



IN THE DISTRICT COURT OF OKLAHOMA COUNTY NOV 28 2018  
STATE OF OKLAHOMA

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.<sup>1</sup> )

Case No. CJ-2015-4217

**ADDENDUM TO DEFENDANT CITY OF OKLAHOMA CITY'S RESPONSE  
TO PLAINTIFF'S MOTION TO VACATE IN PART ORDER GRANTING  
DEFENDANT'S CITY OF OKLAHOMA CITY'S MOTION FOR SUMMARY  
JUDGMENT AND BRIEF IN SUPPORT**

COMES NOW, a defendant, the City of Oklahoma City (City) and respectfully offers, in the interests of judicial economy and for ease of reference, this brief Addendum to its Response to Plaintiff's Motion to Vacate, in lieu of amending its Response.

In Plaintiff's Motion to Vacate, Plaintiff improperly and irrelevantly claims that Lieutenant Bennett's supplemental report "is at the heart of a heart of a hotly contested discovery dispute," then alleges the undersigned counsel may have possibly directed Lieutenant Bennett to create the supplemental report (Plaintiff's Motion, p. 2, n.1). First, how does the Plaintiff know there is a "hotly contested discovery dispute?" Second, Defendant City

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<sup>1</sup> Defendant Daniel Holtzclaw, in his official capacity as Police Officer of the Oklahoma City Police Department, was removed as a defendant in this case by Order of this Court on October 30, 2015.

has always contended the email in question was a simple request for information to defend a law suit and is within the attorney-client privilege.

Two days after Defendant City filed its Response to Plaintiff's Motion to Vacate, Chief U.S. District Judge for the Western District of Oklahoma, the Honorable Joe Heaton, agreed with Defendant City and held that there was no improper conduct on the part of Defendant City and the communication was within the attorney-client and work product privileges (Order attached as Exhibit 1).

Accordingly, this Court should not be persuaded by Plaintiff's improper claim that Lieutenant Bennett's supplemental report was prepared pursuant to the direction of the undersigned counsel.

### **CONCLUSION**

For the reasons set out above, and in its Response to Plaintiff's Motion to Vacate this Court should deny the motion to reconsider finding it is completely without merit.

Respectfully Submitted,

**KENNETH D. JORDAN  
MUNICIPAL COUNSELOR**



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**ATTORNEYS FOR DEFENDANT CITY**

**CERTIFICATE OF SERVICE**

This is to certify that on the 28<sup>th</sup> day of November 2018, a true and correct copy of the above Addendum to Defendant City's Response to Plaintiff's Motion to Vacate was mailed via U.S. Mail to:

Cynthia Rowe D'Antonio  
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Oklahoma City, OK 73106  
**ATTORNEYS FOR DEFENDANT HOLTZCLAW**

  
\_\_\_\_\_  
ASSISTANT MUNICIPAL COUNSELOR

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



TABATHA BARNES, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
vs.	)	NO. CIV-16-0184-HE
	)	
CITY OF OKLAHOMA CITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

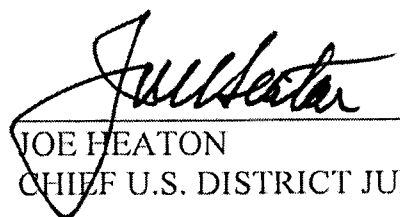
**ORDER**

The court has reviewed the email string referenced in its November 16, 2018 order [Doc. #150]. The information previously redacted from the produced email does not reflect improper conduct on the part defendant’s counsel. Further, while the redacted information is unremarkable, it does appear to be within the scope of the attorney-client and work product privileges.<sup>1</sup>

Plaintiff’s motion to compel discovery [Doc. # 126] is **DENIED**.

**IT IS SO ORDERED.**

Dated this 24th day of November, 2018.

  
 \_\_\_\_\_  
 JOE HEATON  
 CHIEF U.S. DISTRICT JUDGE

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<sup>1</sup> Some of the redactions are of personal cell phone numbers, which do not appear related to the substance of the present dispute.