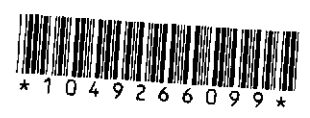


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**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

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

**DISTRICT COURT
FILED
APR 21 2021
DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY**

**DEFENDANTS CITY OF TULSA AND TULSA METROPOLITAN
AREA PLANNING COMMISSION'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 TMPAC 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.

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4. For example, Defendant TMAPC 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 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, Defendants City of Tulsa and Tulsa Metropolitan Area Planning Commission (TMAPC) respectfully request 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,

CITY OF TULSA, OKLAHOMA
A municipal corporation

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CERTIFICATE OF SERVICE

I, Kristina L. Gray, hereby certify that on the 21st day of April, 2021, I mailed a true and correct copy of the above and foregoing document with proper postage thereon applied, to:

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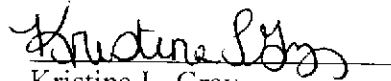
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