

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

MAR 17 2022

LESSIE BENNINGFIELD RANDLE, )  
Tulsa Race Massacre Survivor, *et al.*, )  
Plaintiffs, )  
v. )  
CITY OF TULSA, )  
a municipal corporation, *et al.*, )  
Defendants. )

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

Case No.: CV-2020-01179  
Judge Caroline Wall

**PLAINTIFFS' OPPOSED MOTION FOR LEAVE  
TO FILE A SUPPLEMENTAL REPLY BRIEF TO DEFENDANTS' RESPONSE TO  
PLAINTIFFS' SUPPLEMENTAL MEMORANDUM OF LAW**

Plaintiffs request leave of Court to file a reply to Defendants' Response to Plaintiffs' Supplemental Memorandum of Law Addressing *State of Oklahoma v. Johnson & Johnson* (the "*J&J Decision*"). Defendants oppose Plaintiffs' request. In support of this motion, Plaintiffs state as follows:

1. On January 31, 2022, Plaintiffs filed their Supplemental Memorandum of Law Addressing the *J&J Decision* ("Plaintiffs' Supplement") and served the Plaintiffs' Supplement by e-mail and mail.

2. On March 7, 2022, Defendants filed their Joint Response to Plaintiff's Supplement ("Defendants' Response") and served Defendants' Response by mail only.

3. Pursuant to this Court's Scheduling Order dated December 30, 2021, "within 7 days of service of the Defendants' supplemental response brief ... Plaintiff may file and serve on Defendants a motion seeking leave of Court to file a supplemental reply brief."

4. Given that Defendants' Response admittedly relies on dicta within the *J&J Decision*, a reply brief is necessary for Plaintiffs to brief the impact such dicta purportedly

has on the Court's consideration of whether Plaintiffs have adequately alleged a public nuisance claim.

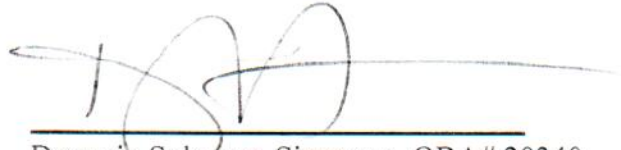
5. Due to the amount of information in Defendants' Response and the arguments and counter-arguments made by the Defendants in their thirteen page response brief, Plaintiffs respectfully request a thirteen (13) page limit for their reply.

6. Under these same considerations, Plaintiffs further request that they be given fourteen (14) days from the filing of an Order of this Court granting the requested leave to file its reply.

WHEREFORE, Plaintiffs respectfully request the Court grant Plaintiffs leave to file a supplemental reply brief in response to Defendants' Response, consistent with the attached Proposed Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of March 2022, I served the foregoing by email and U.S. Mail to the following:

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A handwritten signature in blue ink, appearing to be "John H. Tucker", is written over a horizontal line. The signature is stylized and somewhat illegible.



Prepared by:

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