



IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

Oklahoma Association of Broadcasters, )  
Inc., an Oklahoma Not-for-Profit )  
Corporation )

Plaintiff,

vs.

Case No. CJ-2016-750

Rhonda Hall, in her official capacity as )  
Clerk of the District Court of Cleveland )  
County, Oklahoma, and the City of )  
Norman, Oklahoma, an Oklahoma )  
Municipal corporation, )

Defendants.

and

Amelia Molitor, an individual

Plaintiff in Intervention

v.

Oklahoma Association of Broadcasters, )  
Inc., an Oklahoma Not-for-Profit )  
Corporation, )

Defendant in Intervention )

STATE OF OKLAHOMA )  
CLEVELAND COUNTY ) S.S.  
FILED In The  
Office of the Court Clerk

DEC - 8 2016

In the office of the  
Court Clerk MARILYN WILLIAMS

**MOTION TO INTERVENE AS OF RIGHT AND PERMISSIVELY**

**COMES NOW** Amelia Molitor ("Molitor"), an Oklahoma resident, and moves the Court for an Order granting leave to intervene as a Plaintiff in this action to assert the claims set forth in the proposed *Petition in Intervention*, which is attached as Exhibit 1.

1. Molitor brings this *Motion* pursuant to 12 O.S. § 2024 (A)(2) as an Intervention of Right, on the grounds that she has an interest in the property that is the subject of this litigation. Molitor's interest will be affected by the Court's rulings and ultimate disposition of this action.
2. Additionally, Molitor brings this *Motion* pursuant to 12 O.S. § 2024 (B)(2) as a Permissive Intervention, wherein she claims a question of law and fact exist in the main action based on 51 O.S. § 24A.8 which impact her rights.
3. It is assumed, based on previous correspondence, that Rhonda Hall as Cleveland County Court Clerk and the City of Norman do not have objection to the proposed Intervention.

4. It is assumed, based on previous correspondence, that the Plaintiff objects to this intervention.

**WHEREFORE**, premises considered, proposed Intervenor Molitor prays for permission to intervene and file a *Petition in Intervention*, which is attached hereto and marked Exhibit "1."

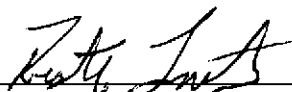
RESPECTFULLY SUBMITTED,



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**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2016 a true and correct copy of the above and foregoing document was delivered and/or mailed, by first class U. S. Mail, postage prepaid thereon, and/or faxed and/or emailed to:

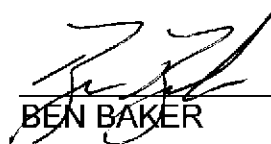
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BEN BAKER

**IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA**

Oklahoma Association of Broadcasters,  
Inc., an Oklahoma Not-for-Profit  
Corporation )

Plaintiffs,

vs.

Case No. CJ-2014-1360 TB

City of Norman, an Oklahoma municipal  
Corporation; Norman Police Department  
And District Attorney's Office for the 21<sup>st</sup>  
Judicial District, Oklahoma,

Defendants.

and

Amelia Molitor, an individual

Plaintiff in Intervention

v.

Oklahoma Association of Broadcasters,  
Inc., an Oklahoma Not-for-Profit  
Corporation,

Defendant in Intervention )

**PETITION IN INTERVENTION**

**COMES NOW** the Plaintiff in Intervention, Amelia Molitor ("Molitor"), an individual, and for her causes of action against Oklahoma Association of Broadcasters, Inc., ("OAB") alleges and states as follows:

1. Amelia Molitor is an individual, a resident of Texas, who has temporary residency in Cleveland County, State of Oklahoma.
2. Upon information and belief, Defendant, Oklahoma Association of Broadcasters, Inc., is an Oklahoma Corporation.
3. The City of Norman is a charter city located in Cleveland County, Oklahoma.
4. Norman Police Department is a public body or agency of the City of Norman.
5. District Attorney's Office for the 21<sup>st</sup> Judicial District is a public body or agency of the State of Oklahoma and resides in Cleveland County, Oklahoma.



6. On or about November 3, 2014, OAB brought a *Petition for Declaratory and Injunctive Relief and Writ of Mandamus* in the District Court of Cleveland County, Oklahoma requesting, among other things:
  - a. Declaring OAB has a right to access a certain surveillance video;
  - b. Enjoining Defendants from disposing or altering the requested surveillance video;
  - c. Issuance of a Writ of Mandamus to command the named Defendants to produce the surveillance video and other requested records by a date certain; and
  - d. Awarding OAB attorneys' fees and costs.
7. The requested surveillance video depicts a violent and heinous attack on the Plaintiff in Intervention, Molitor, which happened on or about July 25, 2014, and resulted in great bodily injury to Molitor.
8. OAB currently seeks the aforementioned video on behalf of its members for use, publication, and broadcasting through the maneuvering and use of the appeals process of both, the Oklahoma Supreme Court (case number 114,827) and the Oklahoma Court of Civil Appeals (case number 113,973).
  - a. The Supreme Court of Oklahoma ruled in favor of the OAB on December 6, 2016. The case is currently pending the statutory time period wherein the Defendants' may request re-hearing.
9. Molitor hereby requests for OAB to be denied access to any and all videos depicting the violent attack on her person and any and all videos depicting the events leading up to the attack, which resulted in great bodily injury.
10. The aforementioned videos clearly depict Molitor's image and likeness.
11. Molitor was the victim of the attack and suffered innumerable threats in the wake of the incident in 2014.
12. Molitor claims a property interest in each of the two videos known to her at this time and any other videos unknown to her based on the aforementioned facts and thus, any decision by this Court will have direct impact on her interest in the property, which is the subject of the instant case and *OAB v. Rhonda Hall, et. al.*, District Court of Cleveland County Oklahoma, Case No. CJ-2016-750.
13. Further, the videos are material evidence in two (2) additional cases pending in the United States District Court for the Western District of Oklahoma:

- a. *Amelia Molitor v. Joe Mixon*; United States District Court for Western District of Oklahoma; Case No. Civ-16-1202-HE;
  - b. *Amelia Molitor v. Pickleman's Franchising, LLC*; United States District Court for Western District of Oklahoma; Case No. Civ-16-834-R;
14. Molitor now intervenes as a matter of right based on 12 O.S. § 2024 (A)(2) and the aforementioned facts.
15. Additionally, Molitor permissively intervenes as allowed by 12 O.S. § 2024 (B)(2) wherein certain questions of law and fact have yet to be addressed by the original parties or the Court in light of the victim's rights. These questions of law and fact are critical to the ultimate determination of the case and should be asserted to the Court for ruling. These issues include but aren't limited to the following:
  - a. Pursuant to 51 O.S. 2011 § 24A.8(A), OAB's Request Should be Denied Under Choice-of-Law Precedent;
  - b. Pursuant to 51 O.S. 2014 § 24A.8(A), OAB's Request Should be Denied as the Requested Video is not a Record Authorized for Release Under the Statute;
  - c. If the Court Determines the Video is a Record Pursuant to 51 O.S. 2011 § 24A.8(A), OAB's Request Should be Denied;
  - d. A Compelling Interest Exists for the Court to Seal the Record and Thus Deny OAB's Request.
16. Molitor asserts questions of law regarding the Oklahoma Open Records Act, 51 O.S. 24A.1 *et. al.* has not been addressed by this Court or the Oklahoma Supreme Court in light of the victim's rights as reserved by statute. The ruling on these questions will have direct impact on Molitor's property interest, privacy interest, safety, and welfare.
17. Molitor asserts OAB and its affiliates are not entitled to the videos which are the subject of this litigation, should not be allowed a copy of the videos and its requests should be summarily denied.
18. Finally, the Court has been granted both statutory and inherent powers with which it may rule in this matter. Molitor calls upon the Court to exercise those powers in the instant case by sealing the record in regards to the video in question pursuant to these powers, specifically 51 O.S. § 24A.30.

**WHEREFORE**, Molitor prays the Court will determine she has property interests in the videos which are the subject of this litigation; determine her rights in that property may be impaired or impeded by the outcome of this litigation and other pending litigation; determine, based on the questions of law presented under 51 O.S. 24A.8, that OAB's Petition must be wholly denied; Order the video destroyed or awarded to Molitor's possession or the court record sealed pursuant to 51 O.S. § 24A.30 after making specific findings of fact which the Court relied on, make conclusions of law, utilize the least restrictive means for achieving confidentiality and narrowly tailor so as to only seal the videos being requested and sought by OAB; award Molitor attorney fees and cost for defense and prosecution of her rights in this action and any and all other relief to which Molitor is entitled.

RESPECTFULLY SUBMITTED,

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## CERTIFICATE OF SERVICE

I hereby certify that on \_\_\_\_\_, 20\_\_ a true and correct copy of the above and foregoing document was delivered and/or mailed, by first class U. S. Mail, postage prepaid thereon, and/or faxed and/or emailed to:

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