

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

JANNIE LIGONS, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
vs.	)	Case Nos.: CIV-16-19-HE
	)	CIV-16-184-HE
CITY OF OKLAHOMA CITY,	)	CIV-16-349-HE
a municipal corporation, <i>et al.</i> ,	)	CIV-16-412-HE
	)	
<i>Defendants.</i>	)	

**DEFENDANT HOLTZCLAW’S REPLY TO THE RESPONSES  
REGARDING EXTENSION OF THE DISCOVERY DEADLINE**

Defendant Daniel Holtzclaw, through the undersigned counsel, hereby replies to the various objections to extending the discovery deadline.

Holtzclaw has been unable to resolve discovery issues with the Plaintiffs and the other Defendant City, and filed an amended motion to compel on August 31, 2021. Since the discovery cut-off was near, he also filed a motion to extend that deadline only (he does not request extensions of any other deadlines).

The City and the Plaintiffs have filed objections to extending the discovery deadline to accommodate resolution of the discovery disputes by the Court. Because none of them have offered any compelling reason why another 30-days to resolve the

last discovery disputes would be unreasonable, this Court must overrule their objections and grant the requested extension.

First, discovery in this case has, for the most part, gone smoothly. It has consisted of thousands of pages of jury trial transcripts and pleadings in the underlying criminal case, nearly 20 depositions which has spanned thousands of pages of transcripts and exhibits, and a data dump of 37,000 pages by the City to Holtzclaw involving thousands of additional pages of discovery material.

The universe of discovery material in this case is large, but it has mostly been exchanged to the satisfaction of the parties. The only items in dispute are the relatively brief and straightforward items listed in Holtzclaw's motion to compel, which consists chiefly of evidentiary items and documents in the physical custody of the City which it refuses to divulge, and medical/mental health records of the Plaintiffs which has been requested and refused.

All of these disputed items would take little time for the Court to resolve, and even less time to exchange in the event that the Court grants the motion to compel.

Thus, although it is true that this case has been pending a long time, it is also true that nearly all discovery is complete and only a small number of disputed items remain.

Second, Holtzclaw is not coming to the Court for resolution at the last minute

because he waited too long; he has done so because the City and the Plaintiffs have been recalcitrant on these items and the Court is the last resort to resolve the issue.

As to the City, Holtzclaw requested the DNA related items through prior counsel back in 2018 when issuing the notice of deposition to Elaine Taylor, who was deposed in this case on January 19, 2019. *See* attached Notice. The specific items Holtzclaw still requests were never provided or brought to the deposition.

Holtzclaw then sent written requests for production of documents and tangible things to the City, which as outlined in the Motion to Compel, resulted in a large number of documents from the City, but it objected to the specific items still at issue.

Thus, Holtzclaw has tried to acquire these items (the uniform pants, belt and DNA-related lab documents and data) in a timely fashion through the regular discovery process but the City has refused. Bringing the conflict to a point requiring Court intervention is the fault of the City because it objects, not Holtzclaw.

Finally, the City claims undue burden in having to review 37,000 documents to try and locate the items requested. This is not accurate. Holtzclaw seeks primarily access to the *physical* evidence of his uniform pants and belt, along with the specific DNA-related files that are in the possession of the police lab. Holtzclaw does not perceive how or why counsel would have to comb through 37,000 pages of documents to find these items.

As to the Plaintiffs, Holtzclaw seeks primarily their mental health/medical records which are protected and cannot be obtained by Holtzclaw without a court order or a written release. Plaintiffs claim that Holtzclaw has never served them with written discovery requests, but that is not entirely accurate.

In the latter part of January, 2021—nine months ago—Holtzclaw sent medical release authorizations to all 12 Plaintiffs and their respective counsel (except Syrita Bowen who is not represented) so that he could obtain the records that he is requesting now. None of the Plaintiffs or their counsel responded, nor did Holtzclaw receive any signed releases to access the information he seeks. All they had to do was sign their names and mail it back and counsel for Holtzclaw would have requested and paid for the documents, but none of them did.

Signatures on a release form for medical/mental health records is all Holtzclaw has requested, and all that he is requesting now. This is not burdensome or in any way would cause undue hardship on the Plaintiffs.

WHEREFORE, based upon the foregoing, the objections of the Plaintiffs and the City have no merit and should be overruled; and this Court should grant the requested extension of the discovery deadline only for 30 days to resolve the simple disputes that exist on a small number of evidentiary items.

Respectfully submitted,

s/ James L. Hankins

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*Counsel for Daniel Holtzclaw*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2021, I filed the foregoing document with the Clerk of this Court and that, based upon the records on file in this case, the Clerk of Court will transmit Notice of Electronic Filing to those registered participants of the Electronic Filing System.

s/ James L. Hankins

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

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

**DEFENDANT HOLTZCLAW AMENDED NOTICE TO  
TAKE VIDEO - DEPOSITION ELAINE TAYLOR**

You are hereby notified that the Defendant Daniel Holtzclaw in the above-styled case will take the video-deposition of Elaine Taylor on October 29<sup>th</sup>, 2018 at 9:00 a.m. at D & R Reporting & Video, Inc., 400 North Walker, Suite #160, Oklahoma City, OK 73102.

The deposition will be taken upon oral examination before a qualified court reporter and will continue from day to day until completed. Deposition rider attached.

Respectfully submitted,

/s/ Kathleen T. Zellner  
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ATTORNEY FOR DEFENDANT  
DANIEL HOLTZCLAW

**CERTIFICATE OF SERVICE**

I hereby certify that on October 8<sup>th</sup>, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants.

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/s/ Kathleen T. Zellner



**RIDER TO AMENDED DEPOSITION SUBPOENA TO ELAINE TAYLOR**

*Tabatha Barnes, et al. v. City of Oklahoma City, et al., Case No. 16-184-HE*

**REQUESTS**

1. Please produce any and all documents from 6/18/2011 to present related to the investigation, arrest and prosecution of Daniel K. Holtzclaw, including but not limited to any forensic testing related in any way to *State of Oklahoma v. Daniel K. Holtzclaw*, CF-2014-5869. This request includes, but is not limited to:
  - a. A copy of any case file kept by you related to *State of Oklahoma v. Daniel K. Holtzclaw*, CF-2014-5869.
  - b. A copy of any and all documents, emails, memoranda, logs, notes and writings kept by you related to *State of Oklahoma v. Daniel K. Holtzclaw*, CF-2014-5869.
  - c. A copy of the entire Oklahoma City Police Crime Lab file related to *State of Oklahoma v. Daniel K. Holtzclaw*, CF-2014-5869.
  - d. Your personnel file reflecting your employment with the Oklahoma City Police Crime Lab.
  - e. Your administrative file reflecting your employment with the Oklahoma City Police Crime Lab.
  - f. Your official case file related to *State of Oklahoma v. Daniel K. Holtzclaw*, CF-2014-5869.
  - g. All Oklahoma City Police Crime Lab reports, memoranda, notes, phone logs, contamination logs and records.
  - h. Contamination logs of the Oklahoma City Police Crime Lab that refer to Elaine Taylor and/or the work of Elaine Taylor.
  - i. Incident reports of the Oklahoma City Police Crime Lab that refer to Elaine Taylor and/or the work of Elaine Taylor, including but not limited to mistakes such as sample mix-ups, unusual occurrences, and contamination errors.
  - j. All internal/external proficiency testing, performance results for Elaine Taylor pursuant to her employment with the Oklahoma City Police Crime Lab.
  - k. Any and all documents related to any and all cases involving the work of Elaine Taylor that have been selected for re-testing pursuant to any internal quality control or other internal audit.
  - l. Any and correspondence, including letters, emails, texts, facsimilies received by you from, or sent by you to, the Oklahoma City Police Crime Lab since your retirement related in any way to your employment with the lab and/or *State of Oklahoma v. Daniel K. Holtzclaw*, CF-2014-5869.
  - m. Any and correspondence, including letters, emails, texts, facsimilies received by you from, or sent by you to, the Oklahoma County District Attorney's Office related in any way to *State of Oklahoma v. Daniel K. Holtzclaw*, CF-2014-5869.
  - n. Copies of any reviews and/or notes of reviews of Ms. Taylor's testimony, in this or any other case, by any of her supervisors or other analysts, including but not limited to Campbell Ruddock.