

**RESOLUTION NO. 2023-**

**A RESOLUTION APPROVING THE JOINT PETITION SETTLEMENT AND MAKING PAYMENT OF THE SETTLEMENT IN THE WORKERS' COMPENSATION CASE OF DAVID SIMMONS FOR THE AMOUNT OF TWENTY NINE THOUSAND AND NO/100 DOLLARS (\$29,000.00) INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF FIVE THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$5,800.00); DIRECTING THREE PERCENT (3%) OF SAID JUDGMENT, IN THE AMOUNT OF EIGHT HUNDRED SEVENTY AND NO/100 DOLLARS (\$870.00), TO BE PAID DIRECTLY TO THE OKLAHOMA TAX COMMISSION AS A MULTIPLE INJURY TRUST FUND TEMPORARY ASSESSMENT IN ACCORDANCE WITH 85A OKLA. STAT. SECTION 31.A.7; AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSE OF PLACING SAID JUDGMENT ON THE TAX ROLLS.**

**WHEREAS**, David Simmons has filed an injury claim with the Workers' Compensation Commission for disability benefits as a result of an injury to his right leg, which occurred on August 21, 2022, after stepping off a porch, while on duty for the City of Lawton, Wastewater Collections Division; and,

**WHEREAS**, a Joint Petition Settlement has been reached in the amount of Twenty Nine Thousand and No/100 Dollars (\$29,000.00), including an attorney's fee payment in the amount of Five Thousand Eight Hundred and No/100 Dollars (\$5,800.00); and,

**WHEREAS**, pursuant to Title 85A Okla. Stat. Section 31.A.7., for injuries occurring on or after July 1, 2019, the Oklahoma Tax Commission shall assess and collect from claimants a Multiple Injury Trust Fund temporary assessment in the amount of three percent (3%) of the total award or settlement for permanent partial disability or permanent total disability; and,

**WHEREAS**, in the Joint Petition Settlement filed with the Workers' Compensation Commission, the claimant agreed that said assessment, representing three percent (3%) of the joint petition settlement amount attributable to permanent partial disability or permanent total disability, shall be deducted from the settlement amount and paid by the employer; and,

**WHEREAS**, the above referenced Multiple Injury Trust Fund Assessment representing three percent (3%) of the joint petition settlement amount attributable to permanent partial disability or permanent total disability is Eight Hundred Seventy and No/100 Dollars (\$870.00); and,

**WHEREAS**, the amount due to David Simmons will be Twenty Nine Thousand and No/100 Dollars (\$29,000.00), including an attorney's fee payment in the amount of Five Thousand Eight Hundred and No/100 Dollars (\$5,800.00) and including a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Eight Hundred Seventy and No/100 Dollars (\$870.00).

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Lawton, that the City Council approves the Joint Petition Settlement and filing of a foreign judgment for purposes of placing said judgment on the tax rolls and making payment of Twenty Nine Thousand and No/100 Dollars (\$29,000.00), including an attorney's fee payment in the amount of Five Thousand Eight Hundred and No/100 Dollars (\$5,800.00) and a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Eight Hundred Seventy and No/100 Dollars (\$870.00), in the workers' compensation case of David Simmons.

**PASSED and APPROVED** by the Mayor and Council of the City of Lawton, Oklahoma this 7th day of November 2023.

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STANLEY BOOKER, NOVEMBEROR

ATTEST:

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DONALYNN BLAZEK-SCHERLER, CITY CLERK

 APPROVED as to form and legality this 27<sup>th</sup> of October 2023.

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GARRETT LAM, ASSISTANT CITY ATTORNEY