



FEB 22 2019

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

RICK WARREN  
COURT CLERK

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

Case No. CJ-2015-4217  
Judge Pemberton

**DEFENDANT CITY'S MOTION TO SEVER  
DEFENDANTS FOR SEPARATE TRIALS**

COMES NOW, Defendant City of Oklahoma City and respectfully moves this Court for an Order severing the Defendants for separate trials. In support of its Motion, Defendant City shows as follows:

The Oklahoma Pleading Code allows for the severance of issues and parties to "avoid prejudice," "prevent a party from being embarrassed," and when "in the interest of justice such action provides a fair and convenient forum for all parties." 12 O.S.2011, § 2018(D); § 2020(C). Due to Plaintiff Campbell having a claim against Defendant Holtzclaw that she does not have against Defendant City, a claim that could only serve to prejudice Defendant City, the Defendants must be severed for separate trials.

Plaintiff Campbell has a separate claim against Defendant Holtzclaw that could only serve to prejudice and embarrass Defendant City. This Court previously ordered that any allegation of sexual assault/contact/misconduct/perversion on behalf of Defendant Holtzclaw

was outside the scope of his employment with Defendant City, and further ordered that no mention of this allegation may be made at trial. Since that Order, Defendant Holtzclaw acquired new counsel and re-entered the suit. It is unclear whether Holtzclaw's counsel will concede that the allegation of erect penis perversion, regardless of how implausible, could be admissible as to him. Thus, evidence of Plaintiff Campbell's allegations of sexual assault/contact/misconduct/perversion against Defendant Holtzclaw in his individual capacity could be presented at trial. Because this Court has denied the presentation of evidence of this allegation as to Defendant City, severance of the Defendants for separate trials is required.

Conducting a single trial as to both Defendants would undoubtedly serve to prejudice Defendant City. Accordingly, to avoid prejudice, and in the interests of justice, Defendant City respectfully requests this Court order the Defendants severed for separate trials to provide a fair and convenient trial for all parties. 12 O.S.2011, § 2018(D); § 2020(C).

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 22<sup>nd</sup> day of February 2019, a true and correct copy of the above Motion to Sever Defendants for Separate Trial was either hand delivered or 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**

Sammy Duncan  
J.P. Hill  
DUNCAN & HILL  
1601 N. Blackwelder Ave., Suite 6  
Oklahoma City, OK 73106  
**ATTORNEYS FOR DEFENDANT HOLTZCLAW**

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

**NOTICE OF HEARING**

To: Cynthia Rowe D'Antonio  
GREEN JOHNSON MUMINA & D'ANTONIO  
400 North Walker Avenue, Suite 100  
Oklahoma City, OK 73102  
**ATTORNEY FOR PLAINTIFF**

Sammy Duncan  
J.P. Hill  
DUNCAN & HILL  
1601 N. Blackwelder Ave., Suite 6  
Oklahoma City, OK 73106  
**ATTORNEYS FOR DEFENDANT HOLTZCLAW**

Please take notice that the undersigned will bring the above Defendant's Motion to Sever Defendant for Separate Trial on for hearing before the Honorable Trevor Pemberton, District Judge, at the Oklahoma County Courthouse, 321 Park Ave., Oklahoma City, OK 73102, Room 821, on the 22<sup>nd</sup> day of March 2019, at 9:00 o'clock, a.m.

  
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ASSISTANT MUNICIPAL COUNSELOR