

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JEFFERY EARLE LASSITER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-621-JD
)	
CITY OF OKLAHOMA CITY, a)	
Political subdivision of the State of Oklahoma;)	
And OKLAHOMA CITY POLICE)	
DEPARTMENT, a subdivision of the)	
CITY OF OKLAHOMA CITY,)	
)	JURY TRIAL DEMANDED
Defendants.)	

ANSWER OF DEFENDANT CITY OF OKLAHOMA CITY

COMES NOW a Defendant, City of Oklahoma City (“City”), and for its Answer to the Complaint of Plaintiff filed herein, alleges and states as follows:

1. City is without sufficient information to admit or deny paragraph 1 and therefore it is denied.
2. Admitted.
3. City is without sufficient information to admit or deny paragraph 3 and therefore it is denied.
4. Paragraph 4 contains a statement of law and no allegations against this Defendant.
5. City is without sufficient information to admit or deny paragraph 5 and therefore it is denied.

6. The City is without sufficient information to admit or deny paragraph 6, therefore it is denied.

7. Denied.

8. City is without sufficient information to admit or deny the allegations in paragraph 8 and therefore it is denied.

9. City is without sufficient information to admit or deny paragraph 9 and therefore it is denied.

10. City is without sufficient information to admit or deny paragraph 10 and therefore it is denied.

11. City is without sufficient information to admit or deny the allegations in this paragraph 11 and therefore it is denied.

12. Paragraph 12 contains no allegations against the City, but to the extent that it does, City is without sufficient information to admit or deny the allegations incorporated into this paragraph.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. City adopts and restates its Answer to Paragraphs 1-17 herein.

19. Denied as a mischaracterization of all factors that may apply.

20. City admits that its training and supervision of officers is constitutionally adequate but denies the remaining allegations in this paragraph.

21. City adopts and restates its Answer to paragraphs 1-20.

22. Denied as written as this paragraph contains legal conclusions and lacks factual allegations against the City. .

23. Denied as written as this paragraph contains legal conclusions and lacks factual allegations against the City.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. City adopts and restates its Answer to paragraphs 1-30.

32. Denied as written.

33. Denied as written.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

39 (the second one). Denied.

40(the second one). Denied.

The City denies that Plaintiff is entitled to any of his relief demanded in his Prayer for Relief.

AFFIRMATIVE DEFENSES

COMES NOW the Defendant, City of Oklahoma City, and for its Affirmative Defenses states as follows:

1. Plaintiffs' Petition fails to state a claim upon which relief can be granted under state or federal law.
2. That the conduct of Plaintiff caused or contributed to his injuries and damages.
3. That all relevant OCPD training, supervision, and its policies, procedures, rules and/or customs are constitutional and not the cause of the Plaintiff's alleged injuries and damages.
4. That the OCPD training on the use of force and its training has been repeatedly upheld by Courts in this District and by the 10th Circuit Court of Appeals.
5. The Defendant is not responsible for the criminal conduct of third parties who caused the alleged injuries and damage sustained by Plaintiff.

6. The contributory negligence of Plaintiff is the intervening/supervening cause of his injuries and damages.

7. Plaintiff's damages are limited or barred by the Oklahoma Governmental Torts Claim Act, (OGTCA);

8. Defendant City is exempt from liability pursuant to the Oklahoma Governmental Tort Claims Act.

9. Any *de facto* policies alleged by Plaintiff to be the policies of the City in regard to this matter are not the policies of the Defendant City.

10. The officers' use of force in this matter was constitutional and consistent with the policies and training of the Defendant City.

11. The criminal acts of the Plaintiff are the sole cause of any of his alleged injuries or damages.

12. That Plaintiff's damages, if any, are limited to aggravation of a pre-existing injury or condition.

13. Plaintiff's described physical condition was the cause of the complained-on interaction with bystanders and involvement of the Oklahoma City Police officers and their response was reasonable.

14. Plaintiff cannot recover punitive damages against the City or any officer in his official capacity.

15. Plaintiff's claims against this Defendant are frivolous and the City is entitled to attorney fees and costs for defense of this matter.

WHEREFORE, Defendant, City of Oklahoma City, having answered Plaintiff's Petition, prayerfully requests that this Court grant it judgment against Plaintiff, its costs and attorney fees.

Respectfully submitted,

KENNETH JORDAN
Municipal Counselor

/s/ Richard N. Mann

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Attorneys for Defendants City and OCPD

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of March, I filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants:

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/s/ Richard N. Mann

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