



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-35

File ID: GID-1213-35	Type: Settlement	Status: Consent Item
Version: 1	Reference: Item No. 56	In Control: City Council
Department: Legal Department	Cost: \$105,000.00	File Created: 10/10/2012
File Name: Buckmaster Settlement	Final Action:	

Title: CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF CAROL BUCKMASTER VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-505 IN THE AMOUNT OF \$105,000.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize the City Attorney's Office to effectuate the settlement in the amount of \$105,000.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/23/2012

Agenda Number: 56

Attachments:

Project Manager: Jeff Bryant, City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File GID-1213-35

Body

BACKGROUND: Carol Buckmaster filed Buckmaster v. City of Norman, Case No. CJ-2010-505, in Cleveland County District Court on March 15, 2010. This is a personal injury claim wherein Mrs. Buckmaster alleged that on August 8, 2008 she was injured after stepping into a hole located within City of Norman right-of-way near the intersection of 24th Avenue SE and Alameda Street.

A judge trial was held on October 19, 2011 and October 26, 2011, and the trial court ruled in favor of the Plaintiff. The Plaintiff was awarded \$125,000 which included costs and prejudgment interest. While the City has initiated the appeal process, and briefs are currently on file with the Oklahoma

Supreme Court under Case No. 110216, Mrs. Buckmaster's attorney has offered a settlement in the amount of \$99,500 plus costs not to exceed \$5,500. The points of litigation and the proposed settlement were discussed by City Council in several Executive Sessions, most recently on October 2, 2012. In accordance with that most recent discussion, this item is being presented to City Council for consideration at this time.

DISCUSSION AND RECOMMENDATION: The merits of the settlement proposal were discussed in Executive Session and more detail is also provided in a separate Privileged and Confidential memo provided to Council. Pursuant to discussions in Executive Session this matter is being forwarded for consideration and approval by City Council. If approved, the City Attorney's office will reduce the settlement amount to judgment in accordance with 51 O.S. §159 and 62 O.S. §362. If approved, the settlement amount will then be placed on the property tax rolls for collection over the next three years, resulting in an estimated cost of 45 cents per year for three year for a property with an estimated valued of \$100,000.