7/1/25
Use for all types of Resolutions



CITY COUNCIL USE ONLY Date Received: _____ Committee Date: _____ 1 st Agenda Date: _____	Tracking #: _____ Committee: _____ Hearing Date: _____ 2 nd Agenda Date: _____	CITY CLERK USE ONLY <input type="checkbox"/> Scanned Date: <u>03.11.2026</u> <input type="checkbox"/> Posted Item #: <u>2603.00614</u>
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All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Board Approval		Other Board Name	City Council Approval <input checked="" type="radio"/> Yes <input type="radio"/> No
Department Legal	Contact Name Komron Takmil (tmd)	Email ktakmil@cityoftulsa.org	Phone 9185967717
Resolution Type Authorizing Sinking Fund Credit or Payment		Owner-Grantor Aquiles Aponte	
Amount \$65,000.00	Case Number CJ-2024-00056	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: <u>3.9.26</u>
Legal:		Date: <u>3/9/2026</u>
Board:		Date: _____
Mayor:		Date: <u>MAR 11 2026</u>
Other:		Date: _____

Policy Statement

Background Information
On February 4, 2026 the Mayor approved payment of this lawsuit in the amount of \$65,000.00. The Journal Entry was signed by the Judge and filed with the Court on March 6, 2026. (See attached JE)

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 \$65,000.00 made payable to Aquiles Aponte, Plaintiff; Aizeman Law Group, Attorneys; Peace Orthopedic, Tulsa Medical & Orthopedic Center, Diagnostic Imaging Solutions, Foundation Radiology, and Orthopedic & Spine Center, lien holders and return to City Legal for further processing.

Emergency Clause?	Reason for Emergency Clause
<input type="radio"/> Yes	_____
<input type="radio"/> No	_____

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

W

DISTRICT COURT
FILED

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

MAR 06 2026

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

AQUILES APONTE,)
)
 Plaintiff,)
)
 vs.)
)
 BRIAN GANT and)
 CITY OF TULSA,)
)
 Defendants.)

Case No. CJ-2024-00056
Judge Wall

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 5 day of March ~~January~~ 2026, this matter comes before the undersigned Judge.

Plaintiff Aquiles Aponte appears by and through his attorney of record, Caleb Salmon, 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 Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 17 day of February 2026 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 Sixty-five Thousand Dollars and 00/100 (\$65,000.00) 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 her Petition, including costs and fees, upon payment in the sum of Sixty-five Thousand Dollars and 00/100 (\$65,000.00), 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 Sixty-five Thousand Dollars and 00/100 (\$65,000.00), 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 Sixty-five Thousand Dollars and 00/100 (\$65,000.00);

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 Sixty-five Thousand Dollars and 00 100 (\$65,000.00), 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.


JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:



Caleb Salmon
5800 East Skelly Drive, Suite 575
Tulsa, OK 74135



Komron Takmil, OBA #33282
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 Daily Commerce
& Legal News,
_____, 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 6th day of March, 2026, in Case No. CJ-2024-00056, filed in the District Court of Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Aquiles Aponte, Plaintiff, and the City of Tulsa, Defendant, in the sum of Sixty-five Thousand Dollars (\$65,000.00), 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 AQUILES APONTE, Plaintiff, AIZEMAN LAW GROUP, Attorneys at Law, PEACE ORTHOPEDIC, TULSA MEDICAL & ORTHOPEDIC CENTER, DIAGNOSTIC IMAGING SOLUTIONS, FOUNDATION RADIOLOGY, and ORTHOPEDIC & SPINE CENTER, lien holders the sum of Sixty-five Thousand Dollars (\$65,000.00); 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:

INTER-OFFICE CORRESPONDENCE

To: Mayor Monroe Nichols
From: Komron Takmil, Assistant City Attorney
Date: January 28, 2026
Subject: Settlement Approval
Aquiles Aponte v. COT and Brian Gant, Case No. CJ-2024-00056

On January 8, 2024 Caleb Salmon filed suit on behalf of Aquiles Aponte for medical bills, pain and suffering, and lost wages when Mr. Aponte was involved in a motor vehicle accident with a City of Tulsa Water Distribution employee. The case was filed in Tulsa County Court as Case CJ-2024-00056.

The allegation in the case was that on August 27, 2022 Plaintiff Aquiles Aponte was driving eastbound on East 51st Street and stopped at the intersection of East 51st Street and South Yale Avenue. A water distribution employee was also traveling eastbound East 51st Street and stopped the 2018 freightliner transporting heavy equipment at the same intersection behind Plaintiff's vehicle. The employee, seeing the vehicles in the turn lane next to him begin to move, assumed his light had also turned green and moved forward on a red light and struck the rear of Plaintiff's vehicle. Mr. Aponte suffered shoulder, lower back and neck injuries. His medical bills total \$18,600.

The Tulsa Police Department investigated the incident and determined the City of Tulsa was liable. The City employee inattentively failed to safely start his vehicle in violation of Tulsa City Ordinance.

Through the discovery process, Mr. Aponte provided medical records and wage loss documentation. His initial demand was for \$175,000 for medical bills, pain and suffering, and lost wages.

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 this case. The parties have negotiated the settlement of all claims and the Legal Department recommends approval of settlement of this lawsuit in the amount of \$65,000, which includes all damages, fees, attorney fees, interest, and costs.

Respectfully,

Komron Takmil

Komron Takmil
Assistant City Attorney