

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

TABATHA BARNES, TERRI MORRIS, )  
SYRITA BOWEN, CARLA JOHNSON, )  
KALA LYLES, JANNIE LIGONS, )  
SHANDAYREON HILL, )

Plaintiffs, )

VS. )

Case No. CIV-16-184-HE

THE CITY OF OKLAHOMA, a )  
municipal corporation, )  
DANIEL HOLTZCLAW, BILL CITTY, )  
BRIAN BENNETT, ROCKY GREGORY, )  
JOHN AND JANE DOES, all in )  
their individual capacity, )

Defendants. )

VIDEOTAPED DEPOSITION OF TABITHA JEAN BARNES  
TAKEN ON BEHALF OF THE DEFENDANT  
IN OKLAHOMA CITY, OKLAHOMA  
ON OCTOBER 30, 2018

REPORTED BY: SUSAN J. FENIMORE, CSR, RPR

1 stress or worry or emotional issues?

2 A No, I had a good life.

3 COURT REPORTER: I didn't hear you what you  
4 said.

5 THE WITNESS: I've had a good life other  
6 than that.

7 Q (By Ms. Gooch) In this lawsuit the  
8 allegations regarding what Holtzclaw did to you, all  
9 the dates claimed to be in 2014. But today you've  
10 said repeatedly it was 2016.

11 A I say --

12 Q But I recognize you said that you're not  
13 sure on the dates.

14 A I've tried to block it out, forget --  
15 forget dates. Even when it come on the news or  
16 wherever I see it, I don't watch it. I don't even  
17 read, I just don't even -- I try to block it out,  
18 dates, times. So, therefore, I can't really just  
19 give you the year, either. I just gave you what was  
20 on my head.

21 Q Okay.

22 A I blocked it out.

23 Q How many times did Holtzclaw touch you  
24 inappropriately?

25 A He didn't touch me.

1 last line says, "Holtzclaw then asked Plaintiff  
2 Barnes if there was anything under her breasts and  
3 fondled Plaintiff Barnes' naked breasts."

4 Do you see that?

5 A You just read it, yes, I see it, sir.

6 Q Isn't that different than what you  
7 testified today?

8 A What do you mean, is that different?

9 Q Didn't you say Holtzclaw didn't touch you?

10 A He didn't touch me.

11 Q So this is a mistake?

12 A He did not touch me.

13 Q And if you go back to Defendant's Exhibit  
14 Number 11, which is the Information, Count 1.

15 A Uh-huh, go ahead.

16 Q Five lines from the bottom of Count 1,  
17 "Directing T.B. to expose her breasts and then  
18 touching her bare breasts with his hand without her  
19 consent," that's also a mistake?

20 A He didn't touch me.

21 Q Okay.

22 A And when I testified in court, I said he  
23 didn't touch me.

24 Q And you understand that Mr. Holtzclaw was  
25 convicted of sexual battery on that count as a result

1 MS. ZELLNER: Objection.

2 MS. GOOCH: That's --

3 THE WITNESS: I'm really not understanding  
4 what you're asking me. Okay. Ask me -- you saying  
5 I'm saying he did not touch me? I remember showing  
6 my body three times.

7 Q (By Ms. Gooch) I'm telling you that in  
8 your lawsuit filed in federal court you allege that  
9 he touched your naked breasts. But that's incorrect.  
10 Are you going to now have your lawyer withdraw that  
11 allegation?

12 A No.

13 Q You're not?

14 MR. GILBERT: I object to the form.

15 MS. GOOCH: Okay.

16 MS. ZELLNER: Object.

17 MS. GOOCH: All right. That's all I have.

18 MR. SMITH: No -- no questions.

19 MS. ZELLNER: Just one further question.

20 FURTHER EXAMINATION

21 BY MS. ZELLNER:

22 Q Ms. Barnes, you would agree, would you not,  
23 that you have to be 100 percent truthful about what  
24 you've told us today for you to prevail in your  
25 lawsuit?

1           A     Yes.

2           Q     Okay.  And you've been 100 percent truthful  
3 with us today about everything that you've claimed?

4           A     Yeah, that -- yeah, that --

5           Q     You haven't lied to us, right?

6           A     No, No, No.  Everything that I remember is  
7 what I remember.  That's what I'm telling you.

8           MS. ZELLNER:  Okay.  All right.  I don't  
9 have any further questions.

10          MS. GOOCH:  The deposition is concluded.

11          MS. ZELLNER:  Off the record.

12          MS. GOOCH:  You have a right to review the  
13 transcript and approve the court reporter's typed it  
14 up correctly or you can waive that right, you just  
15 need to tell her.

16          MR. GILBERT:  We want to read and sign.

17                 (Deposition concluded at 1:12 p.m.)

18                 (Signature required; witness excused.)

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