

DISTRICT COURT  
**FILED**  
JUN 13 2025  
DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

CARMEN THOMPSON

Plaintiff,

vs.

Case No. CJ-2023-3977

Judge LaFortune

THE CITY OF BROKEN ARROW and  
BROKEN ARROW PUBLIC WORKS,

Defendants.

**JOURNAL ENTRY OF JUDGMENT**

On May 20, 21, and 22, this matter came on for jury trial. Plaintiff Carmen Thompson appeared personally and by counsel Jim Buxton and Spencer Habluetzel. Defendant City of Broken Arrow appeared by its representative Tim Robins and by counsel Rachel Fields. The Court FINDS,

1. The matter was tried to the jury, which rendered a verdict in Plaintiff's favor of \$32,264.61 in property damages and \$65,000 in nuisance damages for a total of \$97,264.61.
2. The jury found Plaintiff 12% liable and Defendant 88% liable. Therefore, the verdict in Plaintiff's favor shall be reduced to \$28,392.86 for property damages and \$57,200, totaling \$85,592.86.
3. The Governmental Tort Claims Act (GTCA), 51 O.S. § 154(A)(1), caps property damages at \$25,000, so the verdict shall be further reduced, bringing the amount in Plaintiff's favor to \$25,000 for property damages and \$57,200 in nuisance "any other loss" damages, totaling \$82,200.
4. The parties have conferred regarding costs and agreed upon sufficient proofs that Plaintiff is entitled to costs of \$3,563.27 allocated to the "any other loss" portion of the case.

5. Although this is an attorney fee case under 12 O.S. § 940 as to the property damages, because Plaintiff reached the property damages cap, she cannot be awarded additional attorney fees. *Truelock v. City of Del City*, 1998 OK 64, ¶ 17, 967 P.2d 1183, 1188.

6. Similarly, Plaintiff is not entitled to prejudgment interest on the property damages. *Truelock v. City of Del City*, 1998 OK 64, ¶ 16, 967 P.2d 1183, 1188 (citing *Huff v. State*, 1988 OK 118, 764 P.2d 183).

7. However, Plaintiff is entitled to prejudgment interest on the \$57,200 “any other loss” damages in the amount of \$4,320.16 calculated as follows

Year	Days	Annual Rate	Principal	Accrued Interest	
2023	47	1.9%	\$57,200	\$139.94	
2024	366	5.09%	\$57,200	\$2,911.48	
2025	160	5.06%	\$57,200	\$1,268.74+	Accruing \$7.93 per day as of June 9, 2025
			Total:	\$4,320.16	

12 O.S. § 727.1(F, I).

8. Therefore, the total amounts in Plaintiff’s favor are \$25,000 in property damages and \$65,083.43 allocatable to “any other loss” damages as of June 9, 2025, totaling \$90,083.43.

9. Prejudgment interest shall be added in the amount of \$7.93 per day through the date of filing of the judgment.

10. Postjudgment interest applies to the “any other loss” portion specified above up to the applicable GTCA cap. 12 O.S. § 727.1(A – C).

11. The offer of proof filed by Defendant and affidavit of Defendant’s finance director is sufficient to comply with 51 O.S. § 159, 62 O.S. § 362.

12. Defendant has decided to pay the judgment at once and not over the course of three years as otherwise permitted by law.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that judgment be, and hereby is awarded to Plaintiff Carmen Thompson against Defendant City of Broken Arrow for total damages of \$90,083.43 plus \$7.93 prejudgment interest per day since June 9, 2025, and that Plaintiff is entitled to post-judgment interest to the extent allowed by law.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this judgment shall be paid in accordance with 62 O.S. §§ 362, 365.5, 365.6; 51 O.S. § 159.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this judgment is appropriate to be paid from the sinking fund and from the *ad valorem* tax base of Defendant. Although the award could be paid over a three-year period of time, Defendant decided payment shall be made at once, and not over the course of three years as otherwise permitted by law.

**IT IS SO ORDERED.**

Dated June 10, 2025

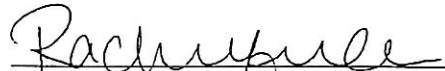
**William D. LaFortune**

Judge LaFortune

Approved:



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*Thompson v. City of Broken Arrow, CJ-2023-3977 (Tulsa County 2025)*