



# City of Broken Arrow

## Request for Action

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**File #:** 19-1241, **Version:** 1

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**Broken Arrow City Council**  
**Meeting of: 10-01-2019**

**Title:**

Consideration, discussion and possible approval and authorization to execute Resolution No. 1268, a Resolution authorizing the City Attorney to defend Joshua Zoller in the civil action Ellsworth vs. The City of Broken Arrow et al, Case No. 19-CV-34-TCK-FHM in the United States District Court for the Northern District of Oklahoma

**Background:**

On August 26, 2019 Amanda Ellsworth and Braeden Walling filed a Second Amended Complaint in the United States District Court for the Northern District of Oklahoma, case no. 19-CV-34-TCK-FHM alleging the City of Broken Arrow and City of Broken Arrow Officers Joshua Zoller and Rodney Garner violated the Ellsworths' civil rights during a traffic stop. This complaint arose from an incident on or about August 1, 2018 where the Ellsworths were allegedly detained without probable cause by City of Broken Arrow Police Officers. 11 O.S. § 23-101 *et seq* provides for the City of Broken Arrow to defend its municipal employees in such actions. Officer Zoller 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. 1268

**Recommendation:**

Approve Resolution No. 1268 and authorize its execution.