

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

TABATHA BARNES, ¹ <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	NO. CIV-16-0184-HE
)	
DANIEL HOLTZCLAW, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Two motions for partial summary judgment are pending before the court. Plaintiffs Ligons and Johnson seek a summary determination, binding on all defendants, that defendant Holtzclaw committed the acts that are the basis for their claims against him and that these acts constituted constitutional or other violations by him. Plaintiff’s Morris, Hill and Lyles seek a similar determination as to their claims. Defendant Holtzclaw has responded to the Morris/Hill/Lyles motion but not to the Ligons/Johnson motion. The City of Oklahoma City and defendants City and Gregory have responded to both.

Summary judgment as to a claim, or part of a claim, is appropriate if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to the relief sought as a matter of law. Fed.R.Civ.P. 56(a). “A genuine dispute as to a material fact exists when the evidence, construed in the light most favorable to the non-moving party, is such that a reasonable jury could return a verdict for the non-moving party.” Carter

¹ All parties are instructed to properly style this case in future filings based upon the manner in which it was filed, not based upon the style of plaintiffs’ first amended complaint.

v. Pathfinder Energy Servs., Inc., 662 F.3d 1134, 1141 (10th Cir. 2011) (quotations and citation omitted).

With respect to the motion of Ligon and Johnson, the undisputed facts establish that defendant Holtzclaw was found guilty in the state criminal proceeding of the crimes arising from the same facts as are the basis for the Ligon/Johnson claims here.² Ligon and Johnson assert that the adjudged conduct also establishes violation of their constitutional rights, and defendant Holtzclaw does not contend otherwise. As a result, principles of res judicata preclude Holtzclaw from re-litigating those issues here. “It is now settled that a federal court must give to a state-court judgment the same preclusive effect as would be given that judgment under the law of the State in which the judgment was rendered.” Migra v. Warren City School Dist. Bd. of Educ., 465 U.S. 75, 81 (1984). Further, it is clear that Oklahoma would give preclusive effect to the criminal case determination in these circumstances. Martin v. Phillips, 422 P.3d 143, 145 (Okla. 2018). As a result, there is no dispute of material fact as to Holtzclaw’s liability to Ligon and Johnson, and they are entitled to a summary determination of the issue of liability.

The same result follows as to the other defendants (City of Oklahoma City, City, and Gregory), as to Holtzclaw’s conduct, although for a different reason. It is undisputed that the City conducted a pre-termination hearing as to Holtzclaw, that the grounds for his discharge included conduct which mirrors that which is the basis for the Ligon/Johnson

² *The court takes judicial notice of the Case No. CF-2014-5869, State of Oklahoma v. Daniel K. Holtzclaw, in the District Court of Oklahoma County, the State of Oklahoma.*

claims here, and that the City found Holtzclaw to have committed the various acts. Principles of estoppel make the City's prior determination binding on the defendant's here, and they will not be permitted to relitigate the question of whether Holtzclaw committed the various acts.³ As a result, the determination that Holtzclaw committed the various acts that are the basis for the Ligons/Johnson claims, and that Holtzclaw thereby violated plaintiffs' rights, will be binding on the remaining defendants.

With respect to the motion of plaintiffs Morris, Hill and Lyles, the circumstances are somewhat different. Defendant Holtzclaw was acquitted of the criminal charges that parallel the claims of Morris/Hill/Lyle here, so principles of res judicata are not a basis for a summary determination of the facts underlying those claims. Further, for the reasons stated more fully in the court's order of April 10, 2020, in Ellis v. Holtzclaw, CIV-16-19 [Doc. #121], the determinations made in the pre-termination hearing are not a basis for estopping Holtzclaw from contesting the issues now. The court concluded that Holtzclaw had not had a "full and fair" opportunity (as that phrase is used in the collateral estoppel context) to litigate the pertinent issues in the termination proceeding. As a result, summary judgment is not warranted against Holtzclaw as to the Morris/Hill/Lyle claims.

The same result does not follow, however, as to the City and remaining defendants. It is undisputed that the grounds advanced by the City in the pre-termination hearing included the facts that are essentially the basis for the Morris/Hill/Lyle claims and that the

³ *In light of this determination, it is unnecessary to resolve whether the City might be deemed in "privity" with the State of Oklahoma, so as to make the determination in the criminal case binding on the City.*

City defendants determined Holtzclaw to have committed those acts. Principles of collateral estoppel, discussed more fully in the Ellis order referenced above, therefore preclude the City defendants from now disputing whether Holtzclaw committed the various acts.


To the extent that plaintiffs' motions seek relief against the City defendants which goes beyond a determination that Holtzclaw committed the various acts and violated their rights, the motions will be denied. Whether there is a basis for municipal liability for Holtzclaw's actions is a different and additional question from those raised by the present motions. Further, as to the state law claims and the application of the Oklahoma Governmental Tort Claims Act, material questions of fact remain as to the issue of whether Holtzclaw's actions were or were not within the scope of his employment.

For these reasons, the court concludes the motion for partial summary judgment of Ligons and Johnson [Doc. # 289] is **GRANTED**. The facts of defendant Holtzclaw's conduct and that they violated the rights of Ligons/Johnson will be taken as established. The motion of plaintiffs Morris, Hill, and Lyles [Doc. #288] is **DENIED** as to their claims against Holtzclaw but **GRANTED** to the extent that the City defendants may not further dispute the underlying facts of Holtzclaw's conduct.⁴

⁴ *If it should be determined at trial that defendant Holtzclaw did not violate the rights of plaintiffs Morris, Hill, and Lyles, then that determination would obviously preclude City liability to the extent it was based on Holtzclaw's acts. But that determination will flow, if at all, from Holtzclaw's defense of the claims rather than by further efforts of the City defendants.*

IT IS SO ORDERED.

Dated this 15th day of December, 2020.



JOE HEATON
UNITED STATES DISTRICT JUDGE