

RESOLUTION NO. 1252

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A PROPOSED JOINT APPLICATION FOR APPROVAL OF SETTLEMENT AND A JOURNAL ENTRY OF JUDGMENT IN REGARD TO THE TORT CLAIM FILED BY LAMONT THARPS, AND DIRECTING THE CITY ATTORNEY TO PREPARE AND FILE THE NECESSARY DOCUMENTS TO EFFECTUATE SETTLEMENT, INCLUDING A JOURNAL ENTRY OF JUDGMENT FOR THE COURT'S APPROVAL, PURSUANT TO 51 O.S. § 158

WHEREAS, on July 13, 2018, a tort claim notice was filed on behalf of Lamont Tharps related to the arrest of Mr. Tharps for obstruction of a police officer and resisting arrest by a City of Broken Arrow Police Officer. Mr. Tharps alleged that excessive force was used in effectuating his arrest.

WHEREAS, after reviewing the facts in this matter, the Council has determined that settlement in this matter is proper in the sum of Seventy-five Thousand dollars (\$75,000.00). The total settlement amount consists of the following: (1) Seventy-five thousand dollars (\$75,000.00) made payable to Lamont Tharps and Bryan & Terrill Law, PLLC. This sum is in settlement of all of Plaintiff's claims for damages, prejudgment interest, costs and attorney fees; and this is a compromise settlement of disputed claims and is in no way an admission of liability by the City of Broken Arrow.

WHEREAS, the City Council has determined that such resolution is a just reasonable settlement; and

WHEREAS, it is the desire of the Council to approve such settlement agreement by authorizing the City Attorney to prepare and file the necessary documents to settle this case, including a Journal Entry of Judgment which does not admit liability, but does represent a compromise settlement of the disputed claims.

NOW, THEREFORE, BE IT RESOLVED that the City Attorney be, and is hereby directed to agree to entry of a judgment without admitting liability in the case of *Lamont Tharps vs. City of Broken Arrow, An Oklahoma Municipality*; and

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to prepare and file the necessary documents, including a Joint Petition for Approval of Settlement and a Journal Entry of Judgment incorporating the terms of the settlement agreement in the amount of \$75,000.00, and to execute any and all necessary documents to effectuate this settlement for the Court's approval pursuant to 51 O.S. § 158.

ADOPTED and APPROVED by the Mayor of the Council of the City of Broken Arrow, Oklahoma this 6th day of August, 2019.

ATTEST:

Mayor

City Clerk

REVIEWED as to for form and legality this 6th day of August, 2019.

Deputy City Attorney