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IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

KIRT THACKER,
Plaintiff,

vs.

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.

DISTRICT COURT
F I L E D

AUG 25 2014

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

CJ-2014-0324

DAMAN CANTRELL

PETITION

COMES NOW the Plaintiff, and for his Petition asserting claims against Defendants, alleges and states as follows:

PARTIES, JURISDICTION AND VENUE

1. Kirt Thacker is an individual residing in Rogers County, Oklahoma, and he is currently serving as a County Commissioner for Rogers County Commission District No. 3.
2. Plaintiff at all times relevant was acting as dedicated public servant, and has a reputation for integrity, truthfulness and assuring the fair administration of his office.
3. Defendants Carl Williams and Sally Williams (a/k/a, Sally Singer), husband and wife, reside in Tulsa County. Sally Williams is the mother of John Singer.
4. Defendant William "Bill" Higgins is a lawyer who offices in Claremore, Oklahoma.

5. Defendant Edith Singer is a lawyer who offices in Claremore, Oklahoma, and is the ex-wife of John Singer.
6. Scott Walton, John Singer, Steve Cox, Myron Grubowski, Bill Jones and Russell Guilfoyle are residents of Rogers County, Oklahoma.
7. On information and belief Plaintiff states the egregious acts and omission of Defendants, as is more particularly described below, occurred in Rogers, Craig, Mayes and Tulsa Counties, and other counties, in Oklahoma.
8. By virtue of the Williams' residency in Tulsa County, this Court has jurisdiction over the parties, and venue is proper.

BACKGROUND ALLEGATIONS

9. On August 26, 2013, Defendants John Singer, Scott Walton, Steve Cox, Russell Guilfoyle, Bill Jones, and Myron Gubowski (the "Original Petitioners") signed and filed a "Petition For Grand Jury Investigation" with the Rogers County Court Clerk (Rogers County Case No. GJ-2013-01 the "Grand Jury Petition"). Such defendants are the creators, drafters and circulators of the Grand Jury Petition.
10. The Grand Jury Petition alleged multiple crimes were committed by multiple parties, and with respect to Plaintiff, said petition stated as follows:
 - a. Whether Rogers County Commissioners Mike Helm and Kirt Thacker committed "bid splitting" in late 2009 by structuring purchase orders totaling approximately \$100,000 for the purchase of equipment, materials and/or services from vendors in violation of 19 O.S. § 1051(A)(3), and then accepting gratuities from some of those same vendors in the form of dinners and gifts several months later.
 - b. Whether Commissioner Kirt Thacker performed work on private property without the consent of the Board of County Commissioners, as is required by 19 O.S. § 3, in at least the following instances: a. In July of 2011 by using county-owner (sic) bulldozer and other equipment to dig a pond on land he had leased for his cattle,

and, b. In the summer of 2012 by using county equipment, manpower and resources to do road work on private property, both in violation of 21 O.S. § 345.

11. The Grand Jury Petition was initially approved by a judge on August 29, 2013, such approval only authorizing such Grand Jury Petition to be circulated for signatures, and not being determinative about the veracity of the statements contained in the document.
12. A certain document titled “Rogers County Grand Jury Petition” (the “Unauthorized Petition”) was prepared, at some point, apparently as a document to be utilized to solicit and obtain signatures, but the Unauthorized Petition was never approved by the Court.
13. The body of the Unauthorized Petition contained false accusations that Plaintiff was guilty of “various crimes including WITNESS TAMPERING, WIRETAPPING, THREATS, DESTRUCTION OF GOVERNMENT RECORDS, FILING FALSE CRIME REPORTS, ATTEMPTING TO OBTAIN MONEY BY FALSE PRETENSES, LYING IN COURT, VIOLATIONS OF THE VICTIMS RIGHTS ACT, BID-SPLITTING and VIOLATION OF CAMPAIGN FINANCE LAWS.”
14. The Grand Jury Petition and Unauthorized Petition were then circulated, published, re-published and represented all over Rogers County, and ultimately approximately 7,000 signatures were obtained upon the misrepresentations stated in the documents, and upon the misrepresentations stated by those presenting same.
15. On or before October 2, 2013, the creators, drafters and/or circulators of the Grand Jury Petition and Unauthorized Petition conspired to cause the spoliation of evidence related to the circulation of the Grand Jury Petition and Unauthorized Petition.
16. On October 2, 2013, 640 copies of the Unauthorized Petition were filed with the Rogers County Clerk, along with a “Motion to Seal Completed Petitions”. The motion to seal was granted initially, but was later vacated.

17. Ultimately, on October 15, 2013, the Honorable Jefferson D. Sellers dismissed the Grand Jury Petition stating the proponents had “collected and filed signatures on an unauthorized form, not the judicially approved petition.”
18. The creators, drafters, and circulators of the Grand Jury Petition and Unauthorized Petition, knew that the allegations concerning Plaintiff and others contained in the Grand Jury Petition and Unauthorized Petition were false, highly misleading, and such statements were published with malice and an ulterior and illicit purpose.
19. John Singer, a defendant in Rogers County Case No. CJ-2013-485, when asked about having assistance from a number of people in preparing the Grand Jury Petition, admitted that William “Bill” Higgins, and others, assisted him in preparing the petition, and that they knew he was in the process of doing so. In fact, a part of the Petition’s contents reveals knowledge and allegations which could only have been within the knowledge of Higgins at the time. Singer also stated Higgins circulated the petition when Singer indicated that “someone said Bill Higgins said this is where to go” in referring to a place where the petition could be found to sign.
20. John Singer has also testified his ex-wife, Edith Singer, did contribute to the creation and drafting of documents filed in Rogers County Case No. GJ-2013-01, and in particular a motion to seal certain records which was initially granted by order, but later vacated. The motion and corresponding vacated order was a part and parcel of the defamatory effort herein described, and further was a part and parcel of the perversion and abuse of the court system, and malicious prosecution of an effort to indict innocent persons.

21. John Singer also testified Carl and Sally Williams were involved in the signature solicitation process for the Grand Jury Petition and Unauthorized Petition, and therefore admitted they were “circulators” of such bogus grand jury petition drive.

22. The malice and ulterior motives of the Defendants in this case, and others, is evidenced by the following acts and omissions, all of which evidence the civil conspiracy between multiple parties, and the aiding and abetting of the wrongful acts herein described:

- a. Defendants, and especially in conjunction with the efforts of Sheriff Scott Walton, and others, conspired and colluded among themselves with the ulterior motive of harassment and retaliation in an effort to destroy Plaintiff's reputations, and ruin him politically, Walton having been a outspoken critic of Plaintiff for a number of years, and who organized and orchestrated the attack described herein.
- b. Defendants and others falsely accused Plaintiff of crimes in an effort to endanger the freedom and liberty of Plaintiffs, even though Walton, and others including Higgins, knew Plaintiff had already been cleared by an OSBI investigation.
- c. Defendants and others used the media, including frequent use of the Claremore Daily Progress, to promote their smear campaign, and to further defame Plaintiff.
- d. The grand jury efforts described herein where aimed at harassment, public embarrassment and annoyance, and was directed towards the political assassination of Plaintiff, and for political and other illicit purposes.
- e. The grand jury efforts described herein purposefully, calculatingly and carefully combined at least two separate lynch mobs, one aimed at the commissioners, and one at the District Attorney and certain of her assistants, each lynch mob conspiring and aiding and abetting the other.

- f. The grand jury efforts above-described where motivated by the ulterior and illicit purpose of assisting John Singer in his baseless federal lawsuit he filed against Janice Steidley and Bryce Lair, the purpose of which was to misdirect attention off of Singer's own bad deeds, notwithstanding the fact that Plaintiff has nothing to do with the criminal justice system. The ill motivated efforts where further aimed at retaliating against Steidley for acting in her official capacity to comply with respect to the making of *Brady/Giglio* disclosures concerning Singer, which Plaintiff had nothing to do with, nor any axe to grind in that matter.
- g. Defendants participated in a scheme and conspiracy which misused public funds and property in the illegal and failed grand jury effort.
- h. Defendant Edith Singer conspired to implement a plan to secretly record an assistant district attorney to obtain information against Janice Steidley, same being an illegal and malicious effort, in conjunction with former judge and Defendant Erin Oquin, who each worked for the furtherance of the creation of the bogus Grand Jury Petition, same containing feigned facts about criminal allegations against Edith Singer's ex-husband, that being the subject of the tape recording. In fact, Oquin was fired for cause for, among other things, acting outside her official capacity in performing the aforementioned illegal investigation. Although the Grand Jury Petition contained allegations related to the illegal investigation, same lacked veracity, but were included in the same grand jury process involving Plaintiff, even though Plaintiff had nothing to do with any of the day to day operations of the judicial system, the DA's office, or the alleged subject matter of the investigation.

- i. Allegations pertaining to Plaintiff were "lumped into" allegations against the DA's office and another commissioner, and same was done to "dupe" those who sought redress from persons other than Plaintiff, because those proposing the grand jury knew they could not obtain enough signatures for an investigation pertaining to Plaintiff alone. And in fact, those making allegations against Plaintiff either knew, or should have known the Plaintiff had been cleared by previous investigations.

23. The Defendants, and others, who created, drafted and/or circulated the Grand Jury Petition, and Unauthorized Petition, and who otherwise sponsored the acts complained of herein, defamed Plaintiff, abused the court's process in presenting the Grand Jury Petition and Unauthorized Petition, maliciously prosecuted an effort directed towards indicting Plaintiff as an innocent person, and Defendants did conspire with and aid and abet each other in committing said torts.

CLAIMS FOR RELIEF

24. Paragraphs 1 through 23 are hereby incorporated by reference.
25. The term "defamation" encompasses both "liable" and "slander".
26. Libel is a writing which exposes any person to public hatred, contempt, ridicule or obloquy, or which tends to deprive him of public confidence, or to injure him in his occupation. Okla. Stat. Ann. tit. 12, § 1441 (West). The Grand Jury Petition and Unauthorized Petition, created, drafted and/or circulated by Defendants, those they conspired with, and those who they aided and abetted, contain false statements that Plaintiffs committed criminal acts, exposed the Plaintiffs to public hatred, contempt, ridicule and obloquy, deprived Plaintiffs of public confidence, and injured Plaintiffs in their occupation, and are therefore *per se* libelous.

27. "Slander is a false and unprivileged publication, other than libel, which: 1) Charges any person with crime, or with having been indicted, convicted or punished for crime . . . 3)Tends directly to injure him in respect to his office, profession, trade or business, either by imputing to him general disqualification in those respects which the office or other occupation peculiarly requires, or by imputing something with reference to his office, profession, trade or business that has a natural tendency to lessen its profit . . . 5) Which, by natural consequences, causes actual damage." Okla. Stat. tit. 12, § 1442 (West). The representations, misrepresentations, publications and republications occurring with respect to the Grand Jury Petition and Unauthorized Petition by the co-conspirators of Defendants, and by those who they aided and abetted, are slanderous *per se*, in that the statements made included the false imputation and/or accusation that Plaintiffs committed crimes, and/or were directly injurious in respect of the office, profession, trade and business of Plaintiffs, the statements imputing upon Plaintiffs disqualification in their offices and occupation, and imputing that they were unfit for their offices, trade, profession and legal business.

28. Because of the defamation above-described, Plaintiff has been damaged. In light of the fact Defendants engaged, conspired to engage and/or aided and abetted in *per se* libel and slander as above-described, damages are presumed.

29. Pursuant to Title 38 O.S. § 108, "Any person responsible for the creation, drafting or circulating of a grand jury petition may be held liable for civil damages for libel or slander due to any false allegation made in the body of said petition, if such allegations are proven to be made with malice and with an ulterior or illicit purpose."

30. Based upon the above-stated facts, Plaintiffs state the following claims for relief against defendants John Singer, Scott Walton, Steve Cox, Russell Guilfoyle, Bill Jones, Myron Gubowski, Erin Oquin, Carl Williams, Sally Williams, Edith Singer and William "Bill" Higgins: 1) Defamation (*per se* and otherwise) by the written word in the creation, drafting and/or circulation of the bogus and failed Grand Jury Petition Title 38 O.S. § 108, and/or by the spoken word orally in publishing, republishing, presenting, representing and misrepresenting the contents thereof; 2) Defamation (*per se* and otherwise) in the preparing, publishing, republishing, presenting, representing and misrepresenting by written and spoken words of the bogus Unauthorized Petition; 3) abusing the process of the court in that the defendants improperly used the court's process for ulterior and improper purposes, with resulting damage to the Plaintiffs; 4) Defamation under the doctrines of libel *per se* and slander *per se*; 5) malicious prosecution, in that Defendants, their co-conspirators, and those they aided and abetted, instituted an effort to impanel a grand jury to indict innocent persons, such proceedings being terminated in Plaintiff's favor, the Defendants having no probable cause for calling for a grand jury investigation of Plaintiffs, the Defendants, their co-conspirators and those they aided and abetted having sponsored the grand jury efforts with malice, as evidenced by Defendants' conduct, and the conduct of those they conspired with, and those who they aided and abetted, and who aided and abetted Defendants, all of which resulted in damages to Plaintiffs 6) civil conspiracy to defame in every manner stated herein, and 7) aiding and abetting others to defame in every manner stated herein.

31. Plaintiff seek damages in an amount in excess of \$10,000, said amount to be proved at trial. Plaintiffs each individually claim their damages also exceed the amount-in-controversy limited established by Title 28 U.S.C. § 1332.
32. In addition, Defendants' conduct described above rises to the level of willful, wanton, heinous, grossly negligent, and/or reckless conduct for which they should be punished, individually, by an award to each Plaintiff of exemplary and punitive damages in an amount sufficient, taking into consideration the assets and worth of each Defendant, to render the consequences of their conduct an example to themselves, and others. In this regard, and under the specific facts of this case, Defendants are liable for both Category I and Category II punitive damages, as described in Title 12n Okla. Stat. § 9.1.
33. Under Category I, Defendants plainly acted in reckless disregard of the rights of others, thereby entitling Plaintiffs to a potential jury award of punitive damages in the amount equal to the actual damages awarded by the jury for Defendants' conduct, or the amount of \$100,000 in punitives, whichever is more.
34. Defendants are also liable for Category II punitive damages under Section 9.1 of Title 23 because they acted intentionally and with malice towards others. Requisite malice may be inferred from gross negligence that indicates conscious indifference to consequences of one's acts or reckless disregard for the safety of others. *Silkwood v. Kerr-McGee Corp.*, 769 F.2d 1451 (10th Cir. (Okla.) 1985). Accordingly, in compliance with said statutory section, Defendants should be liable for punitive damages of the greater of \$500,000, or twice the amount of actual damages.

PRAYER FOR RELIEF

Wherefore, Plaintiffs request that the Court enter judgment against Defendants consistent with and under the theories presented above for actual and punitive damages, for costs incurred by Plaintiffs, including attorneys' fees, for pre-judgment and post-judgment interest, and for such other relief to which Plaintiffs are entitled at-law or in equity.



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