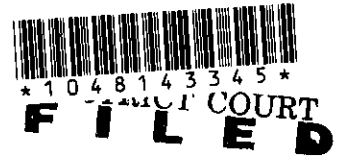


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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

NOV - 9 2020

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

LESSIE BENNINGFIELD RANDLE.)
Tulsa Race Massacre Survivor, et al.,)
)
Plaintiffs.)
)
)
v.)
)
CITY OF TULSA, a municipal corporation, et al.,)
)
Defendants.)

Case No. CV-2020-1179
Judge Caroline Wall

DEFENDANT CITY OF TULSA'S MOTION TO DISMISS

Defendant City of Tulsa ("City") respectfully requests the Court to enter an Order dismissing Plaintiffs' Petition pursuant to 12 O.S. § 2012 (b)(1) and (b)(6). In support of its motion, the City would show the Court the following:

BACKGROUND

1. On September 1, 2020, Plaintiffs Lessie Benningfield Randle, Laurel Stradford, Tedrad Williams, and six others filed a Petition against the City of Tulsa and six other Defendants seeking damages stemming from the "ongoing nuisance caused by the 1921 Tulsa Race Massacre in the Greenwood District of Tulsa and to obtain benefits received by Defendants based on the Massacre." Plaintiffs' Petition, ¶ 1.
2. The Plaintiffs assert two causes of action against the City of Tulsa pursuant to Oklahoma state law: (1) Public Nuisance and (2) Unjust Enrichment.
3. The Plaintiffs' "public nuisance" claim seeks abatement of "racial disparities, economic inequalities, insecurity, and trauma" identified as "unlawful actions and omissions caused in 1921 and continue to cause ninety-nine years after the Massacre." Plaintiffs' Petition, ¶1.

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4. Plaintiffs allege unjust enrichment, claiming that “in 2016, the Defendants began enriching themselves by promoting the site of the Massacre as a tourist attraction, obtaining funds to do so, as well as aiding in obtaining funds to create a history center of which Defendants will have a central role.” Plaintiffs’ Petition, ¶4. Plaintiffs contend that the residents of the Greenwood neighborhood and North Tulsa “have reaped no significant direct benefits from Defendants’ appropriation of the massacre.” *Id.*

5. These Plaintiffs are not the first to file a lawsuit against the City of Tulsa or other similar Defendants related to the events surrounding the 1921 Race Massacre. In 2003, numerous Plaintiffs sued in the Northern District of Oklahoma federal court seeking reparations for the same series of events in *John Melvin Alexander, et al., v. City of Tulsa, et al.*, case number Case No. 03-CV-133-joe-PJC. A relative of Plaintiff Wess Young from that lawsuit also is now a Plaintiff in this suit. That case was disposed of on pretrial motions and that ruling was affirmed on appeal. Then in 2004, another group of Plaintiffs again attempted to bring suit, this time in the District Court in and for Tulsa County in a case styled *J.C. Latimer, et al., v. City of Tulsa, et al.*, case number CJ-2004-4138. That case was also disposed of on a motion to dismiss.

6. Significantly, none of the Plaintiffs to this suit have filed a notice of a Governmental Tort Claim with the City of Tulsa regarding the matters raised in Plaintiffs’ Petition.

ARGUMENT AND AUTHORITIES

A. This Court Lacks Subject Matter Jurisdiction Over This Matter Since Plaintiffs Failed To File A Governmental Tort Claim

The Oklahoma Government Tort Claims Act (GTCA), provides “the exclusive remedy for an injured plaintiff to recover against a governmental entity in tort.” *Tuffy’s, Inc. v. City of*

Okla. City, 2009 OK 4, ¶ 7, 212 P.3d 1158, 1163. Sections 156 and 157 of the GTCA provide that notice must first be given to the municipality and time be given for the City to respond to the claim. Then suit must be commenced within 180 days after denial of the claim or it is barred as untimely. Title 51 O.S. § 157(B) specifically provides: “No action for any cause arising under this act, Section 151 et seq. of this title, shall be maintained unless valid notice has been given and the action is commenced within one hundred eighty (180) days after denial of the claim as set forth in this section.”

“Compliance with the written notice of claim and denial of claim provisions . . . are prerequisites to the state’s consent to be sued and to the exercise of judicial power to remedy the alleged tortious wrong by the government.” *Crockett v. C. Okla. Transp. & Parking Auth.*, 2010 OK CIV APP 30, ¶ 7, 231 P.3d 748, 752, quoting *Shanbour v. Hollingsworth*, 1996 OK 67, ¶ 7, 918 P.2d 73, 75.

The case law in Oklahoma is clear that “[i]f recovery is sought under the Political Subdivision Tort Claims Act; the petition **must** factually allege either actual or substantial compliance” with the GTCA’s notice requirements in order to withstand a motion to dismiss. *Willborn v. City of Tulsa*, 1986 OK 44, 721 P.2d 803, 805; *Mansell v. City of Lawton*, 1995 OK 81, 901 P. 2d 826. Notice and timely commencement of suit are conditions precedent to the right to pursue judgment against a political subdivision. *Johns v. Wynnewood School Board of Education*, 1982 OK 101, 656 P. 2d 248.

Importantly, the GTCA defines “tort” for purposes requiring compliance with the Statute as “a legal wrong, independent of contract, involving violation of a duty imposed by general law, statute, the Constitution of the State of Oklahoma, or otherwise, resulting in a loss to any person, association or corporation as the proximate result of an act or omission

of a political subdivision or the state or an employee acting within the scope of employment.” 51 O.S. § 152(14). This broad definition provides for any claims not arising from contract to be classified as a “tort” for purposes of the GTCA.

Under this definition, both of Plaintiffs claims are GTCA torts and, therefore, compliance with the notice provisions of the Act were required before suit could be brought. Oklahoma law is clear that nuisance is a tort for which the provisions of the GTCA are applicable. “It has been held that a nuisance is a tort, or at least involved tortious conduct, for the purpose of determining applicability of the doctrine of governmental immunity because it falls into the usual categories of tort liability.” *State ex rel. Coffey v. Dist. Court of Oklahoma Cty.*, 1976 OK 29, 547 P.2d 947, 950. Plaintiffs’ Petition further specifically requests the Court to issue an Order under 50 O.S. § 1 to abate a public nuisance; therefore, Plaintiffs’ claim involves a duty imposed by statute falling under the GTCA definition of “tort”. Plaintiffs’ Petition, ¶1. Thus, it is clear Plaintiffs’ nuisance claim falls under the GTCA definition of a tort.

Plaintiffs’ claim of “unjust enrichment” is also encompassed by this statutory definition of a tort covered by the GTCA. Plaintiffs seek damages for moneys the Plaintiffs contend were not paid to them when the Defendants allegedly received benefits from “marketing Black Wall Street” and “did not provide those benefits to the Black residents and businesses in the Greenwood district and North Tulsa. . .” Plaintiffs’ Petition, ¶ 116. This claim does not arise out of a contract, and is clearly brought under Oklahoma “general law, statute, the Constitution of the State of Oklahoma, or otherwise” which Plaintiffs allege resulted “in a loss to any person, association or corporation.” Under the broad definition of what constitutes a “tort” for purposes of the GTCA contained in 51 O.S. § 152(14), the

Plaintiffs' claims do not sound in contract and therefore, fall under the provisions of the GTCA.

Plaintiffs' claims against the City are governed by the GTCA, but Plaintiffs have failed to comply with the notice requirements of the GTCA and fail to allege facts in the Petition which would establish compliance with the Act, thereby depriving this Court of subject matter jurisdiction over this matter.

For this reason, Plaintiffs' claims against the City of Tulsa should be dismissed with prejudice to refiling, pursuant to 12 O.S. § 12(b)(1).

B. The City Is Exempt From Liability Under The GTCA

Even if the Plaintiffs had complied with notice requirements of the GTCA, the City is exempt from liability under the GTCA. The State of Oklahoma, its political subdivisions and its employees acting within the scope of their employment consented to suit through the enactment of the GTCA, subject to its provisions, conditions, and exemptions. 51 O.S. § 152.1. Section 155 of the GTCA specifically sets forth a list of exemptions for which political subdivisions of the State of Oklahoma, including the City of Tulsa, "shall not be liable if a loss or claim results." *Id.*

Among those exemptions from liability is an exception for "[c]ivil disobedience, riot, insurrection or rebellion or the failure to provide, or the method of providing, police, law enforcement or fire protection." The entire scope of Plaintiffs' claims against the City revolves around their allegations that in 1921 "various City and County officials including officers of the Defendant City's Police Department and members of the County Sheriff's office unlawfully and without just cause, participated with the angry White mob, killing African American Greenwood residents." Plaintiffs' Petition, ¶ 40.

The Plaintiffs' description of what occurred in 1921 clearly falls within the category of the GTCA exemption for "civil disobedience, riot, insurrection or rebellion."

The City is further exempt under the GTCA for the acts of its employees that fall "outside the scope of employee's employment." 51 O.S. § 153. The GTCA statutory definition of "scope of employment means performance by an employee acting in **good faith** within the duties of the employee's office or employment." 51 O.S. § 152(12) (emphasis added). Thus, "scope of employment" excludes all acts done intentionally or in bad faith. *Id.* see generally *Tuffy's, Inc. v. City of Oklahoma City*, 2009 OK 4, ¶13, 212 P.3d 1158, 1165.

The allegations against the City in Plaintiffs' Petition claim that certain unnamed police officers and others associated with the City of Tulsa "affirmatively acted to injure and endanger the comfort, repose, health, safety, lives and property of Greenwood's African American residents" and "were responsible for these acts of terror." Plaintiffs' Petition, ¶ 44-45. Plaintiffs further claim "Defendants were responsible for stealing and looting personal property. . ." and the "Defendants' actions, in addition to murdering hundreds of Greenwood community members and destroying residences and businesses, tore families and social networks apart. . ." Plaintiffs' Petition, ¶ 48, 49. Plaintiffs' claim the Defendants' actions were "unlawful" and "malicious", thereby placing any alleged conduct outside the scope of what the City may be held liable for under the GTCA. Plaintiffs' Petition, ¶55.

Since Plaintiffs' Petition clearly relates all its claims back to these alleged acts occurring in 1921 for which the City is exempted from liability¹, the Plaintiffs have wholly failed to allege a claim for relief against the City for which relief can be granted. The GTCA

¹ Plaintiffs seek abatement of "racial disparities, economic inequalities, insecurity, and trauma" related to the "unlawful actions and omissions caused in 1921 and continue to cause ninety-nine years after the Massacre." Plaintiffs' Petition, ¶1.

exempts the City from liability related to any alleged conduct from June of 1921, thus, it is axiomatic that the City cannot then be liable for the Plaintiffs' claims of continuing damages flowing from those actions for which the City is exempt. As such, the claims against the City of Tulsa must be dismissed with prejudice.

C. Plaintiffs' Claims Are Barred By The Doctrine Of Laches

To the extent the Plaintiffs have pled claims for equitable relief against the City (for example claims for injunctive or declaratory relief), such claims are not only barred for the reasons set forth above but are also barred under the doctrine of laches.

Laches is an equitable defense that prevents the advancement of claims after an "inexcusable delay" for an "unreasonable and unexplained length of time." *Parks v. Classen Co.*, 1932 OK 157, ¶ 29, 9 P.2d 432, 435; *Osage Nation v. Board of Commissioner of Osage County*, 394 P.3d 1224, 2017 OK 34 (dismissing Plaintiffs' claims holding laches barred the request for injunctive relief.) The "[m]ere ignorance of the facts will not excuse delay. One must be diligent and make such inquiry and investigation as the circumstances reasonably suggest and means of knowledge are equivalent to actual knowledge." *Winn v. Shugart*, 112 F.2d 617, 622 (10th Cir. 1940).

The public policy behind this limitation is sound. If municipalities could not "invoke the statute of limitations in actions against them involving purely fiscal claims, it w[ould] produce an intolerable financial burden upon the counties of the state, which will finally pass to the shoulders of the taxpayers." *Brown v. Bd. Of Ed. of City of Duncan*, 190 OK 570, 298 P. 249, 253. "The result of such delay is confusion, added litigation [] and increased taxes..." *Id.*

Plaintiffs cannot show that there was no unreasonable delay in asserting their claims. See *Hutchinson v. Pfeil*, 105 F.3d 562, 564 (10th Cir. 1997) (an unreasonable delay in

asserting a claim that materially prejudices a defendant is sufficient to invoke laches). Plaintiffs chose to delay. Plaintiffs' claims arise out of a series of events that occurred almost 100 years ago.

Plaintiffs' Petition makes clear that the Plaintiffs have had knowledge of the events that have given rise to the allegations in the Petition long before this suit was filed, but unreasonably waited to file suit until almost 100 years after the primary event at issue. As such, Plaintiffs' claims should be barred by the doctrine of laches.

**D. Plaintiffs' Nuisance Claim Is So Vague It Fails
To State A Cognizable Claim Against the City of Tulsa**

At its base level, Plaintiffs are attempting to seek reparations for the events of June 1921 while working around the inherent statute of limitations problems that have thwarted other lawsuits bringing similar claims. (see *John Melvin Alexander, et al., v. City of Tulsa, et al.*, case number Case No. 03-CV-133-joe-PJC; *J.C. Latimer, et al., v. City of Tulsa, et al.*, case number CJ-2004-4138). Thus, Plaintiffs have framed their claims in this suit as seeking relief from a "public nuisance" contending the "public nuisance" existing today is "racial disparities, economic inequalities, insecurity, and trauma" which Plaintiffs relate to the acts and omissions in 1921 and afterwards. Plaintiffs' Petition, ¶1.

However, Plaintiffs have failed to identify any quantifiable nuisance that they can affirmatively link back to these Defendants or that the City of Tulsa or the other Defendants could actually take steps to abate. Under Oklahoma Statutes, nuisance is defined as:

A nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either:

First. Annoys, injures or endangers the comfort, repose, health, or safety of others; or

Second. Offends decency; or

Third. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or highway; or

Fourth. In any way renders other persons insecure in life, or in the use of property, provided, this section shall not apply to preexisting agricultural activities.

50 O.S. § 1. "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal." 50 O.S. § 2. Most importantly, while a public nuisance is defined as one that affects a group of people, a private person may not bring a cause of action of public nuisance unless "it is specially injurious to himself, but not otherwise." 50 O.S. § 10.

Throughout their 48-page Petition, Plaintiffs detail their allegations regarding the events of May and June 1921 and then make broad, conclusory, and unsupported allegations about things that happened during and over subsequent decades that Plaintiffs contend created a "public nuisance" of "racial disparities, economic inequalities, insecurity, and trauma." However, the Plaintiffs wholly fail to identify any specific action of the City of Tulsa over these many decades which - led to or caused any specific harm to any of the named Plaintiffs. Plaintiffs instead assert general, speculative and conclusory complaints, for example, allegations that "from the 1920s and continuing to the present day, Defendants' unlawful acts and violations of their duties have prevented the African American members of the Greenwood and North Tulsa communities from occupying top level leadership positions in City government." Plaintiffs' Petition, ¶ 79. Plaintiffs also allege, in Paragraph 81, without any specifics or factual bases that "in the 1920s through the 1960s, the City and

the Chamber unlawfully excluded the few African American businesses run by members of the Greenwood and North Tulsa communities from participation in business opportunities.” Plaintiffs make no effort to identify any specific instance during this 40-year time frame of who they allege was excluded, how this in any way directly affects or harms any of the named Defendants, or how these allegations create any type of actionable nuisance.

Plaintiffs’ Petition is replete with similar, vague and conclusory allegations about the things that the Plaintiffs claimed happened in the City as a whole, without any effort or facts to show how such allegations were “specially injurious” to any of the named Plaintiffs. In fact, according to the Petition, Plaintiffs Laurel Stradford, Tedra Williams, Don M. Williams, Don W. Adams, and Stephan Williams, do not reside in the State of Oklahoma, much less in Tulsa where Plaintiffs contend that the effects of this on-going nuisance such as unemployment, financial security, unequal access to education, housing disparity, and differences in infant mortality rates are prevalent. See Plaintiffs’ Petition, ¶¶ 7, 9, 10, 11, 12, 99.

Plaintiffs’ Petition merely makes a conclusory allegation that each Plaintiff is “directly affected by the Massacre and the ongoing nuisance”. (Plaintiffs’ Petition, ¶¶5-13) “[I]n testing the sufficiency of the petition, only the well-pleaded facts and reasonable inferences emanating from them are to be considered true and the pleader’s conclusions are to be ignored.” *Tanner v. W. Pub. Co.*, 1984 OK CIV APP 22, 682 P.2d 239, 241.

Without facts identifying how each individual Plaintiff was “specially injured” or harmed by this alleged “nuisance” and proximately caused by specific actions or omissions of the City, Plaintiffs’ claims are too broad and vague to state an actionable claim for relief and are subject to dismissal. Under Plaintiffs’ overly broad and legally unsupportable “public

nuisance” theory, any person who was even distantly related to someone who resided in Tulsa during June of 1921 could now have a claim for “public nuisance” even though many of these relatives do not live in Oklahoma and have failed to identify an specific injury other than what occurred to their relatives almost 100 years ago. Even Lessie Randle, who was actually alive and in the Greenwood District during the events of June 1921, has not pled any specific claims of specific injury other than those she claims stem directly from what happened in 1921. Such allegations fail to establish a claim for nuisance but, instead, form only the basis for other claims against those persons who actually committed those acts in 1921, for which the statute of limitations has long since passed, as was determined, decided and held in the 2003 and 2004 lawsuits. (see *John Melvin Alexander, et al., v. City of Tulsa, et al*, case number Case No. 03-CV-133-joe-PJC; *J.C. Latimer, et al., v. City of Tulsa, et al.*, case number CJ-2004-4138).

Further, Plaintiffs have failed to plead facts which would establish any causation to conclusively demonstrate that any actions or omissions of the City of Tulsa occurring during the almost 100 years between 1921 and the present are the proximate cause of any alleged racial disparities. Plaintiffs cite the 2019 Tulsa Equality Indicators Annual Report as “examples of how the nuisance caused and perpetuated by the Defendants has imperiled the lives of Black Tulsans” and points to facts regarding jobs, financial security, education, housing, justice, and health. Plaintiffs’ Petition, ¶99. However, as with the rest of Plaintiffs’ Petition, what the Plaintiffs fail to do is plead any facts which would establish that any actions of the City of Tulsa created any such problems as opposed to other independent circumstances, events, intervening and supervening causes wholly outside the City’s control. In traditional nuisance cases, there is an identifiable nuisance, the cause of which can be

traced to a specific source, which can then be abated. Plaintiffs' claim, on the other hand, of racial inequalities, is such a nebulous and conclusory claim that the Plaintiffs fail to plead, nor would they be able to plead, any facts that specially allege that such issues were caused by the actions of the City of Tulsa. As Plaintiffs are aware, community wide issues such as racial disparity are caused by a number of factors and cannot be traced to specific actions or omissions to act of or by the City, nor is it a nuisance that can be simply abated by the City.

For these reasons and those set forth herein, the Plaintiffs' public nuisance claims should be dismissed with prejudice.

E. Plaintiffs' Unjust Enrichment Claims Fail As A Matter Of Law

Even if the Plaintiffs could get past the problems related to the notice provisions and the exemptions under the GTCA that would bar their unjust enrichment claim, such claim would still fail as a matter of law for two primary reasons: (1) the claim is untimely, and (2) Plaintiffs have failed to plead sufficient facts which would support a claim for unjust enrichment.

Initially, the Plaintiffs' Petition ties their claims and damages back to the events of June 1921. Plaintiffs' Petition makes allegations spanning the 1950s, 1960s, and 1970s. [Plaintiffs' Petition, ¶86; ¶88] Plaintiffs also allege that "in 2016, the Defendants began enriching themselves by promoting the site of the Massacre as a tourist attraction, obtaining funds to do so, as well as aiding in obtaining funds to create a history center of which Defendants will have a central role." Plaintiffs' Petition, ¶4. Plaintiffs contend that the residents of the Greenwood neighborhood and North Tulsa "have reaped no significant direct benefits from Defendants' appropriation of the massacre." *Id.*

In *City of Tulsa v. Bank of Oklahoma*, 2011 OK 83, 280 P.3d 314 (2011), taxpayers brought a *qui tam* suit against the City challenging whether the City's agreement to settle an unjust enrichment lawsuit with the bank resulted in an unlawful expenditure of public funds. The Oklahoma Supreme Court evaluated the underlying claims of unjust enrichment as a result of allegations that the City retained the benefits acquired from a failed business venture with Great Plains Airlines and held the applicable Statute of Limitations for such claims was two years under 12 O.S. § 95(3). The Court found that because "a cause of action accrues when a litigant could first maintain an action to a successful conclusion" and the bank knew it had suffered a loss long before it chose to bring suit, the two-year statute of limitations had run, and the claim was barred. *City of Tulsa v. Bank of Oklahoma*, 2011 OK ¶21, 280 P.3d at 320.

In this case, the same two-year statute of limitations should apply to Plaintiffs' unjust enrichment claims pursuant to 12 O.S. § 95(3). Plaintiffs' Petition makes clear that all of their claims derive from the events of June 1921. At the very latest, Plaintiffs' Petition alleges they knew in 2016 that the Defendants "began enriching themselves" which they now attempt to use to form the basis for their unjust enrichment claim. Plaintiffs' admission in their Petition that they had this knowledge in 2016 and were capable of bringing their claims then, is clear evidence of their claim's untimeliness. Plaintiffs' claims of unjust enrichment should be dismissed for the various reasons set forth herein, including the fact that they are barred by the applicable statute of limitations.

Further, the Plaintiffs have set forth no facts that would establish that they are personally entitled to any benefits which are required to form the foundation of an unjust enrichment cause of action. "Unjust enrichment arises not only where an expenditure by one

person adds to the property of another, but also where the expenditure saves the other from expense or loss.” *City of Tulsa v. Bank of Oklahoma, N.A.*, 2011 OK ¶19, 280 P.3d at 319. “One is not unjustly enriched, however, by retaining benefits involuntarily acquired which law and equity give him absolutely without any obligation on his part to make restitution.” *Id.* (emphasis added) citing *McBride v. Bridges*, 1950 OK 25 ¶ 8, 215 P.2d 830, 832, 202 Okl. 508. “Before a party will be entitled to recover for unjust enrichment, however, ‘there must be enrichment to another, coupled with a resulting injustice.’” *Id.* quoting *Teel v. Public Service Co. of Oklahoma*, 1985 OK 112, ¶ 23, 767 P.2d 391, 398 (superceded by statute on other grounds).

Plaintiffs assert that the “Defendants” have promoted the “site of the Massacre as a tourist attraction” and have obtained funds to create a history center without providing the Defendants or “the residents of the Greenwood neighborhood and North Tulsa” any payments or benefit from such projects. However, Plaintiffs provide no facts that would establish that they individually would be entitled to any benefits from any such projects. Plaintiffs’ only claim to such projects (if they could even establish that there was any benefit or enrichment derived from such projects) is that they are in some way linked to the events of June 1921. The only Plaintiffs who were actually in Tulsa for those events were Plaintiff Lessie Randle and the Historic Vernon A.M.E. Church. The remaining Plaintiffs claim to be relatives of persons who were in Tulsa during the events of June 1921.

Simply being in some way connected to a historical event does not provide a person with unlimited rights to seek compensation from any project in any way related to that historical event. If that were the case, every person connected to any historical event could make similar “unjust enrichment” claims against every museum or point of remembrance.

This would effectively stifle the development of such cultural and historical sites. Plaintiffs have not alleged any trademark or copyright that has been used or infringed or ownership of any land that was wrongfully used as part of these developments which would give them a legal claim to some benefit or compensation from these claimed projects.

In short, the Plaintiffs have failed to plead any facts which would show that the complained of projects developing these parts of Tulsa have in any way resulted in an enrichment to the Defendants or that any such enrichment results in an injustice to these specific Plaintiffs. For this reason, and the many others set forth herein, the Plaintiffs' unjust enrichment claim should be dismissed with prejudice.

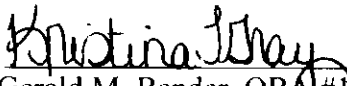
WHEREFORE, Defendant City of Tulsa respectfully requests this Court enter an Order dismissing the Plaintiffs' claims filed in the present lawsuit with prejudice against refiling of the same.

Respectfully submitted,

CITY OF TULSA, OKLAHOMA
A municipal corporation

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CERTIFICATE OF SERVICE

I, Kristina L. Gray, hereby certify that on the 9th day of November, 2020, I mailed a true and correct copy of the above and foregoing document with proper postage thereon applied, to:

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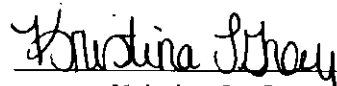
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