

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

MICHELLE DAWN MURPHY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 15-CV-528-GKF-FHM
)	
THE CITY OF TULSA,)	
)	
Defendant.)	

OPINION AND ORDER

This matter comes before the court on the defendant City of Tulsa’s “Motion *in Limine* Number Seven: To Exclude Any Reference to Other Unrelated Lawsuits or Claims Against the City” [Doc. #213]. For the reasons discussed below, the motion is denied.

In its seventh motion *in limine*, the City of Tulsa seeks an order wholly precluding Ms. Murphy from presenting evidence or testimony regarding other lawsuits or claims against the City unrelated to Ms. Murphy’s lawsuit. However, the City of Tulsa identifies only one other claim, and that matter is the subject of a separate motion *in limine*.¹ Further, in response, Ms. Murphy states that she “has no evidence at this time concerning other claims about Mike Cook or TPD in general.” [Doc. #289].

In the Tenth Circuit, “a plaintiff asserting a § 1983 claim must show 1) the existence of a municipal policy or custom and 2) a direct causal link between the policy or custom and the injury alleged.’ Through its *deliberate* conduct, the municipality must have been the ‘moving force’

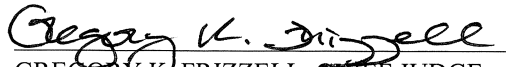
¹ The LaRoye Hunter case is the subject of the City’s Motion *in Limine* Number Sixteen. See [Doc. #226]. Accordingly, the court will not consider that case in connection with the present motion.

behind the injury.” *Mocek v. City of Albuquerque*, 813 F.3d 912, 933 (10th Cir. 2015) (internal citations and quotations omitted). Pursuant to Rule 404(b), evidence of other lawsuits or claims against the City of Tulsa may be relevant to proving the existence of an unconstitutional policy or custom. *See Payne v. Myers*, No. 14-CV-39-GKF-TLW, 2016 WL 3884169, at *3 (N.D. Okla. Jan. 21, 2016); *Cox v. Glanz*, No. 11-CV-457-JED-FHM, 2014 WL 916646, at *4 (N.D. Okla. Mar. 10, 2014)

Insofar as plaintiff states she has no evidence concerning other claims that might be relevant in proving the existence of an unconstitutional policy or custom, the City’s motion is denied as moot.

WHEREFORE, the City of Tulsa’s Motion in *Limine* Number Seven: To Exclude Any Reference to Other Unrelated Lawsuits or Claims Against the City [Doc. #213] is denied as moot.

DATED this 30th day of January, 2018.


GREGORY K. FRIZZELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT