



City of Norman, OK

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

Master

File Number: SC-1213-5

File ID: SC-1213-5

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item No. 15

In Control: City Council

Department: Legal Department

Cost: \$125,000.00

File Created: 12/12/2012

File Name: AGENDA ITEM - Claim of Brett Hollandsworth

Final Action:

Title: SPECIAL CLAIM NO. SC-1213-5: A CLAIM IN THE AMOUNT OF \$125,000 SUBMITTED BY BRETT AND ROBIN HOLLANDSWORTH FOR DAMAGES AND CHARGES INCURRED WHEN INVOLVED IN AN ACCIDENT WITH A POLICE VEHICLE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1213-5; and, if approved, direct payment in the amount of \$125,000 contingent upon obtaining a Release and Covenant Not to Sue from Brett and Robin Hollandsworth.

ACTION TAKEN: _____

Agenda Date: 12/18/2012

Agenda Number: 15

Attachments: Text File SC-1213-5, Clerk Memo Hollandsworth
Claim, Tort Claim, Police Report

Project Manager: Jeanne Snider

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 SC-1213-5

Body

BACKGROUND:

A claim has been filed by Brett Hollandsworth for injuries and damages to his motorcycle in the amount of \$125,000 due to an accident that occurred on August 20, 2012, when a City of Norman IN police vehicle pulled out in front of him at 12th Avenue SE and Alameda Street.

DISCUSSION:

According to Mr. Hollandsworth and the official police report and investigation, the police vehicle, driven by Officer Larry Anderson, was turning north out of a private drive on 12th Avenue SE and initially did not see Mr. Hollandsworth's oncoming motorcycle. When the officer did see the motorcycle, he sped up in an attempt to avoid a collision while, at the same time, Mr. Hollandsworth was also trying to avoid the collision by laying down his motorcycle. As a result, Mr. Hollandsworth ended up striking the driver's side rear quarter panel of the police vehicle. As mentioned previously, the Police Department investigation confirmed that the officer's actions were, in fact, the cause of the accident.

Mr. Hollandsworth has provided medical records and invoices which total \$86,484.60 to date. In addition, Mr. Hollandsworth has reported lost wages in the amount of \$3,622.50.

Mr. Hollandsworth's claim has been investigated and has reached a point of resolution. Based on the investigation and our evaluation of medical records and expenses submitted, it appears that Mr. Hollandsworth's future medical expenses and his potential claim of pain and suffering will exceed the tort claim limit of \$125,000 as specified in the Oklahoma Governmental Tort Claims Act at 51 O.S. § 154. 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. The amount claimed by Mr. Hollandsworth in the amount of \$125,000 appears to be reasonable. The proposed settlement was discussed by Council in Executive Session on December 11, 2012.

RECOMMENDATION:

Based upon the above and Council's input from the Executive Session, it is recommended by the City Attorney's Office that the settlement of Mr. Hollandsworth's claim in the amount of \$125,000, as above set forth, be approved by City Council. If approved, due to the size of the settlement amount, the settlement will be reduced to judgment and placed on the property tax rolls and paid over the next three years in accordance with 62 O.S. § 361 et seq and 51 O.S. § 159.