

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

TABATHA BARNES, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-16-0184-HE
	)	
THE CITY OF OKLAHOMA	)	
CITY,	)	
a municipal corporation, <i>et al.</i> ,	)	

Defendants.

**PLAINTIFFS’ OBJECTIONS TO DEFENDANT ROCKY GREGORY’S  
AMENDED FINAL EXHIBIT LIST**

COME NOW Plaintiffs Shardayreon Hill, Carla Johnson, Jannie Ligons, Kala Lyles, and Terri Morris, and by and through their attorneys of record, hereby submit these objections to Defendant Rocky Gregory’s amended final exhibit list in accordance with the scheduling order currently in force in this action.

**EXHIBITS EXPECTED TO BE USED:**

No.	Exhibit	Objection	Rule Relied Upon
1.	Affidavit of Rocky Gregory attached to Information filed in <i>State v. Martinez</i> , CF-2011-2327	Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 403 FRE 802
2.	08/31/11 Amended Information filed in <i>State v. Martinez</i> , CF-2011-2327	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
3.	08/29/12 Judgment and Sentence in <i>State v. Martinez</i> , CF-2011-2327	Irrelevant	FRE 401

4.	06/24/11 Pre-Determination Hearing Notice to Martinez	Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 403
5.	07/25/11 Martinez Resignation Letter	Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 403
6.	12/20/13 S. Hill Arrest Report Case No. 13-107611	Hearsay; improper character evidence; probative value outweighed by unfair prejudice	FRE 802, FRE 404, FRE 403
7.	All reports of R. Gregory Case No. 14-078745 to include evidence gathered in this case. (Hill)	Hearsay	FRE 802
8.	All Reports of R. Gregory, OCPD Case No. 14-068166 to include evidence gathered in this case including AVL of Holtzclaw's vehicle, communications with other OCPD units. (Barnes)	Hearsay	FRE 802
9.	Information and Probable Cause in <i>State v, Holtzclaw</i> , CF-2014-5869-	Hearsay (probable cause affidavit)	FRE 802
10.	09/26/14 Amended Information and Probable Cause Affidavit, <i>State v, Holtzclaw</i> , CF-2014-5869	Hearsay (probable cause affidavit)	FRE 802
11.	All reports of R. Gregory, OCPD Case No. 14-068786 (Raines)	Hearsay	FRE 802
12.	All reports of R. Gregory, OCPD Case No. 14-066183 (Mathis)	Hearsay	FRE 802
13.	Second Amended Information and Probable Cause Affidavit in <i>State v, Holtzclaw</i> , CF-2014-5869	Hearsay (probable cause affidavit)	FRE 802
14.	Third Amended Information and Probable Cause Affidavit in <i>State v, Holtzclaw</i> , CF-2014-5869	Hearsay (probable cause affidavit)	FRE 802

15.	All reports of OCPD Case No. 14-041539 (Morris) including but not limited to all recordings of the interviews of Morris, 911 recordings of Shelton's telephone call, refusal to prosecute form, photograph lineup and results shown to Ms. Morris; AVL of Holtzclaw's vehicle on 05/08/14, OCPD computer records regarding Holtzclaw's contact with Ms. Morris on 05/08/14; emails to and from all City employees regarding the search for the officer who allegedly assaulted Ms. Morris on 05/20-05/21/14; photographs	Hearsay	FRE 802
16.	Transcription and video of Interview of Holtzclaw by Davis and R. Gregory		
17.	Arrest Report of Gregory OCPD Case No. 14-041539 (028)	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
18.	Thomas Report, OCPD Case No. 14-041539 (001)	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay; improper character evidence	FRE 401, FRE 403, FRE 802, FRE 404
19.	Gregory Report, OCPD Case No. 14-041539 (009)	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
20.	09/08/11 Kuhlman Memo		
21.	All OCPD Reports, OCPD Case No. 14-44803 emails from various individuals regarding this claim (imposter claim)	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
22.	Gregory Report, OCPD Case No. 14-041539 (027)	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802

23.	Any and all Informations filed by the State of Oklahoma against any of the Plaintiffs and Judgments and Sentences in those cases on these Plaintiffs, OK Dept. of Corrections “rap sheets.”	Improper character evidence; Probative value outweighed by risk of unfair prejudice	FRE 404, FRE 403
24.	Documents from Holtzclaw’s pre-employment/employment file including but not limited to: Syllabus for Recruit Class #128; policies and procedures not already listed regarding sexual harassment; in-service training of Holtzclaw.		
25.	Body worn camera footage of Ms. Ligons and Officer J. DeSpain on 04/11/18	Improper character evidence; Probative value outweighed by risk of unfair prejudice	FRE 404, FRE 403
26.	Warrants for Ms. Ligons from citations given regarding traffic accident on 04/11/19	Improper character evidence; Probative value outweighed by risk of unfair prejudice	FRE 404, FRE 403
27.	City Notice of Allegations Against Holtzclaw	Probative value outweighed by risk of wasting time, needlessly presenting cumulative evidence	FRE 403
28.	12/31/14 Memo from Deputy Chief Jester to Chief City	Irrelevant	FRE 401
29.	06/08/15 Termination Letter to Holtzclaw		
30.	All Plaintiffs’ Responses to Defendants City’s, City’s and Gregory’s Interrogatories		
	All exhibits listed by other Defendants not otherwise objected to by this Defendant		
	All exhibits listed by Plaintiffs not otherwise objected to by this Defendant		

**EXHIBITS WHICH MAY BE USED:**

No.	Exhibit	Objection	Rule Relied Upon
31.	OCPD investigations into the complaints of sexual assaults by OCPD officers 01/01/11 through 10/2014	Hearsay; Probative value outweighed by risk of unfair prejudice and misleading the jury	FRE 802, FRE 403
32.	All Reports of OCPD Case No. 14-070895 (Grate)	Hearsay; Probative value outweighed by risk of unfair prejudice, misleading the jury, confusing the issues	FRE 802; FRE 403
33.	All reports of OCPD Case No.14-085523 (Copeland)	Hearsay; Probative value outweighed by risk of unfair prejudice, misleading the jury, confusing the issues	FRE 802; FRE 403
34.	All reports of OCPD Case No.14-066104 (Ellis)	Hearsay; Probative value outweighed by risk of unfair prejudice, misleading the jury, confusing the issues	FRE 802; FRE 403
35.	All reports of OCPD Case No.14-083092 (Bowen)	Hearsay; Probative value outweighed by risk of unfair prejudice, misleading the jury, confusing the issues	FRE 802; FRE 403
36.	All OCPD Reports, OCPD Case No. 14-066583 (Johnson); AVL of Holtzclaw's on the date of this assault and all records of Holtzclaw's "running" this victim's name through the OCPD computers	As to reports: Hearsay; Probative value outweighed by risk of unfair prejudice, misleading the jury, confusing the issues	FRE 802; FRE 403
37.	All OCPD Reports, OCPD Case No. 14-076818 (Lyles); AVL of Holtzclaw's on the date of this assault and all records of Holtzclaw's "running" this victim's name through the OCPD computers	As to reports: Hearsay; Probative value outweighed by risk of unfair prejudice, misleading the jury, confusing the issues	FRE 802; FRE 403
38.	Video of traffic stop of Ligons by Holtzclaw	Irrelevant; Probative value outweighed by risk of wasting time, needlessly presenting cumulative evidence	FRE 401, FRE 403

39.	All OCPD Reports, Case No. 14-049050 (Ligons); AVL of Holtzclaw’s on the date of this assault and all records of Holtzclaw’s “running” this victim’s name through the OCPD computers	As to reports: Hearsay; Probative value outweighed by risk of unfair prejudice, misleading the jury, confusing the issues	FRE 802; FRE 403
40.	All OCPD Reports, Case No. 14-083072 (Gardner); AVL of Holtzclaw’s on the date of this assault and all records of Holtzclaw’s “running” this victim’s name through the OCPD computers	As to reports: Hearsay; Probative value outweighed by risk of unfair prejudice, misleading the jury, confusing the issues	FRE 802; FRE 403
41.	OCPD Forensic Lab File on Ligons and Gardner	Probative value outweighed by risk of needlessly presenting cumulative evidence, wasting time	FRE 403

Respectfully Submitted,

**SOLOMON SIMMONS LAW, P.L.L.C**

*/s/Kymerli J. M. Heckenkemper*

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