



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-2021-8

File ID: SC-2021-8

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 23

In Control: City Council

Department: Legal Department

Cost: \$18,000.00

File Created: 05/06/2021

File Name: Special Claim from Delisia Kelsey, Mya Kelsey & Peyton Mueller

Final Action:

Title: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2021-8: SUBMITTED BY DELISIA KELSEY FOR HERSELF AND ON BEHALF OF HER CHILDREN, MYA KELSEY AND PEYTON MUELLER, IN THE TOTAL AMOUNT OF \$18,000 FOR MEDICAL EXPENSES INCURRED WHEN HER VEHICLE WAS STRUCK BY A CITY SANITATION TRASH TRUCK ON SEPTEMBER 21, 2020, ON INTERSTATE 240.

Notes:

Agenda Date: 05/11/2021

Agenda Number: 23

Attachments: City Clerk Memo, Notice of Tort Claim, OHP Collision Report - Redacted

Project Manager: Anthony Purinton, Assistant City Attorney

Entered by: sarah.encinias@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File SC-2021-8

Body

BACKGROUND: A claim was filed by Delisia Kelsey, for herself and on behalf of her children, Mya Kelsey and Peyton Mueller, in the total amount of \$41,337.25 for medical expenses when the Claimant's vehicle was struck by a Sanitation truck on September 21, 2020, on U.S. Interstate 240.

DISCUSSION: This incident was investigated by Casey Sides, Utilities Supervisor, who found on September 21, 2020, a City Sanitation employee was driving a sanitation truck eastbound on I-240 to drop off solid waste at the Oklahoma City landfill. It was during this time that traffic on I-240 came to an abrupt stop. The employee was unable to slow down in time before the truck he was driving struck Ms. Kelsey's vehicle.

At the time of the incident, Ms. Kelsey and her children were treated at the scene by emergency personnel but refused transport to a hospital. Then on September 22, 2020, Ms. Kelsey and her children received medical treatment for health complaints owing to the previous day's auto incident. Ms. Kelsey received additional treatment over the course of the next four months. Ms. Kelsey now submits these medical expenses for compensation by the City.

Ms. Kelsey's attorney submitted a total claim amount based on the medical amounts billed for the Claimants' treatment, in the amount of \$41,337.25. However, the amounts paid for the medical treatment would justify settlement at a lower amount, closer to the amounts actually paid. 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. Payment of the claim of Delisia Kelsey, Mya Kelsey, and Peyton Mueller, in the amount of \$18,000.00, appears reasonable based on amounts actually paid and the amount of treatment Ms. Kelsey required for her injuries.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Delisia Kelsey, Mya Kelsey, and Peyton Mueller, in the amount of \$18,000.00 as set forth above, be approved.