



NO. CJ-2015-4217

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

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IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

AUG 17 2018

RICK WARREN  
COURT CLERK

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DEMETRIA M. CAMPBELL, individually,

Plaintiff,

v.

CITY OF OKLAHOMA CITY, a municipality; and  
DANIEL HOLTZCLAW, individually,

Defendants.

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DEFENDANT CITY'S REPLY TO PLAINTIFF'S RESPONSE  
TO DEFENDANT CITY'S MOTION FOR SUMMARY JUDGMENT

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**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
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DEMETRIA M. CAMPBELL, individually, )  
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 Plaintiff, )  
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 v. )  
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 CITY OF OKLAHOMA CITY, )  
 a municipality; and )  
 DANIEL HOLTZCLAW, individually, )  
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 Defendants. )

Case No. CJ-2015-4217

**DEFENDANT CITY'S REPLY TO PLAINTIFF'S RESPONSE  
TO DEFENDANT CITY'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW, a Defendant, City of Oklahoma City, and respectfully submits this Reply to the Plaintiff's Response to Defendant's City's Motion for Summary Judgment. References to Exhibits will be from the Exhibits attached to Defendant City's Motion for Summary Judgment, or additional Exhibits attached to this Reply. In the event this Reply references an Exhibit attached to Plaintiff's Response, it will be so noted. In support of its Reply, Defendant City shows the Court as follows:

**I. REPLY TO PLAINTIFF'S INTRODUCTION.**

Plaintiff's introduction contains numerous inconsistencies and is replete with misstatements of fact, a theme plaintiff carries throughout her response. The inconsistencies and misstatements are thus:

In her response, the Plaintiff acknowledges that the black female that was driving Mr. Thornton's granddaughter's stolen vehicle on November 5, 2013, was wearing a red shirt and jeans, however, the Plaintiff claims she

was not wearing a red shirt. Exhibit 3, a picture of the Plaintiff taken by Lieutenant Bennett at the hospital, clearly shows the Plaintiff in a red shirt. Next, Plaintiff admits she saw Holtzclaw approaching her with a flashlight yelling "hey you" before she went up to the restaurant. However, in the Plaintiff's response to Defendant City's discovery requests, she claims not to have seen Holtzclaw prior to him grabbing her (Exhibit 12, p. 13 (response to Admission No. 3)).

The Plaintiff also alleges that Holtzclaw grabbed her prior to making her way into the restaurant, yet, she told Lieutenant Bennett during her interview at the hospital that Holtzclaw followed her into the restaurant and drug her out by the arm (Exhibit 1, p. 2). Plaintiff also alleges that Holtzclaw slammed her face against the wall of restaurant. However, Plaintiff alleged in the tort claim against Defendant City that her injuries were caused by Holtzclaw slamming her into his police car (Exhibit 8, p. 2). Plaintiff then alleges in her response that she was so distraught, she urinated in her clothes. Not surprisingly, the Plaintiff alleged differently in her deposition. During her deposition, the Plaintiff twice claimed that she intentionally urinated on herself to deter Holtzclaw from "taking her somewhere and doing something to her." (Exhibit 2, pp. 135, 153).

Plaintiff's Response alleges that she immediately went to the ER after Holtzclaw released her, however, during her deposition, the Plaintiff claimed to have spoken with Holtzclaw, made several phone calls, and proceed to pick up her to-go order from the restaurant before heading back to the hospital

(Exhibit 2, pp. 74-75, 193). The Plaintiff also claims to have sought medical treatment and counseling to help her get past the “horrific encounter” with Holtzclaw. Yet the Plaintiff offers no proof of any counseling, and even admitted to “forgiving” Holtzclaw prior to picking up her to-go order and returning to the hospital (Exhibit 2, 193). Further, the notes from the Plaintiff’s doctor visits on November 11, and 29, 2013,<sup>1</sup> do not contain any reference to Holtzclaw being “perverted,” or a recommendation of counseling (Exhibit 6).

Simply put, the Plaintiff’s version of the events has changed every time between her interview with Lieutenant Bennett (Exhibits 1, 4), her initial tort claim (Exhibit 8), her Petition in the instant case, her response to Defendant City’s discovery requests (Exhibit 12), her deposition (Exhibit 2), and her Response to Defendant City’s Motion for Summary Judgment. The Plaintiff should not be allowed to constantly change her version of the events to create a dispute of a material fact, and Defendant City is entitled to summary judgment.

## **II. REPLY TO RESPONSE TO UNDISPUTED FACTS.**

1. Plaintiff admits Defendant City’s fact No. 1.
2. Plaintiff disputes Defendant’s City’s fact No. 2 alleging that there is no proof that Holtzclaw received these particular manuals during his time with the Oklahoma City Police Department. The Plaintiff later alleges in her

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<sup>1</sup> Plaintiff incorrectly references a November 23<sup>rd</sup> doctor visit throughout her Response. However, the Plaintiff only visited her doctor concerning this incident on November 11, and 29, 2013 (Exhibit 6).

paragraph IIIC, *infra*, that Defendant City was on notice of Defendant Holtzclaw's propensity towards violence and attaches a petition filed in State Court (Plaintiff's Exhibit 14). In that case, later removed to federal court, Defendant City filed a motion for summary judgment with an attached affidavit from the Chief of Police, William Citty, averring that all OCPD officers receive a copy of the policies, procedures, and rules of the OCPD and are required to comply with them (Affidavit of Chief Citty attached to the end of this Reply as Exhibit 15, *See also* Exhibit 16, ¶ 3, n.3). The affidavit further states that Defendant Holtzclaw's CLEET training and training on the OCPD Operations Manual occurred as alleged in the motion's statement of material facts not in dispute (The statement of material facts not in dispute from Defendant City's Brief in Support of its Motion for Summary Judgment in *Maiden v. The City of Oklahoma City, et al.*, WDOK Case No. CIV-14-413-F, is attached to the end of this reply as Exhibit 16). This training includes the policies, procedures, and rules Defendant City listed in its fact No. 2 Plaintiff Campbell now complains of. As such, Defendant City's fact No. 2 is fairly discernable and not in dispute.

Further, the City of Oklahoma City requires annual sexual harassment training regardless of position or job. Defendant Holtzclaw completed this annual requirement on March 20, 2013, as shown by the Police Department's sexual harassment training exam results sheet for the year 2013 (Attached at the end of this Reply as Defendant's Exhibit 17).

3. Plaintiff disputes Defendant City's fact No. 3 only to the extent it relies on Defendant's Exhibit No. 1. Plaintiff offers Plaintiff's Exhibits 9, 10, and 11 which are contained in Defendant's Exhibit No. 1. Plaintiff does not dispute the basic fact of fact No. 3, that Holtzclaw was dispatched to a liquor store near the intersection of NE 23<sup>rd</sup> Street and Martin Luther King Boulevard on November 5, 2013 and made contact with the Plaintiff near that intersection, placed her in investigative detention, handcuffed her, placed her in his patrol car, and later returned her to the location and released her. Plaintiff simply disputes the manner in which this fact is presented to the Court, not that it actually happened.<sup>2</sup> As such, Plaintiff should be deemed to have admitted fact No. 3.

4. Plaintiff does not deny Defendant's fact No. 4, but rather disputes it as immaterial, as such it should be deemed as admitted by the Plaintiff. Plaintiff's claim that Defendant's fact No. 4 is immaterial is not a proper denial which requires "a concise written statement of the material facts as to which a genuine issue exists and the reasons for denying the motion . . . the adverse party shall attach to, or file with, the statement evidentiary material justifying the opposition to the motion." Okla. Dist. Ct. R. 13(b), Title 12, Ch. 2, App. (Supp.2013). Because Plaintiff's objection to Defendant's fact No. 4 as

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<sup>2</sup>The Plaintiff also alleges that this is a fact better suited for a jury and not summary adjudication. Plaintiff makes this claim multiple times throughout her response which is disingenuous, or even confusing at best, as the Plaintiff requested a non-jury trial on September 1, 2016 in her Motion to Enter Cause on Non-Jury Trial Docket.

immaterial is an improper objection, is should be deemed as admitted. See *Spirigis v. Circle K Stores, Inc.*, 1987 OK CIV APP 45, 743 P.2d 682, 684.

Plaintiff alleged in her Petition that Holtzclaw rubbed his crotch area, with an obvious erection, on the Plaintiff while he pressed her against the wall and handcuffed her. While the Plaintiff claims she gave this information to Lieutenant Bennett, this information is nowhere in his report. Further, Plaintiff claims she told he personal doctor about the “perversion,” but not surprisingly, that information is nowhere in any of her medical records. While Plaintiff claims she is not raising a claim of sexual assault, the timeliness of Plaintiff’s claim of “perversion” in conjunction with Holtzclaw’s criminal trial should not be lost on this Court. Because the Plaintiff did not properly deny Defendant’s fact No. 4, I should be deemed admitted.

5. Plaintiff disputes Defendant’s fact No. 5, but yet is unable to offer any proof to the contrary. Defendant’s Exhibits 1, 5-8 clearly show that neither Lieutenant Bennett’s report, the business card Plaintiff Campbell wrote on, Plaintiff Campbell’s Medical records, nor her Notice of Tort Claim state she made a claim of sexual assault or “perversion” on the part of Holtzclaw. As the Plaintiff is unable to prove to the contrary, Defendant’s fact No. 5 is undisputed.

Moreover, Defendant City has never complained that Plaintiff’s Notice of Tort Claim did not satisfy the requirements of the GTCA notice statute, 51 O.S.Supp.2012, § 156(E). Rather, Defendant City simply points out that it is



yet another example of an inconsistent statement of the Plaintiff regarding the events of this incident.

6. Plaintiff does not deny Defendant's fact No. 6, but rather disputes it as immaterial, as such it should be deemed as admitted by the Plaintiff. See Okla. Dist. Ct. R. 13(b), Title 12, Ch. 2, App. (Supp.2013). Simply put, it is an undisputed fact that the Plaintiff admitted during her 02/15/18 deposition that Defendant Holtzclaw did not use excessive force, but was merely "aggressive." (Exhibit 2, p. 178).

7. Plaintiff disputes Defendant's fact No. 7, that July 31, 2015 is the first time she alleged any sexual assault or "perversion" on behalf of Holtzclaw. The Plaintiff alleges that the defendant offers no proof of this date. However, July 31, 2015 is the date the Plaintiff filed the instant Petition. And it is undisputed that no record exists showing Plaintiff mentioned to anyone, anywhere, prior to this date that Holtzclaw pressed an erection into the Plaintiff while handcuffing her. As such, this fact is undisputed.

### **III. REPLY TO PLAINTIFF'S ARGUMENT AND AUTHORITIES.**

#### **A. THE STANDARD FOR SUMMARY JUDGMENT.**

Both parties agree that summary judgment is proper when "there is no dispute as to any material fact and that the moving party is entitled to judgment as a matter of law. All inferences and conclusions to be drawn from the materials must be viewed in a light most favorable to the nonmoving party." *Lind v. Barnes Tag Agency, Inc.*, 2018 OK 35, ¶ 9, 418 P.3d 698 (internal citations omitted). But more importantly, the Plaintiff's "mere

contention that facts exist or might exist is not sufficient to withstand summary judgment. The party responding to a motion for summary judgment has an obligation to present something which shows that when the date of trial arrives, he will have some proof to support his allegations.” *Davis v. Leitner*, 1989 OK 146, ¶ 12, 782 P.2d 924, 926 (footnotes omitted). Finally;

In order to defeat a summary judgment motion on a negligence claim, the opponent must establish that a genuine issue of material fact exists as to whether the defendants: (1) owed a duty of care to the plaintiff; (2) breached that duty; or (3) breach of that duty proximately caused the plaintiff's injuries. The cornerstone of a negligence action is the existence of a duty. The issue of whether a duty existed is a question of law.

*Miller v. David Grace, Inc.*, 2009 OK 49, ¶ 11, 212 P.3d 1223, 1227 (internal citations omitted). Clearly, the Plaintiff has failed to present any evidence beyond a mere contention that a material fact is in dispute, nor that the Defendant City breached a duty owed to the Plaintiff.

Further, the Plaintiff alleges that a “scope of employment” defense has historically been deemed a question of fact to be determined by a jury. Again, the Plaintiff has requested a non-jury trial. Regardless of the Plaintiff's claims that issues are better suited for a jury while simultaneously requesting a non-jury trial, the Plaintiff has misinterpreted the law regarding the scope of employment. In support of this contention, the Plaintiff cites, without noting that it has been overruled,<sup>3</sup> *Fehring v. State Ins. Fund*, 2001 OK 11, 19 P.3d

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<sup>3</sup> “*Fehring* is hereby overruled to the extent that its holding provides that acts performed with reckless disregard for an individual's rights automatically lack good faith in cases where the tort at issue does not require proof of an element that

276. Specifically, and without quotation to any specific language, Plaintiff relies on footnote 19. Footnote 19 states:

We note there are situations where the scope of employment issue, as it concerns a governmental entity's immunity under the GTCA, cannot be decided as a matter of law. *See e.g. Nail v. City of Henryetta*, 1996 OK 12, 911 P.2d 914. In *Nail* alternative theories of liability were alleged: either the intentional and malicious or negligent use of excessive force when a police officer arrested an intoxicated person. We held in such a situation factual questions concerning whether the officer acted in a malicious, willful and wanton manner or, instead, merely negligently, precluded summary judgment in favor of City in a GTCA-based suit.

*Fehring*, 2001 OK 11, ¶ 25 n.19, 19 P.3d at 284 n.19. However, contrary to *Nail*, Plaintiff Campbell specifically alleges negligence (See Plaintiff's Response, p. 15), and not alternative theories of liability. As such, *Nail*, and *Fehring* are inapplicable to the present case, and summary judgment in favor of the Defendant is proper.

**B. OFFICER HOLTZCLAW WAS NOT ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT IN FURTHERANCE OF HIS DUTIES.**

Plaintiff's Response alleges that Holtzclaw was acting within the scope of his employment when he "accosted" the Plaintiff. Plaintiff alleges that even though Defendant City did not give Holtzclaw permission to slam the Plaintiff's head against the wall while handcuffed, Defendant City may still be liable even if Holtzclaw acted beyond his given authority (Plaintiff's Response,

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necessarily excludes good faith conduct or requires a showing of malice." *Gowens v. Barstow*, 2015 OK 85, ¶ 21, 364 P.3d 644, 652.

p. 11). This is a gross misstatement of fact and the law. First, Plaintiff never alleged prior to her Response that she was already handcuffed when Holtzclaw pressed her against the wall. By every account, Holtzclaw pressed Plaintiff against the wall so he could handcuff her. Second, Plaintiff quotes *Tuffy's Inc. v. City of Oklahoma City*, 2009 OK 4, 212 P.3d 1158, 1163, arguing that the City can be liable even if Holtzclaw acted beyond his given authority. This is a blatant misstatement of the law. *Tuffy's* acknowledges that a political sub-division can be liable for the tortious acts of police committed within the scope of employment, but never held that liability extended to acts committed outside the scope of employment. Plaintiff's deliberate misstatements of the facts and the law are clear examples of why summary judgment should be granted in favor of Defendant City.

Plaintiff claims that Defendant City has ratified Defendant Holtzclaw's actions because by the "very act of Defendant City providing a defense for Holtzclaw . . . ." (Plaintiff's Response, p. 12). However, the City is not providing Defendant Holtzclaw with a defense in this case, and the Plaintiff is once again misstating the facts. Defendant Holtzclaw requested that the City provide him with a defense, and pursuant to 11 O.S.2011, §§ 23-101, 23-102 the City Council reviewed the facts of the case and denied his request (City Council's October 13, 2015, Resolution is attached at the end of this Reply as Exhibit 18). Moreover, Plaintiff's counsel was made aware of the Council's decision (October 23, 2015, letter to Plaintiff's counsel attached to the end of this Reply as Exhibit 19).

Certainly, Holtzclaw was acting within the scope of his employment when he was investigating the auto theft recovery. However, Plaintiff cannot sincerely claim Holtzclaw was acting within the scope of his employment when he allegedly “perverted” the Plaintiff by pressing his erect penis against the Plaintiff’s bottom for two minutes while handcuffing her. Because Holtzclaw’s actions, as alleged by the Plaintiff, “are so extreme as to constitute a clearly unlawful usurpation of authority the officer does not rightfully possess,” Defendant City is “immune as a matter of law.” *Tuffy's, Inc.*, 2009 OK 4, ¶ 19, 212 P.3d at 1167. *See also N.H. v. Presbyterian Church*, 1999 OK 88, ¶ 18, 998 P.2d 592, 599-600, (“It is inconceivable that [the employee’s] acts were of the nature of those which he was hired to perform. Because [the employee] was acting outside the scope of his employment as a matter of law when the molestation occurred, we hold that liability may not be imposed under the doctrine of *respondeat superior*.”).

Plaintiff next alleges Defendant City is seeking summary judgment based on the Plaintiff’s credibility. While certainly, witness credibility is an issue reserved for a jury, nothing requires this Court to entertain such baseless and incredible claims conveniently raised by the Plaintiff. As argued in its Motion for Summary Judgment, Defendant City asserts that Plaintiff Campbell’s claims are too inconsistent to be true and have even changed since Defendant City filed its Motion for Summary Judgment, and are merely the product of an opportunity to piggyback onto the claims of certain individuals who have legitimate claims against Defendant Holtzclaw.

Defendant Holtzclaw's alleged "perversion" of the Plaintiff was not within the course and scope of his employment, and thus, Defendant City is not liable. The City's policies on Code of Ethics and Use of Force, and the OCPD's procedures on arrests do not authorize or allow an officer to detain a person for the purpose of sexually assaulting them (Exhibit 9). The OCPD's training does not authorize this type of action and, in fact, advises the recruit that it would be a violation of state law to use his office for such purposes (Exhibit 10).

Again, as noted by the Oklahoma Supreme Court:

[The employee] acted for his own personal gratification rather than for any religious purpose. [The employee] abused his position and exploited his special relationship with the children. It is inconceivable that [the employee's] acts were of the nature of those which he was hired to perform. Because [the employee] was acting outside the scope of his employment as a matter of law when the molestation occurred, we hold that liability may not be imposed under the doctrine of *respondeat superior*.

*Presbyterian Church*, 1999 OK 88, ¶ 18, 998 P.2d at 599-600.

Similarly, in the present case, the alleged action of intentionally placing his erect penis on Plaintiff Campbell for his own gratification, while handcuffing her, was outside the scope of his employment and Defendant City cannot be held liable. *See also Shaw v. City of Oklahoma City*, 2016 OK CIV APP 55, ¶ 20, 380 P.3d 894, 899 (Summary judgment is proper when plaintiff believes officer's illegal acts were intentional.). Thus, as Defendant's

Holtzclaw's alleged intentional acts were outside the scope of his employment, Defendant City cannot be held liable.

**C. DEFENDANT CITY IS NOT LIABLE FOR NEGLIGENT SUPERVISION OF OFFICER HOLTZCLAW.**

Plaintiff alleges that Defendant City had reason to believe that Holtzclaw would create an undue risk of harm to the public because prior to his encounter with the Plaintiff, Holtzclaw was the subject of an excessive force case in which someone had died. Again, the Plaintiff has misstated facts in an attempt to survive summary judgment. Plaintiff's Exhibit 14 is a Petition filed by the estate of Clifton Armstrong, deceased, against, among others, Defendant Holtzclaw. First, petitions filed in unrelated cases are not evidence. Second, the facts of that case are simple and cannot serve to place Defendant City on notice of any future wrong doing by Defendant Holtzclaw.

The following facts are taken from Defendant City's Motion for Summary Judgment (Exhibit 16). On May 1, 2013, at approximately 8:46:42 p.m., Mr. Armstrong called the City's 911 center and stated that he thought he lost his mind, he seen (sic) dragons, that people are following him; that dead people were following him; that he was on drugs, that he wanted to kill himself, and that his mother was the only person he trusted. He refused to answer any questions.

Both Mr. Armstrong's mother and grandmother were present during part of this incident, and both completed third party affidavits/statements regarding the need to take the decedent into protective custody. Both the mother and grandmother attempted to assist the officers by holding the

decedent's legs until Holtzclaw arrived and relieved them. Mr. Armstrong violently resisted going into protective custody and ultimately died of Excited Delirium Syndrome due to methamphetamine toxicity. All police officers involved in the incident were cleared of any wrong doing, specifically, "the officers involved made every effort to resolve the matter by encouraging Mr. Armstrong to seek medical and psychological intervention. Their efforts were carefully calculated in an attempt to prevent Armstrong from hurting himself or others." (Letter from David Prater, attached as Defendant's Exhibit 20).

Mr. Armstrong's mother filed the law suit, which was removed to federal court, but dismissed the case three (3) days after Defendant City filed its Motion for Summary Judgment (See Docket Sheet for *Maiden v. City, et al.*, WDOK Case No. 14-CV-413-F, attached to this Reply as Defendant's Exhibit 21). Thus, while Mr. Armstrong's death was tragic, nothing about that incident should be deemed to have put Defendant City on notice of any wrongful behavior on behalf of Defendant Holtzclaw.

Finally, the Plaintiff claims this is not a sexual assault case, but rather a case for negligence and excessive force. Clearly, there was no evidence or instance that would have put Defendant City on notice of any inappropriate behavior by Defendant Holtzclaw. Moreover, as soon as the OCPD learned of possible inappropriate behavior by Defendant Holtzclaw, he was suspended, investigated by OCPD, prosecuted, terminated by OCPD, and convicted. Municipal employees are not investigated, charged, and convicted for actions committed that are within the scope of their employment. Certainly, there



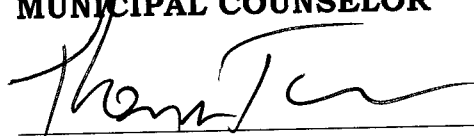
was no negligent supervision of Defendant Holtzclaw. Further, Plaintiff Campbell's initial complaint was for excessive force, a claim she later refuted during her 02/15/18 deposition (Exhibit 2, p. 178).

**CONCLUSION**

Defendant City asserts that, as a matter of law, it cannot be liable for any alleged damages Plaintiff Campbell may have suffered as a result of any alleged conduct that is outside the scope of Defendant Holtzclaw's employment with the OCPD. Further, Defendant City is exempt from any liability for negligent supervision and supervising decisions are discretionary, and Defendant City had no notice of any prior wrong doing of Defendant Holtzclaw. Accordingly, Summary Judgment should be granted to Defendant City on all causes of action as there is no material issue in dispute and Defendant City is entitled to a judgment as a matter of law.

Respectfully Submitted,

**KENNETH D. JORDAN  
MUNICIPAL COUNSELOR**



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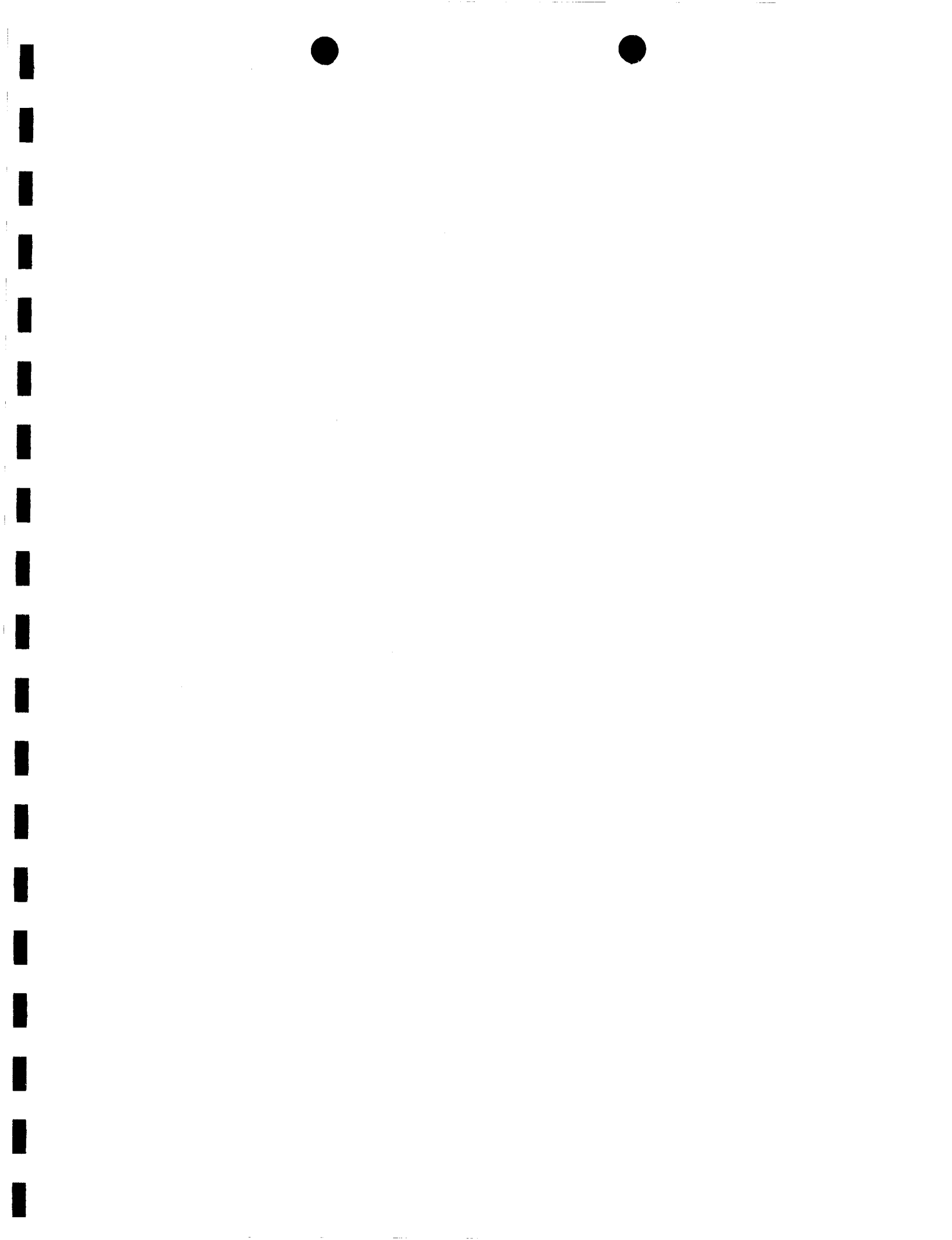
**CERTIFICATE OF SERVICE**

This is to certify that on the 17 day of August, 2018, a true and correct copy of the above *Defendant City's Reply to Plaintiff's Response to Defendant City's Motion for Summary Judgment* was mailed via U.S. mail to:

Cynthia Rowe D'Antonio  
Green Johnson Mumina & D'Antonio  
400 North Walker Avenue, Suite 100  
Oklahoma City, OK 73102  
**ATTORNEY FOR PLAINTIFF**

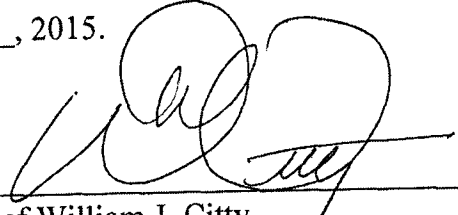
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**ATTORNEY FOR DEFENDANT HOLTZCLAW**

  
Assistant Municipal Counselor

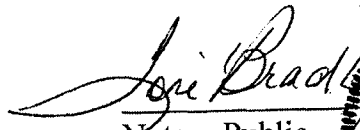


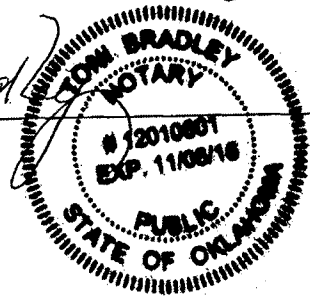


DATED THIS 21 DAY OF MAY, 2015.

  
\_\_\_\_\_  
Chief William J. Citty  
Oklahoma City Police Department

This instrument was acknowledged before me on the 21 day of May,  
2013, by Chief William J. Citty.

  
\_\_\_\_\_  
Notary Public



My Commission Expires: 11/06/16

Commission Number: 12010601



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

VELENCIA MAIDEN, )  
 )  
 Plaintiff, )  
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 v. ) Case No. CIV-14-413-F  
 )  
 THE CITY OF OKLAHOMA CITY, et al., )  
 )  
 Defendants. )

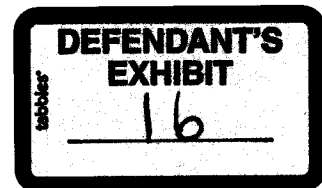
**DEFENDANT CITY'S BRIEF IN SUPPORT  
OF ITS MOTION FOR SUMMARY JUDGMENT**

COMES NOW a Defendant, the City of Oklahoma City and for its Brief in Support of its Motion for Summary Judgment, states:

**MATERIAL FACTS NOT IN DISPUTE**

1. Defendants Jeffery Dutton and Daniel Holtzclaw were employed by Defendant City as police recruits on September 16, 2011, and received police training at the OCPD Training Academy from that date until April 12, 2012, for a total of 1128 hours. (Affidavit of Chief William Citty, Exhibit 1; Syllabus of OCPD Recruit Class #128, Exhibit 2; OCPD Policies 670.0, Training; and 670.10, Recruit Training; Policies 670.0-670.10, Exhibit 3; and OCPD Procedures 431.0, Recruit Academy; and 431.10, Major Grades; Procedures 431.0-431.10, Exhibit 4). Defendants Gregory Franklin and Mohammad Tabiai<sup>1</sup> were employed by the City as police recruits on May 28, 2012 and received police training at the OCPD Training Academy from that date until December 6, 2012, for a total of 1120 hours. (Syllabus of OCPD Recruit Class #129, Exhibit 5.

<sup>1</sup> This officer's name was misspelled in the Petition as "Tabaia."



Exhibits 1, 3, and 4.).

2. At the time of these officers' training, State law required only 600 hours of law enforcement training to be commissioned, at least four of which had to instruct on "recognizing and managing a person appearing to require mental health treatment or services." 70 O.S. § 3311(E). OCPD recruits receive 8 hours of training on mentally ill/protective custody issues. See entry on November 18, 2011, Exhibit 2, and on September 7, 2012, Exhibit 5.

3. During their training academy, these officers received training in the following subjects that may be relevant to the issues in this case: Laws of Arrest;<sup>2</sup> Searching and Transporting Prisoners; Use of Force; Mentally Ill and Protective Custody; Observation and Perception Concepts; Concepts of Probable Cause; Human Relations; Introduction to Patrol; Maximal Restraint (the outline for this training is OCPD Procedure 154.30 and a video entitled "Hobble Restraint"); Custody and Control; and (then existing) OCPD Policies, Procedures and Rules.<sup>3</sup> (Copies of these outlines, Exhibits 6-15, respectively. Exhibit 1.) The written outline on Mentally Ill and Protective Custody (Exhibit 9) states it is for 4 hours. The OCPD presents the CLEET 4 hour classroom training and then an officer presents an additional 4 hours of training based upon various scenarios. (Exhibit 1.) There is no outline of these scenarios. Additionally, CLEET

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<sup>2</sup> Defendant City denies that its officers were attempting to arrest Plaintiff's decedent. As shown by his 911 call, (see ¶ 25), the Plaintiff's decedent was a person "with mental issues." The officers were attempting to take him into protective custody pursuant to 43A O.S. § 5-207.

<sup>3</sup>There is no outline for OCPD Policies, Procedures and Rules. Instead, each recruit is given an electronic version of the OCPD Operations Manual which include all Policies, Procedures and Rules. The recruits were instructed straight from this manual. (Exhibit 1.)



updated the outline on Mentally Ill/Protective Custody between the time it was taught in Classes 128 and 129 and therefore, both outlines are attached marked as Exhibit 9; Exhibit 1.)

4. Following their graduation from the Police Academy, the individual Defendants, as do all OCPD recruits, received approximately four (4) months of additional training with a Field Training Officer. (OCPD Policy 670.20, Field Training and Evaluation Program, Exhibit 16; Procedures 434.0, Field Training Evaluation Unit; and 434.10, Field Training Evaluation Program, Exhibit 17; Exhibit 1.)

5. 70 O.S. § 3311.4, effective 2008, requires that full-time police officers attend and complete 25 hours of continuing law enforcement training every year, including 2 hours on mental health issues. The OCPD's requirements are consistent with this law. (OCPD Policy 670.30, In-Service Training, Exhibit 18; and OCPD Procedures 436.0, In-Service Training; and 436.05 Attendance, Exhibit 19.) Because these officers graduated from the OCPD Recruit Academy after the phase I In-Service training was provided in calendar year 2012, they did not attend that phase. They did attend in 2013. (Exhibit 1.)

6. Officer D. Holtzclaw attended 58 additional hours of In-Service training since his graduation from the OCPD Recruit Academy through May 13, 2014. (On January 8, 2015, Holtzclaw was terminated due to unrelated issues. Affidavit of Chief Citty, Exhibit 1; letter to Holtzclaw, Exhibit 20; In-Service Training Record of Sgt. Holtzclaw. The annual mental health training is included in the 1<sup>st</sup> phase of the In-Service Training. Exhibits 22 and 23; Exhibit 1. The annual custody/control training is included

in the 2<sup>nd</sup> phase of the In-Service Training. Exhibit 24; Exhibit 1.)

7. Officer Jeff Dutton has attended 240 additional hours of In-Service training since his graduation from the OCPD Recruit Academy through May 2014. (In-Service Training Record of Officer Dutton, Exhibit 25; Exhibits 22-24; Exhibit 1.)

8. Officer Tabiai has attended 54 additional hours of In-Service training from since graduation from the OCPD Recruit Academy through May 2014. (In service training record of Sgt. Tabiai, Exhibit 26; Exhibits 22-24; Exhibit 1.)

9. Officer Gregory Franklin has received an additional 98 hours of In-Service training since his graduation from the OCPD Recruit Academy through May 2014. (In-Service training record of Officer Franklin, Exhibit 27; Exhibits 22-24; Exhibit 1.)

10. Officers are issued copies of the OCPD Operations Manual, which contains current OCPD Policies, Procedures and Rules, upon their induction. Officers are directed to be familiar with the contents of it and to keep it updated with new policies, procedures and rules as issued. (OCPD Policy 030.0, Review, Exhibit 28; OCPD Procedures 113.0, Issuance of Policies, Procedures and Rules; 113.10, Responsibility; 113.20, Distribution of the Operations Manual; and 113.30, Update of Operations Manual (Procedures 113.0-113.30, Exhibit 29; OCPD Rules 100.0, Compliance with Policies, Exhibit 30; and 105.0, Condition of Manual, Exhibit 31. Exhibit 1.)

11. In response to the Supreme Court's decision in *Tennessee v. Garner*, 471 U.S. 1 (1985), the City Council of the City (pursuant to § 43-4 of the Municipal Code)<sup>4</sup>

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<sup>4</sup>Policies for the OCPD are adopted by the City Council. Procedures are set by the Chief. See § 43-4 of the Municipal Code.

enacted OCPD Policy 9.03. (Resolution of City Council dated July 16, 1985, Exhibit 32.) This Policy is now OCPD Policy 554.0-554.60. This policy also deals with the use of non-deadly force. (OCPD Policies 554.0-554.60, Exhibit 33; Exhibit 1.)<sup>5</sup>

12. In 2001, the Tenth Circuit Court decided *Cruz v. City of Laramie, Wyoming*, 239 F.3d 1183 (10<sup>th</sup> Cir. 2001). While the Court did not decide that “hogtying” (defined by the Court as binding the ankles to the wrists of a detainee behind the detainee’s back with 12 inches or less of separation) was unconstitutional in all applications, the Court held that “officers may not apply this technique when an individual’s diminished capacity is apparent.” *Id.* at 1188. When the OCPD was advised of this decision, the use of “hog-tying” was banned in July 2001. (Exhibit 1.) The OCPD does permit officers to place a subject into maximal restraints under limited circumstances, including when they continue to be combative or attempt to damage City property. The OCPD’s maximal restraint procedure requires that a subject’s hands and feet may only be temporarily bound together, with a minimum of 24 inches of separation, while a waist belt is being secured. OCPD policy requires that the subject be monitored while in maximal restraints and the use of this system must be reported. The maximal restraint system is further described in OCPD Procedure 154.30. (Exhibit 14; Exhibit 1.)

13. In March 2007, the OCPD was accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA). This agency reviewed the various activities of the OCPD and found that the OCPD’s use of force regulations are

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<sup>5</sup>Defendant City denies that the officers used deadly force as is alleged by Plaintiff in ¶ 37 of the Amended Complaint.

thorough and require... an investigation by a supervisor of the next highest rank. (Chapter 1, p. 22 of CALEA's January 15, 2007 Assessment Report, Exhibit 34; Exhibit 1) It further describes the review process for each use of force (*id.*). They found the OCPD had a "very comprehensive Code of conduct" (p. 26 Chapter 26, Exhibit 34); an "emphasis on quality training" which was "very evident" (p. 27 Chapter 33, Exhibit 34) and states IA's investigations "are very thorough, well documented and consistent with agency directives..." (Chapter 52 at p. 30.) On March 27, 2010 and March 17, 2013, CALEA again awarded the OCPD Accreditation. (All 3 accreditation letters, attached as Exhibit 35; Exhibit 1.)

14. In 2002, the OCPD adopted a crisis intervention program known as the "Memphis Model" to help officers better respond to calls involving mentally ill persons. Officer who are members of the crisis intervention team (CIT) receive 50 hours of additional training on dealing with the mentally ill. The training includes de-escalation techniques, diversion mechanisms, and collaboration with mental health care professionals. See *Wilson v. City of Chicago*, 2011 WL 1003780 \*2 (N.D. Ill. 2011). Not all officers are CIT trained officers, however, all officers do receive training in responding to and dealing with individuals who are mentally ill. (Exhibit 1.)

15. As of May 1, 2013, Defendant City had adopted the following police department Policies that may be relevant to Plaintiff's claims: 105.0, Mission Statement (Exhibit 36); 110.0, Primary Objective (Exhibit 37); 120.10, Apprehension of Offenders (Exhibit 38); 205.0, Standard of Conduct; 205.10, Law Enforcement Code of Ethics; 205.15, Oath of Office 205.0-205.15, Exhibit 39; 220.0, Respect for Constitutional Rights

(Exhibit 40); 285.0, Allegations of Employee Misconduct; 285.10, Objectives of Personnel Investigations (285.0-285.10, Exhibit 41); 287.0, Discipline (Exhibit 42); 505.0, Nature of Task (Exhibit 43); 510.0, Police Action Based on Legal Justification (Exhibit 44); 512.0, Alternatives to Physical Arrest or Detention (Exhibit 45); and 554.0, Use of Force – General; 554.10, Definitions; 554.20, Legal Requirements. (Exhibit 33; Exhibit 1.)

16. The OCPD has a specific procedure for responding to calls involving mental health issues. (OCPD Procedures 215.0-215.85, Exhibit 46; Exhibit 1.) The purpose of the procedure is to “provide for the humane care and treatment of persons who are mentally ill, alcohol dependent, or drug dependant.”

17. The OCPD requires an investigation on any use of force beyond routine handcuffing. Because Plaintiff’s decedent died while in protective custody, this incident was investigated by the OCPD Homicide Division pursuant to OCPD Procedures 150.0-150.02<sup>6</sup> and 150.18-150.31. (Exhibit 47.) Contrary to Plaintiff’s Amended Petition, the OCPD investigation into each such incident in which a person dies while in police custody is presented to the District Attorney’s office for that office’s determination as to whether criminal charges are warranted against the involved officer(s). OCPD Procedure 150.18(K), Exhibit 47. Such review occurred here. (Letter of David Prater dated August 2, 2013, Exhibit 48 and Exhibit 1.) After that review, the incident is reviewed by the police administration to determine if the officer’s actions complied with OCPD Policies

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<sup>6</sup>Please note that Procedure 150.02(A) requires the officer to “Render first aid and/or summon medical attention.” (Exhibit 47.)

and Procedures. OCPD Procedure 150.18(K) and 150.30; 150.14 and 160.40. (Exhibits 47 and 49; Exhibit 1.)

18. The OCPD also maintains an Early Intervention Program, which requires a re-review of each use of force if an officer exceeds a certain number of uses of force in a certain time frame. OCPD Procedure 148.0, Early Intervention Program; 148.10, Criteria; 148.20, Responsibilities of the Office of Professional Standards; 148.30, Supervisor's Responsibilities; 148.40, Responsibilities of Division Commander; 148.50, Responsibilities of the Bureau Chief; and 148.60, Responsibilities of the Chief of Police. (Procedures 148.0 – 148.60, Exhibit 50; Exhibit 1.)

19. Other OCPD procedures that are relevant to this incident include Complaints against Police Department Employee (OCPD Procedure 143.0, Exhibit 51); and procedures regarding discipline and retraining: 170.0, Disciplinary Action; 170.10, Verbal Counseling; 170.15, Transfer; 170.25, Progressive Disciplinary Actions; 170.30, Reprimands for Cause; 170.45, Probation; 170.50 Reduction of Salary Rate for Cause; 170.60, Demotion to a Designated Rank or Grade for Cause; and 170.70, Termination of Employment. (Procedures 170.0 – 170.70, Exhibit 52; Exhibit 1.)

20. There are procedures regarding medical treatment: OCPD Procedures 150.02(A), Exhibit 47 and 233.0, Medical Treatment for Persons in Custody; 233.10, Hospital Selection Guideline; and 233.20, Injured Before Booking. (Procedures 233.0 – 233.20, Exhibit 53; Exhibit 1.)

21. There are procedures regarding arrests: OCPD Procedure 230.0, Arrest Procedure; 230.10, When a Person Can be Arrested; 230.20, Hold for State Charges;

230.21, Felony Offense; and 230.22, Misdemeanor Offense. (Procedures 230.0 – 230.22, Exhibit 54; Exhibit 1.)

22. As of May 1, 2013, the OCPD had adopted Rules that may be relevant to Plaintiff's claims: OCPD Rule 120.0, Truthfulness/Cooperation (Exhibit 55); 348.0, Use of Force (Exhibit 56); and 470.0, Constitutional Rights (Exhibit 57; Exhibit 1.)

23. The Council on Law Enforcement, Education, and Training must issue or approve all basic police training outlines. All OCPD recruit basic outlines are CLEET issued or approved. (Exhibit 1.)

24. Defendant City's policy on Use of Force, and its training of its police officers on the use of deadly and non-deadly force, have been repeatedly upheld by Judges in this District. These cases include, but are not limited to, *Rios v. City of Oklahoma City, et al.*, CIV-87-2383-T; *Franklin v. Thompson, et al.*, CIV-89-1492-T; *Carr v. City of Oklahoma City, et al.*, CIV-01-124-C; *Grigsby v. City of Oklahoma City*, CIV-02-1220-F; and *Fuston-Lounds v. City of Oklahoma City, et al.*, CIV-03-1519-T. (Orders, Attachments A-E, respectively.) In *Franklin*, the plaintiff only appealed the jury verdict in favor of the officer and not the ruling upholding the City's policies and procedures. This jury verdict was upheld. *Franklin v. Thompson*, 981 F.2d 1168 (10<sup>th</sup> Cir. 1992). In *Carr v. City*, Judge Cauthron upheld the City's written policies and training of officers on the use of deadly force. The plaintiff appealed and the Tenth Circuit affirmed in *Carr v. Castle*, 337 F.3d 1221 (10<sup>th</sup> Cir. 2003). In *Fuston-Lounds v. Torres, et al.*, the plaintiff alleged a failure to train in another deadly force case. The District Court granted the City Judgment. Ms. Lounds appealed and the Circuit Court affirmed in *Lounds v.*

*Torres*, 217 Fed. Appx.755 (10<sup>th</sup> Cir. 2007).

In *Coffee v. City of Oklahoma City, et al.*, CIV-08-239-W (Order, Attachment F), Judge West granted the City's dispositive Motion on the claim of ratification of the officer's use of "excessive" force. That plaintiff argued that because the OCPD, after the fact, investigated the officer's use of force and did not discipline him, it ratified the use of force. Judge West noted that the City's after-the-fact investigation could not be the direct causal link of the officer's use of force. (Pp. 10-11.) See also *Cordova v. Aragon*, 569 F.3d 1183 (10<sup>th</sup> Cir. 2009). Additionally, the OCPD did not believe plaintiff's "version" of the event, and therefore, the City could not have approved the "basis" for the event. *City of St. Louis v. Praprotnik*, 485 U.S. 112, 127 (1986), and *Bryson v. City of Oklahoma City*, 627 F.3d 784,788 (10<sup>th</sup> Cir. 2010), *cert denied* \_\_\_\_\_ U.S.\_\_\_\_\_, 131 S.Ct. 3030 (2011).

25. Plaintiff has no knowledge of the OCPD's training of its officers or of its written policies. Deposition of Plaintiff, pp. 111-112. At ¶ 12 of the Amended Complaint, Plaintiff refers to the use of the Maximal Restraint Hobble System on her decedent but then, at ¶ 16, acknowledges that the Medical Examiner's office attributed the cause of the death of Clifton Armstrong to Excited Delirium Syndrome due to Methamphetamine Toxicity.<sup>7</sup> The Medical Examiner's report actually says the cause of death is "Acute Methamphetamine Toxicity." (Exhibit 58.)

26. On May 1, 2013, at approximately 8:46:42 p.m., Plaintiff's decedent called

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<sup>7</sup>The death of the plaintiff's decedent in *Cruz v. City of Laramie, Wyoming*, 239 F.3d 1183 (10<sup>th</sup> Cir. 2001) was caused by positional asphyxia, not Excited Delirium Syndrome. *Id.* at 1188-1189.



the City's 911 center and stated that he thought he lost his mind, he seen (sic) dragons, that people are following him; that dead people were following him; that he was on drugs, that he wanted to kill himself, and that his mother was the only person he trusted. He refused to answer any questions. Incident Detail report p. 2, Exhibit 59; 911 tape, Exhibit 60; Exhibit 1.)

27. Plaintiff's decedent gave the call taker an address of 1449 NW 98<sup>th</sup>, but the "land" line he called from gave an address of 1421 NW 99<sup>th</sup> Street – Plaintiff's address. This call was assigned to Defendant Dutton at 8:59 p.m. with Defendant Tabiai assigned as backup at 9:08 p.m. (Exhibit 59; Exhibit 1.)

28. The Information given to 911 by Plaintiff's decedent was typed into the OCPD's Mobile Data Computer System and all officers could read what was typed in. (See p. 2 of the Incident Detail Report, Exhibit 59; Exhibit 1.)

29. Both Plaintiff (the mother of the decedent) and Jean Griffin (the grandmother of the decedent) were present during part of this incident. Both completed third party affidavits/statements regarding the need to take the decedent into protective custody. See 43A O.S. § 5-207(C). (Affidavits, Exhibit 61; Exhibit 1.)<sup>8</sup>

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<sup>8</sup>Plaintiff was asked to admit the truthfulness of statements made in these affidavits. She denied them. (Plaintiff's Response to Defendant City's Request for Admissions, Exhibit No. 62 at 19 and 20.) At their depositions, both admitted that they filled out the affidavits. (Deposition of Plaintiff, pp. 74; 105-107, and deposition of Griffin, pp. 58-61.) Please note that 43A O.S. § 5-207(C) and the affidavits refer to criminal sanctions for lying. In any event, under *Scott v. Harris*, 550 U.S. 372 (2007), a court is not required to ignore evidence made contemporaneously when Plaintiff later denies those "facts." Please also notice that Plaintiff, like her counsel in the Amended Petition, denies the finding of the Medical Examiner. (Exhibit 62, Response for Admissions at No. 18. See also Ms. Griffin's deposition at p. 62.)

30. Plaintiff and Ms. Griffin were interviewed by members of the OCPD Homicide Unit after this incident. Ms. Griffin told the investigator “I didn’t see anything they done wrong. They were just trying to help him.” She denied seeing any officer try to “hit punch, or kick Armstrong.” (Deposition of Griffin, p. 82; Exhibit 63.) Both Ms. Griffin and Plaintiff attempted to assist the officers by holding the decedent’s legs until Holtzclaw arrived and relieved them. (Video of interview of Ms. Griffin, Exhibit 63; Exhibit 1.)

31. Plaintiff admitted that she told the decedent he was going to the hospital either with her or the police, that the police did not want the decedent to ride in her car because it was a 4 door and the police were afraid the decedent would jump out, and instead, to go with Ms. Griffin because her car was a 2 door.<sup>9</sup> (Video of Interview of Plaintiff, Exhibit 64; Deposition of Griffin, p. 26.) He refused. She stated the officers tackled the decedent;<sup>10</sup> that the officers got one handcuff on him, but were struggling to get the other on; that she (and Ms. Griffin) tried to assist by holding his legs; that the officers finally put something on his ankles<sup>11</sup> and made her and Ms. Griffin go into the house. She denied seeing the officers “hit, punch or kick Clifton.” When asked if she saw the officers do anything wrong, she said she did not see it and was not saying they did, however, she could not see it all because she was made to go into the house which was strange. (Exhibit 64; Exhibit 1.) After this incident, Plaintiff had someone take

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<sup>9</sup>The decedent would have to get into the back seat of the car.

<sup>10</sup>The evidence will be that the decedent got into a football stance and “rushed” one of the officers.

<sup>11</sup>Defendant Holtzclaw applied the hobble restraint because the Plaintiff’s decedent was trying to kick the officers.

photos of herself depicting the position Armstrong was in at various times during this incident. Exhibit 70 is a photo that is a true and accurate representation of the position he was in after the hobble was applied. (Deposition of Plaintiff, pp. 108-09, and deposition of Griffin, p.64.) Ms. Griffin conceded his feet were more than 12 inches from his hands. (Deposition of Griffin, p. 64-65.)

### **STATEMENT OF THE CASE**

On April 2, 2014, Plaintiff filed an Amended Petition in the Oklahoma County District Court on behalf of her decedent. The Defendants removed the case to this Court based on federal question jurisdiction. Plaintiff makes a whole host of allegations against the City under 42 U.S.C. § 1983 and Oklahoma State law, including ratification (§§ 14-15; 37i); excessive force under the Oklahoma Constitution (§ 40); excessive force under the Fourth Amendment to the United States Constitution (§ 36); failure to train (§ 37a);<sup>12</sup> use of physical restraint and the hobble system (§ 37b); apparent failure to discipline (§ 37c); failure to monitor and evaluate performance of officers regarding use of force (§ 37d and h); failure to adequately investigate citizen's complaints regarding deadly or unreasonable force (§ 37 e and f); failure to provide medical attention to persons suffering from psychiatric conditions (§ 37g); failure to adequately investigate officer involved incidents (§ 37j) and a failure to seek criminal prosecution against officers whose behavior violates the law (§ 37k).

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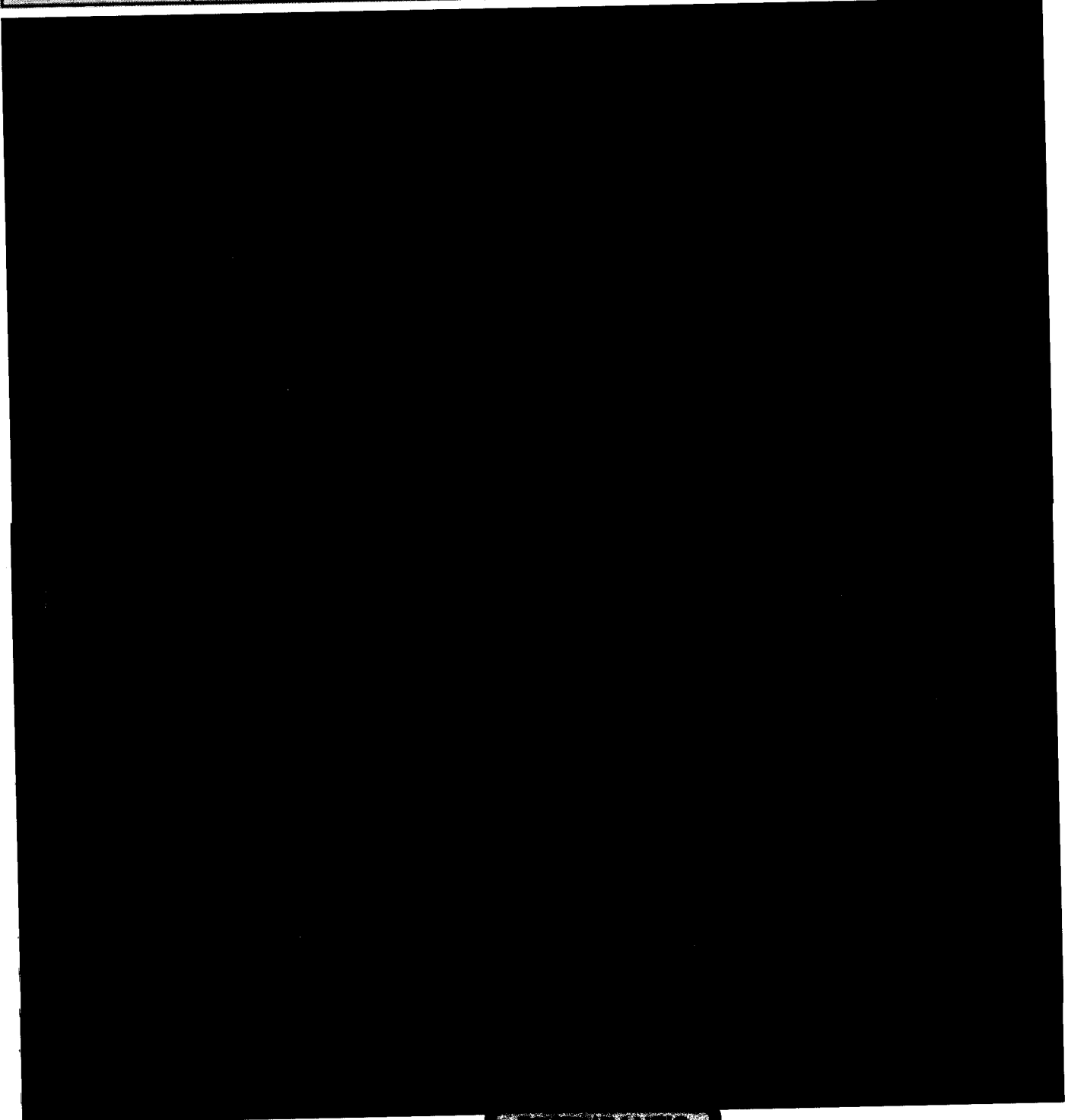
<sup>12</sup> In subparagraph a, Plaintiff alleges that the City failed to train the officers in the use of deadly force. The Medical Examiner's report disputes any claim that deadly force was used. Further, the City's policies and training on the use of deadly force have been repeatedly upheld in this Court and the Tenth Circuit Court of Appeals. See ¶ 21 herein.

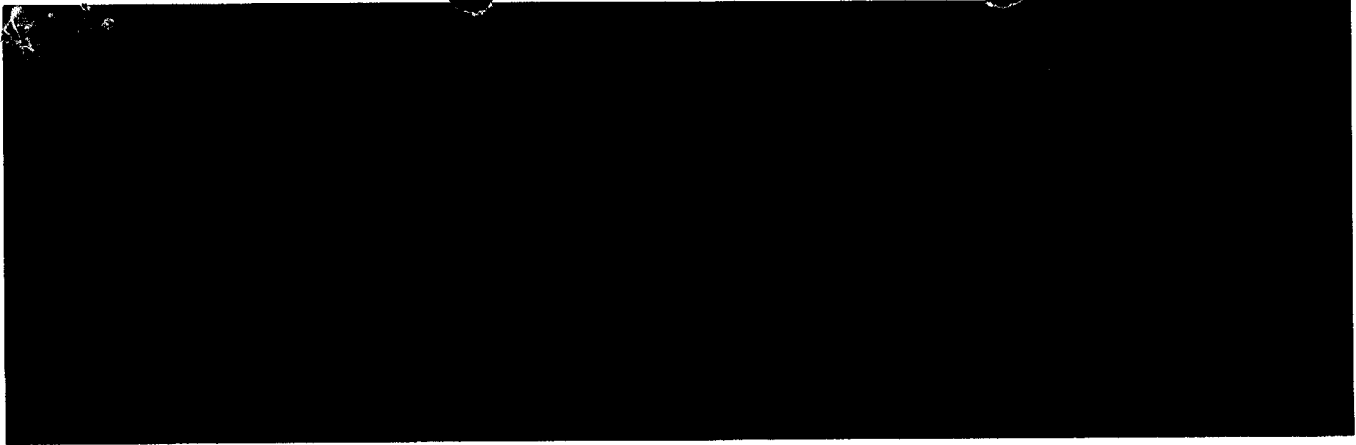


# Sexual Harrassment Training Test Results

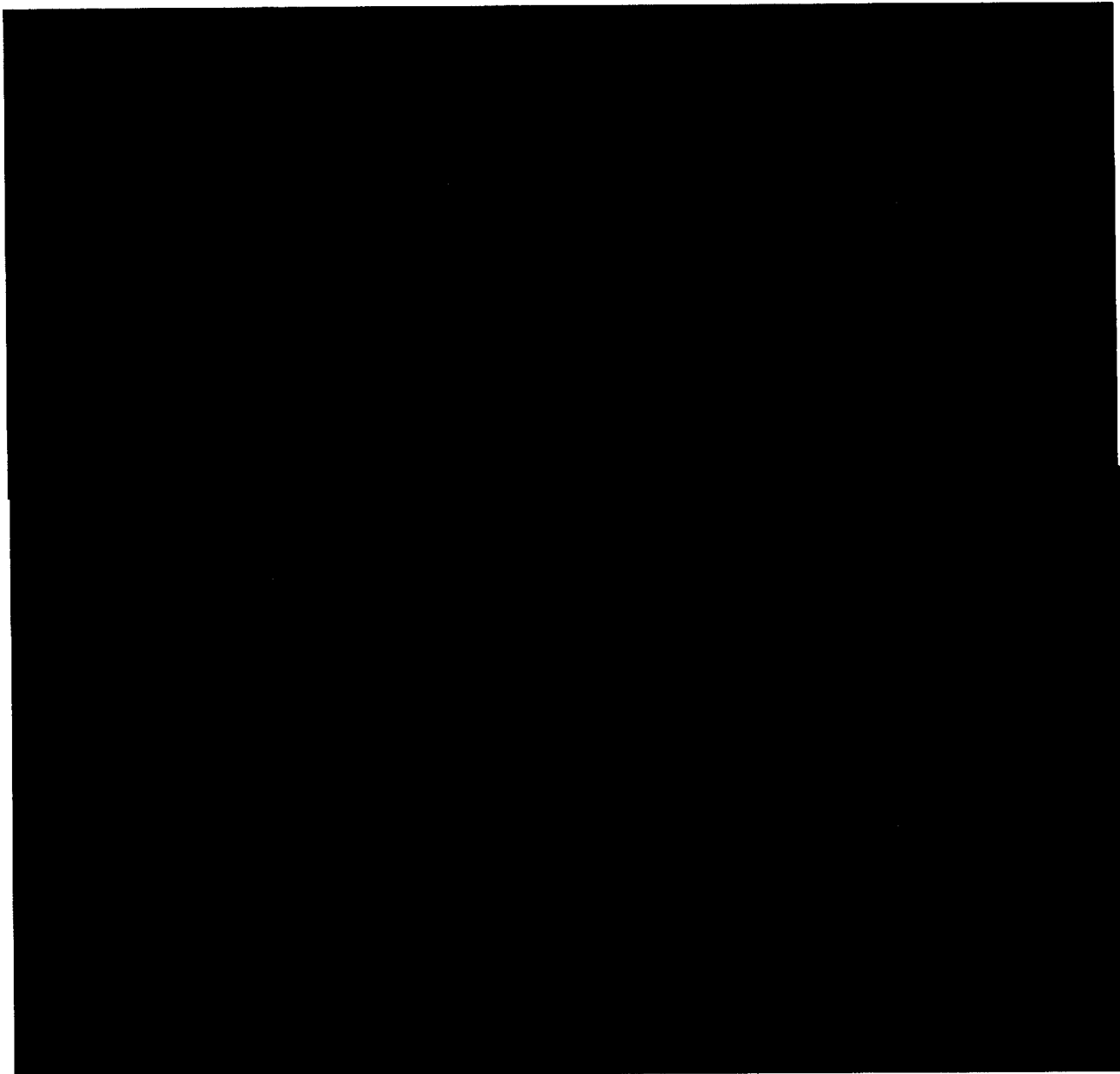
TRAINING 2013 Non-Supervisory Employees - Policy Prohibiting Discrimination and Sexual Harassment  
MODULE NAME:

Last Name	First Name	Date Test Taken	Passed Test
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Holtzclaw	Daniel	3/20/2013	N
Holtzclaw	Daniel	3/20/2013	Y





RESOLUTION

**RESOLUTION DENYING THE REQUEST OF FORMER MUNICIPAL EMPLOYEE, DANIEL HOLTZCLAW TO RETAIN SUSAN ANN KNIGHT TO REPRESENT HIM IN THE OKLAHOMA COUNTY DISTRICT COURT CASE NO. CJ-2015-4217 STYLED *DEMETRIA CAMPBELL V. CITY OF OKLAHOMA CITY, ET AL.***

WHEREAS, former Oklahoma City Police Officer Daniel Holtzclaw was employed by the City of Oklahoma City at all times material to the case in Oklahoma County District Court Case Number CJ-2015-4217, styled: *Demetria Campbell v. City of Oklahoma City, et al.*; and

WHEREAS, former Officer Daniel Holtzclaw is named as a defendant in this case; and

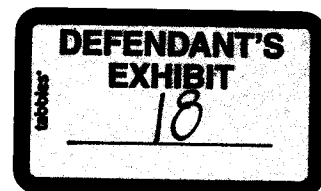
WHEREAS, plaintiff is seeking to recover actual and punitive damages from the former officer for allegedly violating certain civil rights of the plaintiff by his actions on or about November 5, 2013. Plaintiff alleges such violations occurred within the scope of the defendant's employment, however, Plaintiff alleges that his actions were a sexual assault and former Officer Holtzclaw acknowledges that the claim is one of sexual assault; and

WHEREAS, former Officer Daniel Holtzclaw has requested that the City provide legal representation on his behalf; and

WHEREAS, former Officer Daniel Holtzclaw has requested that the City retain Susan Ann Knight to represent him in this lawsuit; and

WHEREAS, the City Council is required under 11 O.S. § 23-102 to determine if the employee's action at issue was committed while acting in good faith and in the scope of his employment with the City; and

WHEREAS, the act of any sexual assault is not within good faith or the scope of employment of a City employee.






NOW BE IT RESOLVED BY THE CITY OF OKLAHOMA CITY that former Officer Daniel Holtzclaw's request for the City to retain Susan Ann Knight to represent him is denied.

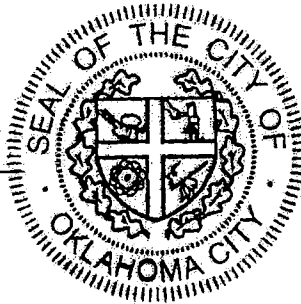
ADOPTED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF OKLAHOMA CITY this 13th day of October, 2015.

THE CITY OF OKLAHOMA CITY

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



REVIEWED as to form and legality.

  
\_\_\_\_\_  
Assistant Municipal Counselor



**MANCHESTER & KNIGHT, P.L.L.C.**

Of counsel to:

**FENTON, FENTON, SMITH, RENEAU & MOON**

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SUSAN ANN KNIGHT  
STACEY HAWS FELKNER  
ROD L. COOK  
BEVERLY S. PEARSON

October 23, 2015

~~Cynthia Rowe D'Antonio~~  
GREEN JOHNSON MUMINA & D'ANTONIO  
400 North Walker, Suite 100  
Oklahoma City, OK 73102

Re: *Demetria M. Campbell, individually v. City of Oklahoma City, a municipality; and Daniel Holtzclaw in his official capacity as police officer of the Oklahoma City Police Department, and Daniel Holtzclaw, individually*  
Oklahoma County District Court Case No. CJ-2015-4217

Dear Cynthia:

Attached is the resolution I discussed with you this morning. The City of Oklahoma City is not providing a defense or indemnification for former officer Holtzclaw and a determination has been made that he was acting in bad faith. The City terminated the defendant. There is no insurance, nor are there any assets owned by Mr. Holtzclaw which would satisfy a potential judgment. I appreciate your taking these facts into consideration as you decide how to pursue your lawsuit.

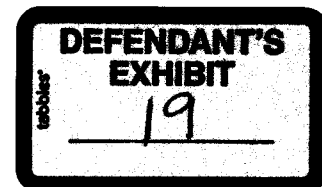
Sincerely,



Susan Ann Knight

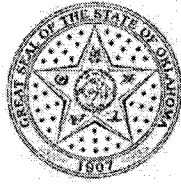
SAK/rp

cc: Richard Smith (w/encl.) ✓





OKLAHOMA COUNTY  
SEVENTH DISTRICT  
STATE OF OKLAHOMA



320 ROBERT S. KERR AVE., SUITE 505  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1600  
FAX (405) 235-1587

**DAVID W. PRATER**  
DISTRICT ATTORNEY

**SCOTT ROWLAND**  
FIRST ASSISTANT DISTRICT ATTORNEY

August 2, 2013

Chief Bill City  
Oklahoma City Police Department  
701 Colcord Dr.  
Oklahoma City, OK 73102

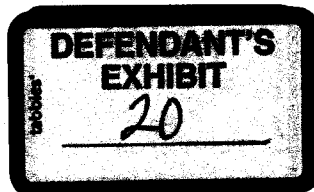
**Re: OCPD Incident Number 13-35649**

Dear Chief City:

This office has reviewed the events of May 1, 2013, reported by your department under the above-noted incident number. The case involved Officer J. Dutton #1781, Officer Mohammed Tabiai #1817, Officer Daniel Holtzclaw #1782 and Officer Gregory Franklin #1809. This incident occurred at 1421 NW 99<sup>th</sup> Street, Oklahoma City, Oklahoma County.

The above named officers responded to a 9-1-1 call for help from the decedent, Clifton Darnell Armstrong. Armstrong was delusional and suicidal. He also reported that he was seeing dragons. Officers arrived and attempted to calm Armstrong. During the lengthy contact, Armstrong's demeanor would vacillate between calm and agitated. At one point, Armstrong agreed to ride with a family member to St. Anthony's hospital to seek medical intervention, only to refuse to enter the vehicle when asked to sit in the back seat. Armstrong began running around the yard. Officers realized that the situation required them to restrain him for his own protection and for the protection of others.

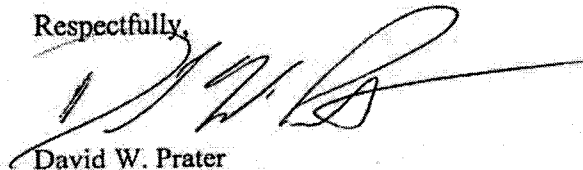
Armstrong violently resisted the officers as they attempted to handcuff and hobble him to prevent him from hurting himself or others. Armstrong was not struck by the officers nor did any officer employ a Taser or any chemical aerosol in their attempt to restrain him. During the struggle, Armstrong stopped breathing. Emergency medical personnel were notified immediately. Armstrong did not recover and was pronounced dead at Integris Baptist Hospital.



Dr. Choi performed an autopsy on Mr. Armstrong. She determined the probable cause of death to be ACUTE METHAMPHETAMINE TOXICITY. The manner of death was determined to be an ACCIDENT. More specifically; Dr. Choi noted in her comments that, "The cause of death is regarded to be EXCITED (AGITATED) DELIRUM. Due to ACUTE METHAMPHETAMINE TOXICITY. The physical altercation with the police could have been the anticipating verses aggravating factor to his death. The manner of death is ruled to be an ACCIDENT."

I have reviewed the investigative reports, photographs, witness statements, and other documents contained in the Officer Involved Case Book presented to my office. Though it is clear that Mr. Armstrong's death resulted from his own actions combined with his illicit drug use, I am clearing the officers involved of any wrongdoing to address any questions regarding the officer's culpability. It is my opinion that the officers involved made every effort to resolve the matter by encouraging Mr. Armstrong to seek medical and psychological intervention. Their efforts were carefully calculated in an attempt to prevent Armstrong from hurting himself or others. Though his death is tragic, Mr. Armstrong's death was not a result of any police intervention or actions. It is my finding that no action by the District Attorney's Office is warranted.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. W. Prater', with a long horizontal flourish extending to the right.

David W. Prater  
Oklahoma County District Attorney



**U.S. District Court  
Western District of Oklahoma[LIVE] (Oklahoma City)  
CIVIL DOCKET FOR CASE #: 5:14-cv-00413-F**

Maiden v. Oklahoma City City of et al  
Assigned to: Honorable Stephen P. Friot  
Cause: 28:1441 Petition for Removal

Date Filed: 04/24/2014  
Date Terminated: 06/04/2015  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Velencia Maiden**  
*as Personal Representative of the Estate of  
Clifton Darnell Armstrong, deceased*

represented by **E Ed Bonzie**  
Chandler & Bonzie  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

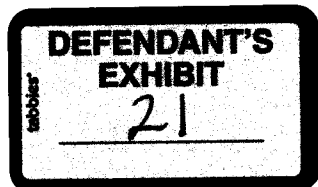
**Oklahoma City City of**

represented by **Jennifer M Warren**  
Municipal Counselor's Office-OKC  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Richard C Smith**  
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Email: rick.smith@okc.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jeffery Dutton**



represented by **Stacey Haws Felkner**



*individually*

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 405-524-2070  
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**ATTORNEY TO BE NOTICED**

**Susan A Knight**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**Gregory Franklin**  
*individually*

represented by **Stacey Haws Felkner**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Susan A Knight**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Mohammed Tabai**  
*individually*

represented by **Stacey Haws Felkner**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Susan A Knight**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Daniel Holtzclaw**  
*individually*

represented by **Stacey Haws Felkner**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Susan A Knight**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/24/2014	<u>1</u>	NOTICE OF REMOVAL from Oklahoma County District Court, case number CJ-2014-107 filed by Oklahoma City City of. (Attachments: # <u>1</u> Exhibit Amended Petition, # <u>2</u> Exhibit Summons, # <u>3</u> Exhibit Docket Sheet, # <u>4</u> Civil Cover Sheet)(kr) (Entered: 04/24/2014)

04/24/2014		PAYMENT FOR A CIVIL CASE Filing fee \$ 400, receipt number 1087-1851012. (Warren, Jennifer) (Entered: 04/24/2014)
04/24/2014	<u>2</u>	ENTRY of Appearance by Jennifer M Warren on behalf of Oklahoma City City of (Warren, Jennifer) (Entered: 04/24/2014)
04/24/2014	<u>3</u>	ANSWER to Complaint by Oklahoma City City of.(Warren, Jennifer) (Entered: 04/24/2014)
04/24/2014	<u>4</u>	MOTION to Dismiss <i>Officers in Official Capacity</i> by Oklahoma City City of. (Warren, Jennifer) (Entered: 04/24/2014)
04/24/2014	<u>5</u>	ENTRY of Appearance by Richard C Smith on behalf of Oklahoma City City of (Smith, Richard) (Entered: 04/24/2014)
04/24/2014	<u>6</u>	ENTRY of Appearance by Stacey Haws Felkner on behalf of Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia (Felkner, Stacey) (Entered: 04/24/2014)
04/24/2014	<u>7</u>	ENTRY of Appearance by Susan A Knight on behalf of Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia (Knight, Susan) (Entered: 04/24/2014)
04/24/2014	<u>8</u>	ANSWER to Complaint with Jury Demand by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia.(Knight, Susan) (Entered: 04/24/2014)
04/24/2014	<u>9</u>	ENTRY of Appearance by E Ed Bonzie on behalf of Velencia Maiden (Bonzie, E)DISREGARDED by Notice filed 4/24/14. Modified on 4/24/2014 (kr). (Entered: 04/24/2014)
04/24/2014	<u>10</u>	ENTRY of Appearance by E Ed Bonzie on behalf of Velencia Maiden (Bonzie, E) (Entered: 04/24/2014)
04/24/2014		Docket Annotation: Doc. <u>9</u> will be refiled correctly. (kr) (Entered: 04/24/2014)
05/08/2014	<u>11</u>	NOTICE of Voluntary Dismissal by Oklahoma City City of (Warren, Jennifer) (Entered: 05/08/2014)
05/08/2014		NOTICE from the Court. In light of the filing of <u>11</u> Stipulation of Dismissal of All Claims Against Officers in Their Official Capacities, the court STRIKES AS MOOT <u>4</u> MOTION to Dismiss <i>Defendant Officers in Their Official Capacities</i> . (llg) (Entered: 05/08/2014)
05/28/2014	<u>12</u>	STATUS/SCHEDULING CONFERENCE DOCKET: Scheduling Conference set for 7/7/2014 04:15 PM in Chambers before Honorable Stephen P. Friot. Status Report due by 7/2/2014. (llg) (Entered: 05/28/2014)
07/01/2014	<u>13</u>	JOINT STATUS REPORT AND DISCOVERY PLAN by Plaintiff Velencia Maiden. (Bonzie, E)DISREGARDED by Notice 7/1/14. Modified on 7/1/2014 (kr). (Entered: 07/01/2014)
07/01/2014		Docket Annotation: Doc. <u>13</u> will be refiled. (kr) (Entered: 07/01/2014)
07/01/2014	<u>14</u>	JOINT STATUS REPORT AND DISCOVERY PLAN by Plaintiff Velencia Maiden. (Bonzie, E) (Entered: 07/01/2014)
07/01/2014	<u>15</u>	AMENDED JOINT STATUS REPORT AND DISCOVERY PLAN by Plaintiff Velencia Maiden. (Bonzie, E) Modified on 7/1/2014 (llg). (Entered: 07/01/2014)
07/07/2014	<u>16</u>	SCHEDULING ORDER: Motions to join due 8/1/14; Motions to amend due 8/1/14; Pla expert witness list and expert reports due 12/20/14; Dft expert witness list and expert reports due 21 days t/a; Pla witness list due 1/10/15; Dft witness list due 14 days t/a; Pla exhibit list due 1/10/15; Dft exhibit list due 14 days t/a; Motions in limine due 4/21/15; Jury instructions & verdict forms due 4/21/15; Voir dire requests due 4/21/15; Trial briefs

		due 4/21/15; Discovery due by 4/15/2015. Jury Trial set for 5/12/2015 09:30 AM in Courtroom 305 before Honorable Stephen P. Friot. Dispositive & Daubert Motions due by 2/1/2015. Pretrial Report due by 4/21/2015. Entered at the direction of Honorable Stephen P. Friot on 7/7/14. (llg) (Entered: 07/07/2014)
08/11/2014	<u>17</u>	NOTICE of Subpoena by Velencia Maiden (Bonzie, E) (Entered: 08/11/2014)
12/22/2014	<u>18</u>	Expert Witness List <i>Final</i> by Plaintiff Velencia Maiden. (Bonzie, E) (Entered: 12/22/2014)
01/05/2015	<u>19</u>	JOINT MOTION for Extension of Time <i>to Extend Deadlines by One-Hundred Twenty (120) Days</i> by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 01/05/2015)
01/06/2015	<u>20</u>	AMENDED SCHEDULING ORDER granting <u>19</u> JOINT MOTION <i>to Extend Deadlines by One-Hundred Twenty (120) Days</i> : Dft expert witness list and expert reports due 5/10/15; Pla witness list due 5/10/15; Dft witness list due 14 days t/a; Pla exhibit list due 5/10/15; Dft exhibit list due t/a; Dispositive & Daubert Motions due 6/1/15; Discovery due 8/15/15; Motions in limine due 8/18/15; Jury instructions & verdict forms due 8/18/15; Voir dire requests due 8/18/15; Trial briefs due 8/18/15; Pretrial Report due 8/18/15; Jury Trial set for 9/8/2015 09:30 AM in Courtroom 305 before Honorable Stephen P. Friot. Signed by Honorable Stephen P. Friot on 1/6/15. (llg) (Entered: 01/06/2015)
04/13/2015	<u>21</u>	NOTICE to Take Deposition of Velencia Maiden and Jean Griffin by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 04/13/2015)
04/16/2015	<u>22</u>	NOTICE to Take Deposition of Velencia Maiden by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 04/16/2015)
04/16/2015	<u>23</u>	MOTION for Extension of Time <i>IN THE AMOUNT OF NINETEEN (19) DAYS OR UNTIL MAY 29, 2015 FOR DEFENDANTS TO FILE EXPERT REPORTS</i> by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 04/16/2015)
04/17/2015	<u>24</u>	ORDER granting <u>23</u> Motion of Defendants Jeffrey Dutton, Gregory Franklin, Mohammed Tabiai and Daniel Holtzclaw to Extend Defendants' Expert Report Deadline by Nineteen (19) Days or Until May 29, 2015. Dfts' expert reports due 5/29/15. Signed by Honorable Stephen P. Friot on 4/17/15. (llg) (Entered: 04/17/2015)
05/05/2015	<u>25</u>	MOTION for Leave of Court to Take Deposition by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 05/05/2015)
05/11/2015	<u>26</u>	Expert Witness List by Defendants Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 05/11/2015)
05/11/2015	<u>27</u>	Exhibit List / Witness List by Plaintiff Velencia Maiden. (Bonzie, E) (Entered: 05/11/2015)
05/15/2015	<u>28</u>	SUPPLEMENT re <u>25</u> MOTION for Leave of Court to Take Deposition by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 05/15/2015)
05/18/2015	<u>29</u>	ORDER granting <u>25</u> Defendants Oklahoma City Police Officers Jeffrey Dutton, Gregory Franklin, Mohammed Tabiai and Daniel Holtzclaw's Motion for Leave of Court to Take Deposition. Said dfts are granted leave to depose Carlton Donnelly. Signed by Honorable Stephen P. Friot on 5/18/15. (llg) (Entered: 05/18/2015)
05/22/2015	<u>30</u>	Exhibit List / Witness List by Defendants Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 05/22/2015)
05/22/2015	<u>31</u>	Exhibit List / Witness List by Defendant Oklahoma City City of. (Smith, Richard)

		(Entered: 05/22/2015)
05/27/2015	<u>32</u>	NOTICE to Take Deposition of Lanette Jerome, Jackie Brown, Briggette Armstrong, Jerome Birts, Ron Shoopman, Carol Jo Lee, Alonzo Candler, Dale Candler, Anthony Nathan, Sarah Kenney by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Knight, Susan) (Entered: 05/27/2015)
05/29/2015	<u>33</u>	MOTION for Summary Judgment by Oklahoma City City of. (Smith, Richard) (Entered: 05/29/2015)
05/29/2015	<u>34</u>	BRIEF IN SUPPORT re <u>33</u> MOTION for Summary Judgment by Oklahoma City City of. (Attachments: # <u>1</u> Exhibit 1 - Affidavit of Chief City, # <u>2</u> Exhibit 2 - OCPD Recruit Class Syllabus #128, # <u>3</u> Exhibit 3 - OCPD Policies 670.0-670.10, # <u>4</u> Exhibit 4 - OCPD Procedures 431.0-431.10, # <u>5</u> Exhibit 5 - OCPD Recruits Class Syllabus #129, # <u>6</u> Exhibit 6 - OCPD Outline Laws of Arrest, # <u>7</u> Exhibit 7 - OCPD Outline Searching and Transporting Prisoners, # <u>8</u> Exhibit 8 - OCPD Outline Use of Force, # <u>9</u> Exhibit 9 - OCPD Outline Mental Illness and Protective Custody, # <u>10</u> Exhibit 10 - OCPD Outline Observation and Perception, # <u>11</u> Exhibit 11 - OCPD Outline Probable Cause, # <u>12</u> Exhibit 12 - OCPD Outline Human Relations, # <u>13</u> Exhibit 13 - OCPD Outline Patrol, # <u>14</u> Exhibit 14 - OCPD Procedure 154.30, # <u>15</u> Exhibit 15 - OCPD Outline Custody and Control, # <u>16</u> Exhibit 16 - OCPD Policy 670.20, # <u>17</u> Exhibit 17 - OCPD Procedures 434.0-434.10, # <u>18</u> Exhibit 18 - OCPD Policy 670.30, # <u>19</u> Exhibit 19 - OCPD Procedures 436.0-436.05, # <u>20</u> Exhibit 20 - Holtzclaw Termination Letter, # <u>21</u> Exhibit 21 - Holtzclaw In-Service Record, # <u>22</u> Exhibit 22 - OCPD In-Service Outline - Mental Health 2013, # <u>23</u> Exhibit 23 - OCPD In-Service Outline - Mental Health 2014, # <u>24</u> Exhibit 24 - OCPD In-Service Outline - Custody/Control 2013-14, # <u>25</u> Exhibit 25 - Dutton In-Service Record, # <u>26</u> Exhibit 26 - Tabaia In-Service Record, # <u>27</u> Exhibit 27 - Franklin In-Service Record, # <u>28</u> Exhibit 28 - OCPD Policy 030.0, # <u>29</u> Exhibit 29 - OCPD Procedures 113.0-113.30, # <u>30</u> Exhibit 30 - OCPD Rule 100.0, # <u>31</u> Exhibit 31 - OCPD Rule 105.0, # <u>32</u> Exhibit 32 - OCPD Use of Force Resolution of City Council 1985, # <u>33</u> Exhibit 33 - OCPD Policies 554.0-554.60, # <u>34</u> Exhibit 34 - CALEA's January 2007 Report, # <u>35</u> Exhibit 35 - CALEA's Accreditation Letters, # <u>36</u> Exhibit 36 - OCPD Policy 105.0, # <u>37</u> Exhibit 37 - OCPD Policy 110.0, # <u>38</u> Exhibit 38 - OCPD Policy 120.10, # <u>39</u> Exhibit 39 - OCPD Policies 205.0-205.15, # <u>40</u> Exhibit 40 - OCPD Policy 220.0, # <u>41</u> Exhibit 41 - OCPD Policies 285.0-285.10, # <u>42</u> Exhibit 42 - OCPD Policy 287.0, # <u>43</u> Exhibit 43 - OCPD Policy 505.0, # <u>44</u> Exhibit 44 - OCPD Policy 510.0, # <u>45</u> Exhibit 45 - OCPD Policy 512.0, # <u>46</u> Exhibit 46 - OCPD Procedure 215.0-215.85, # <u>47</u> Exhibit 47 - OCPD Procedures 150.0-150.02 & 150.18-150.31, # <u>48</u> Exhibit 48 - Letter from Prater, August 2, 2013, # <u>49</u> Exhibit 49 - OCPD Procedures 160.0-160.90, # <u>50</u> Exhibit 50 - OCPD Procedures 148.0-148.60, # <u>51</u> Exhibit 51 - OCPD Procedure 143.0, # <u>52</u> Exhibit 52 - OCPD Procedures 170.0-170.70, # <u>53</u> Exhibit 53 - OCPD Procedure 233.0-233.20, # <u>54</u> Exhibit 54 - OCPD Procedure 230.0-230.22, # <u>55</u> Exhibit 55 - OCPD Rule 120.0, # <u>56</u> Exhibit 56 - OCPD Rule 348.0, # <u>57</u> Exhibit 57 - OCPD Rule 470.0, # <u>58</u> Exhibit 58 - Medical Examiner's Report, # <u>59</u> Exhibit 59 - OCPD Incident Detail Report, # <u>60</u> Exhibit 60 - OCPD 911 call (audio), # <u>61</u> Exhibit 61 - 3rd Party Affidavits of Plaintiff and Griffin, # <u>62</u> Exhibit 62 - Plaintiff's Response to Defendant City's Request for Admissions, # <u>63</u> Exhibit 63 - Interview of Griffin (video), # <u>64</u> Exhibit 64 - Interview of Plaintiff (video), # <u>65</u> Exhibit 65 - OCPD Rule 205.0, # <u>66</u> Exhibit 66 - OCPD Policies 665.0-665.30, # <u>67</u> Exhibit 67 - OCPD Procedures 424.0-424.50, # <u>68</u> Exhibit 68 - OCPD Policy 528.0, # <u>69</u> Exhibit 69 - Plaintiff's Expert Witness Report, # <u>70</u> Exhibit 70 - Photo, # <u>71</u> Attachment A - Rios Order, # <u>72</u> Attachment B - Franklin Order, # <u>73</u> Attachment C - Carr Order, # <u>74</u> Attachment D - Grigsby Order, # <u>75</u> Attachment E - Fuston-Lounds Order, # <u>76</u> Attachment F - Coffee Order, # <u>77</u> Attachment Depo of Plaintiff, # <u>78</u> Attachment Depo of Griffin)(Smith, Richard) (Entered: 05/29/2015)

05/29/2015	<u>35</u>	NOTICE of Conventional Filing by Richard C Smith on behalf of Oklahoma City City of (Smith, Richard) (Entered: 05/29/2015)
05/29/2015	36	Doc. <u>34</u> EXHIBITS 60, 63 and 64 by Defendant Oklahoma City City of received in the court clerk's office.(kr) (Entered: 05/29/2015)
06/01/2015	<u>37</u>	MOTION for Summary Judgment <i>and Brief in Support</i> by Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia. (Attachments: # <u>1</u> Exhibit 1 - 911 Transcript, # <u>2</u> Exhibit 1A - CD of 911 call, # <u>3</u> Exhibit 2 - Incident Detail Report, # <u>4</u> Exhibit 3 - Velencia Maiden Deposition, # <u>5</u> Exhibit 4 - Jean Griffin Deposition, # <u>6</u> Exhibit 5 - Summary of Velencia Maiden Interview, # <u>7</u> Exhibit 5A - DVD of Velencia Maiden Interview, # <u>8</u> Exhibit 6 - Summary of Jean Griffin Interview, # <u>9</u> Exhibit 6A - DVD of Jean Griffin Interview, # <u>10</u> Exhibit 7 - Summary of Dutton Interview, # <u>11</u> Exhibit 7A - DVD of Dutton Interview, # <u>12</u> Exhibit 8 - Summary of Tabiai Interview, # <u>13</u> Exhibit 8A - DVD of Tabiai Interview, # <u>14</u> Exhibit 9 - Maiden Third Party Affidavit, # <u>15</u> Exhibit Griffin Third Party Affidavit, # <u>16</u> Exhibit 11 - Summary of Carlton Donnelly Interview, # <u>17</u> Exhibit 11A - DVD of Carlton Donnelly Interview, # <u>18</u> Exhibit 12 - ME Report, # <u>19</u> Exhibit 13 - Report of DP Van Blaricom, # <u>20</u> Exhibit 14 - Photograph, # <u>21</u> Exhibit 15 - Summary of Franklin Interview, # <u>22</u> Exhibit 15A - DVD of Franklin Interview)(Felkner, Stacey) (Entered: 06/01/2015)
06/01/2015	<u>38</u>	NOTICE of Conventional Filing of Exhibits 1A, 5A, 6A, 7A, 8A, 11A, and 15A to Defendants Dutton, Franklin, Tabiai and Holtzclaw's Motion for Summary Judgment and Brief in Support by Stacey Haws Felkner on behalf of Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Mohammed Tabaia (Felkner, Stacey) (Entered: 06/01/2015)
06/02/2015	39	EXHIBITS 1A,5A,6A,7A,8A, 11A and 15A received in Court Clerk's Office and conventionally filed by Defendants Jeffery Dutton, Gregory Franklin, Daniel Holtzclaw, Oklahoma City City of, Mohammed Tabaia. (kr) (Entered: 06/02/2015)
06/04/2015	<u>40</u>	STIPULATION of Dismissal <i>Joint</i> by Velencia Maiden. (Bonzie, E)DISREGARDED by Notice filed 6/4/15. Modified on 6/4/2015 (kr). (Entered: 06/04/2015)
06/04/2015	<u>41</u>	STIPULATION of Dismissal <i>Joint</i> by Velencia Maiden. (Bonzie, E) (Entered: 06/04/2015)
06/04/2015		Docket Annotation: Doc. <u>40</u> will be refiled. (kr) (Entered: 06/04/2015)

PACER Service Center			
Transaction Receipt			
08/14/2018 09:05:05			
PACER Login:	mc0063:2593448:0	Client Code:	TLT
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