

## **RESOLUTION NO. 2021-**

**A RESOLUTION APPROVING THE JOINT PETITION SETTLEMENT AND MAKING PAYMENT OF THE SETTLEMENT IN THE WORKERS' COMPENSATION CASE OF MATTHEW MCKINNEY FOR THE AMOUNT OF FIFTEEN THOUSAND AND NO/100 DOLLARS, (\$15,000.00) INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00); DIRECTING THREE PERCENT (3%) OF SAID JUDGMENT, IN THE AMOUNT OF FOUR HUNDRED FIFTY AND NO/100 DOLLARS (\$450.00), 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**, Matthew McKinney has filed an injury claim with the Workers' Compensation Commission for disability benefits as a result of injuries to his back, that occurred on July 11, 2019, while on duty as a firefighter for the City of Lawton, Fire Department; and,

**WHEREAS**, a Joint Petition Settlement has been reached in the amount of Fifteen Thousand and No/100 Dollars, (\$15,000.00), including an attorney's fee payment in the amount of Three Thousand and No/100 Dollars (\$3,000.00); 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 Four Hundred Fifty and No/100 Dollars (\$450.00); and,

**WHEREAS**, the amount due to Matthew McKinney will be Fifteen Thousand and No/100 Dollars, (\$15,000.00), including an attorney's fee payment in the amount of Three Thousand and No/100 Dollars (\$3,000.00) and including a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Four Hundred Fifty and No/100 Dollars (\$450.00).

**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 Fifteen Thousand and

No/100 Dollars, (\$15,000.00), including an attorney's fee payment in the amount of Three Thousand and No/100 Dollars (\$3,000.00) and a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Four Hundred Fifty and No/100 Dollars (\$450.00), in the workers' compensation case of Matthew McKinney.

**PASSED and APPROVED** by the Mayor and Council of the City of Lawton, Oklahoma this 12th day of October, 2021.

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STANLEY BOOKER, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 30<sup>th</sup> of September, 2021.

  
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KELEAL L. FISHER, DEPUTY CITY ATTORNEY