

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) ROSETTA GRATE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-412-HE
)	
(1) THE CITY OF OKLAHOMA)	JURY TRIAL DEMANDED
CITY, a municipal corporation, et al.,)	
)	
Defendants.)	

**PLAINTIFF'S COMBINED RESPONSES TO DEFENDANTS CITY, CITY,
AND GREGORY'S INTERROGATORIES,
REQUESTS FOR ADMISSION AND REQUESTS FOR PRODUCTION**

GENERAL OBJECTIONS

These general objections are to all interrogatories and are in addition to any specific objections set forth below.

1. Plaintiff objects to the disclosure of information that is not relevant to the subject matter of the pending action and/or that is not reasonably calculated to lead to the discovery of admissible evidence.
2. Plaintiff does not concede the relevancy of any request for production of documents and things or the relevancy or admissibility of any information provided or documents produced in response thereto. The fact that information is provided or documents produced in response to a particular request for production of documents and things does not mean that it is probative of any particular issue in the case. Plaintiff specifically reserves (1) all objections as to relevancy, materiality and admissibility of these written responses and any documents produced in response to these request for

production of documents and things; (2) the right to object to the use of these written responses and any documents produced in response to Defendant's request for production of documents and things in any lawsuit or proceeding on any or all of the foregoing grounds or on any other proper grounds; and (3) the right to object on any and all proper grounds, at any time, to other discovery procedures involving or related to these written responses and any documents produced with response to Defendant's request for production of documents and things.

3. Invoking her attorney-client privilege, Plaintiff objects to the disclosure of any information, records or documents prepared in anticipation of litigation or for trial by or for Plaintiff or her attorneys, including any information or document that pertains to or contains mental impressions, conclusions, opinions, legal theories, strategies or analysis of Plaintiff's attorneys. These objections cover, but are not limited to, all correspondence and communications between Plaintiff and her counsel concerning the matters at issue in the case.

5. Plaintiff objects to any request for production of documents and things calling for the disclosure of documents or information pertaining to or prepared for the purposes of settlement negotiations.

6. A response to a particular request for production of documents and things that Plaintiff will produce documents is not a representation that such documents exist or have ever existed, but instead is a representation that, to the extent such documents do exist and are in the custody and control of Plaintiff, they will be produced in accordance with the terms of Plaintiff's answer to the particular request for production of documents

and things and Plaintiff's general and specific objections.

7. To the extent that any request for production of documents and things would require disclosure of information that is otherwise relevant to the subject matter of the action but pertains to Plaintiff's trade secrets or other research, development or commercial information that Plaintiff deems confidential, Plaintiff objects to providing such information until such time as the Defendant and Plaintiff execute a confidentiality agreement in form and substance acceptable to Plaintiff and/or a protective order issued establishing an acceptable procedure governing the production and use of such information.

8. If any work-product or privileged document or information is inadvertently disclosed or produced in response to these request for production of documents and things, Plaintiff reserves her privileges with respect to the document or information, her right to object to inspection and copying of the document or information, her right to demand return of the document or information, and her right to object to the admissibility of the document or information.

9. Plaintiff generally objects to all request for production of documents and things that contravene the Oklahoma Statutes and/or Federal Rules of Civil Procedure.

10. Each of the following responses is made without waiving any objections Plaintiff may have in regard to the subsequent use of these responses.

11. Plaintiff specifically reserves the right, at any time in the future, upon a proper showing:

a. To revise, correct or clarify any of the following responses;

b. The right and the ability to object to the use of any of the following responses or documents produced or referenced therein in any other pending litigation, subsequent suit or proceeding in the action or on any other grounds;

c. The right to object at any time in the future to other discovery proceedings or procedures relating to or involving these responses or documents referenced therein or produced pursuant thereto; and

d. Any and all questions as to the competency, privilege, relevance, materiality and admissibility of said responses or any documents referenced therein or produced pursuant thereto.

12. Plaintiff generally objects to all request for production of documents and things not limited to a specific time period. To the extent that any request for production of documents and things is not limited to a specific time period, it is overly broad, unduly burdensome, and seeks information not relevant to the lawsuit and not calculated to lead to the discovery of evidence or information relevant to the lawsuit.

13. Plaintiff objects to any definitions.

14. Plaintiff objects to each discovery request to the extent that it seeks information related to time periods as to which Defendant's claims are barred under applicable statutes of limitation.

15. Plaintiff objects to the definitions and instructions contained in Defendant's request for production of documents and things to the extent those definitions and instructions purport to impose duties or obligations in addition to, inconsistent with, or different from the requirements of Oklahoma Statute or the Federal Rules of Civil

Procedure.

16. Plaintiff objects to Defendant's instructions to the extent that Defendant purports to require Plaintiff to identify or produce information or documents that are not in Plaintiff's custody or control. In accordance with her responses and objections below, Plaintiff will identify or produce non-privileged information or documents that are present in her custody and control.

17. Plaintiff objects to Defendant's instructions concerning the supplementation of Plaintiff's answers to the extent those instructions purport to impose duties or obligations in addition to, inconsistent with, or different from the requirements of Oklahoma Statutes or Federal Rules of Civil Procedure. Plaintiff's answers are to the best of her present information. Plaintiff reserves the right to supplement her answers during or after completion of discovery, and reserves the right to introduce evidence at trial based on any information and/or documents located, developed, or discovered subsequent to the date of these responses, including any evidence that may supplement, amplify, modify, or be in conflict with these answers.

18. Plaintiff objects to any request that calls for Plaintiff to create a list of all documents, all oral communications, or similar request for the reason that such requests are overly broad and unduly burdensome. Defendant should use document discovery and deposition discovery to develop these lists.

19. Plaintiff objects to any definitions or instructions included in these request for production of documents and things to the extent they conflict with or seek to impose requirements or conditions that exceed the requirements imposed by Oklahoma Statutes

and/or Federal Rules of Civil Procedure. In particular, that which purports to require Plaintiff to respond to the request for production of documents and things on behalf of any other entity or person, whether affiliated with Plaintiff or not and Plaintiff is responding to the request for production of documents and things only on her or her behalf and not for or on behalf of any other company, entity or person, whether affiliated with or related to Plaintiff or not.

INTERROGATORIES

INTERROGATORY NO. 1: Please state the full name, phone number, and current address of each person who answers or assists (except your attorney or his staff) in answering these interrogatories and that person's relationship to Plaintiff.

RESPONSE TO INTERROGATORY NO. 1: Rosetta Grate c/o Nkem A. House; 527 N.W. 23rd Street, OKC, OK 73103; 405.602.5393.

INTERROGATORY NO. 2: Please state the name, address and phone number of every person whom Plaintiff expects to call as a witness in the trial of this case and the subject of their expected testimony.

RESPONSE TO INTERROGATORY NO. 2: Plaintiff is the only witness she can identify at this particular time. Plaintiff will substitute the answer to this interrogatory as she identifies other potential witnesses.

INTERROGATORY NO. 3: Please identify each and every health care provider, including any mental health care provider, Plaintiff saw for injuries allegedly caused by this incident, the nature of the services provided, and the date of service.

RESPONSE TO INTERROGATORY NO. 3: Plaintiff did not seek medical attention immediately after the incident. However, she has attended counseling at various times subsequently as part of her probation requirements through NorthCare.

INTERROGATORY NO. 4: Please state the name, address and substance of the testimony of every person whom you expect to call as an expert witness in the trial of this cause, and please furnish these Defendants with a brief substance of the testimony, a *curriculum vitae* and any reports completed by said expert. Further, please furnish these Defendants with a report of said expert(s) pursuant to the requirements of 12 O.S. § 3226(B)(3), namely the subject matter on which he is expected to testify; state the substance of the facts and opinions to which he is expected to testify; and supply a summary of the grounds for each opinion.

RESPONSE TO INTERROGATORY NO. 4: Plaintiff has not identified an expert witness at this time.

INTERROGATORY NO. 5: Please state what evidence Plaintiff has which supports that:

- a. Defendant Holtzclaw caused the death of Clifton Darnell Armstrong;
- b. that on November 5, 2013, Demetria Campbell complained to the Oklahoma City Police Department (OCPD) that an officer sexually assaulted her that day;
- c. Defendant Gregory conspired with any person to cover up any allegation of sexual assault by:
 1. an OCPD officer of
 2. Defendant Holtzclaw;

- d. that these Defendants were “forced” to accept Ms. Ligons; complaint because a relative of hers is an OCPD officer;
- e. that monitoring the AVL of a patrol car would alert the police department that an officer was sexually assaulting a person; and
- f. the OCPD opened an investigation into Defendant Holtzclaw on or about May 8, 2014 for sexually assaulting a person.

RESPONSE TO INTERROGATORY NO. 5: Defendant does not have any personal knowledge of these allegations. However, these allegations have been made in other lawsuits against Defendants. Plaintiff intends to obtain the evidence to support these allegations through discovery.

INTERROGATORY NO. 6: Please state what evidence Plaintiff has which tends to prove Defendant City approved and ratified actions of Defendant Holtzclaw.

RESPONSE TO INTERROGATORY NO. 6: Plaintiff has no direct evidence regarding this allegations except for the totality of the circumstances. However, Plaintiff intends to obtain more evidence proving this allegation through discovery.

INTERROGATORY NO. 7: Please state the name and address of Plaintiff’s employer at the time of this incident.

RESPONSE TO INTERROGATORY NO. 7: Plaintiff was unemployed at the time of the incident.

INTERROGATORY NO. 8: Please state Plaintiff’s occupation and rate of pay at the time of this incident.

RESPONSE TO INTERROGATORY NO. 8: See Response to Interrogatory No. 7.

INTERROGATORY NO. 9: For any Requests for Admissions you denied, please explain why you have denied it.

RESPONSE TO INTERROGATORY NO. 9:

INTERROGATORY NO. 10: Please state what evidence Plaintiff has which tends to prove that Defendants City, City or Gregory ignored the complaint of Terri Morris.

RESPONSE TO INTERROGATORY NO. 10: Plaintiff has no personal knowledge of these Defendants ignoring the complaint of Terry Morris. However, this has been alleged in other lawsuits and the totality of the circumstances support the allegation. Plaintiff hopes to obtain evidence supporting this allegation through discovery.

INTERROGATORY NO. 11: Please state what evidence Plaintiff has which tends to prove that Defendants City, City or Gregory would have ignored the complaint of Ms. Ligons except for the fact she was related to an Oklahoma City police officer.

RESPONSE TO INTERROGATORY NO. 11: Plaintiff has no personal knowledge relating to this allegation. However, this has been alleged in other lawsuits and the totality of the circumstances support the allegation. Plaintiff hopes to obtain evidence supporting this allegation through discovery.

INTERROGATORY NO. 12: Please state what evidence Plaintiff has which tends to prove that Defendant City does not investigate complaints of sexual misconduct

of police officers.

RESPONSE TO INTERROGATORY NO. 12: Plaintiff has no personal knowledge relating to this allegation. However, this has been alleged in other lawsuits and the totality of the circumstances support the allegation. Plaintiff hopes to obtain evidence supporting this allegation through discovery.

INTERROGATORY NO. 13: Please state what evidence Plaintiff has which tends to prove that Defendant City did not properly screen or test applicants seeking employment as an police officer.

RESPONSE TO INTERROGATORY NO. 13: Plaintiff has no personal knowledge relating to this allegation. However, this has been alleged in other lawsuits and the totality of the circumstances support the allegation. Plaintiff hopes to obtain evidence supporting this allegation through discovery.

INTERROGATORY NO. 14: Please state what evidence Plaintiff has which tends to prove Defendant City failed to train police officers not to abuse their police power.

RESPONSE TO INTERROGATORY NO. 14 Plaintiff has no personal knowledge relating to this allegation. However, this has been alleged in other lawsuits and the totality of the circumstances support the allegation. Plaintiff hopes to obtain evidence supporting this allegation through discovery.

INTERROGATORY NO. 15: Please state what evidence Plaintiff has which tends to prove that Defendants City, Citty or Gregory conspired to cover up Ms. Campbell's complaint.

RESPONSE TO INTERROGATORY NO. 15: Plaintiff has no personal knowledge relating to this allegation. However, Ms. Campbell has a pending lawsuit in the District Court in and for Oklahoma County, Oklahoma against Defendant Holtzclaw and City of Oklahoma City under Case Number CJ-2015-4217. Said case is set for Pretrial Conference on December 20, 2017.. Plaintiff hopes to obtain evidence supporting this allegation through discovery.

INTERROGATORY NO. 16: Please state what evidence Plaintiff has which tends to prove that Ms. Campbell's complaint to the OCPD on November 5, 2013, was that an OCPD officer sexually assaulted her.

RESPONSE TO INTERROGATORY NO. 16: Plaintiff has no personal knowledge relating to this allegation. However, Ms. Campbell has a pending lawsuit in the District Court in and for Oklahoma County, Oklahoma against Defendant Holtzclaw and City of Oklahoma City under Case Number CJ-2015-4217. Said case is set for Pretrial Conference on December 20, 2017. Plaintiff hopes to obtain evidence supporting this allegation through discovery.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all medical records and bills for injuries that you allege occurred as a result of this incident

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Plaintiff is not in possession of any documents responsive to this request at this time.

REQUEST FOR PRODUCTION NO. 2: Please produce federal and state income tax returns for the years 2012, 2013 and 2014 for Plaintiff.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Plaintiff has not filed Federal or State income taxes since 2011, upon her information and belief. Therefore, Plaintiff is not in possession of any documents responsive to this request at this time.

REQUEST FOR PRODUCTION NO. 3: Please produce any and all medical records and bills for injuries that you allege occurred as a result of this incident.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Plaintiff is not in possession of any documents responsive to this request at this time. As she obtains documents responsive to this request, this Response to Request for Production will be supplemented.

REQUEST FOR PRODUCTION NO. 4: Please produce any and all documents which you have identified that reasonably could be used to prove the allegations in your Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Plaintiff is not in possession of any documents responsive to this request at this time. As she obtains documents responsive to this request, this Response to Request for Production will be supplemented.

REQUEST FOR PRODUCTION NO. 5: Please execute the attached medical records release.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Said release is attached.

REQUEST FOR PRODUCTION NO. 6: Please execute the attached employment records release.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Said release is attached.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION 1: Please admit that Rosetta Grate was assaulted by Defendant Holtzclaw on April 24, 2014.

RESPONSE TO REQUEST FOR ADMISSION 1: Admitted.

REQUEST FOR ADMISSION 2: Please admit that this assault occurred before Terry Morris complained to the OCPD that an OCPD officer assaulted her

RESPONSE TO REQUEST FOR ADMISSION 2: Plaintiff is without sufficient personal information to either admit or deny Request for Admission No. 2 and therefore denies the same.

REQUEST FOR ADMISSION 3: Please admit that Shardayreon Hill did not advise the OCPD that an OCPD officer assaulted her until after Plaintiff was assaulted by Defendant Holtzclaw.

RESPONSE TO REQUEST FOR ADMISSION 3: Plaintiff is without sufficient personal information to either admit or deny Request for Admission No. 3 and therefore denies the same

REQUEST FOR ADMISSION 4: Please admit that Carla Raines did not advise OCPD that an OCPD officer assaulted her until after Plaintiff was assaulted by Defendant Holtzclaw.

Respectfully submitted,



NKEM A. HOUSE, OBA #21219

Attorney for Plaintiff

RHONE & HOUSE, PA

527 N.W. 23RD Street, Suite 200

Oklahoma City, OK 73103

Telephone: 405/602-5393

Facsimile: 405/602-5390

VERIFICATION

STATE OF OKLAHOMA)

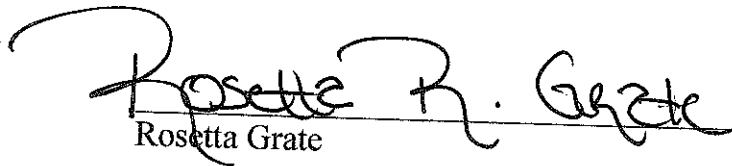
) ss:

COUNTY OF OKLAHOMA)

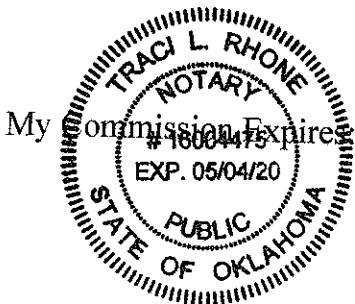
I, Rosetta Grate, state that I have read the foregoing Plaintiff's Combined Responses to Defendant Bennett's First Set of Interrogatories, Request for Admission and Requests for Production, and I am familiar with the matters set forth therein, and that the same are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 14 day of April, 2017.


Rosetta Grate

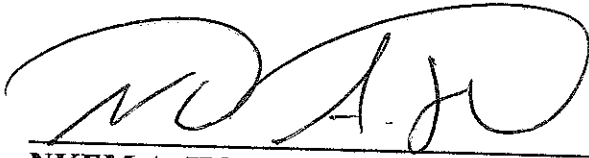
Subscribed and sworn to before me this 14th day of April, 2017.


Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April, 2017 a true and correct copy of the above and foregoing instrument was served on the parties as follows:

Richard C. Smith
Sherri R. Katz
Assistant Municipal Counselors
200 N. Walker, Suite 400
Oklahoma City, OK 73102
ATTORNEY FOR DEFENDANTS
CITY, CITY AND GREGORY



NKEM A. HOUSE