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City of Norman
Post Office Box 370
Norman, OK 73070

Notice of Tort Claim

My Client: Michael Hughes
Negligent Party: City of Norman & Officer
Paul Evans
Date of Loss: October 5, 2013

To the City of Norman:

Please be advised I represent Michael Hughes in relation to injuries he suffered in an automobile accident on October 5, 2013 with a vehicle driven by City of Norman police officer Paul Evans while acting within the course and scope of his employment with the City of Norman. This accident was caused by the sole negligence of Officer Evans. See Police report attached. Pursuant to the Oklahoma Governmental Torts Claims Act found in 51 Okla.Stat. Ann. § 152, on behalf of my client, Michael Hughes, I hereby present this claim relating to injuries and subsequent damages Mr. Hughes incurred as a result of this accident.

Claimant Name:	Michael Hughes
Address of Claimant:	2338 Lindenwood Lane, Norman, OK 73071
Phone # of Claimant:	
Date of Accident:	October 5, 2013
Time of Accident:	5:17pm
Location of Accident:	(see police report attached)- in Norman, OK
Circumstances of Claim:	Auto Accident
Agency involved:	Norman Police Department of the City of Norman, OK
Relief Demanded:	Damages pursuant to Oklahoma Uniform Jury Instruction 4.1
Claimant's attorney authorized to settle claim on behalf of Claimant:	Richard Selman, esq., Selman & Associates, P.C., 4815 S. Harvard, Ste. 400, Tulsa, OK 74135. 918-592-7000

Medical bills Mr. Hughes incurred as a result of this accident are as follows:

Treatment at Orthopaedic and Sports Medicine Center
10-14-2013 \$236.00

10-28-2013	\$150.00
10-30-2013	\$1,662.50 (MRI Lumbar Spine)
11-5-2013	\$105.00
11-12-2013	\$226.00
11-15-2013	\$126.00
11-20-2013	\$226.00
11-22-2013	\$126.00
11-22-2013	\$1,300.00 (MRI Thoracic Spine)
11-25-2013	\$126.00
11-26-2013	\$126.00
12-2-2013	\$126.00
12-10-2013	\$126.00
12-12-2013	\$126.00
12-12-2013	\$121.49
12-16-2013	\$126.00
12-19-2013	\$126.00
12-31-2013	\$126.00
1-02-2014	\$126.00
1-06-2014	\$126.00
1-09-2014	\$186.00
1-14-2014	\$105.00
1-20-2014	\$179.00
1-23-2014	\$151.00
1-30-2014	\$126.00
1-31-2014	\$126.00
2-4-2014	\$126.00
2-6-2014	\$126.00

Total Medical Bills: \$6,663.99

Mr. Hughes had low back surgery on 10-3-2012 for left L4-L5 decompression foraminotomy and discectomy and again surgery on 11-20-2012 for right total hip replacement due to avascular necrosis of the hip. Mr. Hughes was doing well and had recovered from his back surgery, was doing all normal work activities at his maintenance job, had not been to the doctor for his back for over 5 months when he was involved in this motor vehicle accident on 10-5-2013 with officer Evans. (The last time Mr. Hughes was seen for his low back was on 4/30/2013.) See all records from Orthopaedic and Sports Medicine attached). Mr. Hughes re-injured his low back in this accident. Mr. Hughes hoped the back pain would go away on its own, but when it did not he had to go back to his physician at Orthopaedic and Sports Medicine Center. He presented on 10/14/2013 complaining of low back pain and indicating quick movements were painful and bending and twisting were painful. The pain was severe enough that it was hard to find any comfortable position. (This

is noted in the medical records.) Dr. Schultz opted to treat this conservatively and advised him to follow up in 2 weeks. On 10-28-14 Mr. Hughes presented again and the records indicate Mr. Hughes symptoms had not gotten better with rest and back exercises but he had actually gotten worse and Mr. Hughes also had some referred pain. Dr. Shultz then ordered an MRI and it was reviewed with Mr. Hughes on 11-5-2013 and it showed a bulge on the left side not there before the accident. The doctor opted to treat with physical therapy and medication.

This accident not only caused Mr. Hughes physical pain but he also suffered mental anguish as he had to confront the idea that he might have to have low back surgery again as a result of this accident. (See record dated 11/12/2013 wherein it stated "he is concerned because MRI suggests possible disc re-repture and/or scar tissue."). Mr. Hughes finished physical therapy on 2/6/2014 because he had reached maximum medical improvement from physical therapy. However he still has pain and continued spasm's from this accident that he will just have to work out over time.

As a result of this accident Mr. Hughes missed work and has a lost wage claim totaling \$1,676.50. See letter enclosed from his employer. Pursuant to Oklahoma Uniform Jury Instruction 4.1 Mr. Hughes is entitled to recover damages for his medical bills and lost wages (which total \$8,340.49) and past and future physical and mental pain and suffering. Mr. Hughes did suffer an extensive amount of pain and agony from the injuries he received in this accident. Anyone who has had a serious surgery like Mr. Hughes did on his back in 10/3/2012 knows the hard work that goes into rehab and getting back to normal after the surgery. Mr. Hughes had done this and had not been back to the doctor for his back for over 5 months when this accident occurred re-injuring his back. He then had to go back to the doctor to start the process of rehabilitation again as this accident caused a bulging disk in his back and was causing such pain that it was hard to find any comfortable position. Mentally this has been very tough for Mr. Hughes as well knowing that he was now back to "square 1" on his back recovery and he might have to go back in for another surgery. Based on the above, I have, at this time and before litigation is filed, been authorized to settle this claim for \$22,000.00. This is a very reasonable offer based on the injuries and damages my client suffered and the fact that liability is clear.

I would appreciate a written response to this letter advising the date you received it as this is the date, pursuant to the Oklahoma Governmental Tort Claims Act that will be used in triggering the start of the 90 day time period you have to accept or deny this claim. Thank you.

Yours very truly,

SELMAN & ASSOCIATES, P.C.

By 

Richard B. Selman

cc: Michael Hughes