



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1718-9

File ID: SC-1718-9

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 20

In Control: City Council

Department: Legal Department

Cost: \$2,162.25

File Created: 09/21/2017

File Name: Special Claim from Kanaan Goldstein

Final Action:

Title: SPECIAL CLAIM SC-1718-9: SUBMITTED BY KANAAN GOLDSTEIN IN THE AMOUNT OF \$2,162.25 PLUS AN UNDETERMINED AMOUNT OF CAR RENTAL FEES FOR DAMAGES TO HER VEHICLE AS A RESULT OF AN ACCIDENT WITH A POLICE DEPARTMENT VEHICLE NEAR THE INTERSECTION OF WEST MAIN STREET AND HAL MULDROW DRIVE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1718-9; and, if approved, direct payment in the amount of \$2,162.25 contingent upon obtaining a Release and Covenant Not to Sue from Kanaan Goldstein.

ACTION TAKEN: _____

Agenda Date: 10/10/2017

Agenda Number: 20

Attachments: City Clerk Memo, Tort Claim, Repair Estimate, Collision Report - Redacted

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: sencinias@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 SC-1718-9

Body

BACKGROUND: A claim was filed by Kanaan Goldstein, in the amount of \$2,162.25 plus an additional undetermined amount for car rental fees, for damage her vehicle received on July 17, 2017, when it was struck from behind by a City Police Department vehicle near the intersection of West Main Street and Hal Muldrow Drive.

DISCUSSION: This incident was investigated by Keith Humphrey, Chief of Police, and it was found that on July 17, 2017, Ms. Goldstein was traveling in the middle lane of West Main Street headed eastbound. As she drove past the intersection of Hal Muldrow Drive, the unidentified driver of a red Volkswagen quickly sped past her in the far right lane and then sharply merged left in front of her vehicle. In order to avoid a collision with the Volkswagen, Ms. Goldstein applied her brakes but was then struck by a City of Norman Police Department vehicle which was traveling behind her. This caused damage to the rear bumper cover and spoiler of her 2013 Volvo. The collision was subsequently classified as preventable and disciplinary action related to the accident has been completed.

Ms. Goldstein submitted one (1) repair estimate for \$2,162.25 from the only body shop authorized to conduct repairs on her vehicle in order for her to stay within her warranty. Ms. Goldstein also requests payment of possible future car rental fees should they be incurred when she takes her vehicle in to be repaired. The fees from this expense will be filed as a separate claim once they are incurred.

As indicated above, there appears to be possible negligence on the part of the City in this matter and consequently potential liability on the City. This claim in the amount of \$2,162.25, plus future car rental fees, appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Kanaan Goldstein, in the amount of \$2,162.25 plus and additional amount for possible future car rental fees, as set forth above, be approved.