

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA



KIRT THACKER,

Plaintiff,

v.

SCOTT WALTON, JOHN SINGER, STEVE )  
COX, MYRON GRUBOWSKI, BILL JONES, )  
RUSSELL GUILFOYLE, WILLIAM "BILL" )  
HIGGINS, ERIN OQUIN, CARL WILLIAMS, )  
SALLY WILLIAMS and EDITH SINGER, )

Defendants.

SALLY HOWE SMITH  
COURT CLERK

Case No.: CJ-2014-03247  
Judge Daman Cantrell

DISTRICT COURT  
FILED

OCT - 2 2014

SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLAHOMA, TULSA COUNTY

ANSWER OF DEFENDANT SCOTT WALTON

COMES NOW Defendant, Scott Walton, by and through his attorneys of record, and for his Answer to the allegations set forth within Plaintiff's Petition filed August 25, 2014, and subject to amendment at the conclusion of all pretrial discovery, Defendant specifically denies each and every allegation set forth within Plaintiff's Petition, unless admitted, and hereby does allege and state as follows:

I. Defendant Walton appears specially and moves this Court to dismiss this matter because there has been an insufficiency of process, insufficiency of service of process, and insufficiency of return of service of process.

II. For further answer and defense, and without waiver of the defense stated above, Defendant Walton states that the District Court of Tulsa County, Oklahoma, is an improper venue for this action, and moves the Court to dismiss the same, or in the alternative, transfer said cause to a court of proper venue pursuant to 12 O.S.2011 § 140.1.

III. For further answer and defense, Defendant Walton states, without waiver of the defenses stated above, that the District Court of Tulsa County, Oklahoma, is not a forum which

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in the interest of justice or the convenience of the parties should hear this matter, and that it should be more properly heard in and for the District Court of Rogers County, Oklahoma, and moves the Court to decline to exercise jurisdiction over the matter and to stay, transfer, or dismiss the action pursuant to 12 O.S. Supp. 2014 § 140.3.

IV. For further answer and defense, Defendant Walton denies generally and specifically each and every material allegation in Plaintiff's Petition, except that which may be hereinafter admitted. Such denials are predicated upon either being untrue, or the truth of such matters being unknown to this Defendant, and therefore denied.

V. For further answer and defense, Defendant Walton admits the allegations of Plaintiff's Petition in the following particulars:

- a. the allegation of paragraph 1 that Plaintiff currently serves as County Commissioner for Rogers County Commission District No. 3;
- b. the allegations of paragraph 4 of the Petition;
- c. the allegations of paragraph 5 of the Petition;
- d. the allegations of paragraph 6 of the Petition;
- e. the allegations of paragraph 11 of the Petition that the Grand Jury Petition was approved by a judge on August 29, 2013;

VI. For further answer and defense, Defendant Walton states that the allegations of paragraph 25 contain only conclusions of law, to which no answer is required.

VII. For further answer and defense, Defendant Walton alleges that Plaintiff's Petition fails to state facts or claims against him upon which relief can be granted.

VIII. For further answer and defense, Defendant Walton alleges that Plaintiff's claims are barred by the applicable Oklahoma statutes of limitation.

IX. For further answer and defense, Defendant Walton alleges that Plaintiff's claims are barred by immunity and privileges recognized under both Oklahoma and Federal law.

X. For further answer and defense, Defendant Walton alleges that Plaintiff's claims are barred by Defendant's right of free speech guaranteed under the Constitutions and Statutes of the United States and the State of Oklahoma.

XI. For further answer and defense, Defendant Walton alleges that Plaintiff's claims are barred by the right of citizens to petition their government under the Constitutions and Statutes of the United States and the State of Oklahoma.

XII. For further answer and defense, Defendant Walton alleges that Plaintiff's claims, to the extent that they sound in defamation, fail based on the truth of the matters asserted.

XIII. For further answer and defense, Defendant Walton denies that he was the cause of any damages to Plaintiff, should there be any.

XIV. For further answer and defense, Defendant Walton alleges that Plaintiff's claims are barred by the doctrines of intervening/supervening cause.

XV. For further answer and defense, Defendant Walton alleges that any damages suffered by Plaintiff, if there are any, are the results of acts and/or omissions of third parties over which this Defendant had no control.

XVI. For further answer and defense, Defendant Walton states that to the extent Plaintiff prays for punitive damages, an award of such damages would be violative of the due process provisions of the Fourteenth Amendment to the United States Constitution and Article 2, Section 6; Article 2, Section 7; and Article 5, Section 59 of the Oklahoma Constitution in that:

a. said damages are intended to punish and deter Defendant and thus this proceeding is essentially criminal in nature;

b. Defendant is being compelled to be a witness against himself in a proceeding essentially and effectively criminal in nature, in violation of his right to due process, and in violation of the Constitution of the State of Oklahoma cited herein;

c. Plaintiff's burden of proof to establish punitive damages in this proceeding, effectively criminal in nature, is less than the burden of proof required in other criminal proceedings, and thus violates Defendant's right to due process as guaranteed by the Fourteenth Amendment of the United States Constitution and his rights under Article 2, Section 6; Article 2, Section 7; and Article 5, Section 59 of the Constitution of the State of Oklahoma; and

d. inasmuch as this proceeding is essentially and effectively criminal in nature, Defendant is being denied the requirements of adequate notice of the elements of the offense, that there is no statute authorizing punitive damages for this action, and the case law purportedly authorizing punitive damages is sufficiently vague and ambiguous as to be in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution and in violation of the Constitution of the State of Oklahoma, as cited herein.

XVII. For further answer and defense, Defendant Walton alleges and states that inasmuch as Plaintiff prays for punitive damages, an award of such damages should be denied for the reason that such an award violates the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States and the articles of the Constitution of the State of Oklahoma in that the awarding of disproportionate judgments against defendants who commit similar offenses resulting in similar injury, but who differ only in material wealth, constitutes an arbitrary and invidious discrimination prohibited by said equal protection of said Equal Protection Clause of the respective Constitutions set forth.

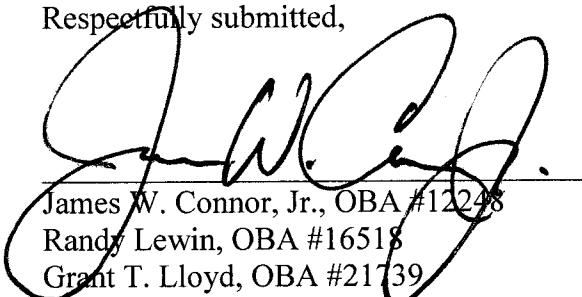
XVIII. Defendant Walton does not intend by his Answer to waive any additional defenses which may be applicable to this action; rather Defendant expressly reserves the right to assert additional affirmative defenses and supplement this Answer upon completion of discovery and before pretrial, or as may be hereafter ordered by the Court.

XIX. Defendant Walton pleads all affirmative defenses which may be supported by the evidence upon the completion of discovery.

**PRAYER**

**WHEREFORE**, Defendant Scott Walton prays that this Court dismiss this matter for lack of in personam jurisdiction, or in the alternative, and only in the event that it fails to dismiss this matter for lack of in personam jurisdiction, that it dismiss this matter for lack of a proper venue, or in the alternative, only in the event the Court should fail to dismiss this matter for either of the two reasons set forth above, that it transfer this matter to the District Court of Rogers County, and that Plaintiff has and takes nothing by way of his Petition, that this Honorable Court grant judgment for said Defendant and against Plaintiff upon Plaintiff's claims, together with Defendant's costs, attorney fees, and such other and further relief as the Court may deem just and equitable in the premises.

Respectfully submitted,



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and

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**ATTORNEYS FOR DEFENDANT**  
**SCOTT WALTON**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2nd day of October, 2014, a true and correct copy of the above and foregoing instrument was mailed first class, U.S. mail, proper postage prepaid thereon to the following:

Larry Steidley  
P.O. Box 98  
Claremore, OK 74018

Walter D. Haskins  
Keith B. Bartsch  
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A handwritten signature in black ink, appearing to read "J. Schaad Titus". The signature is fluid and cursive, with a horizontal line extending from the end of the signature to the right.