



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

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JOHN D. HADDEN
CLERK

JACKSON COUNTY EMERGENCY)
MEDICAL SERVICE DISTRICT, and)
DORA HANDCOCK,)

Petitioners,)

v.)

THE HONORABLE KORY S.)
KIRKLAND, JUDGE OF THE)
DISTRICT COURT FOR GRADY)
COUNTY, STATE OF OKLAHOMA,)

Respondent,)

COMPSOURCE MUTUAL INSURANCE)
COMPANY,)

Intervenor.)

Appellate Case No.: **#121510**

District Court Case No. CJ-21-213
*Shannon L. Garst, Individually v. Dora
Handcock, Individually, and Jackson
County Emergency Medical Service
District, District Court for Grady
County, State of Oklahoma*

**BRIEF IN SUPPORT OF
APPLICATION TO ASSUME ORIGINAL JURISDICTION
AND PETITION FOR WRIT OF PROHIBITION**

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In this matter, Shannon L. Garst, the real party in interest ("RPI"), was allegedly injured by an ambulance of the Jackson County Emergency Service District ("JCEMSD"), which is operated pursuant to Okla. Const. Art. X, § 9C by its Board of Trustees (the "Board"). The RPI sought and received Worker's Compensation benefits for her injuries. Pursuant to the Governmental Torts Claims Act ("GTCA"), 51 O.S. § 151, *et seq.*, the allegedly injured party filed a claim against the JCEMSD by serving one of its Board of Trustees members. Although the JCEMSD had no capacity to be sued, the claimant then initiated suit against it, *Shannon L. Garst v. Dora Handcock and Jackson County Emergency Medical Service District*, in the District Court of Grady County, State of Oklahoma, Case No. CJ-21-213 (the "District Court Action"). Surprisingly, the claimant did not sue the only entity with capacity to be sued, the Board.

In the District Court Action, the JCEMSD asserted by motion the sovereign immunity under the GTCA, based on the statutory bar of 51 O.S. § 155(14) resulting from the RPI's undisputed receipt of Worker's Compensation benefits for her injuries. The district judge ("Respondent") denied the JCEMSD's motion without analysis of the Oklahoma Constitution (the "Constitution" or "Const.") or the GTCA. Instead, the specific provisions of 51 O.S. §§ 152.1 and 166¹ notwithstanding, the respondent appeared to implicitly premise his decision on a view that the operation of an ambulance is a proprietary function:

The Court finds that Jackson County Emergency Medical Service District is not an entity that is entitled to Immunity under the Governmental Tort Claims Act 51 O.S. 151, *et seq.* The Court finds that if the government is going to compete with the private sector and the government is going to engage in the same type of liability in commerce as everyone else in that field and everyone else on the roads, it only stands to reason they be held to the same

¹ 51 O.S. §§ 152.1 and 166, both expressly recognize that propriety functions of covered entities are subject to the GTCA immunity.

standard, absent some specific provision of the law. The Governmental Tort Claims Act does not provide immunity to the defendants and the Governmental Tort Claims Act does not apply to Defendants JCEMSD and Dora Handcock.

The JCEMSD filed a motion to reconsider and a motion to substitute the Board for the JCESMD to conform to the Constitution's conferring of capacity to be sued only on an Emergency Medical Service District ("EMSD") Board and the Constitution's failure to confer capacity to be sued on emergency service districts.

Indicating an intent to proceed to adjudicate the merits of the case, the Respondent denied the motion to reconsider and substitute parties. To prevent the Respondent from proceeding where he lacks subject matter jurisdiction, the Petitioner here, the JCEMSD, brings this action for this Court to assume original jurisdiction and exercise its constitutional general superintending power to prohibit suit against the JCEMSD, to order the substitution of the Board for the JCEMSD and then to prohibit the Respondent from continuing the litigation against the Board. Pursuant to 51 O.S. § 155(14), the availability of Worker's Compensation benefits to the RPI prevents the limited waiver of the sovereignty immunity of the Board or the JCEMSD under the GTCA and destroys any jurisdiction of the Respondent over them.

QUESTIONS PRESENTED

1. Is the JCEMSD Board, rather than the JCEMSD, the proper party defendant in the RPI's District Court Action?
2. Are the JCEMSD Board and the entity it governs, the JCEMSD, subject to the GTCA?

3. If so, does 51 O.S. § 155(14) deprive the District Court of judicial power in the District Court Action since the RPI was entitled to Workers' Compensation benefits for the accident for which she sues?

4. If the Respondent lacks judicial power over the District Court Action, should original jurisdiction be assumed and a writ of prohibition issued?

**PROPOSITION I: THE OKLAHOMA CONSTITUTION, ART. X, § 9C
AUTHORIZES CREATION BY THE CITIZENS IN A
COUNTY OF AN EMERGENCY MEDICAL SERVICE
DISTRICT AS AN INSTITUTION, INSTRUMENTALITY
OR AGENCY OF THE COUNTY.**

In 1976, the People amended Okla. Const. Art. X by adopting Section 9C, which allows the citizens of a county to create an Emergency Medical Service District ("EMSD"). As the language of the Constitution and statutes demonstrates, there can be no doubt that the People intended for an EMSD to be an institution, instrumentality or agency of a county or counties. An EMSD begins with a governmental act by a county. The constitutional amendment authorized a county's Board of County Commissioners ("BOCC") to call a special election to determine whether or not an ambulance service district should be created. If, as a result of that exercise of political electoral power, an EMSD is to be created, the Constitution makes clear that the EMSD Board of Trustees, authorized by Art. X, § 9C, is to be appointed by the county's highest governmental officials, the BOCC. Successor Trustees are also appointed by the BOCC.

The Constitution demonstrates that for all intents and purposes the Board and the EMSD are one in the same engaged in governmental functions. The Const. Art. X, § 9C(a) confers on the Board specifically enumerated powers of government such as the power to "promulgate and adopt such rules, procedure, and contract provisions necessary to carry out

the purposed and objections” of the provisions of that constitutional section. Of particular significance:

The district board of trustees shall have the additional powers to hire a manager and appropriate personal, contract, organize, maintain, or otherwise operate the emergency medical services within said district and any such additional powers may be authorized by the Legislature.

Id.

Consistent with their county governmental status, boards have bond issuing authority after an election. § 9C(b) provides:

Any district board of trustees may issue bonds, if approved by a majority vote at a special election for such purpose. All registered voters within the designated district shall have the right to vote in said election. Such bonds shall be issued for the purpose of acquiring emergency vehicles and other equipment and maintaining and housing the same.

In perhaps the penultimate recognition of county governmental status, the People required, not merely authorized, the Board to exercise the governmental power of levying taxes to support the bonds. § 9C(d) provides:

Any district board of trustees, upon issuing bonds as authorized in subsection (b) of this section, shall levy a special annual ad valorem tax upon the property within the district, payable annually, in a total amount not to exceed three (3) mills on the dollar, on the real and personal taxable property in such district, for the payment of principal and interest on outstanding bonds, until same are paid. However, the trustees may, from time to time, suspend the collection of such annual levy when not required for the payment of the bonds. In no event shall the real and personal taxable property in any city or town be subject to a special tax in excess of three (3) mills for the payment of bonds issued hereunder.

The Constitution further provides that an EMSD is empowered to charge fees for services and the Board shall have the authority to sue to collect those charges by the EMSD. § 9C(i) provides:

Such districts shall be empowered to charge fees for services, and accept gifts, funds or grants from sources other than the mill levy, which shall be used and accounted for in a like manner. Persons served outside the district shall be charged an amount equal to the actual costs for the service, not taking into account any income the district receives from millage or sources within the district. The board of trustees shall have legal authority to bring suits necessary to collect accounts owed and to sue and defend as necessary for the protection of the board. The State Auditor and Inspector shall conduct an annual audit of the operations of such districts.

The People reemphasized the governmental nature of an EMSD and its Board by requiring the continuous existence of the governmental entity and its Board. A Board cannot dissolve the EMSD. Rather, consistent with an EMSD being part of county government, an EMSD is dissolved only when the People so vote at an election called by a majority of the BOCC.

§ 9C(1) provides:

Any district may be dissolved, or the millage levy changed, by a majority vote of the registered voters voting at an election called for that purpose by the county commissioners of each county or part thereof included within the district; provided that such an election shall not be called unless either three-fifths (3/5) of the trustees of such district request the county commissioners to call such an election, or the respective county commissioners are presented a petition signed by not less than twenty percent (20%) of all registered voters in the district.

Based on those constitutional grants, it is obvious that an EMSD and its Board are each an institution, instrumentality or agency of a county or counties.

By statute, the legislature also has demonstrated that an EMSD and its Board are an institution, instrumentality or agency of a county or counties. The legislature has enacted the Emergency Medical Service District Act (the "Act") and codified it in the statutory title dealing with counties and county officers at 19 O.S. § 1701, *et seq.* The Act applies to all EMSDs "created pursuant to the provisions of § 9C of Article X of the Constitution of the State of Oklahoma." 19 O.S. § 1703. The Act requires the EMSD's board to annually

produce and forward to the State Auditor and Inspector a financial statement of the EMSD. 19 O.S. § 1706. Pursuant to Okla. Const. Art. X, 9C(i), the State Auditor and Inspector audits the operations of EMSDs. Likewise, the State Auditor and Inspector annually publishes a statutory audit report as to an EMSD's compliance. Pursuant to the Act, 19 O.S. § 1701, *et seq.*, EMSDs implement generally accepted accounting principles applied to governmental accounting, auditing and financial reporting, and as a standard of governmental finance management. The state, through its legislature, requires all employees of an EMSD to follow the instructions or advice of the State Auditor and Inspector until told otherwise by a court. 19 O.S. § 1707.

Significantly, the Act directs how the EMSD Board shall operate. 19 O.S. § 1707. The Legislature has given specific directions as to how the governmental functions of the tax levy and limited sinks fund determinations shall be performed. 19 O.S. §§ 1709-1711. 19 O.S. §§ 1714-1717 requires a public hearing on proposed statutorily required budgets and requires the county excise board's approval on adopted budgets, which can be protested by a taxpayer. 19 O.S. § 1723 requires that any purchase for an EMSD by its Board comply with competitive bidding laws.

PROPOSITION II: THE OKLAHOMA CONSTITUTION, ART. X, § 9C(o) EXPRESSLY PROVIDES EMSD BOARDS THE TORT CLAIM SOVEREIGN IMMUNITY CREATED BY THE GOVERNMENTAL TORT CLAIMS ACT.

After authorizing EMSDs and creating the governmental entity of the Board of Trustees to operate them, the People recognized that the Board legally, for a claim, was the EMSD by conferring on the Board (and not the EMSD) the capacity to sue and be sued and

then conferring on the Board the same sovereign immunity enjoyed by counties.² Const. Art.

X, § 9C(o) provides:

The board of any district shall have capacity to sue and be sued. Provided, however, the board shall enjoy immunity from civil suit for actions or omissions arising from the operation of the district, so long as, and to the same extent as, municipalities and counties within the state enjoy such immunity.

51 O.S. § 152.1 provides that sovereign immunity to counties and municipalities expressly contemplated by Art. X, § 9C(d):

A. The State of Oklahoma does hereby adopt the doctrine of sovereign immunity. The state, its political subdivisions, and all of their employees acting within the scope of their employment, whether performing governmental or proprietary functions, shall be immune from liability for torts.

B. The state, only to the extent and in the manner provided in this act, waives its immunity and that of its political subdivisions. In so waiving immunity, it is not the intent of the state to waive any rights under the Eleventh Amendment to the United States Constitution.

As this Court explained in *Cruse v. Board of County Commissioners of Atoka County*, 1995 OK 143, ¶ 10, 910 P.2d 998, the GTCA adopted the common law doctrine of sovereign immunity, then partially waived that immunity. Specifically, “the GTCA expressly withholds consent to judicial enforcement of tort claims against the government, state or local, and then expressly consents to judicial enforcement of tort claims ‘to the extent and in the manner provided.’” *Id.* The extent to which a tort claim may be judicially enforced against the government is prescribed in various sections of the GTCA. *Id.* at ¶ 11. Of particular import to this original action seeking prohibition, failure to satisfy the requirements of the GTCA precludes exercise of the court’s power to adjudicate a plaintiff’s tort claim

² Since an EMSD was not granted the capacity to be sued, there was no reason to grant it sovereign immunity in that section.

under the GTCA's limited waiver of sovereign immunity. See *Id.* at ¶¶ 16-15.³

PROPOSITION III: AN EMSD LACKS THE CAPACITY TO BE SUED.

The Constitution section authorizing an EMSD demonstrates that it lacks the capacity to sue and be sued. But for Const. Art. X § 9C, EMSDs and their Boards would not exist. In authorizing EMSDs and their Boards, the People obviously recognized that without an express grant of capacity in the Constitution neither EMSDs nor their boards would have the capacity to sue and be sued. Accordingly, the People by § 9C(o) expressly granted the Boards, and only the Boards, that capacity. Significantly, the text of Const. Art. X, § 9C confers no capacity to sue or be sued on the EMSDs.

From that constitutional language of § 9C(o), three undeniable conclusions arise. First, the People recognized that without an express grant of capacity to be sued, there is no such capacity. Otherwise, their actual grant of capacity to the Boards to be sued is unnecessary surplusage. Second, when the People wanted to confer on a constitutionally authorized entity the capacity to be sued, they knew how to do it, as their grant of capacity to Boards confirms. Third, the absence of such a grant of capacity to the constitutionally authorized EMSDs demonstrates that those entities lack the capacity to be sued.

That suit-ending absence of an express grant to a governmental entity of the capacity to be sued had been recognized by multiple judges applying Oklahoma law. In *Primeaus v. Independent School Dist., No. 5 of Tulsa County*, 654 F.Supp.2d 1292 (N.D.Okla. 2012), Judge Kern noted that when a statute specifically designates a school district as the entity that

³ 51 O.S. § 152.1 (A) also makes clear that employees of entities acting within the scope of their employment are covered by the GTCA and enjoy sovereign immunity. Here, the RPI has admitted in her Petition in the District Court Action that Petitioner Dora Handcock was such an employee, in the RPI's claim for vicariously liability against the JCEMSD. See Appendix Ex. 1, ¶¶ 11-13.

may sue and be sued and the district's board of education is not so designated, the Board of Education cannot be sued. In *Murphy v. Spring*, 2013 WL 5172951 (N.D.Okla. Sept. 12, 2013), Judge Kern utilized *Primeaus* and dismissed claims against the Tulsa Public School Board of Education, holding again that Oklahoma school boards are not separate, suable entities.

In *Gilkey v. Counts*, 2016 WL 418357 (N.D.Okla. Sept. 5, 2016), Judge Eagan cited *Primeaus* and dismissed a governmental entity that had not been given the capacity by constitution or statute to be sued:

However, the statutory scheme creating school boards and school districts clearly sets out that the school district has the capacity to sue and be sued, and the school district, and in some cases members of the board of education, are the proper defendants for claims concerning actions taken by a school board. Plaintiff has cited no authority showing that the Board has the capacity to sue or be sued under Oklahoma law, and the Board should be dismissed as a party.

In the case of drainage districts, this Court applied the reasoning underpinning those three federal decisions. Early on, in *Montgomery v. Krouch*, 1919 OK 384, ¶¶ 11-13, 186 P.218, this Court recognized that where a governmental entity such as a drainage district, is not authorized by a statute to sue or be sued, that entity cannot be sued. In *DeLozier v. Collier*, 1924 OK 981, ¶ 1, 230 P. 240, this court relied on *Montgomery* and reiterated its reasoning. That long-held reasoning, although based on statute, applies equally to the absence of constitutional authorization of suit against EMSDs.

Since Const. Art X, § 9C(o) provides only that the Board of EMSD can be sued, consistent with the rationale of those school board and drainage district decisions, EMSDs lack the capacity to be sued.⁴

PROPOSITION IV: THE JCEMSD WAS CREATED BY THE VOTERS OF JACKSON COUNTY AND OPERATED BY ITS BOARD.

On August 24, 1982, in accordance with Okla. Const. Art. X, § 9C, the voters of Jackson County voted to approve the creation of the JCEMSD. Subsequently, JCEMSD was formed and is designated to act on behalf of Jackson County to provide emergency medical services for all Jackson County residents. The JCEMSD was licensed by the Oklahoma State Department of Health.

The Jackson County Board of County Commissioners appointed the five members of the JCEMSD Board of Trustees.

The JCEMSD Board makes all major decisions regarding the operation and management of the JCEMSD, including allocation of funds, compliance with Oklahoma State Audits, ratification of hirings, and making agreements that affect the welfare of the citizens of Jackson County.

Since the JCEMSD Board is considered a public body and is therefore subject to the Oklahoma Open Meeting Act, 25 O.S. § 301 *et seq.*, the JCEMSD Board's regular monthly meetings are open to the public and JCEMSD Board meeting agendas and minutes as filed with the Jackson County Clerk.

⁴ The legal treatment of school boards as not subject to suit because they are not conferred capacity to be sued by statute is not only illustrative to EMSDs but also mirrors the statutory requirement in 19 O.S. § 4 that a county must be sued in the name of its Board of County Commissioners. That similarity is particularly instructive in light of an EMSD's constitutional dependence on the county which creates it.

Jackson County levies ad valorem taxes on the citizens of Jackson County, of which three mills is designated to JCEMSD for its operation and support pursuant to Okla. Const. Art. X, § 9C. Pursuant to Art. X, § 9C(i), the State Auditor and Inspector audits the JCEMSD to ensure its constitutional compliance by inspecting JCEMSD's financial information, inventory, operational procedures, filing requirement compliance, and other compliance areas. The State Auditor and Inspector annually publishes a statutory audit report as to JCEMSD's compliance. Pursuant to the Emergency Medical Service District Budget Act, 19 O.S. § 1701 *et seq.*, JCEMSD implements generally accepted accounting principles as applied to governmental accounting, auditing and financial reporting and as a standard of governmental finance management.

PROPOSITION V: THE JCEMSD BOARD AND, IF SUBJECT TO SUIT, THE JCEMSD ARE SUBJECT TO THE SOVEREIGN IMMUNITY PROTECTIONS OF THE GTCA.

It cannot be disputed that the JCEMSD is an EMSD validly created pursuant to Okla. Const. Art. X, § 9C by a vote of the People of Jackson County and by implementing action by the Jackson County Board of County Commissioners. Nor can it be disputed that the JCEMSD Board governs the JCEMSD. Accordingly, pursuant to Okla. Const. Art. § 9C(o), the JCEMSD Board expressly enjoys the sovereign immunity provided by the GTCA.

Even if the JCEMSD somehow has the capacity to be sued, the JCEMSD as an institution, instrumentality or agency of its namesake, Jackson County, would enjoy the immunity provisions of the GTCA. 51 O.S. § 152(11) makes clear that the GTCA applies to

the institutions, instrumentalities or agencies of counties.⁵ Although the GTCA does not define institution or instrumentalities, it does define agency at 51 O.S. § 152(2) as:

[A]ny board, commission, committee, department or other instrumentality or entity designated to act in behalf of the state or a political subdivision.

Here, there can be no legitimate doubt that the People, pursuant to their constitutional power, designated EMSDs as entities to act on behalf of counties and that both the voters of Jackson County and Jackson County BOCC followed constitutional procedures and created the JCEMSD to act on behalf of its namesake county. Creation by the voters, appointment of a Board by the BOCC, the power to, through its Board, to issue Bonds, to tax, to propagate rules, along with mandatory oversight by the State Auditor confirm the obvious. The JCEMSD, like its Board, is an institution, instrumentality or agency of Jackson County.⁶ As such, the JCEMSD, if subject to suit, is subject to the GTCA.

PROPOSITION VI: GTCA, 51 O.S. § 151 ET SEQ., PRECLUDES RESPONDENT FROM CONTINUING TO EXERCISE JUDICIAL POWER IN THE RPI'S TORT LAWSUIT.

51 O.S. § 155(14) precludes the waiver of sovereign immunity of those subject to the GTCA if the Workers' Compensation Act benefits are available to the claimant. That section

⁵ 51 O.S. § 152.1(A) confers sovereign immunity on the political subdivisions of the state and their employees. § 152.1(B) provides for limited waiver of that immunity as provided in the GTCA. § 152(11)(c) defines a county as a political subdivision. § 152(11), at its end, includes all of a county's "institutions, instrumentalities and agencies" in the definition of political subdivision.

⁶ That indistinguishable nature of a Board and an EMSD mirrors Judge Kern's conclusion in *Primeaus* that the school board and the entity it controls are, for suability, not separate entities. That conclusion is consistent with 1983 OK AG Opinion 190, that an EMSD enjoys the sovereign immunity provided to EMSD boards by Okla. Const. Art. X, § 9C(o).

provides:

The state or a political subdivision shall not be liable if a loss or claim results from:

- (14) Any loss to any person covered by any workers' compensation act or any employer's liability act;

The validity of § 155(14)'s exemption from the waiver of sovereign immunity has been recognized by this Court on multiple occasions. *Gladstone v. Bartlesville Indep. Sch. Dist. No. 30*, 2003 OK 30, ¶ 24-26, 66 P.3d 442; *Smith v. State ex rel. DOT*, 1994 OK 61, ¶ 3, 875 P.2d 1247; *Childs v. State*, 1993 OK 18, 848 P.2d 57.

As her filing of a claim conclusively confirms, the RPI's injuries from the accident for which she sues are covered by the Oklahoma Workers' Compensation Act. In fact, the RPI has actually received benefits pursuant to that Act. Accordingly, 51 O.S. § 155(14) immunizes the JCEMSD Board and the JCEMSD from suit and deprives Respondent of judicial power to proceed with the District Court Action.

PROPOSITION VII: SINCE 51 O.S. § 155(14) DEPRIVES THE RESPONDENT OF JUDICIAL POWER TO PROCEED, AND SINCE RESPONDENT INTENDS TO PROCEED WITH THE DISTRICT COURT ACTION THE PRIOR MOTIONS TO THE CONTRARY NOTWITHSTANDING, ASSUMPTION OF ORIGINAL JURISDICTION AND ISSUANCE OF A WRIT OF PROHIBITION IS APPROPRIATE.

Oklahoma Constitution Art. VII, § 4, vests this Court with general superintending powers over district courts and authorizes writs of prohibition and mandamus when a district

court proceeds in a case without the judicial power to do so.⁷ *S.W. v. Duncan*, 2001 OK 39, ¶ 13 (“We also recognize that prohibition is a proper remedy to prevent an inferior court from proceeding without authority or in excess of its jurisdiction.”); *State v. Dixon*, 1996 OK 15, ¶ 1 (“Petition for writ of prohibition or mandamus is appropriate to challenge the subject matter jurisdiction of a district court.”)

Here, Respondent’s lack of authority to proceed has been presented twice by motion. In the first instance, without any citation to authority and in contradiction of 51 O.S. § 152.1(A)’s and 51 O.S. § 166’s application of GTCA immunity to proprietary functions, the Respondent determined that the action should proceed because:

The Court finds that Jackson County Emergency Medical Service District is not an entity that is entitled to Immunity under the Governmental Tort Claims Act 51 O.S. 151, *et seq.* The Court finds that if the government is going to compete with the private sector and the government is going to engage in the same type of liability in commerce as everyone else in that field and everyone else on the roads, it only stands to reason they be held to the same standard, absent some specific provision of the law. The Governmental Tort Claims Act does not provide immunity to the defendants and the Governmental Tort Claims Act does not apply to Defendants JCEMSD and Dora Handcock.

In the second instance, after the JCEMSD again raised 51 O.S. § 155(14) and also asserted that the JCEMSD Board should be substituted as defendant for the JCEMSD pursuant to Const. Art. X, § 9C(o), Respondent, without analysis or citation to authority,

⁷ Okla. Const. Art. VII, § 4, provides in pertinent part:

The original jurisdiction of the Supreme Court shall extend to a general superintending control over all inferior courts and all Agencies, Commissions and Boards created by law. The Supreme Court, Court of Criminal Appeals, in criminal matters and all other appellate courts shall have power to issue, hear and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and such other remedial writs as may be provided by law and may exercise such other and further jurisdiction as may be conferred by statute.

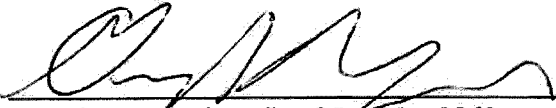
again denied relief. Since the JCEMSD lacks capacity to be sued and since 51 O.S. § 155(14) prevents any suit by the RPI against the Board and the JCEMSD, if it somehow has capacity to be sued, then Respondent lacks judicial power to proceed with the RPI's tort claims against the JCEMSD or the Board which governs it. Likewise, there is no legal doubt that 51 O.S. 152.1(A) also protects governmental employees in the scope of their employment, such as the individual petitioner ambulance driver here. Accordingly, Respondent lacks judicial power over the claims against the Petitioner ambulance driver, Ms. Hancock, and a writ also should issue in her favor.

Without a writ, the Petitioners will be forced to defend against claims over which the People in concert with the Legislature have precluded the Respondent from exercising judicial powers. Assumption of Original Jurisdiction is appropriate and writs should issue.

CONCLUSION

The Petitioners request this Court, pursuant to Okla. Const. Art. VII, § 4, to assume original jurisdiction and enter its writ prohibiting the Respondent from conducting proceedings against the JCEMSD, ordering the substitution of the Board for the JCEMSD in the District Court Action and prohibiting the Respondent from conducting proceedings against the Board and requiring the Respondent to dismiss the District Court Action.

Respectfully submitted,



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CERTIFICATE OF SERVICE

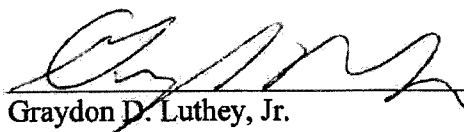
This is to certify that on this 9th day of August 2023, a true, correct, and exact copy of the above and foregoing instrument was served via electronic mail and/or U.S. Postal Mail, with proper postage thereon fully prepaid, to the following:

The Honorable Kory S. Kirkland
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