

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

LADONA A. POORE,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. <u>11-CV-797-JED-TLW</u>
)	
(1) STANLEY GLANZ, SHERIFF OF)	
TULSA, in his Individual and Official)	
Capacities; and)	
(2) SETH BOWERS,)	
)	
Defendants.)	

**DEFENDANT STANLEY GLANZ’S SUPPLEMENT
TO MOTION IN LIMINE [DKT. No. 46]**

Defendant, Stanley Glanz, submits this Supplement to his Motion in Limine. The Court requested the deposition testimony of the Cherry Anjorin, Dana Moses and Kristy Peters for consideration prior to trial. Additionally, Glanz submits the depositions of Shannon Crawford and Robin Mason for review and exclusion. The testimony sought to be excluded is submitted herewith.

Glanz sought a pretrial ruling to exclude the testimony of former detention officers and healthcare workers who, if allowed to testify, do not provide any testimony relevant to Plaintiff’s claims. Instead, Defendant anticipates that these individuals will testify consistent with their deposition testimony, which primarily concerned unsubstantiated rumors about staff-on-staff sexual misconduct within the jail.

(1) **Cherry Anjorin** – A former Detention Officer who was represented by Smolen Smolen & Roytman PLLC in *Anjorin v. Glanz et al*, USDC NDOK, Case No. 4:09-cv-678-TCK-TLW. During the timeframe of Ladona Poore’s allegations, she did not work at the David L. Moss Criminal Justice Center. It is believed that Plaintiff seeks

to present at trial testimony from Anjorin concerning things that she has heard about regarding sexual activity at the DLMCJC, that in her words she “has never been privy to it, but I have heard that there were.” Ex. A, 18:11-12. Other than her certain knowledge concerning the policy that sexual activity in the jail will result in immediate termination from employment, Anjorin goes on for the next 18 pages making it clear that she has never witnessed any sexual activity at the jail and her knowledge is only what she has heard and rumors. *Id.* at pp. 18-36. Such testimony of rumors and second hand knowledge are clearly excluded for Lack of Personal Knowledge (FRE 602) and as classic 801 and 802 for which there is no exception. Further, the testimony does not meet the definition of relevant evidence under 401 and, if relevant, should be excluded in 402.

- (2) **Dana Moses** – A Former Detention Officer who left the employment of the Tulsa County Sheriff’s Office in July of 2008, almost two years before the allegations concerning Ms. Poore occurred, and was represented by Smolen Smolen & Roytman PLLC in *Moses v. Glanz et al*, USDC NDOK, Case No. 4:10-cv-2-TCK-TLW. It is believed that Plaintiff seeks to present at trial testimony from Moses concerning things that she has heard about regarding sexual activity at the DLMCJC. Again, she admits she does not have any firsthand knowledge of the incidents alleged and is just recounting rumors. Ex. B at pp. 30-58. Such testimony of rumors and second hand knowledge are clearly excluded for Lack of Personal Knowledge (FRE 602) and as classic 801 and 802 for which there is no exception. Further, the testimony does not meet the definition of relevant evidence under 401 and, if relevant, should be excluded in 402.

- (3) **Kristy Peters** – A Former Detention Officer who was represented by Smolen Smolen & Roytman PLLC in *Peters v. Glanz et al*, USDCNDOK, Case No. 4:10-cv-0001-TCK-TLW. She worked at the jail starting in 2005 for Corrections Corporation of America before the Sheriff took over the jail. Her employment at the jail ended when she resigned from the Tulsa County Sheriff’s Office in October of 2010. Ex. C, 13:16-25. She does not remember having any contact with Plaintiff, Ladona Poore, while she worked at the jail in 2009-2010. Ex. C, 80:18-20. She did not personally witness any sexual misconduct at the jail during the time she worked there. Ex. C, 44:1-4; 47:3-12; 51:2-4; 64:7-19. Her only knowledge of alleged sexual misconduct at the jail comes from hearsay. Ex. C, 65:3-23. Such testimony of rumors and second hand knowledge are clearly excluded for Lack of Personal Knowledge (FRE 602) and as classic 801 and 802 for which there is no exception. Further, the testimony does not meet the definition of relevant evidence under 401 and, if relevant, should be excluded in 402.
- (4) **Shannon Crawford (Moody)** - A Former Detention Officer who left the employment of the Tulsa County Sheriff’s Office in April of 2007, three years before the allegations concerning Ms. Poore occurred, and was represented by the attorneys representing the Plaintiff in this matter, Smolen Smolen & Roytman PLLC: *Moody v. Oklahoma Department of Corrections et al*, USDC NDOK, Case No. 4:11-cv-98-JHP-FHM. It is believed that Plaintiff seeks to present at trial testimony from Crawford concerning things that she has heard about regarding sexual activity at the DLMCJC. Other than her certain knowledge concerning the policy that sexual activity in the jail will result in immediate termination from employment, Crawford admits she does not have any firsthand knowledge of the incidents alleged and is just recounting rumors

concerning any sexual contact within the jail and outside the jail; girl talk while getting her hair done and speculation about the actions of other officers about which she has no independent knowledge. Ex. D at pp. 15-62. Such testimony of rumors and second hand knowledge are clearly excluded for Lack of Personal Knowledge (FRE 602) and as classic 801 and 802 for which there is no exception. Further, the testimony does not meet the definition of relevant evidence under 401 and, if relevant, should be excluded in 402.

- (5) **Robin Mason** – Robin Mason was not deposed in this case, but she was deposed in *Henderson v. Glanz*, USDCNDOK, Case No. 4:12-cv-0068-JED-FHM. She is represented by Don Smolen. While working at the jail as a nurse, she never witnessed any assaults at the jail. Ex. E, 100:23-25. She is not a witness to, nor does she have any personal knowledge of, improper sexual misconduct at the jail. Ex. E, 106:4-13; 107:19-25. Despite her lack of personal knowledge, Mason is willing to testify that “it was well-known that improper sexual misconduct took place in the exam rooms between inmates and staff.” Ex. E, 104:19-105:20; 106:9-13; 106:14-107:2. Such testimony of rumors and second hand knowledge are clearly excluded for Lack of Personal Knowledge (FRE 602) and as classic 801 and 802 for which there is no exception. Further, the testimony does not meet the definition of relevant evidence under 401 and, if relevant, should be excluded in 402.

The above referenced testimony should be excluded from trial of this matter as it does not spring from any personal knowledge of the witnesses and is merely a reflection of unverified rumor and unfounded accusation by former employees. As such the testimony should be excluded under FRE 401, 402, 602, 801 and 802.

WHEREFORE, premises considered, Sheriff Glanz respectfully requests the Court issue an Order excluding the above referenced testimony and evidence from trial of this matter and all other alleged incidents of sexual misconduct within the jail which are unrelated to Plaintiff or Defendant Bowers.

Respectfully submitted,

/s/ Corbin C. Brewster

Clark O. Brewster, OBA #1114

Guy A. Fortney, OBA #17027

Mark B. Jennings, OBA #10082

Corbin C. Brewster, OBA #22075

BREWSTER & DE ANGELIS, PLLC

2617 E. 21st Street

Tulsa, OK 74114

Tel: (918) 742-2021

Fax: (918) 742-2197

Attorneys for Defendant Stanley Glanz

CERTIFICATE OF SERVICE

I hereby certify January 16, 2015 I electronically transmitted the foregoing document by email and/or U.S. mail to the following:

Daniel E. Smolen
Attorney for the Plaintiff

danielsmolen@ssrok.com

Donald Eugene Smolen , II
Attorney for the Plaintiff

donaldsmolen@ssrok.com

Robert Murray Blakemore
Attorney for the Plaintiff

bblakemore@ssrok.com

Lauren Grace Lambright
Attorney for the Plaintiff

laurenlambright@ssrok.com

Miranda Rachelle Russell
Attorney for the Plaintiff

mirandarussell@ssrok.com

Louis Werner Bullock
Attorney for the Plaintiff

lbullock@bullock-blakemore.com

Patricia Whittaker Bullock
Attorney for the Plaintiff

pbullock@bullock-blakemore.com

Thomas A. Mortensen
Attorney for Plaintiff

tmort70@hotmail.com

Thomas H. Landrum
Attorney for Defendant Bowers

Thomas@lawtulsa.com

/s/ Corbin C. Brewster

Corbin C. Brewster