

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: 05.13.2026
 Posted Item #: 2605.01140

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 (ldb)

Email: mmcgreg@cityoftulsa.org

Phone: 918-596-7717

Resolution Type: Authorizing Sinking Fund Credit or Payment

Owner-Grantor: Kathy Bennett, Guardian on behalf of Luther Bennet

Amount: \$25,000.00 Case Number: CJ-2025-2478

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: _____
Board: _____
Mayor: _____
Other: _____

Date: 5.8.26
Date: 5.8.2026
Date: MAY 13 2026
Date: _____

Policy Statement

Background Information

On April 1, 2026 the Mayor approved payment of this lawsuit in the amount of \$25,000.00. The Journal Entry was signed by the Judge and filed with the Court on May 7, 2026. (See attached Journal Entry)

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 \$24,501.35 made payable to Kathy Bennett, as guardian on behalf of Luther Bennett and Greg Denney Law, P.C.; and one to lienholder Oklahoma Healthcare Authority in the amount of \$498.65 and return to City Legal for further processing.

Summarize the pertinent details of the requested action.

Emergency Clause?

Reason for Emergency Clause

Yes
 No

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 Resolution to City Legal for further processing.



LEGAL

Date: May 1, 2026
To: Mayor Nichols
From: T. Michelle McGrew, Sr. Assistant City Attorney
Subject: Luther Bennett v. City -Settlement Authority

Mayor Nichols:

As you may recall, the City admitted liability for this motor vehicle accident negligence case. This negligence case arises from a motor vehicle accident that occurred on August 30, 2024. A Tulsa Police officer in a marked patrol vehicle was driving northbound on MLK when observed two vehicles racing on southbound MLK. The officer activated his overhead emergency lights and attempted a U-turn at the top of a hill, in order to stop the vehicles. He then collided with the vehicle in which Mr. Bennet was a passenger.

Luther Bennett, a 62 year old, non-verbal, and blind man was a passenger in a vehicle along with his caregiver. They were going to a doctor's appointment. Mr. Bennett suffered soft tissue injuries and claims approximately \$5,000.00 in medical bills.

Mr. Bennett's sister and Guardian hired attorney Gregory Denney, who timely filed a Notice of Tort Claim on Mr. Bennett's behalf. With your authority, City Legal engaged in settlement negotiations with Plaintiff's counsel and arrived at a settlement of \$25,000.00 to fully resolve Mr. Bennett's claim.

In order to avoid the uncertainties of trial, I recommend that you, again, authorize \$25,000.00 in settlement authority. If you have any questions or would like to discuss this matter in greater detail, please do not hesitate to contact me.

Thank you.

A handwritten signature in cursive script, appearing to read "T. Michelle McGrew", written in black ink.

T. Michelle McGrew
Senior Assistant City Attorney

(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 7th day of May, 2026, in Case No. CJ-2025-2478, filed in the District Court for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Kathy Bennett, as guardian on behalf of Luther Bennett, Plaintiff, and the City of Tulsa, Defendant, in the sum of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00) 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 KATHY BENNETT, as guardian on behalf of Luther Bennett, Plaintiff and GREG DENNEY LAW, PC, Counsel for Plaintiff; the sum of Twenty Four Thousand, Five Hundred and ONE Dollars and 35/100 (\$24,501.35); and one to OKLAHOMA HEALTHCARE AUTHORITY, the sum of Four Hundred Ninety-Eight Dollars and 65/100 (\$498.65); 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

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

DISTRICT COURT
FILED

MAY 07 2026

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

NIBRET BELAY, an individual, and)
KATHY BENNETT, as guardian on)
behalf of LUTHER BENNETT,)
)
Plaintiffs,)
)
vs.)
)
CITY OF TULSA,)
)
Defendant.)

Case No. CJ-2025-2478
Judge Priddy

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 5 day of ~~April~~^{May} 2026, this matter comes before the undersigned Judge. Plaintiff Kathy Bennett, as guardian on behalf of Luther Bennett appears by and through her attorney of record, Gregory J. Denney, and Defendant City of Tulsa, appears by and through its attorney of record, T. Michelle McGrew, Senior 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 1 day of ~~April~~^{May} 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 Twenty-five Thousand Dollars and 00/100 (\$25,000.00) 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 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 Twenty-five Thousand Dollars and 00/100 (\$25,000.00), 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 Twenty-five Thousand Dollars and 00/100 (\$25,000.00), 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 Twenty-five Thousand Dollars and 00/100 (\$25,000.00);

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 Twenty-five Thousand Dollars and 00/100 (\$25,000.00), 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:



Gregory J. Denney, OBA #17918
GREGDENNEYLAW, PLLC
1204 S. Cheyenne Avenue
Tulsa, OK 74119
Attorney for Plaintiff Kathy Bennett, as
guardian on behalf of Luther Bennett

T. Michelle McGrew

T. Michelle McGrew, OBA #20279
Senior Assistant City Attorney
City of Tulsa
175 East Second Street, Suite 685
Tulsa, OK 74103
(918) 596-7717
Attorney for City of Tulsa