

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

LESSIE BENNINGFIELD RANDLE,	)	
Tulsa Race Massacre Survivor, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.CV-2020-01179
	)	Judge Caroline Wall
CITY OF TULSA, a municipal corporation, <i>et al.</i>	)	
	)	
Defendants.	)	

**DEFENDANT TDA'S OBJECTION TO PLAINTIFF'S  
MOTION FOR LEAVE TO FILE OMNIBUS BRIEF**

On March 31, 2021, the Plaintiffs filed an Opposed Motion For Leave To File Omnibus Brief In Opposition To Defendants' Motions To Dismiss Plaintiffs' First Amended Petition And Unopposed Motion For Extension Of Time. The City of Tulsa and Tulsa Metropolitan Area Planning Commission (TMAPC) received service of the motion by mail on April 6, 2021. Neither the City nor TMAPC object to the Plaintiffs' request for additional time to respond to the Defendants' motions to dismiss but they do object to the Plaintiffs' request to file one omnibus brief on response to the eight (8) separately filed motions.

1. On February 2, 2021, Plaintiffs filed their First Amended Petition which, with exhibits, is 114 pages long.
2. The Plaintiffs have brought suit against seven different entities in this case.
3. On March 12, 2021, the Defendants separately filed eight motions to dismiss the Plaintiffs' First Amended Petition. While Plaintiffs identify the similarities in the arguments between the briefs as a reason to file one combined omnibus brief, they fail to recognize the various issues which are unique to the individual Defendants.

4. For example, Defendant TDA was not in existence in 1921 which is a central component to several of its arguments in its motion to dismiss. This is different from the arguments made by the City or other Defendants that were in existence at the time of 1921 race massacre. Some of the Defendants such as the TDA, City and TMAPC raised defenses under the Governmental Tort Claims Act which do not apply to other Defendants.

5. The Plaintiff should be required to address the specific issues raised by each individual Defendant rather than attempting to combine all of the arguments into brief that confuses and conflates all of the issues. To the extent the issues in each of the response briefs overlap, the Plaintiffs can incorporate by reference the arguments from its other briefs rather than having to rewrite or rehash those sections. This would allow for the judicial economy and efficiency the Plaintiffs seek while still addressing the individual arguments raised by each Defendant.

WHEREFORE, Defendant TDA respectfully requests the Court deny the Plaintiffs' request to file an omnibus brief in response to the eight (8) motions to dismiss and instead require a separate response to each of the Defendants' motions to dismiss.

Respectfully submitted,

**TULSA DEVELOPMENT AUTHORITY**



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## CERTIFICATE OF SERVICE

I, Jot Hartley, hereby certify that on the 22nd day of March, 2021, I mailed, or submitted via email, a true and correct copy of the above and foregoing document with property postage thereon applied, to:

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