

1. Intervenor/Respondent/Cross-claimant Ashlynd Huffman is an award-winning journalist at The Frontier, a nonprofit media company headquartered in Oklahoma. Her reporting focuses on criminal justice issues and other statewide matters. Ms. Huffman resides in Oklahoma

County. She submitted an open record request which prompted Petitioner Tulsa Fraternal Order of Police Lodge No. 93 (“FOP”) to file this action. Ms. Huffman will be unfairly and improperly restrained by this action if disposition is in favor of the FOP.

2. Intervenor/Respondent/Cross-claimant The Frontier Media Group, Inc. (“The Frontier”) is a nonprofit, 501(c)(3) corporation headquartered in Oklahoma. The Frontier makes its content freely available to the public through various mediums, including its website (readfrontier.org), social media (@readfrontier), and more. The Frontier employs Ms. Huffman. As part of her employment, the Frontier tasked Ms. Huffman with pursuing the open record request which prompted Petitioner FOP to file this action. The Frontier will be unfairly and improperly restrained by this action if disposition is in favor of the FOP.

3. Petitioner Tulsa Fraternal Order of Police Lodge No. 93 is a domestic not for profit corporation which acts as the collective bargaining unit on behalf of police officers employed with the Tulsa Police Department (“TPD”).

4. Respondent City of Tulsa is a “public body” within the meaning of Okla. Stat. tit. 51, § 24A.3 and subject to the ORA. It is the custodian of personnel records which are the subject of the instant action and Intervenor’s open record request, which will be unfairly and improperly restrained by this action if disposition in favor of the FOP.

STATEMENT OF FACT

5. On March 13, 2025, Intervenor’s submitted an open record request to Respondent City of Tulsa seeking, “all complaints filed against the Tulsa Police Department from Jan. 1, 2016 to present.” *See* Open Records Request and Communications submitted March 12, 2025, attached as Exhibit 1.

6. On April 2, 2025, TPD responded to Intervenor’s request stating:

Good morning, I have received the following information regarding your request:

“See <https://www.tulsapolice.org/annual-reports> for Internal Affairs Annual Report. 2024 Annual Report will be out later this year.”

Thank you for your time.

Ex. 1.

7. Ms. Huffman responded to TPD the same day stating that her request “should be a breakdown of all complaints by year and then a termination letter/narrative if the complaint resulted in a loss of pay, demotion, or suspension.” Ex. 1.

8. Also on April 2, 2025, TPD replied stating, “I reached out to our Internal Affairs department and sent them your request verbatim. The response I sent you was the response I received which is a link to all of our annual reports by year from Internal Affairs, who handles the complaints. I will send them your response.” Ex. 1.

9. After additional communication, TPD Internal Affairs provided Intervenor with a preliminary batch of documents responsive to the open records request on April 17, 2025, including final disciplinary actions for numerous TPD police officers.

10. Intervenor’s request remained open with the status listed as “pending” on the TPD ORA online portal.

11. At no time did TPD assert that the public records sought by Intervenor were exempt from the ORA’s mandatory disclosure requirement.

12. On Monday April 28, 2025, without notice to Intervenor, the FOP filed this action seeking an emergency Temporary Restraining Order and requesting a hearing to determine a final TRO. The same day, at 9:45 a.m., the Court granted the emergency TRO, enjoining the City of Tulsa and restraining the release of further “Tulsa Police Personnel Records now in dispute.” Order Granting Pet’r’s Emergency Appl. for TRO at 1–2.

13. Four days later, on Friday May 2, 2025, TPD wrote¹ to Ms. Huffman, stating “Good Morning, I apologize for the confusion. We thought there was going to be additional items to be added, but I heard back this morning that there will not be. I will now close your request. Thank you for your time.” Ex. 1.

14. Ms. Huffman immediately responded asking who notified the TPD employee there would not be further production and inquired as to whether the restraining order issued on Monday April 28 interfered with her request. Ex. 1.

15. TPD replied that it had no further information “beyond being advised [the open records request] could be closed.” Ex. 1.

16. Ms. Huffman reached out to Captain Richard Meulenberg in the Communications Office of TPD to ask about FOP’s lawsuit and inquired whether it impacted her open records request. *See* Emails between Ms. Huffman and Capt. Richard Meuleneberg, attached as Exhibit 2.

17. Capt. Meulenberg declined to comment on the pending litigation and stated he did not have access to the “ORA system” and directed Ms. Huffman back to the records division for further information. Ex. 2.

18. Intervenors now move this Court for an order granting them the right to intervene in this action as Respondents and Cross-claimants.

LEGAL STANDARD

19. Intervention is mandatory where a statute confers an unconditional right to intervene or where the intervener [sic] claims an interest in the matter and disposition of the action may, as a practical matter, impair or impede the ability to protect that interest. Otherwise, intervention is within the discretion of the trial court.

¹ Because the messages from TPD were unsigned, it is not clear which TPD employee communicated with Ms. Huffman.

Skrapka v. Bonner, 2008 OK 30, ¶ 12, 187 P.3d 202, 208–09. There are two standards to determine whether a party may intervene in a pending action: (i) intervention of right, and (ii) permissive intervention. Okla. Stat. tit. 12, § 2024. Under either standard, Ms. Huffman and The Frontier must be allowed to intervene in this action.

20. Intervention of right is mandatory “[w]hen the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant’s ability to protect that interest” Okla. Stat. tit. 12, § 2024(A)(2).

21. Permissive intervention is required “[w]hen an applicant’s claim or defense and the main action have a question of law or fact in common.” *Id.* § 2024(B)(2). Permissive intervention is a discretionary right left to the sound discretion of the trial court. *State ex rel. Okla. Corp. Comm’n v. McPherson*, 2010 OK 31, 232 P.3d 458.

22. As set forth below and in Intervenor’s Crossclaim Against Respondent City of Tulsa Pursuant to The Open Records Act, attached as Exhibit 3 (hereinafter “Intervenor’s Crossclaim”) and Intervenor’s Objection to Petition for Temporary Restraining Order Pursuant to The Open Records Act And Motion to Dismiss Pursuant to The Oklahoma Citizen’s Participation Act, attached as Exhibit 4 (hereinafter “Intervenor’s Objections”), Intervenor’s have a claim in this matter which will be impeded by final disposition for Petitioner and Intervenor’s have defenses to issuing a final restraining order which have common questions of law and fact necessitating intervention.

ARGUMENT

I. Ms. Huffman and The Frontier’s right under the ORA to access the public records Petitioner seeks to keep secret or destroy requires intervention of right.

23. Where, as here, Intervenor claim “an interest relating to the property or transaction which is the subject of the action” and are “so situated that the disposition of the action may as a practical matter impair or impede the applicant’s ability to protect that interest” they are entitled to intervene as of right. Okla. Stat. tit. 12, § 2024(A)(2). The FOP has obtained an emergency TRO and seeks to permanently restrain Intervenor’s access to public records. Intervenor must be granted an opportunity to be heard on their interest in those public records.

24. Here, Intervenor submitted an open records request on March 12, 2025, seeking “all complaints submitted to the Tulsa Police Department from Jan.1, 2016 to present,” Ex. 1, and it is this request that prompted the FOP to file its Petition for Temporary Restraining Order. *See* Pet. ¶¶ 23, 24.

25. Because the Emergency TRO issued by this Court prevents the release of “personnel records now in dispute,” Intervenor have an interest relating to the “property or transaction which is the subject of the action.”

26. Emergency disposition in favor of the FOP has already impeded Intervenor’s right to access public records under the ORA, and final disposition will permanently prevent access to these public records in violation of Intervenor’s (and the public’s) right to access them. As a result, Ms. Huffman and The Frontier must be allowed to intervene as of right.

27. As further set forth in Intervenor’s Crossclaim, the ORA unequivocally states, “[a]ll records of public bodies and public officials shall be open to any person.” Okla. Stat. tit. 51, § 24A.5. This mandate fulfills the ORA’s promise that “the people are vested with the inherent right to know and be fully informed about their government.” Okla. Stat. tit. 51, § 24A.2. Here,

Respondent did not assert that the public records sought by Intervenor were exempt from the ORA's mandatory disclosure requirement and the agency was in the process of producing records to Intervenor. *See* Okla. Stat. tit. 51, §§ 24A.5, 24A.7(B). Accordingly, Intervenor's rights, conferred by the ORA, to access public records are directly impeded by any disposition in this action in favor of the FOP.

28. And as explained in Intervenor's Objections, the FOP's claim that its Collective Bargaining Agreement with Respondent prohibits release of the public records at issue, Pet. ¶¶ 4–11, directly implicates Intervenor's ability to protect their interest in obtaining access to those records. Put simply, the FOP may not contract with the City of Tulsa to circumvent the ORA's promise to the public concerning access to government records. Okla. Stat. tit. 15, § 211. Any such contract is *ultra vires* and must be rendered null and void. *Id.*; *Treat v. Stitt*, 2021 OK 3, 481 P.3d 240 (nullifying gaming compacts entered between Governor Kevin Stitt and several Indian tribes as beyond the Governor's constitutional authority); *Okla. State Med. Ass'n v. Corbett*, 2021 OK 30, 489 P.3d 1005 (nullifying SoonerSelect requests for proposals and contract awards as beyond the statutory authority of the Oklahoma Health Care Authority); *Bd. of Educ. of Okla. City v. Thurman*, 1926 OK 34, ¶ 35, 121 Okla. 108, 247 P. 996, 1000 (nullifying school board's contract with a private attorney when the law only allowed representation by the county attorney).

29. But the Court need not reach the question of nullification. As further explained in Intervenor's Objections, the Collective Bargaining Agreement specifically states that records subject to "purging" will still be maintained by Internal Affairs but may not be considered for the purposes of an officer's future discipline or promotion. *See* Ex. 4, Intervenor's Objections ¶¶ 15, 16. The future use of the personnel records by the Tulsa Police Department has no bearing on whether they are public records required to be released under the ORA. Indeed, they are. Okla.

Stat. tit. 51, § 24A.5, § 24A.7. Thus, those records remain subject to the ORA, even if “purged” from individual officer files for the purposes of discipline and promotion.

30. Accordingly, under either the ORA, or even the Collective Bargaining Agreement, the FOP is not entitled to an order restraining the release of the public records at issue or mandating that the City of Tulsa destroy them. Instead, Respondent must produce the records to Intervenors or face penalties for improper withholding. *See* Ex. 3, Intervenors’ Crossclaim ¶¶ 28–41.

31. Because Intervenors submitted a records request which prompted the FOP to file this action, which has and continue to be impeded by this action, Intervenors are entitled to intervene as of right to ensure the broad access granted them under the ORA is not denied by an improper restraining order. *See* Okla. Stat. tit. 12, § 2024(A)(2).

II. Ms. Huffman and The Frontier’s crossclaim under the ORA to access public records and defense under the OCPA to prevent legal actions intended to impair their exercise of free speech and right to petition for public records trigger permissive intervention.

32. In the alternative, if intervention of right is not granted, intervention is still proper under the permissive standard. Okla. Stat. tit. 12, § 2024(B). “Permissive intervention is left to the sound legal discretion of the trial court based upon the nature of the controversy and the facts and circumstances of each case.” *McPherson*, 2010 OK 31, ¶ 29, 232 P.3d at 466. Here, permissive intervention is appropriate and necessary because Intervenors have a “claim or defense” raising a “question of law or fact in common” with the action brought by the FOP. Okla. Stat. tit. 12, §2024(B).

33. Specifically, Intervenors will bring a crossclaim against the City of Tulsa for production of the police personnel records under the ORA. *See* Okla. Stat. tit. 51, § 24A.7; § 24A.17. Intervenor’s action under the ORA for the public records at issue in the FOP’s action asserts a “claim” raising a “question of law” and “fact in common” with the FOP’s action. *See*

Intervenors' Ex. 3, Intervenors' Crossclaim ¶¶ 28–41. Intervenors' Crossclaim necessarily requires a determination of the validity of a restraining order in favor of the FOP, which bears directly on Intervenors' claim for access to the public records the FOP seeks to keep secret or destroy.

34. Similarly, a determination whether the Collective Bargaining Agreement should be nullified as *ultra vires* insofar as its terms permit the FOP to circumvent the ORA by requiring a public body to withhold or destroy public records has direct implications for Intervenors' crossclaim and defenses. *See* Ex. 3, Intervenors' Crossclaim; Ex. 4, Intervenors' Objections.

35. Additionally, Intervenors have a defense to this action under the OCPA, Okla. Stat. tit. 12, § 1432, Oklahoma's Anti-SLAPP Statute, which protects citizens' rights to speech and petition the government—including the right to enforce the ORA and obtain access to public records. *See Iloh v. Regents of the Univ. of Cal.*, 94 Cal. App. 5th 947 (Cal. Ct. App. 2023) (granting intervenor-record seeker's motion to dismiss restraining order action attempting to prevent public body from responding to records request under California Anti-SLAPP statute). Here, Intervenors have a claim against Respondent City of Tulsa and a defense against Petitioner FOP—both of which have common questions of law and fact with Petitioner's underlying action for TRO.

36. First, Intervenors' crossclaim for relief against the City of Tulsa is based upon the ORA and access to the personnel records which are the subject of this action. *See* Okla. Stat. tit. 51, §§ 24A.5, 24A.7, 24A.17; Ex. 3, Intervenors' Crossclaim. As set forth in Intervenors' Crossclaim, there is a question of law as to whether Intervenors are entitled to the disputed personnel records and a question of fact as to whether Respondents are withholding those records as a result of Petitioner's underlying action. Ex. 3, Intervenors' Crossclaim.

37. Second, Petitioner's action will improperly impede Intervenor's ability to obtain public records if the emergency TRO is not dissolved and final TRO is not denied. *See* Ex. 4, Intervenor's Objections. As set forth in Intervenor's Objections, if the Collective Bargaining Agreement grants the FOP power to circumvent the ORA, the relevant portions must be nullified as *ultra vires*. Additionally, the TRO issued by this Court, and the relief sought by FOP, impedes Intervenor's "exercise of the right of free speech" and "right to petition" for public records in violation of the OCPA, Oklahoma's Anti-SLAPP Statute. Okla. Stat. tit. 12, § 1432(A).

38. Intervenor's crossclaim, *ultra vires* defense, and OCPA defense raise common questions of law and fact arising out of this action. Therefore, the Court should exercise its discretion and grant permissive intervention to ensure that Intervenor's rights to access public records are not permanently restrained without being heard. Okla. Stat. tit. 12, § 2024.

39. In light of the claims and defenses alleged in Intervenor's Crossclaim and Intervenor's Objections, Intervenor is entitled to permissive intervention due to common questions of law or fact.²

CONCLUSION

Based on the foregoing, Ms. Huffman and The Frontier have established they meet the standards for intervention as of right and permissive intervention and this Motion must be granted.

Dated: May 13, 2025

Respectfully submitted,



² If this Motion to Intervene is not granted, Intervenor intends to file a separate action pursuant to the ORA against the City of Tulsa, which will necessarily require determination of the validity of the emergency TRO or any final restraining order entered by this Court.

Leslie Briggs, OBA 33845
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
P.O. Box 471094
Tulsa, OK 74147
P: (918) 850-8792
E: lbriggs@rcfp.org


Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document and attached exhibits were served via email on May 13, 2025 and hand delivery in Tulsa County Courthouse on May 14, 2025 to

Sean P. McKenna
Coffey, Senger, & Woodard, PLLC
4725 East 91st Street, Suite 100
Tulsa, OK 74137
sean@cswlawgroup.com
Attorney for Petitioner

Becky Johnson
City of Tulsa Legal Department
175 E 2nd St., Suite 685
Tulsa, OK 74103
beckyjohanson@cityoftulsa.org
Attorney for Respondent



Leslie K. Briggs



EXHIBIT 1

Tulsa Police Department

Public Records Center

- Home
- FAQs
- Submit a Request
- My Records Center
- Logout

FAQs

See All FAQs

The process of Body Cam/Dash Cam request.

Are there fees required for copies of a Public Record?

What records are available under the Open Records Act?

How can I review records that the police department may maintain?

What is the subpoena process?

View File(s)

View Message(s)

Request / Incident Summary

Request Type:	Public Records Request
Contact E-Mail:	ashlynd@readfrontier.com
Reference No:	P003259-031225
Status:	Full Release
Balance Due:	\$0.00
Payments:	\$0.00

UPLOAD DATE



DOWNLOAD ALL

Files: 04/17/2025 Combined_Cases_Redacted.pdf

Additional Information

Open Records Act ("ORA") Requests for Law Enforcement Records: go to the following website to find the ORA request form, directions, and additional information for Tulsa Police Department: <https://www.tulsapolice.org/police-report/report-a-crime-online/open->



Media Representative

Type of Records:

Other

Date From:

01/01/2016

Date To:

03/12/2025

Please enter a date range for the records you are requesting. Note: Dash Cam / Body Cam footage is available for a period of **26 months** from the date of occurrence. Calls for Service are available for a period of **36 months** from the date of occurrence.

Time of Occurrence:

n/a

Please enter a time of occurrence for the records you are requesting

Involved Parties:

Tulsa Police employees

Please provide the name of the involved parties and/or Officer name (if applicable)

Phone Number:

000-000-0000

Provide the phone number used to call 911. If unknown, enter 000-000-0000.

Location:

n/a

Please provide an exact address or intersection. If unknown, please enter N/A.

Report Number (If Known):

Please give the Report Number and all available information you have about the records you request - pursuant to the Oklahoma Open Records Act.

Describe the Record(s) Requested:

I am requesting all complaints filed against the Tulsa Police Department from Jan. 1, 2016 to present.

Please be specific with your request to narrow our search and respond to you quickly and efficiently.

Preferred Method to Receive Records:

Electronic via Records Center

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for either inspection or production by paper copy in accordance with the Public Records Law.

Fees Disclaimer:

I acknowledge that Tulsa Police Department may charge fees for report copies / records as authorized by either the Oklahoma Open Records Act, the Mayor's Executive Order, or City Ordinance 19224.

Please see [TPD Records Fees FAQ](#)

Media Disclaimer:

If you selected "Media Representative" in your type of requestor and this is your first time requesting records, please attach a copy of your print or broadcast news media credentials to your request.

~~If any requester provides fraudulent information in their request, that request will~~



[New Message](#)
[Return to List](#)

Messages 13

 Print Messages (PDF)

✓  On 5/2/2025 10:17:10 AM, Tulsa Police Department Open Records Center wrote:

Subject: [Public Records Center] Public Records Request :: P003259-031225

Body:

I am sorry, I don't have any further information beyond being advised it could be closed.

✓  On 5/2/2025 8:45:19 AM, Ashlynd Huffman wrote:

TO: "Tulsa Police Department Open Records Center"[tulsapolice@govqa.us]
Who notified you more wouldn't be added and is this the full request fulfilled or did the pending restraining order put my request on pause?
-Ashlynd Huffman, The Frontier Investigative journalist ashlynd@readfrontier.com Follow me X: @ashlyndhuffman Call or text me 405-240-6359

On Fri, May 2, 2025 at 8:33 AM Tulsa Police Department Open Records Center wrote:

✓  On 5/2/2025 8:33:15 AM, Tulsa Police Department Open Records Center wrote:

Subject: [Public Records Center] Public Records Request :: P003259-031225

Body:

Good morning,

I apologize for the confusion. We thought there was going to be additional items to be added, but I heard back this morning that there will not be. I will now close your request. Thank you for your time!

✓  On 4/17/2025 1:18:16 PM, Tulsa Police Department Open Records Center wrote:

Subject: [Public Records Center] Public Records Request :: P003259-031225

Body:

Thank you for your immense patience with this request. Our internal affairs department has uploaded their response to your request in the GovQa portal and it has been released so you should have access to it now.

✓  On 4/3/2025 6:56:35 AM, Tulsa Police Department Open Records Center wrote:

Subject: [Public Records Center] Public Records Request :: P003259-031225

Body:

Good morning,

previously sent link. Records has been advised that the request will take at minimum a week to complete. You will be notified upon its completion.

Thank you for your time and patience.

✓ ↩ On 4/2/2025 1:03:12 PM, Ashlynd Huffman wrote:

TO: "Tulsa Police Department Open Records Center"[tulsapolice@govqa.us]
Section 24A.14 of the ORA requires disclosure of the number of complaints filed against the police department and response to those complaints, with the name of the complainant redacted. Section 24A.7A(1) permits a public body to keep minor discipline confidential. Section 24A.7B(4) required disclosure of final disciplinary action that involves suspension, demotion, loss of pay or termination.
On Wed, Apr 2, 2025 at 12:56 PM Tulsa Police Department Open Records Center wrote:

✓ ✉ On 4/2/2025 12:56:42 PM, Tulsa Police Department Open Records Center wrote:

Subject: [Public Records Center] Public Records Request :: P003259-031225

Body:

Hello,

You requested complaints against the Tulsa Police Department. Complaints are not releasable under the Open Records Act.

Are you asking for records that show final disciplinary action resulting in loss of pay, suspension, demotion of position or termination?

✓ ↩ On 4/2/2025 10:51:04 AM, Ashlynd Huffman wrote:

TO: "Tulsa Police Department Open Records Center"[tulsapolice@govqa.us]
Thank you so much!

-Ashlynd Huffman, The FrontierInvestigative journalistashlynd@readfrontier.comFollow meX: @ashlyndhuffmanCall or text me405-240-6359

On Wed, Apr 2, 2025 at 10:46 AM Tulsa Police Department Open Records Center wrote:

✓ ✉ On 4/2/2025 10:46:01 AM, Tulsa Police Department Open Records Center wrote:

Subject: [Public Records Center] Public Records Request :: P003259-031225

Body:

I am sorry for the confusion. I reached out to our Internal Affairs department and sent them your request verbatim. The response I sent you was the response I received, which is a link to all of our annual reports by year from Internal Affairs, who handles the complaints.

I will send them your response.

✓ ↩ On 4/2/2025 10:24:13 AM, Ashlynd Huffman wrote:

TO: "Tulsa Police Department Open Records Center"[tulsapolice@govqa.us]
I'm sorry I'm confused. The request I made was: Describe the Record(s) Requested: I am requesting all complaints filed against the Tulsa Police Department from Jan. 1, 2016 to present.

It should be a breakdown of all complaints by year and then a termination letter/ narrative if the complaint resulted in a loss of pay, demotion, or suspension.
On Wed, Apr 2, 2025 at 9:47 AM Tulsa Police Department Open Records Center wrote:

✓ ✉ On 4/2/2025 9:47:01 AM, Tulsa Police Department Open Records Center wrote:

Subject: [Public Records Center] Public Records Request :: P003259-031225

Body:

Good morning,

I have received the following information regarding your request:

"See <https://www.tulsapolice.org/annual-reports> for Internal Affairs Annual Report. 2024 Annual Report will be out later this year."

Thank you for your time.

✓ ✉ On 3/12/2025 12:53:13 PM, Tulsa Police Department Open Records Center wrote:



Dear Investigative Journalist Ashlynd Huffman:

Thank you for your interest in public records of the Tulsa Police Department. Your request has been received and is being processed in accordance with Title 51 of the Oklahoma State Statutes, Subsection 24, also known as the Oklahoma Open Records Act. Your request was received in this office on 3/12/2025 and given the reference number P003259-031225 for tracking purposes.

Records Requested: I am requesting all complaints filed against the Tulsa Police Department from Jan. 1, 2016 to present.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: Title 51 of the Oklahoma State Statutes, Subsection 24, also known as the Oklahoma Open Records Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Open Records Center.

Tulsa Police Department

To monitor the progress or update this request please log into the [Open Records Center](#)



✓ ☒ On 3/12/2025 12:53:13 PM, Ashlynd Huffman wrote:

Request Created on Public Portal



EXHIBIT 2

Leslie Briggs <lbriggs@rcfp.org>

Fwd: Records request

Ashlynd Huffman <ashlynd@readfrontier.com>

Thu, May 8, 2025 at 2:15 PM

To: Leslie Briggs <lbriggs@rcfp.org>

----- Forwarded message -----

From: **Meulenberg, Richard** <rgmeulenberg@cityoftulsa.org>

Date: Tue, May 6, 2025 at 1:41 PM

Subject: RE: Records request

To: Ashlynd Huffman <ashlynd@readfrontier.com>

Sorry, it's been hectic the last couple of days.

I don't have access to the ORA system, you would have to ask our records division about the status of the request. This is the number I have for them, (918) 596-9286

Captain Richard G. Meulenberg IV

**Tulsa Police Department
Chief's Office**

Communications [Unit](#)
600 Civic Center
Tulsa, Oklahoma 74103

918-596-2669

rgmeulenberg@cityoftulsa.org



From: Ashlynd Huffman <ashlynd@readfrontier.com>
Sent: Monday, May 5, 2025 10:40 AM
To: Meulenberg, Richard <rgmeulenberg@cityoftulsa.org>
Subject: Re: Records request
Importance: High

Hi Richard,

I really need to know if more records were supposed to be released on April 28 like the restraining order said or if the city already released all the records to me on April 17. I tried to call you back on Friday but didn't hear back.

On Fri, May 2, 2025 at 12:31 PM Ashlynd Huffman <ashlynd@readfrontier.com> wrote:

I understand not being able to discuss the litigation. However, I need to know if my records request was closed today because of the litigation. The restraining order stated records were supposed to be released on Monday. Also, could I get a copy of the contractual agreement referenced in the petition?

On Fri, May 2, 2025 at 12:28 PM Meulenberg, Richard <rgmeulenberg@cityoftulsa.org> wrote:

I'm sorry, I am unable to discuss anything that is in litigation.

Captain Richard G. Meulenberg IV

**Tulsa Police Department
Chief's Office**

Communications Unit
600 Civic Center
Tulsa, Oklahoma 74103

918-596-2669

rgmeulenberg@cityoftulsa.org



From: Ashlynd Huffman <ashlynd@readfrontier.com>
Sent: Friday, May 2, 2025 12:27 PM
To: Meulenberg, Richard <rgmeulenberg@cityoftulsa.org>
Subject: Re: Records request
Importance: High

Richard,

I called and left you a voicemail this morning. Are you available to talk about this?

On Thu, May 1, 2025 at 11:28 AM Meulenberg, Richard <rgmeulenberg@cityoftulsa.org> wrote:

I couldn't tell you with 100% certainty, I just read the filing, and it doesn't specify what records they are discussing.

This is the source I read for the filing information:

<https://ktul.com/news/local/tulsa-police-fop-granted-restraining-order-against-city-of-tulsa>

Captain Richard G. Meulenberg IV

**Tulsa Police Department
Chief's Office**

Communications Unit
600 Civic Center
Tulsa, Oklahoma 74103

918-596-2669

rgmeulenberg@cityoftulsa.org



From: Ashlynd Huffman <ashlynd@readfrontier.com>
Sent: Thursday, May 1, 2025 9:57 AM
To: Meulenberg, Richard <rgmeulenberg@cityoftulsa.org>
Subject: Records request
Importance: High

Richard,

Is the recent lawsuit from FOL related to the records requested I filed this month?

-Ashlynd Huffman, *The Frontier*

Investigative journalist

ashlynd@readfrontier.com

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X: [@ashlyndhuffman](https://twitter.com/ashlyndhuffman)

Call or text me

405-240-6359

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-Ashlynd Huffman, *The Frontier*

Investigative journalist

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Investigative journalist

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--

-Ashlynd Huffman, *The Frontier*

Investigative journalist

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EXHIBIT 3

IN THE DISTRICT COURT OF TULSA COUNTY STATE OF OKLAHOMA

Ashlynd Huffman, an individual,)	
and Frontier Media Group, Inc., a)	
domestic not-for-profit corporation.,)	
)	
Intervenors,)	
)	
v.)	
)	
Tulsa Fraternal Order of Police)	Case No. CV-25-939
Lodge 93,)	
)	Hon. Judge Caroline Wall
Petitioner,)	
)	
v.)	
)	
City of Tulsa,)	
)	
Respondent.)	

CROSSCLAIM FOR RELIEF FOR VIOLATIONS OF THE OKLAHOMA OPEN RECORDS ACT

Intervenors Ashlynd Huffman and Frontier Media Group, Inc. (“The Frontier”) (collectively, “Intervenors”) bring this Crossclaim against Respondent, the City of Tulsa (“the City”) pursuant to the Oklahoma Open Records Act (“ORA”), Okla. Stat. tit. 51 § 24A.1 *et seq.* In support of their Crossclaim, Intervenors state as follows:

PARTIES

1. Intervenor/Respondent/Cross-claimant Ashlynd Huffman is an award-winning journalist at the Frontier, a nonprofit media company headquartered in Oklahoma. Her reporting focuses on criminal justice issues and other statewide matters. Ms. Huffman resides in Oklahoma County. She submitted an open record request which prompted Petitioner Tulsa Fraternal Order of Police Lodge No. 93 (“FOP”) to file this action. The City denied Ms. Huffman’s request for public records based on the emergency TRO issued by this Court.

2. Intervenor/Respondent/Cross-claimant The Frontier is a nonprofit, 501(c)(3) corporation headquartered in Oklahoma. The Frontier makes its content freely available to the public through various mediums, including its website (readfrontier.org), social media (@readfrontier), and more. The Frontier employs Ms. Huffman. As part of her employment, the Frontier tasked Ms. Huffman with pursuing the open record request that prompted the FOP to initiate this case, necessitating The Frontier and Ms. Huffman's intervention. The Frontier's request for public records has been denied based on the emergency TRO issued by this Court.

3. Petitioner the FOP is a domestic not for profit corporation which acts as the collective bargaining unit on behalf of police officers employed with the Tulsa Police Department ("TPD").

4. Respondent the City of Tulsa ("the City") is a "public body" within the meaning of Okla. Stat. tit. 51, § 24A.3 and subject to the ORA. It is the custodian of personnel records which are the subject of the instant action and Intervenor's open record request. The City has failed to produce public records responsive to Intervenor's request as a result of the order granting Petitioner FOP an emergency TRO.

JURISDICTION AND VENUE

5. Jurisdiction is proper in this Court as a court of general jurisdiction pursuant to Okla. Const. art. VII, § 7.

6. Venue is proper in Oklahoma County pursuant to Okla. Stat. tit. 12, § 133.

STATEMENT OF FACTS

7. On March 13, 2025, Intervenor's submitted an open record request ("March 13 Request") to Respondent City of Tulsa seeking, "all complaints filed against the Tulsa Police Department from Jan. 1, 2016 to present." *See* Open Records Request and Communications submitted March 12, 2025, attached as Exhibit 1.

8. On April 2, 2025, TPD responded to Intervenor's request stating:

Good morning, I have received the following information regarding your request:

"See <https://www.tulsapolice.org/annual-reports> for Internal Affairs Annual Report. 2024 Annual Report will be out later this year."

Thank you for your time.

Ex. 1.

9. Ms. Huffman responded to TPD the same day stating that her public records request sought "a breakdown of all complaints by year and then a termination letter/narrative if the complaint resulted in a loss of pay, demotion, or suspension." Ex. 1.

10. Also on April 2, 2025, TPD replied stating, "I reached out to our Internal Affairs department and sent them your request verbatim. The response I sent you was the response I received which is a link to all of our annual reports by year from Internal Affairs, who handles the complaints. I will send them your response." Ex. 1.

11. After additional communication, TPD Internal Affairs provided Intervenor with a preliminary batch of documents responsive to the open records request on April 17, 2025, including final disciplinary actions for numerous TPD police officers.

12. Intervenor's request remained open with the status listed as "pending" on the TPD ORA online portal.

13. At no time did the City, through TPD, assert that the public records sought by Intervenor were exempt from the ORA's mandatory disclosure requirement.

14. On Monday April 28, 2025, without notice to Intervenor, the FOP filed this action seeking an emergency Temporary Restraining Order and requesting a hearing to determine a final TRO. The same day, at 9:45 a.m., the Court granted the emergency TRO, enjoining the City and restraining the release of further "Tulsa Police Personnel Records now in dispute."

15. Four days later, on Friday May 2, 2025, TPD wrote¹ to Ms. Huffman, stating, “Good Morning, I apologize for the confusion. We thought there was going to be additional items to be added, but I heard back this morning that there will not be. I will now close your request. Thank you for your time.” Ex. 1.

16. Ms. Huffman immediately responded asking who notified the TPD employee there would not be further production and inquired as to whether the restraining order issued on Monday April 28 interfered with her request. Ex. 1.

17. TPD replied that it had no further information “beyond being advised [the open records request] could be closed.” Ex. 1.

18. Ms. Huffman reached out to Captain Richard Meulenberg in the Communications Office of TPD to ask about FOP’s lawsuit and inquired whether it impacted her open records request. *See* Email between Ms. Huffman and Capt. Richard Meuleneberg, attached as Exhibit 2.

19. Capt. Meulenberg declined to comment on the pending litigation and stated he did not have access to the “ORA system” and directed Ms. Huffman back to the records division for further information. Ex. 2.

20. Upon information and belief, the reason the City, through TPD, closed Intervenor’s March 13 Request is the Court’s April 28, 2025 order granting Petitioner FOP an emergency TRO.

21. The emergency TRO is based upon an erroneous interpretation of the Collective Bargaining Agreement (“CBA” or “Agreement”) between the City and the FOP.

22. The CBA between the City and the FOP does not contain language granting the FOP any right to require the City to withhold or destroy police officer disciplinary records. *See* Collective Bargaining Agreement, attached as Exhibit 3.

¹ Because the messages from TPD were unsigned, it is not clear which TPD employee communicated with Ms. Huffman.

23. The relevant language is found in Section 11.5 of the CBA:

Disciplinary actions listed below may not be considered, utilized, or be the basis of future disciplinary decisions, in part or whole after the times identified below expire. Such timeframes commence on either the date of the offense or the date the Employee is placed on either administrative leave or restricted duty, whichever is later. For investigations that commence on or after July 1, 2020, such timeframes begin on the date of the subject disciplinary action.

1. Counseling documentation shall be purged and expunged after the passage of one (1) year from divisional files ***but shall be retained in Internal Affairs*** in accordance with the City of Tulsa Records Retention Policy.

2. Division Letters of Reprimand shall be purged and expunged after the passage of one (1) year from divisional files ***but shall be retained in Internal Affairs*** in accordance with the City of Tulsa Records Retention Policy.

3. Department Letters of Reprimand and Vacation Reductions and Suspensions shall be purged and expunged after the passage of two (2) years from divisional files ***but shall be retained in Internal Affairs*** in accordance with the City of Tulsa Records Retention Policy.

4. Orders of Demotion shall be purged and expunged after the passage of five (5) years from divisional files ***but shall be retained in Internal Affairs*** in accordance with the City of Tulsa Records Retention Policy.

5. Employees shall not be prevented from applying for internal positions within the department after six (6) months after a Letter of Reprimand, Vacation Reduction, Suspension, or Order of Demotion is received.

Ex. 3 at 12–13 (emphasis added).

24. The CBA thus plainly states in all instances referring to documents being “purged” or “expunged” that such public records “shall be retained” by Respondent’s office of Internal Affairs “in accordance with the City of Tulsa Records Retention Policy.” *Id.*

25. The Agreement plainly contemplates that notwithstanding removing some disciplinary records from an officer's personnel file, those public records will still exist in Respondent's custody.

26. Intervenors filed their Motion to Intervene as Respondents/Cross-Claimants on May [TK], 2025.

27. Intervenors now bring this crossclaim against the City of Tulsa alleging violations of the Oklahoma Open Records Act ("ORA").

CAUSE OF ACTION

Violation of the ORA for Records Responsive to Plaintiffs' Request

28. The allegations contained in all preceding paragraphs are re-alleged and asserted here.

29. The purpose of the ORA is "to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power." Okla. Stat. tit. 51, § 24A.2.

30. Accordingly, the ORA provides that "[a]ll records of public bodies and public officials shall be open to any person for inspection, copying, or mechanical reproduction during regular business hours." *Id.* § 24A.5.

31. "Unless a record falls within a statutorily prescribed exemption in the [ORA], the record must be made available for public inspection." *Citizens Against Taxpayer Abuse, Inc. v. City of Oklahoma City*, 2003 OK 65, ¶ 12, 73 P.3d 871, 875.

32. "The public body urging an exemption [to disclosure] has the burden to establish the applicability of such exemption" or exception. *Id.*

33. "Because of the strong public policy allowing public access to governmental records," the ORA's provisions must be construed "to allow access unless an exception clearly

applies” *Okla. Ass’n of Broads., Inc. v. City of Norman*, 2016 OK 119, ¶ 15, 390 P.3d 689, 694.

34. The records sought by Intervenor’s March 13 Request are records of public bodies and public officials as defined by the ORA. Okla. Stat. tit. 51, § 24A.3(1), (2).

35. The City possesses records responsive to Intervenor’s March 13 Request.

36. But for the instant emergency TRO, there is no legal basis for the City’s failure or refusal to disclose the requested records.

37. The emergency TRO was entered in error based upon the plain language of the CBA.

38. The Emergency TRO must be dissolved, final restraining order must be denied, and mandate must be issued ordering release of the public records sought by Intervenor’s March 13 Request.

39. Disclosure of the requested records is intended to, and reasonably likely to, enable Plaintiffs, who are members of the news media, to evaluate whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

40. The public interest in the requested records outweighs any reason for denial.

41. The City has violated the ORA by withholding the records requested by Intervenor. The City will continue to be in violation of the ORA absent declaratory and injunctive relief from this Court.

REFLIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that the Court:

A. Dissolve the emergency TRO granted to Petitioner FOP on April 28, 2025;

- B. Deny Petitioner FOP's request for final restraining order;
- C. Declare that the records sought by Intervenors are open records available to the public for inspection and copying in accordance with the ORA;
- D. Declare that disclosure of the requested records is in the public interest and that the public interest outweighs any reason for denial;
- E. Declare that the City's refusal and failure to provide the requested records is an unlawful violation of the ORA;
- F. Grant an injunction pursuant to Okla. Stat. tit. 51, § 24A.17(B), or issue a writ of mandamus pursuant to Okla. Stat. tit. 12, §§ 1451-1462, requiring the City to immediately disclose all records requested by Intervenors under the ORA in this matter;
- G. Award Intervenors' reasonable costs and attorneys' fees in this action, pursuant to Okla. Stat. tit. 51, §24A.17(B)(2); and
- H. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Leslie Briggs, OBA 33845
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
P.O. Box 471094
Tulsa, OK 74147
P: (918) 850-8792

Attorney for Intervenors

EXHIBIT 4

IN THE DISTRICT COURT OF TULSA COUNTY STATE OF OKLAHOMA

Ashlynd Huffman, an individual,)	
and Frontier Media Group, Inc., a)	
domestic not-for-profit corporation.,)	
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Intervenors,)	
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v.)	
)	
Tulsa Fraternal Order of Police)	Case No. CV-25-939
Lodge 93,)	
)	Hon. Judge Caroline Wall
Petitioner,)	
)	
v.)	
)	
City of Tulsa,)	
)	
Respondent.)	

INTERVENORS' OBJECTIONS TO PETITION FOR TEMPORARY RESTRAINING ORDER AND MOTION TO DISMISS

Intervenors Ashlynd Huffman and The Frontier Media Group, Inc. ("The Frontier"), (collectively, "Intervenors") file this objection and motion to dismiss the Petition for Temporary Restraining Order filed by Petitioner Tulsa Fraternal Order of Police Lodge 93 ("FOP") pursuant to the Oklahoma Open Records Act ("ORA"), Okla. State. tit. 51, § 24A.1, et seq., the doctrine of *ultra vires* contract nullification, and the Oklahoma Citizens' Participation Act ("OCPA" or "Anti-SLAPP Statute"), Okla. Stat. tit. 12, § 1430, et seq. In support thereof, Intervenors state and allege as follows:

INTRODUCTION

Petitioner Tulsa Fraternal Order of Police Lodge 93 seeks to permanently enjoin the City of Tulsa from releasing public records to Intervenors in violation of the ORA, well established doctrines of contract interpretation, and Oklahoma's Anti-SLAPP Statute. The FOP asks this Court

to declare it has contractual rights which are not found in the plain language of the FOP's Collective Bargaining Agreement ("CBA" or "Agreement") with Respondent or are contrary to the mandatory disclosure provisions of the ORA, and thus null and void. Because the FOP and the City of Tulsa cannot circumvent the ORA's statutory mandate by contractual agreement, the CBA cannot be interpreted to grant the FOP the right to restrain release of public records. Any such interpretation would be *ultra vires* and void as contrary to law. Okla. Stat. tit. 15, § 211; *Dycus v. Belco Indus., Inc.*, 1977 OK CIV APP 39, 569 P.2d 553 (nullifying unlawful contract).

The ORA contains a recognition that "all political power is inherent in the people" and the public policy of the State of Oklahoma is that "the people are vested with the inherent right to know and be fully informed about their government." Okla. Stat. tit. 51, § 24A.2. To honor that recognition, the Legislature granted the public the right to access "all records of public bodies and public officials." Okla. Stat. tit. 51, § 24A.5. These public rights cannot be contracted away by a private union and a public body. *See Dycus*, 1977 OK CIV APP 39, ¶ 16, 569 P.2d 553, 556 ("contracts or portions thereof in derogation of our statutes will not be enforced by courts of this state").

Moreover, Intervenor's move to dismiss the FOP's Petition pursuant to Oklahoma's Anti-SLAPP statute. Okla. Stat. tit. 12, § 1432. Petitioner's action unlawfully seeks to deny Intervenor's right to request and obtain access to the disputed records from the City of Tulsa. The OCPA establishes statutory protection from legal action, like Petitioner's, which is "based on, relates to or is in response to [another party's; here, Intervenor's] exercise of . . . the right of free speech [and] [t]he right to petition . . ." Okla. Stat. tit. 12, § 1434(B).

The FOP's pursuit of a final restraining order violates the spirit and letter of Oklahoma laws intended to preserve and protect the public's right to know and speak freely about the

government. The emergency TRO must be dissolved and this action must be dismissed with prejudice.

STATEMENT OF FACTS

1. On March 13, 2025, Intervenor submitted an open record request to Respondent City of Tulsa seeking, “all complaints filed against the Tulsa Police Department from Jan. 1, 2016 to present.” *See* Open Records Request and Communications submitted March 12, 2025, attached as Exhibit 1.

2. On April 2, 2025, TPD responded to Intervenor’s request stating:

Good morning, I have received the following information regarding your request:
“See <https://www.tulsapolice.org/annual-reports> for Internal Affairs Annual Report. 2024 Annual Report will be out later this year.”
Thank you for your time.

Ex. 1.

3. Ms. Huffman responded to TPD the same day stating that her request “should be a breakdown of all complaints by year and then a termination letter/narrative if the complaint resulted in a loss of pay, demotion, or suspension.” Ex. 1.

4. Also on April 2, 2025, TPD replied stating, “I reached out to our Internal Affairs department and sent them your request verbatim. The response I sent you was the response I received which is a link to all of our annual reports by year from Internal Affairs, who handles the complaints. I will send them your response.” Ex. 1.

5. After additional communication, TPD Internal Affairs provided Intervenor with a preliminary batch of documents responsive to the open records request on April 17, 2025, including final disciplinary actions for numerous TPD police officers.

6. Intervenor's request remained open with the status listed as "pending" on the TPD ORA online portal.

7. At no time did TPD assert that the public records sought by Intervenor were exempt from the ORA's mandatory disclosure requirement.

8. On Monday April 28, 2025, without notice to Intervenor, the FOP filed this action seeking an emergency Temporary Restraining Order and requesting a hearing to determine a final TRO. The same day, at 9:45 a.m., the Court granted the emergency TRO, enjoining the City of Tulsa and restraining the release of further "Tulsa Police Personnel Records now in dispute."

9. Four days later, on Friday May 2, 2025, TPD wrote¹ to Ms. Huffman, stating "Good Morning, I apologize for the confusion. We thought there was going to be additional items to be added, but I heard back this morning that there will not be. I will now close your request. Thank you for your time." Ex. 1.

10. Ms. Huffman immediately responded asking who notified the TPD employee there would not be further production and inquired as to whether the restraining order issued on Monday April 28 interfered with her request. Ex. 1.

11. TPD replied that it had no further information "beyond being advised [the open records request] could be closed." Ex. 1.

12. Ms. Huffman reached out to Captain Richard Meulenberg in the Communications Office of TPD to ask about FOP's lawsuit and inquired whether it impacted her open records request. *See* Email between Ms. Huffman and Capt. Richard Meuleneberg, attached as Exhibit 2.

¹ Because the messages from TPD were unsigned, it is not clear which TPD employee communicated with Ms. Huffman.

13. Capt. Meulenberg declined to comment on the pending litigation and stated he did not have access to the “ORA system” and directed Ms. Huffman back to the records division for further information. Ex. 2.

14. The City of Tulsa’s Collective Bargaining Agreement with the FOP does not contain language granting the FOP any right to require the City of Tulsa destroy police officer disciplinary records. *See* Collective Bargaining Agreement, attached as Exhibit 3.

15. The relevant language is found in Section 11.5 of the CBA:

Disciplinary actions listed below may not be considered, utilized, or be the basis of future disciplinary decisions, in part or whole after the times identified below expire. Such timeframes commence on either the date of the offense or the date the Employee is placed on either administrative leave or restricted duty, whichever is later. For investigations that commence on or after July 1, 2020, such timeframes begin on the date of the subject disciplinary action.

1. Counseling documentation shall be purged and expunged after the passage of one (1) year from divisional files ***but shall be retained in Internal Affairs*** in accordance with the City of Tulsa Records Retention Policy.
2. Division Letters of Reprimand shall be purged and expunged after the passage of one (1) year from divisional files ***but shall be retained in Internal Affairs*** in accordance with the City of Tulsa Records Retention Policy.
3. Department Letters of Reprimand and Vacation Reductions and Suspensions shall be purged and expunged after the passage of two (2) years from divisional files ***but shall be retained in Internal Affairs*** in accordance with the City of Tulsa Records Retention Policy.
4. Orders of Demotion shall be purged and expunged after the passage of five (5) years from divisional files ***but shall be retained in Internal Affairs*** in accordance with the City of Tulsa Records Retention Policy.
5. Employees shall not be prevented from applying for internal positions within the department after six (6) months after a Letter of

Reprimand, Vacation Reduction, Suspension, or Order of Demotion is received.

Ex. 3 at 12–13 (emphasis added).

16. The CBA thus plainly states in all instances referring to documents being “purged” or “expunged” that such public records “shall be retained” by Respondent’s office of Internal Affairs “in accordance with the City of Tulsa Records Retention Policy.” *Id.*

17. The Agreement plainly contemplates that notwithstanding removing some disciplinary records from an officer’s personnel file, those public records will still exist in Respondent’s custody.

LEGAL STANDARD

I. The doctrines of plain language interpretation and *ultra vires* contracts apply to this action.

“The language of a contract is to govern its interpretation, if the language is clear and explicit, and does not involve an absurdity.” Okla. Stat. tit. 15, § 154. Intervenors raise objections to the FOP’s Petition based on the plain language of the CBA and the statute declaring unlawful those contracts which are: (i) contrary to an express provision of law; (ii) contrary to the policy of express law, though not expressly prohibited; or (iii) otherwise contrary to good morals. Okla. Stat. tit. 15, § 211.

Words used in contract are to be understood in their ordinary and proper sense. *Martin v. Harper*, 1953 OK 105, 255 P.2d 943. The plain meaning of the contract language controls. *Id.*; Okla. Stat. tit. 15, § 154. Additionally, Oklahoma jurisprudence on unlawful contracts is clear that “a contract in violation of law, or that aids or assists any party therein, is void and no recovery can be had thereon.” *An-Cor, Inc. v. Reheman*, 1992 OK 109, ¶ 8, 835 P.2d 93, 96 (citing *Hamilton v. Cash*, 185 Okla. 249, 91 P.2d 80 (1939)). Courts in Oklahoma will not enforce “[a]ny contracts

or portions thereof in derogation of our statutes” *Dycus*, 1977 OK CIV APP 39, ¶ 16, 569 P.2d 553, 556 (citing *Walker v. W. T. Rawleigh Co.*, 133 Okla. 75, 271 P. 166 (1928)).

As argued below in detail, the plain language of the Agreement does not confer a right upon the FOP to force the City of Tulsa to withhold from the public and destroy police officer disciplinary records. *See* Okla. Stat. tit. 15, § 154; Ex. 3. If the CBA did confer such a right, it would be unlawful as “[c]ontrary to an express provision of law” and “[c]ontrary to the policy of express law.” Okla. Stat. tit. 15, § 211; § 24A.5, § 24A.2.

II. The OCPA’s free speech protections apply to this action.

The Oklahoma Citizens Participation Act, Oklahoma’s Anti-SLAPP statute, provides Intervenorors with a defense to the present action because the action is intended to interfere with Intervenorors’ first amendment rights. Specifically, the OCPA provides,

[A] court shall dismiss a legal action against the moving party if the moving party shows by a preponderance of the evidence that the legal action is based on, relates to or is in response to the party’s exercise of:

1. The right of free speech;
2. The right to petition; or
3. The right of association.

Okla. Stat. tit. 12, § 1434. As detailed below, because this action arose in response to Intervenorors’ request for public records under the ORA, dismissal under the OCPA is proper. *See Iloh v. Regents of the Univ. of Cal.*, 94 Cal. App. 5th 947 (Cal. Ct. App. 2023).

ARGUMENT

I. The plain language of the agreement between the FOP and the City of Tulsa does not confer a right upon the FOP to prevent release of public records.

The FOP contracted with the City of Tulsa to determine how prior disciplinary records would be used in future disciplinary decisions. Ex. 3 at 12–13. Neither the express terms of the CBA, nor FOP’s interpretation of it, requires Respondent to withhold or destroy such public

records. The plain language of the Agreement controls its interpretation. Okla. Stat. tit. 15, § 154; *Martin*, 1953 OK 105, 255 P.2d 943. Here there is no ambiguity about what must be done with the records—they are to be “retained” by Respondent “in accordance with the City of Tulsa Records Retention Policy.” Ex. 3 at 12–13. And, regardless of FOP’s arguments to the contrary, the language of the contract does not and cannot control whether officer disciplinary records may be withheld from public access, nor could it. *See infra* § II.

Because the Agreement plainly does not confer a right upon the FOP to prevent disclosure of public records to the public, the emergency TRO was entered in error and must be dissolved. Moreover, a final restraining order is improper on the plain language of the contract. Had the FOP provided the Court with the relevant language from the Agreement, it is unlikely the emergency TRO would have been granted because the CBA unambiguously states that the public records at issue, once removed from an officer’s personnel file, must be retained by the City of Tulsa. Regardless, because the language of the CBA before the Court is to be given its ordinary meaning and the rights conferred address only the use of public records in future disciplinary actions—*not* their release to the public under the ORA—a permanent restraining order is improper and the emergency TRO must be dissolved.

II. Any language purportedly conferring a right to restrain release or mandate destruction of public records is null and void as *ultra vires* and contrary to law.

Alternatively, if the Court agrees the FOP has the right to restrain release of public records under the ORA based on the language of the CBA, the Agreement must be declared *ultra vires* and void as against a clear provision of law or contrary to the policy of an express law. Okla. Stat. tit. 15, § 211; *An-Cor, Inc.*, 1992 OK ¶ 8, 835 P.2d at 96 (“[A] contract in violation of law, or that aids or assists any party therein, is void and no recovery can be had thereon.” (citing *Hamilton v. Cash*, 185 Okla. 249, 91 P.2d 80 (1939))). The ORA mandates that “[a]ll records of public bodies and

public officials shall be open to any person.” Okla. Stat. tit. 51, § 24A.5. This mandate fulfills the ORA’s public policy pronouncement that “the people are vested with the inherent right to know and be fully informed about their government.” Okla. Stat. tit. 51, § 24A.2. If the Agreement is found to confer a right upon the FOP to restrain release of public records, the ORA’s mandate and public policy will be unlawfully impeded.

The FOP asserts a contractual right to prevent release of public records and require their destruction. While, as explained *supra*, the plain language of the Agreement contains no such right, the FOP and the City of Tulsa cannot contract away the public’s right to access the records of governmental bodies—including police disciplinary records. *Treat v. Stitt*, 2021 OK 3, 481 P.3d 240 (nullifying gaming compacts entered between Governor Kevin Stitt and several Indian tribes as beyond the Governor’s constitutional authority); *Okla. State Med. Ass’n v. Corbett*, 2021 OK 30, 489 P.3d 1005 (nullifying SoonerSelect requests for proposals and contract awards as beyond the statutory authority of the Oklahoma Health Care Authority); *Bd. of Educ. of Okla. City v. Thurman*, 1926 OK 34, ¶ 35, 121 Okla. 108, 247 P. 996, 1000 (nullifying school board’s contract with a private attorney when the law only allowed representation by the county attorney).

Any interpretation of the CBA that would confer a right upon the FOP to control the dissemination of public records is a stark violation of the express provisions of law mandating public access to government records found in the ORA. Okla. Stat. tit. 51, § 24A.5. It would also violate the public policy of the ORA, which is to protect the public’s “inherent right to know and be fully informed about their government.” Okla. Stat. tit. 51, § 24A.2. The FOP is a private entity. It cannot be granted control over the public’s access to government records. If the Agreement contains such a grant of authority to the FOP it is null and void. Okla. Stat. tit. 15, § 211.

Because the Agreement must be nullified if interpreted as the FOP asserts, it cannot form the basis for a TRO. Therefore, the emergency TRO must be dissolved and final restraining order should not be issued.

III. The instant action is in response to and seeks to interfere with Intervenor's rights to free speech and to petition the government and must be dismissed pursuant to the OCPA.

Oklahoma's Anti-SLAPP Statute prohibits actions, like FOP's here, that are "based on, relate[] to or [] in response to [another] party's exercise of" the right of free speech or the right to petition the government. Okla. Stat. tit. 12, § 1434. Intervenor is entitled to raise a defense under the OCPA because they are a real party in interest to this action, *see generally* Motion to Intervene as Respondents/Cross-Claimants, and—as the FOP admits—the action arose in direct response to Intervenor's open records request. In seeking through its Petition to interfere with Intervenor's rights to petition the government for the release of public records, FOP has infringed Intervenor's statutory rights under Oklahoma's Anti-SLAPP statute.

The FOP readily admits in its Petition that it filed the instant action after becoming "aware of pending release of certain unidentified personnel records related to its members." Pet. ¶ 8. The records referenced were sought by Intervenor pursuant to the ORA as part of their newsgathering efforts. The impending release of the records prompted the FOP to seek an emergency TRO from this Court and set the matter for final TRO hearing. Accordingly, FOP's action is indisputably "related to" and "in response to" Intervenor's exercise of their rights.

Indeed, Intervenor regularly submit open record requests as part of their newsgathering efforts and publish reporting based upon the records received. The present action was triggered by the imminent release of public records to Intervenor and seeks to prevent the government from fulfilling its statutory obligation to comply with the ORA. Through this action, the FOP seeks to prevent release of public records for the purpose of preventing news reporting that will be

published by Intervenor. Accordingly, if the action is allowed to proceed it will prevent Intervenor from exercising their free speech rights and will inhibit Intervenor from petitioning the government for public records relating to police officer disciplinary actions. Therefore, the FOP's Petition must be dismissed pursuant to the OCPA. *See Iloh*, 94 Cal. App. 5th 947 (allowing intervenor-record seeker to dismiss restraining order action attempting to prevent public body from responding to records request under California Anti-SLAPP statute).

CONCLUSION

Because the plain language of the CBA does not confer a right upon the FOP to prevent release of public records to Intervenor the Court cannot sustain any order that would restrain Respondent from producing such records or cause Respondent to destroy such records. Any contractual language conferring such a right is null and void as *ultra vires* in violation of the ORA and cannot sustain a TRO. Finally, FOP's Petition should be dismissed pursuant to the OCPA because it is in direct response to Intervenor's open record request and is designed to prevent the exercise of free speech and inhibit Intervenor's right to petition the government.

RELIEF REQUESTED

Based on the foregoing, Intervenor request the Court deny Petitioner FOP's request for final restraining order, dissolve the emergency TRO, dismiss the Petition with prejudice pursuant to the OCPA, and grant Intervenor attorney fees and costs pursuant to Okla. Stat. tit. 51, § 24A.17, Okla. Stat. tit. 12, § 1438, and any other applicable provision of Oklahoma law.

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Respectfully submitted,

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