

SEP 24 2021

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

LESSIE BENNINGFIELD RANDLE *et al.*,)

Plaintiffs,)

v.)

CITY OF TULSA *et al.*)

Defendants.)

Case No. CV-2020-01179

Division G

The Honorable Caroline Wall

**JOINT RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION
TO SET TELEPHONIC STATUS CONFERENCE**

Defendants City of Tulsa, Tulsa Metropolitan Area Planning Commission, Tulsa Regional Chamber, Tulsa Development Authority, Oklahoma Military Department, the Board of County Commissioners for Tulsa County, and Vic Regalado, in his official capacity as Sheriff of Tulsa County, (collectively "Defendants"), hereby submit their Joint Response in Opposition to Plaintiffs' Motion to Set Telephonic Status Conference ("Plaintiffs' Motion"), and request the Court to enter an Order denying Plaintiffs' Motion. In support of their joint opposition, the Defendants state as follows:

1. The Defendants jointly oppose Plaintiffs' Motion.

2. On September 9, 2021, Defendants City of Tulsa, Tulsa Metropolitan Area Planning Commission, Tulsa Regional Chamber, Oklahoma Military Department, Tulsa County Board of County Commissioners, and Sheriff Regalado notified Plaintiffs of their respective opposition to Plaintiffs' Motion. Subsequent to providing Plaintiffs such notice, counsel for Plaintiffs' emailed a copy of Plaintiffs' Motion bearing a filed stamp date of September 9, 2021, which states the Defendants had not responded prior to the filing of the Motion.

3. The Defendants' respective motions to dismiss Plaintiffs' Amended Petition are set for hearing before the Court on Tuesday, September 28, 2021. *See* August 19, 2021, Order setting hearing.

4. Plaintiffs' Motion seeks a telephone hearing "to be held as far an (*sic*) advance of" the September 28, 2021, hearing on Defendants' pending motions to dismiss, to "discuss the logistics" of the September 28, 2021, hearing.

5. Defendants oppose Plaintiffs' Motion as unnecessary unless the Court deems it necessary to discuss the "logistics" of the September 28, 2021, hearing in a separate hearing.

6. Out of respect for the valuable time of the Court, the Defendants propose to streamline the presentation of their multiple motions to dismiss at the September 28, 2021, hearing, as follows:

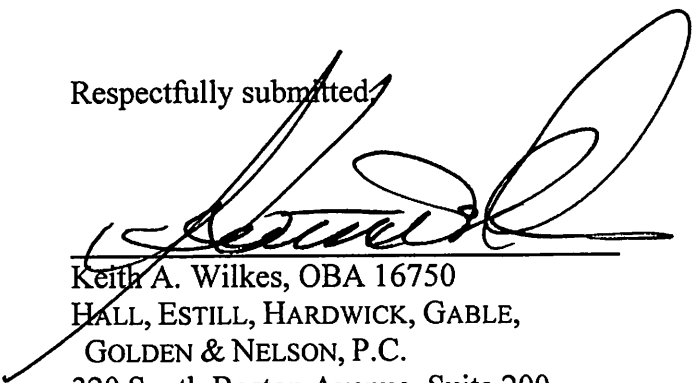
- A. Defendants will designate one attorney from their ranks to take the "lead" in presenting duplicative propositions from their motions to dismiss. Different attorneys may be designated as "lead" for different propositions, however, no more than one attorney will be designated as lead for any one proposition. The remaining Defendants' counsel will each have an opportunity to supplement the record and argument, if necessary, per their professional judgment in representing their client(s), but will seek to do so without duplicating the argument presented by the lead attorney on the proposition.

- B. As the respondent, counsel for Plaintiffs will be given his or her opportunity to present legal argument in opposition to each proposition.
- C. As the movants, the designated “lead” attorney on a duplicative proposition will be given an opportunity to reply to Plaintiffs’ response, or otherwise clarify the record and answer any questions posed by the Court.
- D. Any Defendant with a stand-alone proposition in their pending motion to dismiss will be allowed to present the same, using the standard response and reply process for oral arguments before the Court.

7. Unless otherwise deemed necessary by the Court to convey other instructions or “logistics” for the September 28, 2021, hearing, the Defendants respectfully and jointly request the Court to deny Plaintiffs’ Motion.

Dated: September 24, 2021.

Respectfully submitted,



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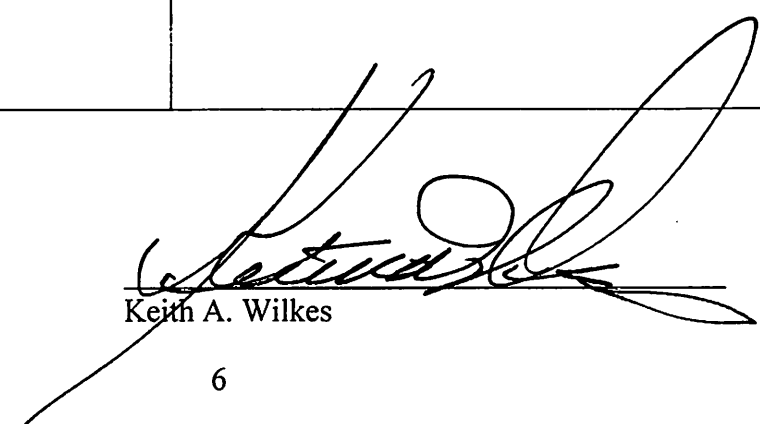
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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of September, 2021, I caused the foregoing Joint Response to be served by United States Mail, postage fully prepaid thereon, to the following:

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