



5. The incidents giving rise to this cause of action occurred in Oklahoma County, State of Oklahoma.

6. Personal jurisdiction is proper pursuant to 12 O.S. § 2004(f) and venue is properly laid pursuant to 12 O.S. § 133.

7. On or about November 3, 2014, Plaintiff properly gave notice of her Tort Claim pursuant to 51 O.S. § 151 *et seq.*, to the City of Oklahoma City through its City Clerk's Office-Claims, and accordingly has complied with all pre-filing requirements set forth therein. Because such claim was not approved within the (90) day statutory period, the same has been deemed denied on February 1, 2015 for purposes of this litigation pursuant to 51 O.S. § 157(A). Plaintiff timely brings this action within one hundred eighty (180) of said denial.

#### **STATEMENT OF FACTS**

8. During all relevant times to the Petition, Defendant Daniel Holtzclaw ("Holtzclaw") was acting under the color and authority of state law.

9. During all relevant times, Defendant Holtzclaw held the position of Police Officer in the Oklahoma City Police Department.

10. In his position as Police Officer in the Oklahoma City Police Department, Defendant Holtzclaw performed duties, including, but not limited to, being responsible for carrying out and enforcing policies and procedures of the Oklahoma City Police Department.

11. On or about November 5, 2013, Demetria M. Campbell, was travelling to TJ's Seafood restaurant on the east side of Oklahoma City to purchase a meal for her daughter who was receiving treatment at a nearby hospital.

12. Plaintiff exited her vehicle and began to walk up to the restaurant when, without provocation or sufficient justification, Defendant Holtzclaw grabbed her while shoving her towards the building. He then slammed her face and head against the brick wall and pressed his crotch area against her backside while exhibiting an obvious erection. Defendant Holtzclaw then handcuffed Plaintiff and thrust her into his patrol vehicle. At no time did Plaintiff threaten Defendant Holtzclaw, nor did she make any threatening gesture or exhibit any aggression towards him.

13. Plaintiff prayed and sobbed as Defendant Holtzclaw travelled with her handcuffed in the backseat of his patrol vehicle through various parts of the city. After some time, Defendant Holtzclaw released Plaintiff without filing charges, but accused her of fitting the description of an individual who had stolen a vehicle.

14. Immediately after Holtzclaw's attack, Plaintiff went to OU Medical Center in the emergency department and sought treatment for her injuries. One of the nurses then called the Oklahoma City Police Department and demanded that a supervisor come to the hospital to address the allegations by Plaintiff and against Defendant Holtzclaw.

15. Thereafter, Lieutenant Brian Bennett of the Oklahoma City Police Department arrived and took a statement from Plaintiff. He apologized to her for what had occurred.

16. On or about August 29, 2014, Defendant Holtzclaw was arrested and charged with a criminal felony consisting of thirty six (36) counts of procuring lewd exhibition, rape, sexual battery, forcible oral sodomy, and inter alia, all against middle-aged African American females on the east side of Oklahoma City.

17. As a result of Defendants Holtzclaw and the City of Oklahoma City's conduct, acts and omissions, Plaintiff Demetria M. Campbell, has suffered damages including but not limited to economic losses, and non-economic losses, including medical bills, pain and suffering and emotional distress, for which she should be compensated in an amount believed to be in excess of \$75,000.00.

**FIRST CLAIM FOR RELIEF**

[Use Of Excessive Force and Negligent Supervision  
In Violation Of Okla. Const. Art. 2 §§ 9, 30  
Against Defendants City of Oklahoma City and Holtzclaw]

Plaintiffs, for her First Claim For Relief, incorporates each and every allegation found in numerical paragraphs 1-17 above as if fully restated herein, and further states as follows:

18. On November 5, 2013, Defendant Holtzclaw was an employee of the Oklahoma City Police Department and acting under the color of state law and the Constitution of the State of Oklahoma, and authority as a servant and employee of the city of Oklahoma City.

19. The acts described above represent: (a) a common law assault and battery; and (b) a use of excessive force in violation of Oklahoma Constitution Article 2, §§ 9, 30.

20. The City of Oklahoma City had constant access to Holtzclaw's dispatch communications and patrol cameras, therefore the City of Oklahoma City is liable for its own negligence in failing to adequately supervise and discipline Holtzclaw.

21. As a direct result of the City of Oklahoma City's and Holtzclaw's wrongful acts and conduct, Plaintiff sustained damages and injuries in an amount in excess of \$75,000.00, the actual amount to be determined by a jury at trial.

Wherefore, Plaintiff prays for judgment against the City of Oklahoma City and Holtzclaw to include all costs and attorney fees and such other relief as may be available in law and equity.

**SECOND CLAIM FOR RELIEF**  
[Negligence-City of Oklahoma City and Holtzclaw]

Plaintiff, for her Second Claim For Relief incorporates each and every allegation found in numerical paragraphs 1-21 above as if fully restated herein, and further states as follows:

22. The City of Oklahoma City and Holtzclaw owed a duty of care to Plaintiff to protect her from the infliction of excessive force and that Officer Holtzclaw would be adequately supervised and controlled when dealing with the public.

23. Defendants have breached their duty to Plaintiff.

24. As a direct result, Plaintiff sustained damages in an amount in excess of \$75,000.00, the actual amount to be determined by a jury at trial.

Wherefore, Plaintiff prays for judgment against the City of Oklahoma City and Holtzclaw to include all costs and attorney fees and such other relief as may be available in law and equity.

**THIRD CLAIM FOR RELIEF**

[Governmental Liability: Excessive Force, Civil Battery, Civil Assault, Negligence-  
City of Oklahoma City]

Plaintiff, for her Third Claim For Relief incorporates each and every allegation found in numerical paragraphs 1-24 above as if fully restated herein, and further states as follows:

25. Each and every action complained of as to Defendant Holtzclaw and made a cause of action herein was committed while Holtzclaw was an employee of the Oklahoma City Police Department, through the City of Oklahoma City, and said causes of action were suffered by Plaintiff in the course of Holtzclaw's employment and within the scope of Holtzclaw's duties and authority.

26. The torts committed by Holtzclaw as herein described were incidental to and done in furtherance of the business of the Oklahoma City Police Department under the authority of the City of Oklahoma City.

27. The City of Oklahoma City is liable for damages to Plaintiff because such acts and conduct of Holtzclaw are not exempt from immunity and Defendants are liable pursuant to the Oklahoma Constitution, Art. 2, §§9, 30.

28. As a direct result of Holtzclaw's wrongful acts and conduct, imputed to the City of Oklahoma City, Plaintiff sustained damages and injuries in an amount in excess of \$75,000.00, the actual amount to be determined at trial by a jury.

WHEREFORE, premises considered, Plaintiff prays for judgment against the City of Oklahoma City for the Claims for Relief recited together with all costs, attorney fees, prejudgment interest and such other and further relief as may be available in law and equity.

**FOURTH CAUSE OF ACTION**

[Negligent Infliction Of Emotional Distress As Against-All Defendants]

Plaintiff, for her Fourth cause of action, hereby incorporates the allegations stated in paragraphs one (1) through twenty-nine (28) above as if fully stated herein and incorporates the same by reference, and further alleges and states:

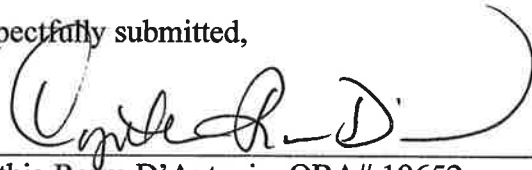
29. As a direct and proximate cause of Defendants' negligence, Plaintiff sustained and suffered both physical and emotional injuries.

30. The injuries suffered by Plaintiff, due to the negligence of Defendants, has caused permanent emotional and extensive physical damage and physical harm.

31. As a direct and proximate cause of Defendants' negligence, and the physical harm sustained, Plaintiff's quality of life has been negatively impacted, including, but not limited to, her social lifestyle, personal relationships and the imposition of restrictions in her day-to-day personal conduct. Accordingly, as a direct consequence of her physical and emotional injuries, Plaintiff has suffered and will continue to suffer mental anguish, psychological distress, humiliation, depression and related symptoms resulting from the loss of such quality of life benefits caused by Defendants' negligence.

32. Plaintiff was damaged by the acts, conduct and failures by Defendants and each of them, and as a result of injuries sustained by such negligence, Plaintiff suffered mental anguish and distress caused by Defendants Holtzclaw and the City of Oklahoma City, and each of them, in an amount in excess of \$75,000.00 and which sum and total damages amount Plaintiff will provide such proof as necessary at the trial in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cynthia R. D'Antonio", written over a horizontal line.

Cynthia Rowe D'Antonio, OBA# 19652  
GREEN JOHNSON MUMINA & D'ANTONIO  
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Oklahoma City, Oklahoma 73102  
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**ATTORNEYS FOR PLAINTIFF**  
**DEMETRIA M. CAMPBELL**



IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

DEMETRIA M. CAMPBELL, individually,

Plaintiff,

v.

CITY OF OKLAHOMA CITY, a municipality; and  
DANIEL HOLTZCLAW in his official capacity as Police  
Officer of The Oklahoma City Police Department, and  
DANIEL HOLTZCLAW, individually,

Defendants.

CJ 2015 - 42 17

Case No. \_\_\_\_\_

JURY TRIAL  
DEMANDED  
ATTORNEY FEES  
CLAIMED

FILED  
2015 AUG 6 9AM 10 15  
CITY OF OKLAHOMA CITY, OKLA  
OFFICE OF  
CLERK

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

CITY OF OKLAHOMA CITY  
200 N. WALKER AVE., 2<sup>nd</sup> FLOOR  
OKLAHOMA CITY, OK 73102

You have been sued by the above named Plaintiff, and you are directed to file a written Answer to the attached Petition with the Oklahoma County District Court **within twenty (20) days** after service of this Summons upon you, exclusive of the day of service. Within the same time, a copy of your Answer must be delivered or mailed to the attorney for the Plaintiff.

**Unless you respond to the claims within the time stated, judgment will be rendered against you for the relief demanded, together with the costs of the action.**

Issued on August 3, 2015.

Timothy Rhodes, COURT CLERK

By \_\_\_\_\_  
Deputy Court Clerk

Cynthia Rowe D'Antonio, OBA #19652  
GREEN JOHNSON MUMINA & D'ANTONIO  
400 North Walker Avenue, Suite 100  
Oklahoma City, Oklahoma 73102  
Telephone (405) 488-3800 | Fax (405) 488-3802  
ATTORNEYS FOR PLAINTIFF

**YOU MAY SEEK THE ADVICE OF ANY ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.**