



City of Broken Arrow

Request for Action

File #: 17-1957, Version: 1

**Broken Arrow City Council
Meeting of: 03-21-2017**

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

Title:
Consideration, discussion, and possible approval of Resolution No. 1002, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and Journal Entry of Judgment in regards to the matter of Elton Fernandes v. City of Broken Arrow et al. Case No. 16-CV-630-CVE-FHM in the United States District Court for the Northern District of Oklahoma and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the courts approval pursuant to 51 O.S. §158

Background:

On October 6, 2016, Elton Fernandes filed suit against the City of Broken Arrow, Craig Brown (individually and in his official capacity as a Broken Arrow Police Officer) and Mike Jackson Brown (individually and in his official capacity as a Broken Arrow Police Officer) alleging that the City of Broken Arrow and its officers violated Mr. Fernandes's Fourth and Fourteenth Amendment rights during a non-consensual search of his car and warrantless entry and search of his home on or about October 7, 2014. Mr. Fernandes's asserted his claims against both the City of Broken Arrow and its officer's under 42 U.S.C §1983. The Plaintiff has agreed to resolve this case for the sum of sixty thousand and no cents (\$60,000.00). The proposed Judgment will be against the City of Broken Arrow. Officers Brown and Jackson will be dismissed with Prejudice.

The attached Resolution authorizes the Entry of Judgment in this matter, as well as direction to prepare and file the documentation necessary to effectuate the terms of the settlement. The City Attorney has placed this matter on for Executive Session should the Council desire to discuss it in closed session.

Cost: \$60,000.00

Prepared By: Beth Anne Childs, City Attorney

**Reviewed By: Finance Department
Assistant City Manager**

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 1002

Recommendation:

Approve Resolution No. 1002 and authorize its execution.