

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 15th day of October, 2019.

ATTEST:

Mayor

City Clerk

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

Assistant City Attorney