



City of Broken Arrow

Request for Action

File #: 16-1426, Version: 1

**Broken Arrow City Council
Meeting of: 12-06-2016**

**To: Mayor and City Council
From: Office of the City Attorney
Title:**

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 963, a Resolution authorizing the City Attorney to agree to enter into the Final Entry of Judgment without admitting liability in the matter of David and Christina Vranesevich and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry incorporating the resolution for the Court's approval pursuant to 51 O.S. § 158

Background:

On June 17, 2016, David and Christina Vranesevich submitted a tort claim by and through their attorney of record, Joseph Bufogle, Sr. This tort claim was submitted as a result of an automobile accident that occurred September 6, 2015. The tort claim alleges that City employee, Bryce Daniel Campbell failed to yield at a red light on 9th Street and collided with Mr. and Mrs. Vranesevich. The City of Broken Arrow cited Mr. Campbell for failing to yield the right of way.

The Vranesevich's have requested compensation in the amount of \$125,000.00 under the Governmental Tort Claims Act. This request included property damage, lost wages, and past and future medical bills of the parties.

The City of Broken Arrow is clearly liable for its employee, Mr. Campbell's collision with Mr. and Mrs. Vranesevich. Mr. Campbell was within the scope of his employment at the time of the collision. The parties have discussed the possibility of a settlement and the Plaintiffs have agreed to settling the matter with David Vranesevich receiving a settlement of \$27,500.00 and Christina Vranesevich receiving a settlement in the amount of \$16,500.00. This settlement would encompass all claims, present and future. Staff believes the sums stated are reasonable considering the damages and medical bills the parties have sustained and as such recommends the settlement in these amounts.

Attached is a Resolution authorizing entry of judgment in the matter for Mr. Vranesevich in the amount of \$27,500.00 and Mrs. Vranesevich in the amount of \$16,500.00. This matter has also been placed for discussion on Executive Session should the Council wish to discuss it in advance of consideration of this Resolution.

Cost: \$44,000.00

Prepared By: Beth Anne Wilkening, City Attorney

Reviewed By: Assistant City Manager-Operations
Director of Finance Department

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 963

Recommendation:

Approve Resolution No. 963 and authorize its execution.