

Bond Case Briefs

Municipal Finance Law Since 1971

NUISANCE - OKLAHOMA

Grisham v. City of Oklahoma City

Supreme Court of Oklahoma - September 18, 2017 - P.3d - 2017 WL 4129573 - 2017 OK 69

Two couples who suffered damages as a result of sewer backup brought action against city, asserting claims for property damage, and personal injury/nuisance.

Following jury verdict in couples' favor, the District Court reduced jury award to \$25,000 for each couple. The Court of Civil Appeals affirmed. Couples petitioned for writ of certiorari.

The Supreme Court of Oklahoma held that:

- Couples were not precluded from filing separate notices of claims with city for each separate type of compensable injury, but
- Notices of claim stating "property damage," without stating "any other loss," were insufficient to provide notice of personal injury/nuisance claims arising from same transaction.

Couples who asserted claims against city for property damages that arose out of sewer backup were not precluded from filing separate notices of claims for each separate type of compensable injury. Couples satisfied notice requirements of Governmental Tort Claims Act (GTCA) when they used forms provided by city, provided their names, addresses, date and time of damage, name of city's supervisor who investigated their damage, insurance information, sought monetary relief for their property damage, and then filed their written notices with city clerk.

While couples' notices of "property damage" on city claim forms were sufficient for city to investigate, correct the situation, resolve the controversy, and determine possible liability for property damage claims that arose from sewer backup, without stating "any other loss," they were insufficient to provide notice of a claim for personal injury/nuisance arising from the same transaction or occurrence, as required to bring their subsequent suit in the district court for both property damage and personal injury/nuisance.