

## **RESOLUTION NO. 1276**

### **A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A PROPOSED A JOURNAL ENTRY OF JUDGMENT IN REGARD TO THE LAWSUIT FILED BY FRANCIS PATRICK CHARON, 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 March 2, 2016, a lawsuit was filed on behalf of Francis Patrick Charon related to his employment with the Broken Arrow Fire Department. Mr. Charon alleged that there was a breach of contract with his employment and negligence, and that he was damaged as a result.

**WHEREAS**, after reviewing the facts in this matter, the Council has determined that settlement in this matter is proper in the sum of Thirty Thousand dollars (\$30,000.00). The total settlement amount consists of the following: (1) Thirty Thousand dollars (\$30,000.00) made payable to Francis Patrick Charon. 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 *Francis Patrick Charon v. City of Broken Arrow*; and

**BE IT FURTHER RESOLVED** that the City Attorney is hereby directed to prepare and file the necessary documents, including a Journal Entry of Judgment, incorporating the terms of the settlement agreement in the amount of \$30,000.00, 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 15<sup>th</sup> day of October, 2019.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

REVIEWED as to for form and legality this 15<sup>th</sup> day of October, 2019.

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Assistant City Attorney