



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

JUL 12 2022

JOHN D. HADDEN
CLERK

**OKLAHOMA CALL FOR REPRODUCTIVE
JUSTICE, et al.,
Petitioners,**

Supreme Court No. 120,376

**THE STATE OF OKLAHOMA, et al.
Respondents.**

**RESPONSE TO PETITIONER'S APPLICATION FOR ORIGINAL JURISDICTION
AND PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF
AND/OR A WRIT OF PROHIBITION AND BRIEF IN SUPPORT BY
RENEE BRYANT, CARTER COUNTY COURT CLERK,
CASSANDRA SLOVER, JOHNSTON COUNTY COURT CLERK,
WENDY HOLLAND, LOVE COUNTY COURT CLERK,
WANDA PIERCE, MARSHALL COUNTY COURT CLERK,
AND JODI JENNINGS, MURRAY COUNTY COURT CLERK**

Respectfully Submitted,

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TWENTIETH JUDICIAL DISTRICT
Carter County District Attorney's Office**

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Cassandra Slover, Johnston County Court Clerk,
Wendy Holland, Love County Court Clerk,
Wanda Pierce, Marshall County Court Clerk,
and Jodi Jennings, Murray County Court Clerk**

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Marshal: _____
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TABLE OF CONTENTS

RESPONSE TO PETITIONER’S APPLICATION FOR ORIGINAL JURISDICTION AND PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF AND/OR A WRIT OF PROHIBITION AND BRIEF IN SUPPORT BY RENEE BRYANT, CARTER COUNTY COURT CLERK, CASSANDRA SLOVER, JOHNSTON COUNTY COURT CLERK, WENDY HOLLAND, LOVE COUNTY COURT CLERK, WANDA PIERCE, MARSHALL COUNTY COURT CLERK, AND JODI JENNINGS, MURRAY COUNTY COURT CLERK.....1

INTRODUCTION.....4

Oklahoma Senate Bill 15034

Response to Petitioner’s Supplemental Emergency Motion for Temporary Restraining Order or Injunction by Rick Warrant, Oklahoma County Clerk, filed June 1, 2022.....4

Motion to Dismiss Respondents, Lisa Hannah, Melody Harper, Patti Barger, and Kimberly Berry, Court Clerk(s) of Grady, Stephens, Caddo and Jefferson Count(ies), Respectively filed June 1, 20224

LEGAL ARGUMENT.....5

McNeely v. State, 2018 OK CR 18, 422 P.3d 12725

Rule 10.6(A), Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2018).....5

Frederick Douglass quote from April 1886 as stated on Advancement Project. 9 Greatest Frederick Douglass Quotes, (Feb. 14, 2020), www.advancementproject.org/9-greatest-frederick-douglass-quotes/5

Okla. Const. Art. 2, §66

Handbook for Court Clerks of Oklahoma, Section 1-6, Revised 9/1/20076

12 O.S. § 226

12 O.S. § 246

12 O.S. § 276

12 O.S. § 286

12 O.S. § 29	6
12 O.S. § 35.1	6
28 O.S. § 31	6
Handbook for Court Clerks of Oklahoma, Section 7-1, Revised 9/1/2007	6
Okla. Const., Art. 17 § 2	6
<i>Zeier v. Zimmer, Inc.</i> , 2006 OK 98, 152 P.3d 861	7
<i>Johnson v. Tony's Town Mister Quik</i> , see note 26 at ¶¶5-6, supra	7
<i>Woody v. State ex rel. Oklahoma Dept. of Corrections</i> , see note 100, infra	7
<i>Moses v. Hoebel</i> , see note 81, infra	7
12 O.S. § 29	7
<i>Cotner v. Golden</i> , 2006 OK 25, 136 P.3d 630	7
<i>Norman v. Trison Development Corp.</i> , 1992 OK 67, n. 25, 832 P.2d 6, 11	7
<i>Shebester v. Triple Crown Insurers</i> , 1992 OK 20, 826 P.2d 603, 608	7
<i>Ross v. Kelsey Hayes, Inc.</i> , 1991 OK 83, 825 P.2d 1273, 1278	7
<i>Tulsa Professional Collection Serv., Inc. v. Pope</i> , 485 U.S. 478, 485, 108 S.Ct. 1340, 99 L.Ed.2d 565 (1988)	7
<i>Towne v. Hubbard</i> , 2000 OK 30, ¶ 13, 3 P.3d 154, 160	7
<i>In re Guardianship of Deere</i> , 1985 OK 86, 708 P.2d 1123, 1126	7
<i>State v. One Thousand Two Hundred Sixty-Seven Dollars</i> , 2006 OK 15, n. 37, 131 P.3d 116	7
<i>Wells v. Shriver</i> , 1921 OK 122, 197 P. 460, 478-479	7
<i>Speight v. Presley</i> , 2008 OK 99	8
<i>See Oklahoma Attorney General's Response and Objection to Petitioner's Supplemental Emergency Motion for an Immediate Temporary Restraining Order, etc.</i>	8
CONCLUSION	8

COMES NOW, Respondents, Renee Bryant, Cassandra Slover, Wendy Holland, Wanda Pierce and Jodi Jennings, (“Respondents”), and respectfully file their Response to Petitioner’s Application for Original Jurisdiction and Petition for Declaratory and Injunctive Relief and/or a Writ of Prohibition. In support of said Response, Respondents state the following:

1. On April 28, 2022, the Oklahoma Legislature passed Senate Bill 1503.
2. On April 28, 2022, Petitioner filed its Writ of Prohibition and an Emergency Motion for Temporary Restraining Order.
3. On May 3, 2022, Governor Kevin Stitt signed SB 1503 into law, which included an emergency provision which results in immediate enforcement of said law.
4. On May 3, 2022, the Supreme Court denied Petitioners Motion for Immediate Temporary Restraining Order.
5. On May 6, 2022, Petitioner filed a Motion to Reconsider which the Supreme Court denied on May 11, 2022.
6. On May 26, 2022, Petitioner filed its Supplemental Emergency Motion for Temporary Restraining Order, which was denied on June 27, 2022.
7. Petitioner is seeking this Writ of Prohibition as an attempt to prevent all seventy-seven court clerks of the State of Oklahoma from following their sworn oath of office.
8. Respondents (Renee Bryant, Cassandra Slover, Wendy Holland, Wanda Pierce, and Jodi Jennings) adopt Respondent’s (Rick Warren), *Response to Petitioner’s Supplemental Emergency Motion for Temporary Restraining Order or Injunction by Rick Warren, Oklahoma County Clerk*, (“Warren’s Response”), filed June 1, 2022; and Respondent’s, (Lisa Hannah, Melody Harper, Patti Burger, and Kimberly Berry), *Motion to Dismiss Respondents, Lisa Hannah, Melody Harper, Patti Barger, and Kimberly Berry, Court*

Clerk(s) of Grady, Stephens, Caddo and Jefferson Count(ies), Respectively, (“Hannah, et al. Response”), as Respondents are in the same position as all other respondents.

LEGAL ARGUMENT

The Rules of this Court specifically state the requirements that must be established before issuance of a writ of mandamus or a writ of prohibition. Before a writ of prohibition will issue:

Petitioner has the burden of establishing (1) a court, officer or person has or is about to exercise judicial or quasi-judicial power; (2) the exercise of said power is unauthorized by law; and (3) the exercise of said power will result in injury for which there is no other adequate remedy.¹

The purpose of the writ of prohibition is thus to address whether the exercise of judicial power is unauthorized by law, and is not to address the merits of a decision rendered after the exercise of authorized judicial power.²

In this case, Petitioner has filed this Writ of Prohibition before a case in controversy has arisen. Petitioner is attempting to thwart any effort of an individual to file the suit as allowed under Senate Bill 1503. This flies directly in the face of the American Court System. “Where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe.”³ – Frederick Douglass (April 1886). Article II, Section XI of the Oklahoma Constitution states: “The **courts of justice of the State shall be open to every person**, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; **and right and justice shall be administered without sale, denial,**

¹ *McNeely v. State*, 2018 OK CR 18, 422 P.3d 1272, citing Rule 10.6(A), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2018).

² *Id.*

³ Frederick Douglass quote from April 1886 as stated on [Advancement Project](http://www.advancementproject.org/9-greatest-frederick-douglass-quotes/). *9 Greatest Frederick Douglass Quotes*, (Feb. 14, 2020), www.advancementproject.org/9-greatest-frederick-douglass-quotes/.

delay, or prejudice."⁴ It is the role of the Judge, either District or Appellate to determine the validity of a cause of action, not the Court Clerk.

Renee Bryant, Cassandra Slover, Wendy Holland, Wanda Pierce, and Jodi Jennings are the duly elected Court Clerks of their respective counties. It is their sworn duty to preserve all records filed within the courts of their counties.

The Court Clerk's primary responsibilities are to record, file and maintain District Court proceedings and maintain books useful for locating past court proceedings. The Court Clerk keeps summaries of court actions in an appearance docket; maintains case files; collects fines, fees, and forfeitures, and distributes or expends collected monies as provided by law. The Court Clerk also issues legal warrants, court orders (as given by a judge), passports, and marriage [(as authorized by a judge)], beer, pool hall, and other county licenses.⁵

The office of the Court Clerk in the State of Oklahoma was created in the Oklahoma Constitution in 1907 as the "Clerk of the District Court." The Court Clerk's office has all of the rights and authorities of a constitutionally established office. Because of its origin in the Oklahoma Constitution, the office of the Court Clerk is called a "constitutional office" rather than a "statutory office," and a Court Clerk is a "constitutional officer."⁶

The framers of the Oklahoma Constitution established a system in which every citizen would be allowed the same access to the court system. "The clear language of art. 2, §6 requires that the courts must be open to all on the same terms without prejudice. The framers of the Constitution intended that all individuals, without partiality, could pursue an effective remedy designed to protect their basic and fundamental rights."⁷ Petitioners, in their Application and

⁴ Okla. Const. art. 2, §6 [Emphasis provided.]

⁵ Handbook for Court Clerks of Oklahoma, Section 1-6, Revised 9/1/2007; 12 O.S. § 22, 24, 27, 28, 29, 35.1, 28 O.S. § 31.

⁶ Handbook, Section 7-1; Okla. Const., Art. 17 § 2.

⁷ *Zeier v. Zimmer, Inc.*, 2006 OK 98, 152 P.3d 861, citing *Johnson v. Tony's Town Mister Quik*, see note 26 at ¶¶5-6, supra; *Woody v. State ex rel. Oklahoma Dept. of Corrections*, see note 100, infra; *Moses v. Hoebel*, see note 81, infra.

Petition, intend to do just that, deny equal access to the courthouse by individuals with different beliefs than their own.

Under 12 O.S. § 29, a Court Clerk may only refuse to file a document if the “clerk believes that the document constitutes sham legal process”.⁸ Oklahoma Statutes do not provide for the Court Clerk to use their own judgment, beliefs, or political ideations in determining which documents to file or not file. Only if the Court Clerk believes that fraud is being committed upon the Court, may the Court Clerk refuse to file a document.

Everyone has the right to file a lawsuit. Petitioner's chose in action is a type of intangible personal property.⁹ That property interest is protected by the Due Process Clause of the 14th Amendment so that he must be given an opportunity to create a record sufficient to permit meaningful appellate review of a trial court order that acts as an end-of-the-line disposition of it.¹⁰ No exercise of judicial discretion by a District Court in a civil case at law and in equity is beyond [the Supreme] Court's constitutionally vested appellate jurisdiction, and a party must be afforded an opportunity for appellate review of that exercise.¹¹ Petitioner is attempting to circumvent this process established by the legislature.

Additionally, as stated in the *Oklahoma Attorney General's Response and Objection to Petitioner's Supplemental Emergency Motion for an Immediate Temporary Restraining Order, etc.*, Respondents are immune from lawsuits. Respondents are solely acting within their relevant

⁸ 12 O.S. § 29.

⁹ *Cotner v. Golden*, 2006 OK 25, 136 P.3d 630, citing *Norman v. Trison Development Corp.*, 1992 OK 67, n. 25, 832 P.2d 6, 11; *Shebester v. Triple Crown Insurers*, 1992 OK 20, 826 P.2d 603, 608; *Ross v. Kelsey Hayes, Inc.*, 1991 OK 83, 825 P.2d 1273, 1278.

¹⁰ *Cotner*, citing *Tulsa Professional Collection Serv., Inc. v. Pope*, 485 U.S. 478, 485, 108 S.Ct. 1340, 99 L.Ed.2d 565 (1988); *Towne v. Hubbard*, 2000 OK 30, ¶ 13, 3 P.3d 154, 160. *In re Guardianship of Deere*, 1985 OK 86, 708 P.2d 1123, 1126; *State v. One Thousand Two Hundred Sixty-Seven Dollars*, 2006 OK 15, n. 37, 131 P.3d 116.

¹¹ *Cotner*, citing *Wells v. Shriver*, 1921 OK 122, 197 P. 460, 478-479.

and ministerial duties, as both a county officer and arm of the court.¹² To allow this Writ and Injunction to be issued against Respondents would be to politicize the very position each holds in their respective counties.

CONCLUSION

THEREFORE, premises considered, Petitioner has failed to provide any legal argument which provides an ability for Respondents to pick and choose which suits are filed and which ones are not. Respondents respectfully prays this Writ be dismissed and Respondents dismissed from this action.

Respectfully Submitted,



Melissa G. Handke, OBA #20117
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TWENTIETH JUDICIAL DISTRICT
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Attorney for Respondents:

*Renee Bryant, Carter County Court Clerk,
Cassandra Slover, Johnston County Court Clerk,
Wendy Holland, Love County Court Clerk,
Wanda Pierce, Marshall County Court Clerk, and
Jodi Jennings, Murray County Court Clerk*

¹² *Speight v. Presley*, 2008 OK 99. See *Oklahoma Attorney General's Response and Objection to Petitioner's Supplemental Emergency Motion for an Immediate Temporary Restraining Order*, etc.

STATE OF OKLAHOMA)
) ss
COUNTY OF CARTER)

RENEE BRYANT, of lawful age, being fist duly sworn, upon oath states that I have read the above and foregoing Response that I am familiar with the matters set forth therein, and that same are true to the best of my information and belief.

Renee Bryant
RENEE BRYANT,
Carter County Court Clerk

Subscribed and sworn to before me on this 5 day of July, 2022.

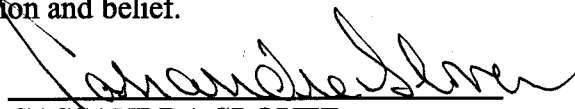
Kasee Naylor
Notary Public

My Commission Expires: ~~12-16-24~~
Commission #
20015173

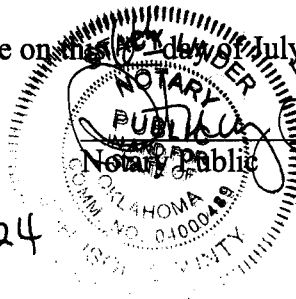
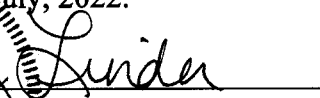


STATE OF OKLAHOMA)
) ss
COUNTY OF JOHNSTON)

CASSANDRA SLOVER, of lawful age, being fist duly sworn, upon oath states that I have read the above and foregoing Response that I am familiar with the matters set forth therein, and that same are true to the best of my information and belief.


CASSANDRA SLOVER,
Johnston County Court Clerk

Subscribed and sworn to before me on this 15th day of July, 2022.

My Commission Expires: 1.20.2024
Commission # 04000489

STATE OF OKLAHOMA)
) ss
COUNTY OF LOVE)

WENDY HOLLAND, of lawful age, being fist duly sworn, upon oath states that I have read the above and foregoing Response that I am familiar with the matters set forth therein, and that same are true to the best of my information and belief.

Wendy Holland
WENDY HOLLAND,
Love County Court Clerk

Subscribed and sworn to before me on this 8th day of July, 2022.

Peg Blay
Notary Public

My Commission Expires
Commission #

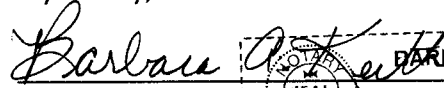


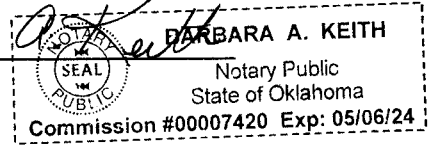
STATE OF OKLAHOMA)
) SS
COUNTY OF MARSHALL)

WANDA PEARCE, of lawful age, being first duly sworn, upon oath states that I have read the above and foregoing Response that I am familiar with the matters set forth therein, and that same are true to the best of my information and belief.


WANDA PEARCE,
Marshall County Court Clerk

Subscribed and sworn to before me this 6th day of July, 2022.



Notary Public



My Commission Expires: 5-6-24
Commission # 00007420

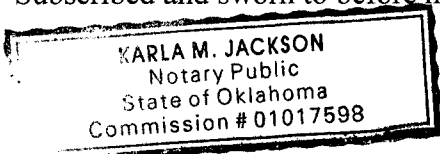
STATE OF OKLAHOMA)
) ss
COUNTY OF MURRAY)

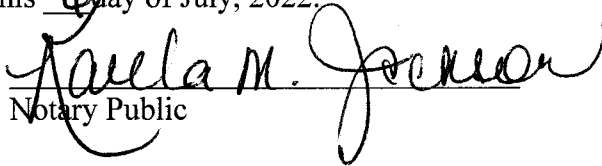
JODI JENNINGS, of lawful age, being fist duly sworn, upon oath states that I have read the above and foregoing Response that I am familiar with the matters set forth therein, and that same are true to the best of my information and belief.



JODI JENNINGS,
Murray County Court Clerk

Subscribed and sworn to before me on this 19 day of July, 2022.





Notary Public

My Commission Expires: 10-19-25
Commission # 01017598

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of July, 2022, I mailed a true and correct copy of the above and foregoing Response to the following, by United States Postal Services, with postage therein prepaid:

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Alan Braid, MD*


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Charles L Sifers
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Melody Harper, Patti Barger and Kimberly
Berry*

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OKC, OK 73102
Attorney for Respondent Rick Warren



Office of the District Attorney