




# OFFICE OF THE CITY ATTORNEY

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## CLAIMS MEMORANDUM #DC-2024-072

**TO:** Mayor and Council

**FROM:** Garrett Lam  
Assistant City Attorney 

**DATE:** December 31, 2024

**MEETING:** January 28, 2025

**RE:** Damage claim of  
Amanda and Joseph Layton  
315 SW Summit Avenue  
Lawton, Oklahoma 73501

Submitted in the amount of \$100.00 on December 20, 2024

**RECOMMENDATION:** Approval in the amount of \$100.00

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**BASIS OF CLAIM:** Claimant's Amanda and Joseph Layton, allege on December 4, 2024, Mrs. Layton was parked at the City of Lawton, Public Safety Facility, 100 S. Railroad Street, when a police officer attempted to back into a parking space and struck the taillight on their 2007, Chevrolet pickup. Claimants are requesting \$100.00 and have submitted an estimate for the taillight in the amount of \$39.99, not including tax, and \$60.00 for Mr. Layton to install it.

**DATE OF DAMAGE:** December 4, 2024

**FACTS:** On December 4, 2024, a City of Lawton police officer reported a collision in the parking lot at the City of Lawton Public Safety Facility. An Official Oklahoma Traffic Collision Report was filed. According to the report, the City of Lawton, Police Officer (unit 1) was attempting to back into a vacant parking space next to claimant's vehicle and struck the rear taillight on claimants unoccupied vehicle (unit 2). According to the Official Oklahoma Traffic Collision Report, there was no unsafe/unlawful contributing factor marked for either vehicle. Photos were taken of the damage and there was no report of injury.

**LEGAL BASIS FOR APPROVAL OF CLAIM:** In Oklahoma, it is the duty of every operator of a vehicle to exercise ordinary care in keeping a lookout consistent with the safety of other vehicles, property, and persons. Rosamond v. Reed Roller Bit Co., 292 P.2d 373 (Okla. 1955); Townley's Dairy v. Creech, 476 P.2d 79 (Okla. 1970). Ordinary care is defined in

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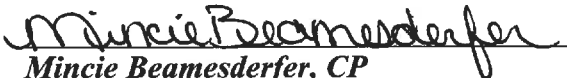
Oklahoma Statutes, Title 25, Section 4 and further explained in the Oklahoma Uniform Civil Jury Instructions Section 9.3 as “the care which a reasonably careful person would use under the same or similar circumstances.” Title 25 O.S. Section 4 and the Oklahoma Uniform Civil Jury Instructions Section 9.2 define negligence as the failure to exercise ordinary care to avoid injury to another's person or property.

This office recommends approval of this claim because in this instance:

1. The city employee could be found to have breached his duty to maintain a proper lookout consistent with the safety of other vehicles and this breach of duty may constitute negligence for which the city may be held liable.

The recommended approval amount is \$100.00, which is the amount of the taillight and \$60.00 labor for Mr. Layton to install the taillight.

GARRETT LAM  
ASSISTANT CITY ATTORNEY

  
*Mincie Beamesderfer, CP*  
*Claims Investigator*