

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

FRANCIS A.L. ENGLEBRIGHT, and
ROSELLA ENGLEBRIGHT, individually
and as co-special administrators of the estate
of FRANCIS A.L. ENGLEBRIGHT, JR.,

Plaintiffs,

v.

SHANNON BUHL, KODY FISHER, ERIN
FAULKENBERRY, BRYAN SMITH, special
administrator of the estate of BRIAN
CATCHER, deceased, and UNITED STATES
OF AMERICA,

Defendants.

Case No.: 24-CV-552-CVE-CDL

**THE CHEROKEE DEFENDANTS' RESPONSE IN OPPOSITION
TO PLAINTIFFS' ALTERNATIVE APPLICATION TO AMEND
CLAIMS RELATIVE TO INDIVIDUAL DEFENDANTS**

Defendants Shannon Buhl, Kody Fisher, Erin Faulkenberry, and Brian Catcher (collectively, the “Cherokee Defendants”) oppose Plaintiffs’ alternative request for leave to amend their Complaint (Dkt. No. 42). Courts should deny leave to file an amended pleading in cases of “undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment.” *Frank v. U.S. W., Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993). As shown below and in the briefing on the Cherokee Defendants Motion to Dismiss (*see* Dkt. Nos. 34, 43), sovereign immunity bars Plaintiffs’ claims against these Defendants. Thus, the Court should deny Plaintiffs’ request to amend their Complaint because the requested amendment would be futile.

Respectfully submitted,

/s/ R. Trent Shores

R. Trent Shores, OBA No. 19705
Amelia A. Fogleman, OBA No. 16221
Barrett L. Powers, OBA No. 32485
GABLEGOTWALS
110 N. Elgin Avenue, Suite 200
Tulsa, OK 74120
Telephone: (918) 595-4800
Facsimile: (918) 595-4990
tshores@gablelaw.com
afogleman@gablelaw.com
bpowers@gablelaw.com

***Attorneys for Defendants Shannon Buhl,
Kody Fisher, Erin Faulkenberry, and
Bryan Smith, special administrator of the
estate of Brian Catcher, deceased***

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2025, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

Steven R. Hickman, *info@frasierlaw.com*

/s/ R. Trent Shores

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