



FILED IN DISTRICT COURT
OKLAHOMA COUNTY

OCT - 4 2018

RICK WARREN
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IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

DEMETRIA M. CAMPBELL, individually,)
)
Plaintiff,)
)
v.)
CITY OF OKLAHOMA CITY, a municipality;)
and DANIEL HOLTZCLAW, individually,)
)
Defendants.)

Case No. CJ-2015-4217

**ORDER GRANTING DEFENDANT CITY OF OKLAHOMA CITY'S
MOTION FOR SUMMARY JUDGMENT IN PART AND DENYING IT IN PART**

NOW on this 24th day of August 2018, there comes on for hearing upon Defendant City's Motion for Summary Judgment in front of me, the undersigned Judge of the District Court, and the Plaintiff appears by Cynthia Rowe D'Antonio, Defendant City appears by Richard C. Smith, Sherri R. Katz and Thomas L. Tucker, Assistant Municipal Counselors, and the Defendant Holtzclaw appears not.

The Court, after reviewing the Court file, including the Motion for Summary Judgment and Brief in Support filed by Defendant City, the Plaintiff's Response and Objection, and Defendant City's Reply, and hearing oral argument of the Plaintiff and Defendant City, finds as follows:

1. On August 17, 2018 Defendant City filed its Reply, in excess of 5 pages, without permission of this Court in violation of Rule 37(B) of the Rules of the District Court and therefore pages 6-15, inclusive, of this Reply are stricken;
2. Regarding Plaintiff's claim of negligent supervision, Plaintiff's Response Brief only includes as evidentiary support for this claim, a Petition filed on January 8, 2014 in the case styled *Maiden v City of Oklahoma City, et al*, Oklahoma County District Court, case No. CJ-

2014-107. Because this Petition post-dates the incident at issue in this case and because it is not admissible evidence and Plaintiff fails to include any admissible evidence on this claim, Defendant City's Motion for Summary Judgment on this claim is sustained;

3. On any claim regarding Defendant Holtzclaw's alleged sexual assault of Plaintiff (i.e. he had an erection while restraining Plaintiff), such actions would be outside the scope of his employment with Defendant City and Defendant City's Motion for Summary Judgment on this claim is sustained and further, no mention shall be made of Defendant Holtzclaw's claimed erection or sexual assault of Plaintiff during the trial of this case by the attorneys, parties, or their witnesses; and

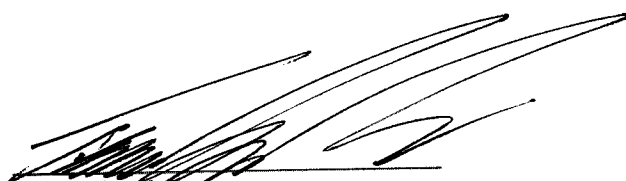
4. On Plaintiff's claim of negligent excessive force in this incident, Plaintiff has submitted sufficient evidence to raise a question of fact to be resolved by the jury.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that pages 6-15, inclusive of Defendant City's Reply, is stricken;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant City's Motion for Summary Judgment is GRANTED as to Plaintiff's claim of negligent supervision and any claim of sexual assault and further, no mention of the alleged facts of this claim shall be mentioned at trial by the attorneys, parties, or their witnesses; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant City's Motion for Summary Judgment is denied as to Plaintiff's claim of negligent excessive force.

Dated this 30th day of October, 2018.


Trevor Pemberton
Judge of the District Court

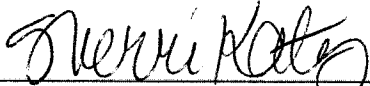
Approved as to Form:



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