

Lowell G. Howe, Esq.
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Christie Howe
Paralegal
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August 20, 2024

Polly Irving
Clerk, Muskogee County
400 W. Broadway
Muskogee, OK 74401
918.682.2169

Tammy L. Tracy
Clerk, City of Muskogee
229 W. Okmulgee Ave.
Muskogee, OK. 74401
918.682.6602

STATE OF OKLAHOMA
MUSKOGEE COUNTY
FILED BY RECORDER
2024 AUG 23 PM 12: 23
POLLY IRVING
COUNTY CLERK

NOTICE OF TORT CLAIM

Claimant(s): Tamala Leandra Walker, Female

Address: 2604 Williams Ave., Muskogee, OK. 74401

Brian Lawrence Walker, Male

Address: 2604 Williams Ave., Muskogee, OK. 74401

c/o Lowell G. Howe
Attorney at Law
P.O. Box 1972
Muskogee, Oklahoma 74402
Phone: (918) 683-5529

Date Cause of Action Accrued: Approx. on about or after August 23, 2023

Causes of Action Alleged: All state and federal claims afforded to Claimant(s): Tamala Walker and Brian Walker ("WALKERS") against those responsible person's, agencies, and entities, in their individual and official capacities, resulting from the tortuous conduct and civil rights

Phone 918.683.5529
436 Court Street, Suite C
Muskogee, Oklahoma 74401

E-MAILED
D. S. J. B. @
12:28pm

Fax 918.683.5528
P.O. Box 1972
Muskogee, Oklahoma 74402

violations for wrongful, intentional, reckless and/or or negligent acts and omissions (hereafter “acts and omissions”) related to, leading up to and discovered on about or after **August 23, 2023**.

Claims:

Claimant(s) asserts claims against the responsible parties including but not limited to:

1. Civil rights violations;
2. Unreasonable search and seizure;
3. Negligence;
4. Conversion of property;
5. Theft;
6. Invasion of Privacy;
7. Harassment and Intimidation;
8. Failure to supervise, direct and train;
9. Any and all other tort claims afforded to Claimant(s) as a result of the wrongful acts and omissions which directly and/or indirectly caused injury to Claimant(s), including but not limited to those herein stated that occurred to (s) caused by responsible person’s and parties of the City of Muskogee, County of Muskogee, State of Oklahoma, U.S. Dept of Justice; and
10. Any other tort or other claims that the facts of this case warrant discovered during litigation.

Responsible parties:

The responsible parties¹ that caused (s) injuries/damages alleged herein, include but are not limited to the:

1. City of Muskogee;
2. Police Chief, Muskogee; in his individual and official capacity;
3. County of Muskogee;
4. Sheriff of Muskogee County, in his individual and official capacity;
5. Muskogee County District Attorney’s Office;
6. United States Marshall’s Service;
7. Officers, Deputies, Troopers, or other staff, or police or employees or agents of the responsible parties [John and Jane Does]; and/or
8. Any agents or employees of the named responsible parties acting under authority of law and while employed and/or within the scope of their employment with the City of Muskogee, and/or County of Muskogee, State of Oklahoma, and/or United States of America.

¹ Out of an abundance of caution, this notice of tort claim is all encompassing and asserts claims against any and all state and political subdivisions or persons; some may **not** apply.

Factual Basis:

The relevant known facts at this time according to best information and belief of Claimants' include but are not limited to the following:

On or about:

- i. On about August 23, 2023, Law enforcement (City of Muskogee, County of Muskogee, State of Oklahoma, and/or United States of America) actively participated in an arrest warrant for TABRION WALKER.
- ii. The WALKERS did not consent or give law enforcement authority to search.
- iii. However, during the service of the arrest warrant, city, county, state and/or federal law enforcement acting under color of law exceeded their constitutional and legal authority and the scope of the arrest warrant and conducted an invasive and intrusive, and unlawful search – without exigent circumstances and beyond that of a protective sweep - of the WALKER'S home and their personal property located at 2604 Williams Ave. in Muskogee, Oklahoma, Muskogee County, in which after the search valuable property was missing and/or damage was caused to the WALKER'S property.
- iv. Further, during the execution of the arrest warrant, law enforcement engaged in threatening, intimidating, and harassing conduct against the WALKER's, including threats of arrest for harboring a fugitive – without evidence, facts, or a legal basis for doing so.

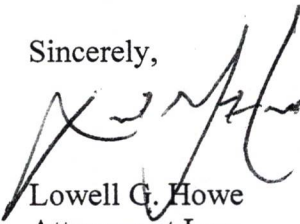
As result of these wrongful acts and conduct you are subject to federal liability for violating Claimant(s) civil rights. As a result of the alleged wrongful acts and conduct, Claimant(s) suffered physical, mental and/or financial injury and seeks actual and compensatory damages in excess of \$ 75,000.00, and punitive damages in excess of \$ 75,000.00.

YOU ARE HEREBY NOTIFIED that I represent, Claimant(s) in state tort and federal claims. The purpose of this letter is to provide notice of Claimant(s) civil claims against you as dictated by the Political Subdivision and Governmental tort Claims Act, codified in Okla. Stat. tit. 51 Section 156, 157. In compliance with said Act, above I am hereby providing you with the requisite contact information for the Claimant(s). However, I direct that you only contact my firm to discuss this legal matter. I am willing to attempt to resolve this matter amicably. However, in the event that I am not contacted within the ninety (90) day expiration period, five (5) days later, I will deem this claim denied, and will be left with no alternative but to name you in legal actions and proceedings that follow on Claimant(s) behalf.

Further, you are hereby notified that if Claimant(s) (or family or loved ones), suffer any retaliation, harassment, mistreatment, abuse, injury or harm from you, or any City, County, State, and/or Federal employees, which is directly or indirectly related to pursuing this action, he/she/they will seek any and all legal civil and criminal remedies available to him/her/them by the Court. **More so, you are hereby notified** to preserve any and audio/video evidence recorded using the officer's body cam, dash cam, surveillance, and any other evidence depicting the alleged events that occurred on or about August 23, 2023, or related events including but not limited to administrative and disciplinary proceedings.

If you need to contact my client, arrangements can be made through my office. Let me know if you have any questions or comments.

Sincerely,



Lowell G. Howe
Attorney at Law

CERTIFICATE OF DELIVERY

I, Lowell G. Howe, hereby certify that on 20 day of August, 2021, I SERVED a true and correct copy of the foregoing notice of suit, by personal service and/or with proper postage thereon prepaid, certified mail, return receipt requested, to the following:

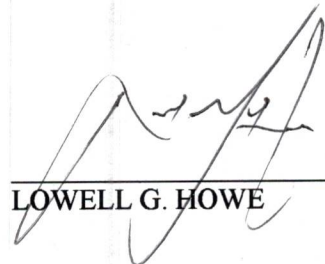
Tammy L. Tracy
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918.682.6602
Personal Service

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Clerk, Muskogee County
400 W. Broadway
Muskogee, OK 74401
918.682.2169
Personal Service

CC:
Muskogee County Sheriff's Office
Muskogee County District Courthouse
220 State Street
Muskogee, OK 74401

Muskogee County DA'S Office
Muskogee County District Courthouse
220 State Street
Muskogee, OK 74401

Muskogee Police Department
112 South 3rd Street
Muskogee, OK. 74401



LOWELL G. HOWE