



IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

DEMETRIA M. CAMPBELL, individually; )

Plaintiffs. )

v. )

Case No. CJ-2015-4217

CITY OF OKLAHOMA CITY, a municipality; )  
and DANIEL HOLTZCLAW in his official )  
capacity as Police Officer of The City of Oklahoma )  
City Police Department, and DANIEL )  
HOLTZCLAW, Individually, )

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

NOV - 6 2018

Defendants. )

RICK WARREN  
COURT CLERK

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**DEFENDANT DANIEL HOLTZCLAW'S ANSWER TO PLAINTIFF'S PETITION**

Defendant Daniel Holtzclaw ("Holtzclaw") submits his Answer to the Petition filed by Plaintiff Demetria M. Campbell ("Campbell"). Each and every allegation in the Petition is denied unless specifically admitted. Each numbered paragraph and heading below corresponds to the numbered paragraph and heading in the Petition. The word "Paragraph" refers to the corresponding numbered paragraph in the Petition.

1. Holtzclaw lacks knowledge or information sufficient to form a belief as to Plaintiff's residence at present and at "all material times relevant to the claims made in the Petition," and therefore denies the allegation in Paragraph 1.

2. Admitted.

3. Admitted in part, and denied in part. Holtzclaw admits he was a police officer of the Oklahoma City Police Department. Holtzclaw lacks knowledge or information sufficient to form a belief as to what "all material times for purposes of this Petition," means and therefore denies this portion of the allegation in Paragraph 3.

4. Admitted.

5. Holtzclaw denies that any of the incidents alleged by Plaintiff occurred.

6. The allegations in Paragraph 6 call for a legal conclusion and no response is required. However, Holtzclaw does not dispute the Court's authority to exercise personal jurisdiction over him.

7. Holtzclaw lacks knowledge or information sufficient to form a belief as to Plaintiff's allegations in Paragraph 7 and therefore denies them.

#### **PLAINTIFF'S STATEMENT OF FACTS**

8. The allegations in Paragraph 8 call for a legal conclusion, and no response is required.

9. Admitted.

10. Admitted.

11. Holtzclaw lacks knowledge or information sufficient to form a belief as to Plaintiff's allegations in Paragraph 11 and therefore denies them.

12. Denied.

13. Denied.

14. Holtzclaw denies that he "attacked" Plaintiff; Holtzclaw lacks knowledge or information sufficient to form a belief as to the remainder of Plaintiff's allegations in Paragraph 14 and therefore denies them.

15. Holtzclaw lacks knowledge or information sufficient to form a belief as to Plaintiff's allegations in Paragraph 15 and therefore denies them.

16. Denied as stated. Holtzclaw was arrested on August 21, 2014 and charged on August 29, 2014 with 36 counts including the charges identified by Plaintiff. Holtzclaw lacks knowledge or information sufficient to form a belief as to the age or race of alleged victims.

17. Denied.

**PLAINTIFF'S FIRST ASSERTED CLAIM FOR RELIEF**

**[Use of Excessive Force and Negligent Supervision in Violation of Okla Const Art. 2 §§ 9, 30 Against Defendants City of Oklahoma City and Holtzclaw]**

Holtzclaw incorporates his response to each and every allegation contained in the foregoing Paragraphs.<sup>1</sup>

18. Holtzclaw admits he was a police officer employed by the Oklahoma City Police Department on November 5, 2013. The remainder of the allegations in Paragraph 18 call for a legal conclusion and no response is required.

19. Denied.

20. Holtzclaw lacks knowledge or information sufficient to form a belief as to whether the City of Oklahoma City “had constant access to Holtzclaw’s dispatch communications and patrol cameras,” and therefore denies the allegation. Further, Holtzclaw denies that he engaged in any misconduct alleged by Plaintiff.

21. Denied.

Holtzclaw further denies that Plaintiff is entitled to any of the relief sought in the “WHEREFORE” clause in the Petition. Holtzclaw denies that Plaintiff is entitled to any other relief in this lawsuit.

**PLAINTIFF'S SECOND ASSERTED CLAIM FOR RELIEF**

**[Negligence-City of Oklahoma City and Holtzclaw]**

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<sup>1</sup> It should be noted that in this Court’s October 30, 2015 Order, the Court dismissed Plaintiff’s claims under Oklahoma Constitution.

Holtzclaw incorporates his response to each and every allegation contained in the foregoing Paragraphs.

22. The allegations in Paragraph 22 call for a legal conclusion and no response is required; to the extent any response is required, denied.

23. Denied.

24. Denied.

Holtzclaw further denies that Plaintiff is entitled to any of the relief sought in the “WHEREFORE” clause in the Petition. Holtzclaw denies that Plaintiff is entitled to any other relief in this lawsuit.

**PLAINTIFF’S THIRD ASSERTED CLAIM FOR RELIEF**

**[Governmental Liability: Excessive Force, Civil Battery, Civil Assault, Negligence-City of Oklahoma City]**

Holtzclaw incorporates his response to each and every allegation contained in the foregoing Paragraphs.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

Holtzclaw further denies that Plaintiff is entitled to any of the relief sought in the “WHEREFORE” clause in the Petition. Holtzclaw denies that Plaintiff is entitled to any other relief in this lawsuit.

**PLAINTIFF’S FOURTH ASSERTED CLAIM FOR RELIEF**

**[Negligent Infliction of Emotional Distress as to All Defendants]**

Holtzclaw incorporates his response to each and every allegation contained in the foregoing Paragraphs.

29. Denied.

30. Denied.

31. Denied.

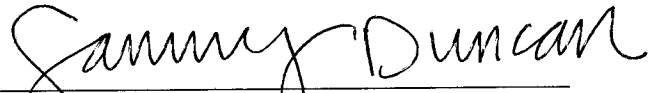
32. Denied.

### **DEFENSES**

Without assuming any burden of proof imposed on the Plaintiff under the law, and without assuming any burden or obligation other than that imposed by operation of law, Holtzclaw asserts the following Affirmative and/or Other Defenses (collectively, “Defenses”) to the claims set forth in Plaintiff’s Petition and reserves the right to seek leave to amend or supplement these Defenses as discovery and further investigation warrant:

1. Plaintiff’s claims may be barred in whole, or in part, for failure to state a claim upon which relief can be granted.
2. Plaintiff’s claims may be barred in whole, or in part, due to the law enforcement privilege.
3. Plaintiff’s claims may be barred in whole, or in part, due to self-defense or defense of others.

Respectfully submitted,



Sammy Duncan OBA #32439

J.P. Hill OBA # 31085

Duncan & Hill Law Firm

1601 N. Blackwelder Avenue

Oklahoma City, OK 73106

918-640-4332

405-628-7007

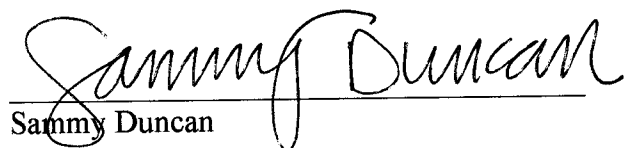
**Attorneys for Defendant Daniel Holtzclaw**

**Certificate of Service**

I hereby certify that on this 5 day of November 2018, a true and correct copy of the above and foregoing document was emailed and mailed or personally delivered to:

Richard C. Smith  
Sherry R. Katz  
Thomas Lee Tucker  
200 N. Walker, Suite 400  
Oklahoma City, OK 73102  
405-297-2451  
Assistant Municipal Counselors for Oklahoma City

Cynthia Rowe D'Antonio  
Kwame T. Mumina  
Green, Johnson, Mumina & D'Antonio  
400 N. Walker Avenue, Suite 100  
Oklahoma City, OK 73102  
405-488-3800  
Counsel for Demetria Campbell



Sammy Duncan