

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

(1) **ROBBIE EMERY BURKE,**)
as the Special Administratrix of)
Elliott Earl Williams, Deceased,)
Plaintiff,)

vs.)

Case No. 11-CV-720-JED-PJC

(1) **STANLEY GLANZ in His Individual**)
Capacity;)

(2) **VIC REGALADO, in His Official Capacity,**)
As Tulsa County Sheriff,)

Defendants.)

AFFIDAVIT OF STANLEY GLANZ

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

In support of my Counsel's Motion to Recuse United States District Court Judge for the Northern District of Oklahoma John E. Dowdell and pursuant to 28 U.S.C. § 144, I, Stanley Glanz, a Defendant herein, being of legal age and being first duly sworn, attests and states as follows:

- (1) In my opinion, John E. Dowdell, the designated judge in the instant matter, has a personal bias or prejudice either against myself, Tulsa County, the Tulsa County Commissioners and/or the Tulsa County Sheriff's Office in favor of the Plaintiff in this matter. The facts and the reasons for the belief of bias or prejudice exists, are set forth below:
- (2) Prior to being sworn in as a United States District Court Judge for the Northern District of Oklahoma on December 12, 2102; John Dowdell was a partner at the law firm of Norman, Wohlgemuth, Chandler & Dowdell, P.C. where he had practiced since 1983, becoming a partner in 1987.

- (3) On December 11, 2008, attorneys with the lawfirm of Norman, Wohlgemuth, Chandler & Dowdell, P.C. including but not limited to Adreinne Barnett; Jo Lynn Jeter; Ryan Ray, Joel Wohlgemuth (Partner) and Jay Chandler (partner) filed a lawsuit against Tulsa County, Board of County Commissioners for Tulsa County and Stanley Glanz in his Individual and Official Capacity on behalf of the City of Tulsa.
- (4) I was serving as the duly elected sheriff at the time of the lawsuit and a named Defendant.
- (5) The Petition alleged that the “Tulsa Jail System is Declared Unconstitutional” referencing a 1994 Settlement Agreement between the United States Justice Department and Tulsa County. Petition, Case No. CJ-2008-8659, ¶¶ 15-16 attached hereto as Exhibit “A.”
- (6) The Petition alleged that the County has breached an oral promise to eliminate any contribution by the City of Tulsa to the operation of the jail. Ex. A., ¶ 22,
- (7) The Petition alleged that at the expiration of the 1998 Agreement, the County seized an opportunity to exploit millions of dollar from the City and its taxpayers, sought a windfall from the City of Tulsa. Ex. A, p. 8-9.
- (8) The Petition further alleged that I was involved in a scheme to hoard revenues at the taxpayer’s expense and gain additional revenue from the collection of “unreasonable” fees including medical costs. Ex. A, pp. 2, 10. The Petition further alleged that I had tortuously interfered with the contract between the county and the city and sought punitive damages against me personally. Ex. A, pp. 19-21. That I demanded unreasonable fees for “medical expenses associated with detainees booked into the County Jail by the City.” *Id.*, ¶41. That I “interfere[d] with the negotiating process [with the City] ...thereby creating more money-making opportunities for himself and the County.” *Id.*, ¶40. The my “actions [] were unauthorized, malicious, wrongful, and without justification.” *Id.*, ¶85.
- (9) The Petition further the “...condition of the [Tulsa County] jail [under Sheriff Glanz] violated the constitutional rights of prisoners and detainees.” Ex. A, ¶ 16.
- (10) Finally, the Petition alleged that the “malicious interference of Sheriff Glanz rises to the level of willful, wanton, oppressive, or reckless conduct for which he should be punished by an award to the City of exemplary and punitive damages in

an amount sufficient, taking into consideration the assets and worth of Sheriff Glanz. Ex. A.

- (11) Upon information and belief, John Dowdell would have participated in the litigation between the City and County including myself, had discussions with his partners and other law firm attorneys. As a partner, John Dowdell would have shared in the revenues generated by the fees paid by the City in the litigation.
- (12) At no time during the litigation of the instant matter did Judge Dowdell disclose his involvement in the Tulsa County Case on the record. Disqualification cannot be waived by a party without a “full disclosure on the record of the basis for disqualification.” 28 U.S.C. § 455(e).
- (13) Plaintiff in the instant matter have recently listed documents as evidence in this matter, which places at issue the ongoing dispute between the City and the County and/or the Tulsa County Sheriff’s Office over fees paid by the City concerning the jail, including but not limited to:
 - a. Ex. 176 - 6/15/15 Bartlett, Moberly and Burdge Letter Sales Tax issues – Dispute between BOCC and TCCJA BKD Financial Audit.
 - b. Ex. 177 - Grand Jury Petition for Removal of Glanz
 - c. Ex. 180 - 9/25/95 USDOJ/Tulsa County Settlement Order
 - d. Ex. 181 - 2002 Fiscal Activities Report under CRIPA
 - e. Ex. 182- Organizational and Operational Assessment of the Tulsa County Sheriff’s Office 2/2016
 - f. Ex. 183 - BOCC Purchase Orders Spreadsheet
- (14) Plaintiff in this matter has also listed as Witnesses former Mayor for the City of Tulsa Dewey Bartlett, all current Tulsa County Commissioners: Karen Keith; Ron Peters and John Smaligo.
- (15) John Smaligo was the Commissioner who participated in the 2008-09 litigation between the City of Tulsa and Tulsa County and Glanz.
- (16) This evidence and witnesses listed for the first time in Plaintiff’s Final Witness and Exhibit List filed January 20, 2017 (Dkt. Nos. 323 and 324), place at issue in trial of this matter an issue that was previously vigorously litigated by John Dowdell’s former firm at a time when he was a partner in 2008-09 as reflected in Ex. A, *City of Tulsa v. Glanz*, Case No. CJ-2008-8659.

- (17) I also am of the opinion that the Judge's Ruling denying my Motion for Summary judgment issued more than two years after filing of the motions reflects as bias and/or prejudice against myself, Tulsa County, the Tulsa County Commissioners and/or the Tulsa County Sheriff's Office in favor of the Plaintiff.
- (18) The Order and Opinion (Dkt. No. 304) characterizes the Video Monitored Cell in which Mr. Williams was placed "would become his burial crypt." Order, p. 13.
- (19) The Order and Opinion (Dkt. No. 304) characterizes Dr. Harnish's offer to provide hydration through an IV as an act of "threatening" administration. Order, p. 42.
- (20) Contrary to well established Tenth Circuit caselaw, the Court opined at possible acts of deliberate indifference by numerous jail staff that were not named or identified by the Plaintiff as providing some basis for a supervisory claim against myself and an official capacity claim against the current sheriff. The court opined that "*countless*" jail staff were concerned about Williams' medical condition. Order, p. 40. And that the evidence supports an inference that "jail staff" knew that Williams faced a substantial risk of harm and were deliberately indifferent to that risk. Order, p. 43.
- (21) These characterizations of the evidence and designation of acts not complained by the Plaintiff's evidence an ongoing bias and prejudice in this matter in favor of the Plaintiff.
- (22) More recently, after a two and half year delay waiting for the Court's order, the Court denied my request to file motions in limine concerning many of these matters that have arisen since the motions for summary judgment were filed.
- (23) The Court also denied, after a two and half year delay waiting for the Court's order, my counsel's attempt to designate portions of depositions taken in this matter.
- (24) Such denials of discretionary matters in the absence of prejudice which would provide written argument to the Court and further search for the truth, in my opinion further reflects bias and/or prejudice against myself, Tulsa County, the Tulsa County Commissioners and/or the Tulsa County Sheriff's Office in favor of the Plaintiff.

FURTHER AFFIANT SAYETH NOT.

Stanley Glanz
Stanley Glanz

STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

On February 9, 2017, before me, the undersigned Notary Public, in and for said County and State, personally appeared Stanley Glanz, personally known to me to be the person who executed the foregoing instrument, and acknowledged executing the same for the purposes herein contained.

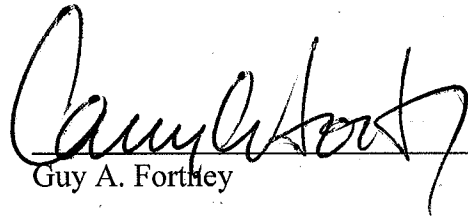
WITNESS my hand and official seal.

Heather Prescott
Notary Public

HEATHER PRESCOTT
NOTARY PUBLIC
STATE OF OKLAHOMA
COMMISSION NO. 11007482
EXPIRES 08-17-2019

CERTIFICATE OF GOOD FAITH COUNSEL

The undersigned is a member of the Oklahoma Bar, and admitted to practice in the Northern District of Oklahoma. The undersigned certifies the Affidavit of Stanley Glanz is submitted in good faith and counsel believes the facts alleged to be accurate and correct.



Guy A. Fortney