

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI. N
11/22/2022

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorneys concerning the case of *Tabatha Barnes, et al., v. The City of Oklahoma City, et al.*, CIV-16-184-HE; *Sherry Ellis, et al., v. The City of Oklahoma City, et al.*, CIV-16-19-HE; *Adaira Gardner v. The City of Oklahoma City*, CIV-16-349-HE; *Rosetta Grate v. The City of Oklahoma City*, CIV-16-412-HE, in the United States District Court for the Western District of Oklahoma, as authorized by 25 O.S. (2021) §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the pending litigation in the public interest.

In the above cases, Plaintiffs have asserted several causes of action, including civil rights violations, against the City, former Chief William Citty, Detective Rocky Gregory, Lt. Brian Bennett and former Officer Daniel Holtzclaw related to allegations of sexual assault against them by former Officer Holtzclaw. All four of the lawsuits were consolidated for discovery and pretrial proceedings. The City and all of the individual defendants other than Holtzclaw have been granted summary judgment by the district court. All plaintiffs have likewise filed dismissals of their causes of action against Holtzclaw. As background, Holtzclaw was terminated by the police department, prosecuted by the State and is currently in prison. This office does not represent Holtzclaw.

The Plaintiffs are represented by numerous lawyers: Melvin Hall, Cody E. Gilbert, Andrew M. Casey, Nkem Amadi House, Sr., Kymberly J.M. Heckenkemper and Damario Solomon-Simmons. The City, former Chief William Citty, Det. Rocky Gregory are represented by Assistant Municipal Counselors Richard Mann, Sherri Katz, Thomas Tucker and Katie Goff.

As a result of the ten summary judgment motions which were granted by the Court, some plaintiffs have filed their appeal to the United States Tenth Circuit Court of Appeals. In all pending appeals, the Tenth Circuit Court has specifically ordered the City, all other City defendants, and the Plaintiffs to attend Tenth Circuit Mediation, which is currently set for December 7, 2022.

It is the recommendation of this office that Council retire into Executive Session to discuss the facts of this case and its merits.