

FIRM NEWS

SolomonSimmonsLaw and Schulte Roth & Zabel File Responses to Motions to Dismiss in Tulsa Race Massacre Litigation

June 2021

Tulsa-based civil and human rights attorney Damario Solomon-Simmons of SolomonSimmonsLaw, Schulte Roth & Zabel LLP (SRZ) and a team of civil and human rights lawyers filed briefs in opposition to eight motions to dismiss from the defendants in the Tulsa Race massacre litigation, which include the State of Oklahoma, the City of Tulsa and others. These response briefs are the latest legal action to help provide healing and justice to the survivors and descendants of the 1921 Tulsa Race Massacre.

Defendants are denying a public nuisance claim is a valid cause of action in this instance, even though the plaintiff's allegations and request for a remedy would address the racial disparities, economic inequalities, insecurity and trauma that the defendants' unlawful actions and omissions caused and continue to cause. The lawsuit seeks to return the Greenwood District, once known as Black Wall Street, back to the prosperous area it was prior to the devastating events of May 1921. Today, this area remains poorer and in worse health than the rest of the city. In May 2021, Human Rights Watch published a follow up to their groundbreaking May 2020 report on the Case for Reparations in Tulsa, reporting on the failure of the City of Tulsa and the Centennial Commission to support the survivors' demands for justice.

The more substantive arguments in the motions to dismiss focus on the Defendants' claims that the plaintiffs lack standing and that they have failed to demonstrate why the public nuisance statute applies in this case.

However, in the responses filed today, the litigation team clearly shows that it not only applies, but that the plaintiffs have exceeded the notice pleading standard in Oklahoma in the Amended Petition filed in February.

“The defendants’ latest actions are further indications that they are failing to rebuild what they destroyed, reaping benefits from their destructive acts, and denying justice for Greenwood,” said **Mr. Solomon-Simmons**.

What’s more, the State of Oklahoma, one of the defendants trying to throw out the public nuisance claim, used this exact same legal theory of public nuisance to sue pharmaceutical companies during the opioid epidemic and won. “The viability of our claim can be seen in the defendant’s own past litigation strategies,” said **Michael Swartz**, co-chair of SRZ’s Litigation Group and chair of the firm’s Pro Bono Committee. “100 years after this terrible tragedy took place, we look forward to continuing our fight for justice for the survivors and descendants.”

On May 31, 1921, one of the worst acts of domestic terrorism in U.S. history completely decimated Tulsa’s thriving, all-Black community of Greenwood. A large white mob, including members of the Tulsa Police Department, the Tulsa Chamber of Commerce, the Tulsa County Sheriff’s Department and the Oklahoma National Guard, as well as other city and county leaders, overwhelmed the approximately 40-square-block community, killing hundreds of Black residents, injuring thousands more, burning down over one thousand homes and businesses and stealing residents’ personal property. Mr. Solomon-Simmons represents the only known survivors of the massacre, 106-year-old **Lessie Benningfield “Mother” Randle**, 107-year-old **Viola “Mother” Fletcher**, and 100-year-old **Hughes Van Ellis**, who are still awaiting justice for Greenwood nearly a century after the brutal attack.

SolomonSimmons Law, in conjunction with Schulte Roth & Zabel; J. Spencer Bryan and Steven Terrill of BryanTerrill, P.C.; Professor Eric Miller of Loyola Marymount College of Law; and Maynard M. Henry, Sr., Lashandra Peoples-Johnson and Cordal Cephas of Johnson Cephas Law PLLC, is working to not only secure justice for survivors and descendants of the massacre, but also raise attention to the 100 years of continued harm the Tulsa Race Massacre has caused Black Tulsans.

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