

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

TABATHA BARNES, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-16-184-HE
)	
THE CITY OF OKLAHOMA CITY,)	
a municipal corporation, et al.,)	
)	
Defendants.)	

**DEFENDANT CITY’S APPLICATION
FOR PERMISSION TO FILE AN OVERSIZED BRIEF
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

COMES NOW a Defendant, the City of Oklahoma City and for its Application to File an Oversized Brief in Support of its Motion for Summary Judgment states as follows:

1. There are 6 Plaintiffs in this case, all of which allege they were sexually assaulted by Defendant Holtzclaw.
2. Pursuant to the Revised Scheduling Order entered in this case on June 4, 2021, Defendant City’s Dispositive Motion is due to be filed on or before September 15, 2021.
3. Pursuant to LCvR 7.1(e), briefs in support of Motions for Summary Judgment cannot exceed 30 pages without leave of the Court.
4. Counsel for Defendant City have prepared the draft of the City’s Dispositive Motion. Plaintiffs’ First Amended Complaint alleges six Fourth and Fourteenth Amendment claims; a seizure/deprivation of liberty/failure to supervise/unlawful use of force claim, conspiracy to interfere with fourth and fourteenth amendment rights, failure

to supervise, ratification, failure to train false arrest claim and a use of excessive force claim. Plaintiffs have alleged an additional Fourteenth Amendment conspiracy to interfere with fourth and fourteenth amendment rights claim. Further, Plaintiffs allege additional causes of action for unlawful search and seizure, assault and battery, negligent supervision, and false arrest/imprisonment.

5. Pursuant to Plaintiffs erroneous allegations, Defendant City has to state numerous Material Facts Not in Dispute.

6. Defendant City's Brief is presently 35 pages.

7. Counsel for Plaintiffs Morris, Lyles, Ligons, Hill, Copeland and Defendant Holtzclaw have no objection to this request as long as Plaintiffs' response brief can be of equal length, to which Defendant City has no objection. Counsel for Defendant Barnes has previously instructed he had no objection but has not responded to our most recent inquiry.

WHEREFORE, Defendant City prayerfully request that this Court grant it (and Plaintiffs) permission to file oversize briefs which cannot exceed 35 pages of text in support of (and in opposition to) Defendant City's Motion for Summary Judgment.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of September, 2021, I electronically transmitted the above document to the Clerk of the Court using ECF filing system. Based on the records currently on file in this case, the Clerk of the Court will transmit Notice of Electronic filing to those registered participants of the Electronic Case Filing System.

/s/ Richard N. Mann