



# City of Broken Arrow

## Request for Action

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**File #:** 19-801, **Version:** 1

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**Broken Arrow City Council**  
**Meeting of: 06-17-2019**

**Title:**

Consideration, discussion and possible approval of Resolution No. 1248, a Resolution authorizing the City Attorney to defend Marque Baldwin in the civil action Ellsworth vs. The City of Broken Arrow et al, Case No. 19-CV-34TCKFHM in the United States District Court for the Northern District of Oklahoma

**Background:**

On February 19, 2019 Amanda Ellsworth, individually and as natural mother on behalf of B. W., a minor child, filed an amended complaint in the United States District Court for the Northern District of Oklahoma, case no. 19-CV-34TCKFHM alleging the City of Broken Arrow, City of Broken Arrow Officer, Marque Baldwin and ten unnamed City of Broken Arrow Police Officers violated the Ellsworth's civil rights during a traffic stop. This complaint arose from an incident on or about August 1, 2018 where the Ellsworth's were allegedly detained without probable cause by City of Broken Arrow Police Officers. 11 O.S. § 23-101 *et seq* provided for the City of Broken Arrow to defend its municipal employees in such actions. Officer Baldwin acted in good faith and in the course and scope of his employment in this encounter and is entitled to a defense by the City of Broken Arrow.

**Cost:** Cost of litigation

**Funding Source:** Legal Department Operational Budget

**Requested By:** Trevor Dennis, City Attorney

**Approved By:** City Manager's Office

**Attachments:** Resolution No. 1248

**Recommendation:**

Approve Resolution No. 1248 and authorize its execution.