

1027002273*

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.

IN THE DISTRICT COURT
OF TULSA COUNTY
OKLAHOMA

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KIM HENRY COURT CLERK
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CLERK

DISTRICT COURT
FILED

AUG 25 2014

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

)
CJ-14-465 (RG)
CJ-2014-0324 (Tulsa)

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.

PRAAYER 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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IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

KIRT THACKER,)
v.)
Plaintiff,)
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.)

Case No.: CJ-2014-03247

Judge Daman Cantrell

DISTRICT COURT
FILED

OCT - 2 2014

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLAHOMA

DEFENDANT SCOTT WALTON'S MOTION TO DISMISS OR,
IN THE ALTERNATIVE, MOTION TO TRANSFER

COMES NOW Defendant, Scott Walton, by and through his attorneys of record, and hereby moves to dismiss the matter for improper venue, insufficiency of process, and insufficiency of service of process pursuant to 12 O.S.2011 § 2012(B)(3)(4), and (5). In the alternative, Defendant moves to transfer this case to Rogers County pursuant to 12 O.S.2011 § 140.1, and for *forum non conveniens* pursuant to 12 O.S.2011 § 140.3.

BACKGROUND

This case arises from a Petition for Grand Jury Investigation filed in Rogers County on August 26, 2013. A court-approved Grand Jury Petition that was never circulated sought the impaneling of a grand jury to investigate various matters involving several Rogers County officials, including whether Plaintiff, a Rogers County Commissioner, committed "bid splitting" and the unauthorized use of county-owned equipment. A separate Grand Jury Petition not approved by the court, which also sought the impaneling of a grand jury to investigate matters concerning Plaintiff and others, was circulated. District Judge Jefferson Sellers dismissed the approved Grand Jury Petition. (Plaintiff's Petition, ¶¶ 9-17).

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SALLY HOWE SMITH
COURT CLERK

Plaintiff's Petition is based on the contents of the two grand jury petitions, and asserts claims of libel per se, slander per se, civil damages for false accusations in a grand jury petition, abuse of process, malicious prosecution, civil conspiracy, aiding and abetting others to defame, and punitive damages. (*Id.* at ¶ 30).

ARGUMENT AND AUTHORITIES

I. THIS COURT SHOULD DISMISS PLAINTIFF'S PETITION FOR INSUFFICIENCY OF PROCESS AND SERVICE OF PROCESS.

This case should be dismissed for insufficiency of process and service of process pursuant to 12 O.S.2011 § 2012(B)(4) and (5), as Plaintiff has failed to serve Defendant Walton. Further, Plaintiff has not obtained a return of service of process in compliance with Oklahoma law. Without sufficient service of process, as in this case, the Court lacks in personam jurisdiction over Defendant Walton. Accordingly, Plaintiff's Petition should be dismissed.

“In personam jurisdiction is the power to deal with the person of the defendant and to render a binding judgment against the defendant.” *Conoco, Inc. v. Agrico Chem. Co.*, 2004 OK 83, ¶ 16, 115 P.3d 829, 834. Jurisdiction over an individual is acquired by service of process or by voluntary appearance before the court. *Id.* Service of process is outlined in 12 O.S.2011 § 2004, which allows for service on an individual by personal delivery, by mail, and in some circumstances, by publication. 12 O.S.2011 § 2004(C)(1-3). In addition, the Oklahoma Supreme Court has recognized “[m]atters of pleading and practice are reviewed using a ‘substantial compliance’ test.” *Scott v. Peterson*, 2005 OK 84, ¶ 20, 126 P.3d 1232, 1237 (citations omitted).

However, “[a]ctual notice cannot by itself be sufficient to establish in personam jurisdiction, otherwise there would be no provision for challenging the mode of delivery or the lack of delivery of the summons and petition under [Section 2012(B)(5)].” *Graff v. Kelly*, 1991

OK 71, ¶ 10, 814 P.2d 489, 492. Thus, “[w]here there has been no service of a suit, or waiver thereof, the necessity of service is not dispensed with by the mere fact that the defendant may in some way learn of the filing of the suit.” *Id.*

In the instant case, Plaintiff has failed to meet the requirements for service under 12 O.S.2011 § 2004(C) by serving Defendant Walton with a copy of the petition and summons either personally, by mail, or by publication. As Plaintiff has not served Defendant Walton by mail, he also does not have a return of service of process meeting the requirements of Section 2004(C)(2)(c)). *See also Genoff Farms, Inc. v. Seven Oaks South, LLC*, 2011 OK CIV APP 29, ¶¶ 21-22, 249 P.2d 526, 532 (finding insufficient service where return receipt was marked “unclaimed” rather than “refused” as required for a return receipt under 12 O.S.2011 § 2004(C)(2)(c)). And as *Graff* notes, actual notice of Plaintiff’s lawsuit is insufficient to establish in personam jurisdiction and does not dispose with the requirements for service of process. *See Graff*, 814 P.2d at 492. Plaintiff fails to even meet the “substantial compliance” test under Oklahoma law as he has not even attempted proper service on Defendant Walton.

Without proper service, this Court may not enter a judgment against Defendant Walton, given that failure to effect sufficient service of process or return of service of process are grounds to vacate an entry of default judgment for lack of in personam jurisdiction. *See Ferguson Enter., Inc. v. H. Webb Enter., Inc.* 2000 OK 78, ¶ 11, 13 P.3d 480, 484 (“If the record does not reflect that personal service has been made on the defendant, the court lacks in personam jurisdiction over the defendant and any default judgment rendered thereon is void and subject to vacation.”). The Petition should, therefore, be dismissed due to Plaintiff’s failure to serve Defendant Walton.

II. THIS COURT SHOULD DISMISS PLAINTIFF'S PETITION FOR IMPROPER VENUE OR, IN THE ALTERNATIVE, TRANSFER THIS CASE TO ROGERS COUNTY PURSUANT TO 12 O.S.2011 § 140.1 AND FOR *FORUM NON CONVENIENS*.

A. THIS COURT SHOULD DISMISS PLAINTIFF'S PETITION FOR IMPROPER VENUE, OR ALTERNATIVELY, TRANSFER THE CASE TO ROGERS COUNTY.

Tulsa County is an improper venue. Plaintiff is a resident of Rogers County. So is Defendant Walton. So are almost all the other defendants. Plaintiff's allegation that venue if proper in Tulsa County is based on his assertion that the "acts and omissions of Defendants . . . occurred in Rogers, Craig, Mayes and Tulsa Counties, and other counties, in Oklahoma" and that Defendants Carl and Sally Williams are residents of Tulsa County. (Petition, ¶¶ 7-8). Presumably, Plaintiff is relying on 12 O.S.2011 § 139, which allows a case to be heard "in the county in which the defendant or some one of the defendants resides or resided at the time the claim arose, or may be summoned."

However, Plaintiff's petition only describes events that occurred in Rogers County, and the Williams' alleged residency is the only relation the case has to Tulsa County. Oklahoma law provides that "[s]tatutes which permit a defendant to have certain actions tried in the county where he resides are remedial, and are to be liberally construed to the end that a defendant may not be unjustly be denied of his right." *Safeway Stores, Inc. v. Martin*, 1974 OK 149, ¶ 9, 530 P.2d 131, 133. On the other hand, "[e]xceptions which authorize bringing of suits in a county other than that of a defendant's residence are to be strictly construed." *Id.* Under this rule, Defendant Walton should not be denied his right to have this action heard where he and other defendants reside, as well as where all the events giving rise to Plaintiff's claim arose -- Rogers County.

Should the Court decline to dismiss Plaintiff's Petition for improper venue, Defendant Walton alternatively moves this Court to transfer the case to Rogers County. This Court has

authority to order the transfer of a case upon a showing by a party that the venue is or should be in some other county. 12 O.S.2011 § 140.1. When a challenge to venue is interposed and sustained, the trial judge has a duty to transfer the case to the district court in the county in which venue may be laid. *A-Plus Janitorial & Carpet Cleaning v. Emp'rs Workers' Comp. Ass'n*, 1997 OK 37, ¶ 29, 936 P.2d 916, 929. Respectfully, Defendant Walton asserts that if this Court declines to dismiss Plaintiff's lawsuit, it should transfer the case to Rogers County.

B. IF THIS COURT FINDS VENUE IS PROPER, IT SHOULD TRANSFER THE CASE TO ROGERS COUNTY UNDER THE DOCTRINE OF *FORUM NON CONVENIENS*.

Defendant further states that pursuant to 12 O.S. Supp. 2014 § 140.3, "in the interest of justice and for the convenience of the parties," this matter is more properly heard in the District Court of Rogers County. Section 140.3 codifies the doctrine of *forum non conveniens*, which states that where at least two forums are proper, the doctrine may be invoked to transfer a case to a more appropriate county. This doctrine is an "equitable one embracing the discretionary power of a court to decline to exercise the jurisdiction it has over a transitory cause of action when it believes that the action before it may be more appropriately and justly tried elsewhere." *Groendyke Transp., Inc. v. Cook*, 1979 OK 59, ¶ 7, 594 P.2d 369, 372. "The basis and purpose of this doctrine is avoidance of a forced trial in a location that is generally inconvenient and inappropriate." *Id.*

Transferring this case to Rogers County is appropriate because, in section 140.3's terms, doing so would be "in the interest of justice and for the convenience of the parties." Both Plaintiff and Defendant Walton are residents of Rogers County, as are all other parties except, as alleged by Plaintiff, co-defendants Carl and Sally Williams. Both Plaintiff and Defendant Walton are public officials serving at the pleasure of the people of Rogers County. Plaintiff's Petition concerns a grand jury petition dealing solely with Rogers County elected officials and

events occurring *solely* in Rogers County. Though Plaintiff alleges that venue is proper in Tulsa County because the “acts and omissions” of the defendants occurred in various counties (Petition, ¶¶ 7-8), the Petition only describes events that occurred in Rogers County. Plainly stated, this is a Rogers County matter. It affects the citizens of Rogers County. It deserves to be heard in Rogers County.

In codifying the doctrine of *forum non conveniens* at 12 O.S.2011 § 140.3, the Legislature enumerated the following factors to be considered in determining whether to grant a motion to transfer: (1) the existence of alternate forums for trial; (2) the adequacy of the remedy in the alternate forum; (3) whether maintenance of the action in the court where the case was filed would work substantial injustice to the moving party; (4) whether the alternate forum can exercise jurisdiction over all defendants joined by the plaintiff; (5) whether the balancing of the private interests of the parties and the public interest of the state predominate in favor of the action being brought in an alternate forum; and (6) whether transfer would prevent unreasonable duplication or proliferation of litigation.

These factors strongly favor transferring the case to Rogers County. Under factors (1) and (2), Rogers County is indisputably a proper alternate forum where an adequate remedy is obtainable. Under factor (3), maintaining the action in Tulsa would work “substantial injustice” and substantially prejudice Defendant Walton and almost all of the 11 defendants, by requiring them to constantly travel to Tulsa County. This would defeat the purpose of the doctrine, which is “avoidance of a forced trial in a location that is generally inconvenient and inappropriate.”

Groendyke Transp., Inc. v. Cook, 1979 OK 59, ¶ 6, 594 P.2d 369, 372.

Under factor (4), Rogers County can clearly exercise jurisdiction over all defendants, as well as over Plaintiff, as Rogers County is his own county of residence. For this reason, it is

questionable why Plaintiff chose to file his Petition in Tulsa County, except perhaps to burden and inconvenience the defendants.

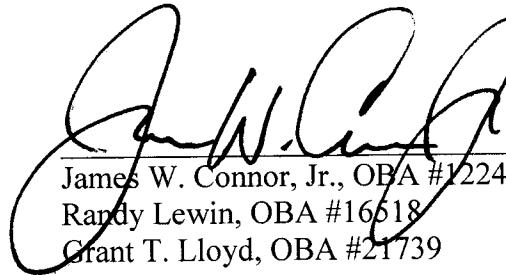
Under factor (5), as explained above, both the private interests of the parties and the public interests of the state predominate in favor of transferring the action to Rogers County. More than most lawsuits, Plaintiff's lawsuit particularly concerns one county. This case concerns the alleged conduct of Rogers County public officials and Rogers County citizens. The issues involve an effort to investigate public officials through the grand jury process. The people of Rogers County have the strongest interest in hearing and deciding this case, just as the defendants have the strongest interest in having their case decided by the people of Rogers County.

Finally, under factor (6), transfer to Rogers County would prevent unreasonable duplication or proliferation of issues. For example, should Plaintiff choose to join other defendants, it is likely they will also be residents of Rogers County, considering that all of Plaintiff's claims are based on the petitions for the grand jury investigation, which concerns Rogers County public officials.

In conclusion, transfer to the District Court of Rogers County would be more convenient for the parties and serve the interest of justice.

WHEREFORE, Defendant Scott Walton prays that this Court dismiss this matter pursuant to 12 O.S.2011 § 2012 (B)(3), (4), and (5) or, in the alternative, transfer this matter to the District Court of Rogers County pursuant to 12 O.S.2011 § 140.1 and under the doctrine of *forum non conveniens* as codified by 12 O.S.2011 § 140.3, and for such other and further relief as the Court may deem just and equitable in the premises.

Respectfully submitted,



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Randy Lewin, OBA #16618
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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
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Keith B. Bartsch
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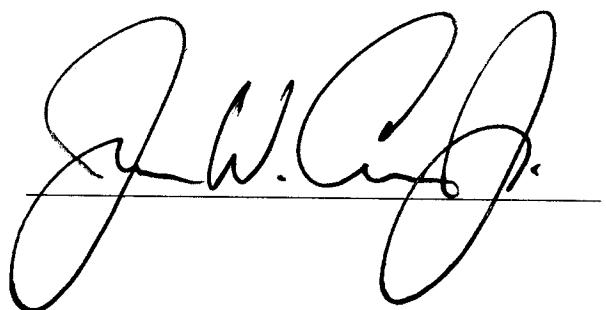
Claremore, OK 74017

Edith A. Singer

321 W. 1st Street

P.O. Box 1341

Claremore, OK 74018

A handwritten signature in black ink, appearing to read "J.W. Clegg, Jr." The signature is fluid and cursive, with a large, stylized "J" and "W".

* 1027418465 *

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

KIRT THACKER,)
vs.)
SCOTT WALTON, JOHN SINGER,)
STEVE COX, MYRON GRUBOWSKI,)
BILL JONES, RUSSELL GUILFOYLE,)
WILLIAM "BILL" HIGGINS, ERIN)
O'QUIN, CARL WILLIAMS, SALLY)
WILLIAMS, AND EDITH SINGER,)
Plaintiff,)
Defendants.)
Case No. CJ-2014-3247-CANTRELL
DISTRICT COURT
FILED
OCT - 2 2014
SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

**DISTRICT COURT
FILED**

OCT - 2 2014

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

**DEFENDANT WILLIAM HIGGINS' MOTION TO DISMISS OR, IN THE
ALTERNATIVE, MOTION TO TRANSFER & BRIEF IN SUPPORT**

COMES NOW Defendant William Higgins, by and through his attorneys of record, Walter D. Haskins and Keith B. Bartsch of the law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Fiasco, of Tulsa, Oklahoma; and Neal Stauffer and Jody Nathan of the law firm of Stauffer & Nathan, of Tulsa, Oklahoma, and hereby moves to dismiss this matter for improper venue, insufficiency of process, and insufficiency of service of process pursuant to 12 O.S. § 2012(B)(3), (4), and (5) respectively. In the alternative, Defendant moves to transfer this case to Rogers County pursuant to 12 O.S. § 140.1 and for forum non conveniens under 12 O.S. § 140.3. Defendant respectfully submits the following Brief in Support.

BRIEF IN SUPPORT

INTRODUCTION

This case arises from a Petition for Grand Jury Investigation filed in Rogers County on August 26, 2013. The Petition for Grand Jury Investigation contained allegations of misconduct

including bid splitting, unauthorized use of county-owned equipment on private property involving Plaintiff Kirt Thacker, current County Commissioner for Rogers County Commission District No. 3. The Petition for Grand Jury Investigation was approved for circulation by the Rogers County District Court on August 29, 2013. Plaintiff alleges another document titled “Rogers County Grand Jury Petition” was circulated to obtain signatures but was not approved by the Court. (Petition, ¶11). This document contained allegations of witness tampering, wiretapping, and other misconduct against Plaintiff and others. (Petition, ¶13). Plaintiff further alleges those involved “conspired to cause the spoliation of evidence” concerning the circulation of said documents in October of 2013. (Petition, ¶15). On October 15, 2013, the Rogers County Grand Jury Petition was dismissed, as Plaintiff claims, because it contained “collected and filed signatures on an unauthorized form, not the judicially approved petition.” (Petition, ¶17).

It is the contents of these two documents that form the basis of Plaintiff’s claims in this case, which include libel *per se*, slander *per se*, civil damages for false accusations in a Grand Jury Petition, abuse of process, malicious prosecution, civil conspiracy, aiding and abetting others to defame, and punitive damages. Plaintiff asserts these claims against Defendant Higgins, an attorney residing in Rogers County, due to his alleged assistance in creating and drafting the Rogers County Grand Jury Petition. (Petition, ¶19). Similar allegations are asserted against the remaining named Defendants.

In response, Defendant Higgins moves to dismiss Plaintiff’s Petition for several reasons. First, Plaintiff’s Petition should be dismissed for insufficiency of process and service of process under 12 O.S. § 2012(B)(4) and (5). Plaintiff has failed to serve Defendant Higgins in any permissible method proscribed by Oklahoma law. *See* 12 O.S. § 2004(C)(1)-(3) (providing methods

of service on individuals). Plaintiff has also failed to obtain a sufficient return of service of process. In the absence of valid service on Defendant Higgins, the Court lacks in personam jurisdiction over him and may not enter a judgment against him. The Court should accordingly dismiss Plaintiff's Petition for insufficient process and service of process.

In addition, the Court should dismiss Plaintiff's Petition for improper venue or, in the alternative, transfer the case to Rogers County pursuant to 12 O.S. §§ 140.1, 140.3. Specifically, because all of the events giving rise to Plaintiff's claims occurred in Rogers County, and Plaintiff himself, as well as Defendants Higgins, Scott Walton, John Singer, Steve Cox, Myron Grubowski, Bill Jones, Russel Guilfoyle, Erin O'Quin, and Edith Singer are all residents of Rogers County, venue is improper in Tulsa County. Plaintiff contends venue is proper in Tulsa County because co-defendants Carl and Sally Williams are allegedly residents of Tulsa County and the "acts and omission of Defendants . . . occurred in Rogers, Craig, Mayes and Tulsa Counties, and other counties, in Oklahoma. (Petition, ¶¶7-8). The Petition, however, *only* describes events that occurred in Rogers County.

Even if the Court finds Plaintiff's allegations are true and that venue is proper, Defendant Higgins submits this matter should be transferred to Rogers County for *forum non conveniens* as (1) venue is proper in Rogers County; (2) Rogers County could provide Plaintiff with an adequate remedy; (3) maintaining this action in Tulsa County would work a substantial injustice to Defendant Higgins, as well as co-defendants; (4) Rogers County can exercise jurisdiction over all named Defendants in this matter; (5) the interests of the parties and, in particular, the public interests strongly favor bringing the action in Rogers County; and (6) judicial resources would be preserved and duplication or proliferation of litigation prevented by transferring the case to Rogers County.

For these reasons, as discussed more fully herein, the Court should dismiss Plaintiff's Petition or, in the alternative, transfer this case to Rogers County.

ARGUMENTS & AUTHORITIES

I. THE COURT SHOULD DISMISS PLAINTIFF'S PETITION

A. Insufficiency of Process and Service of Process

This case should be dismissed for insufficiency of process and service of process pursuant to 12 O.S. § 2012(B)(4) and (5), as Plaintiff has failed to serve Defendant Higgins. Further, Plaintiff has not obtained a return of service of process in compliance with Oklahoma law. Without sufficient service of process, as in this case, the Court lacks in personam jurisdiction over Defendant Higgins. Accordingly, Plaintiff's Petition should be dismissed.

"In personam jurisdiction is the power to deal with the person of the defendant and to render a binding judgment against the defendant." *Conoco, Inc. v. Agrico Chem. Co.*, 2004 OK 83, ¶15, 115 P.3d 829, 834 (citation omitted). Jurisdiction over an individual is acquired by service of process or by voluntary appearance before the court. *Id.* Service of process is outlined in 12 O.S. § 2004, which allows for service on an individual by personal delivery, by mail, and in some circumstances, by publication. 12 O.S. § 2004(C)(1)-(3). In addition, the Oklahoma Supreme Court has recognized "[m]atters of pleading and practice are reviewed using a 'substantial compliance' test." *Scott v. Peterson*, 2005 OK 84, ¶20, 126 P.3d 1232, 1237 (citations omitted).

However, "[a]ctual notice cannot by itself be sufficient to establish in personam jurisdiction, otherwise there would be no provision for challenging the mode of delivery or the lack of delivery of the summons and petition under [Section 2012(B)(5)]." *Graff v. Kelly*, 1991 OK 71, ¶10, 814 P.2d 489, 492. Thus, "[w]here there has been no service of a suit, or waiver thereof, the necessity

of service is not dispensed with by the mere fact that the defendant may in some way learn of the filing of the suit.”” *Id.* (quoting *Piggly-Wiggly Ga. Co. v. May Investing Corp.*, 6 S.E.2d 579, 580 (Ga. 1939)).

In this case, Plaintiff has failed to meet the requirements for service under 12 O.S. § 2004(C) by serving Defendant Higgins with a copy of the Petition and summons either personally, by mail, or by publication. As Plaintiff has not served Defendant Higgins by mail, he also does not have a return of service of process meeting the requirements of Section 2004(C)(2)(c). *See also Genoff Farms, Inc. v. Seven Oaks South, LLC*, 2011 OK CIV APP 29, ¶¶21-22, 249 P.2d 526, 532 (finding insufficient service when return receipt was marked “unclaimed” rather than “refused” as required for a return receipt under 12 O.S. § 2004(C)(2)(c)). And, as the *Graff* court noted, actual notice of Plaintiff’s lawsuit is insufficient to establish in personam jurisdiction and does not dispense with the requirements for service of process. *See Graff*, 814 P.2d at 492. Plaintiff fails to even meet the “substantial compliance” test under Oklahoma law as he has not even attempted proper service on Defendant Higgins.

No judgment can be entered against Defendant Higgins because there is no in personam jurisdiction without proper service. *See Ferguson Enter., Inc. v. H. Webb Enter., Inc.*, 2000 OK 78, ¶11, 13 P.3d 480, 484 (“If the record does not reflect that personal service has been made on the defendant, the court lacks in personam jurisdiction over the defendant and any default judgment rendered thereon is void and subject to vacation.”). The Petition should, therefore, be dismissed due to Plaintiff’s failure to serve Defendant Higgins.

that of a defendant's residence are to be strictly construed." *Id.* (citing *Jones v. Brown*, 1973 OK 98, 516 P.2d 546, 548; *Hiner v. Hugh Breeding, Inc.*, 1960 OK 194, 355 P.2d 549). Under this rule, Defendant Higgins should not be denied his right to have this action heard where he and other Defendants reside, as well as where all events giving rise to Plaintiff's claims arose — Rogers County.

Thus, should the Court decline to dismiss Plaintiff's Petition for improper venue, or for the other grounds discussed *supra*, Defendant Higgins alternatively moves the Court to transfer the case to Rogers County pursuant to 12 O.S. § 140.1. *See A-Plus Janitorial & Carpet Cleaning v. Emp'r's Workers' Comp. Ass'n*, 1997 OK 37, ¶29, 936 P.2d 916, 929 ("When a challenge to venue is interposed *and sustained*, the trial judge has a duty *to transfer the case* to the district court in the county in which venue may be laid.") (emphasis in the original).

B. If the Court Finds Venue is Proper, the Court Should Transfer Plaintiff's Case to Rogers County for Forum Non Conveniens

If not dismissed, transfer of this case to Rogers County is also warranted under the doctrine of forum non conveniens. Where at least two forums are proper, the doctrine of forum non conveniens may be invoked to transfer a case to a county more appropriate. The rule of forum non conveniens is an "equitable one embracing the discretionary power of a court to decline to exercise the jurisdiction it has over a transitory cause of action when it believes that the action before it may be more appropriately and justly tried elsewhere." *Groendyke Transp., Inc. v. Cook*, 1979 OK 59, ¶7, 594 P.2d 369, 372 (quoting *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501 (1947)). "The basis and purpose of the doctrine is avoidance of a forced trial in a location that is generally inconvenient and inappropriate." *Id.* The doctrine, however, "should only be exercised in exceptional circumstances"

prevent Plaintiff from obtaining an adequate remedy in Rogers County. Thus, the next consideration is whether “substantial injustice” to the Defendants will result if the case is allowed to proceed in Tulsa County. 12 O.S. § 140.3.

Defendant Higgins will be substantially prejudiced should the case remain in Tulsa County. Requiring Defendant Higgins to constantly travel to Tulsa County would defeat the purpose of the doctrine, which is “avoidance of a forced trial in a location that is generally inconvenient and inappropriate.” *Groendyke Transp., Inc. v. Cook*, 1979 OK 59, ¶6, 594 P.2d 369, 372. The majority of Defendants reside in Rogers County and would therefore be required to incur great personal costs and attorneys fees in continuously traveling to Tulsa County for this litigation. In addition, if kept in Tulsa County, this case could potentially proceed for a longer period of time than necessary due to delays and scheduling conflicts resulting from forcing Defendants to travel to Tulsa County. Such a result would not only prejudice Defendant Higgins and co-defendants, but would prejudice the Court as well by clogging its docket and unnecessarily expending judicial resources. To avoid substantial prejudice, the Court should transfer the case to Rogers County as Defendant Higgins would be greatly inconvenienced by a forced trial in Tulsa County.

There is little doubt that, under the fourth factor in Section 140.3, Rogers County can exercise jurisdiction over all Defendants named in Plaintiff’s Petition. Although not included as a factor, Rogers County could also exercise jurisdiction over Plaintiff Thacker as *it is his own residence*. For this reason, among others, Defendant Higgins is at a loss as to why Plaintiff’s Petition was filed in Tulsa County in the first place, and can only assume Plaintiff intended to burden and inconvenience all named Defendants as much as possible in filing this lawsuit.

Further, as to the fifth factor, both the private and public interests of the state predominate in favor of the action being transferred to Rogers County. As for Defendant Higgins' private interests, he is a practicing attorney in Rogers County with a full schedule, and he has a strong interest against being haled into a court where he does not reside. Moreover, as previously discussed, in cases where the plaintiff seeks venue in a county other than the defendants' residence, such as this case, Oklahoma courts have expressed that statutory "[e]xceptions which authorize bringing of suits in a county other than that of a defendant's residence are to be strictly construed."

Safeway Stores, Inc., 530 P.2d at 133 (citing *Jones v. Brown*, 1973 OK 98, 516 P.2d 546; *Hiner v. Hugh Breeding, Inc.*, 1960 OK 194, 355 P.2d 549).

The public interests of the state also strongly favor transfer of this case to Rogers County considering that this case concerns the alleged conduct of Rogers County public officials and Rogers County citizens. In other words, the courts of Rogers County have a significant interest in hearing and deciding this matter as (1) the Petition for Grand Jury Investigation and Rogers County Grand Jury Petition include allegations of criminal and civil misconduct against Rogers County public officials for actions taken in their official capacity — including Plaintiff; (2) the documents were the result of Rogers County private citizens' attempt to hold public officials, such as Plaintiff, accountable for their actions; and (3) Plaintiff apparently intends to seek civil damages against some of the Rogers County private citizens for doing so. Plaintiff's Petition further reiterates that this case is entirely concerned with Rogers County officials and private citizens, and Rogers County should not be deprived of the ability to hear and decide a case so closely associated with its own citizens.

Finally, transfer to Rogers County would prevent unreasonable duplication or proliferation of issues. Should Plaintiff choose to join other defendants in this case, it is likely they will also be

residents of Rogers County considering that Plaintiff's claims are based on the Petition for Grand Jury Investigation filed in Rogers County, the Rogers County Grand Jury Petition, and events related to these documents, which all occurred in Rogers County. As a consequence, if the case remains in Tulsa County, the Court would be forced to hear the same arguments to transfer the case from subsequently joined defendants. The relevant considerations under the doctrine of forum non conveniens, therefore, strongly favor transfer of this case to Rogers County. *See Harwood*, 565 P.2d at 4 (finding transfer for forum non conveniens proper and relying in part on the "*right of defendant to be sued in place of his residence*" and "*place where the transitory cause of action arose*") (emphasis added). Should the Court find Plaintiff's Petition should not be dismissed due to insufficient process or service of process, and that venue is proper in Tulsa County, the case should nevertheless be transferred to Rogers County pursuant to forum non conveniens to avoid inefficiency and waste of the Court's resources.

CONCLUSION

WHEREFORE, premises considered, Defendant Higgins respectfully requests this Court dismiss Plaintiff's Petition pursuant to 12 O.S. § 2012(B)(3), (4), and (5) or, in the alternative, Defendant requests the Court to transfer this matter to Rogers County pursuant to 12 O.S. § 140.1 and for forum non conveniens under 12 O.S. § 140.3, and any other such further relief this Court deems just and equitable.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & FIASCO**
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**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

KIRT THACKER,
vs.
SCOTT WALTON, JOHN SINGER,
STEVE COX, MYRON GRUBOWSKI,
BILL JONES, RUSSELL GUILFOYLE,
WILLIAM HIGGINS, ERIN
O'QUIN, CARL WILLIAMS, SALLY
WILLIAMS, AND EDITH SINGER,
Plaintiff,
Defendants.

Case No. CJ-2014-3247 CANTRELL
DISTRICT COURT
FILED

OCT - 2 2014

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

ANSWER OF DEFENDANT WILLIAM HIGGINS

COMES NOW the Defendant, William Higgins, by and through his attorneys of record, Walter D. Haskins, of the law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Fiasco, of Tulsa, Oklahoma; and Neal E. Stauffer and Jody R. Nathan, of the law firm of Stauffer & Nathan, P.C., of Tulsa, Oklahoma, and for his Answer to the Petition of the Plaintiff herein, states and avers as follows:

I.

This Defendant appears specially and moves the Court to dismiss this matter in and for the reason that 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 Higgins states that the District Court of Tulsa County, Oklahoma, is an improper venue for this action, and moves the Court to therefore dismiss the same, or in the alternative, to transfer said cause

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to a court of proper venue pursuant to 12 O.S. 2011 § 140.1.

III.

For further answer and defense, this Defendant states, without waiver of the defenses stated above, that the District Court of Tulsa County, Oklahoma, is not a forum which, 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 this matter and to stay, transfer, or dismiss the action pursuant to the provisions of 12 O.S. Supp. 2013 § 140.3.

IV.

For further answer and defense, this Defendant denies generally and specifically each and every material allegation in the Petition of the Plaintiff, 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, this Defendant admits the allegations of Plaintiff's Petition in the following particulars:

- a. the allegation of paragraph 1 that Plaintiff Kirt Thacker 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, this Defendant states that the allegations of paragraph 25 contain only conclusions of law, to which no answer is required.

VII.

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

VIII.

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

IX.

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

X.

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

XI.

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

XII.

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

XIII.

For further answer and defense, this Defendant denies that he was the cause of any damages incurred by Plaintiff, should there be any.

XIV.

For further answer and defense, this Defendant alleges that the claims of Plaintiff are barred by the doctrines of intervening/superceding cause.

XV.

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

XVI.

For further answer and defense, this Defendant states that to the extent that 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 Constitution of the State of Oklahoma in that:

- a. said damages are intended to punish and deter Defendant and thus this proceeding is essentially criminal in nature;
- b. that Defendant is being compelled to be a witness against himself in a proceeding essentially and effectively criminal in nature, in violation of Higgins' right to due process, and in violation of the Constitution of the State of Oklahoma cited herein;

XVIII.

This Defendant reserves the right to add additional affirmative defenses and supplement this Answer upon completion of discovery and before pretrial, or as may be hereafter ordered by the Court.

XIX.

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

PRAYER

WHEREFORE, premises considered, Defendant William Higgins prays that the 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 (2) reasons set forth above, that it transfer this matter to the District Court of Rogers County, and that Plaintiff have and take nothing by way of his Petition, that judgment be rendered in favor of this Defendant, together with his costs, attorney fees, and such other and further non-affirmative relief to which he may be entitled.

CERTIFICATE OF MAILING

I hereby certify on the 2 day of October, 2014, I delivered a copy of the foregoing document to the following, via regular mail, with postage properly paid:

Mr. Larry R. Steidley, Jr.
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Mr. James W. Connor, Jr.
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Attorney for Defendant Walton

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- c. that Plaintiffs' 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 its rights under Article, 2, Section 6; Article 2, Section 7; and Article 5, Section 59 of the Constitution of the State of Oklahoma;
- d. that 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 of the United States Constitution and in violation of the Constitution of the State of Oklahoma, as cited herein.

XVII.

For further answer and defense, this Defendant affirmatively 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 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.

Respectfully submitted,

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JURY TRIAL DEMANDED

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

1027418522*

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.

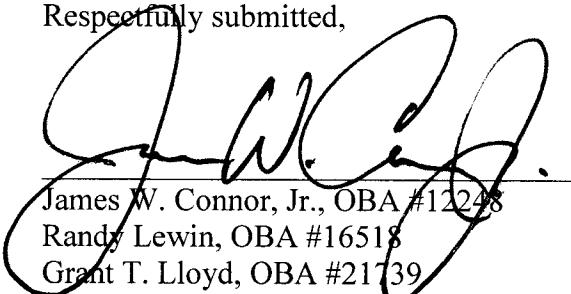
XVIII. Defendant Walton does not intend by his Answer to waive any additional defenses which may be applicable to this action; rather Defendant expressly reserves the right to assert additional affirmative defenses and supplement this Answer upon completion of discovery and before pretrial, or as may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



James W. Connor, Jr., OBA #12248
Randy Lewin, OBA #16518
Grant T. Lloyd, OBA #21739
RICHARDS & CONNOR
12th Floor, ParkCentre Building
525 S. Main Street
Tulsa, Oklahoma 74103
Telephone: 918/585.2394
Facsimile: 918/585.1449

and

Mark A. Warman, OBA # 12920
WILKERSON, WASSALL, & WARMAN
15 West Sixth Street, Suite 2900
Tulsa, Oklahoma 74119
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
ATKINSON, HASKINS, NELLIS, BRITTINGHAM, GLADD & FIASCO
1500 Park Centre, 525 S. Main
Tulsa, OK 74103
ATTORNEYS FOR DEFENDANT
WILLIAM HIGGINS

Neal E. Stauffer
Jody R. Nathan
P.O. Box 702860
Tulsa, OK 74170
ATTORNEYS FOR DEFENDANT
WILLIAM HIGGINS

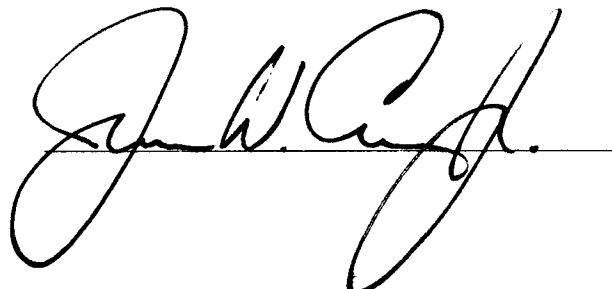
Michael Masterson
David Fleury
2421 E. Skelly Drive
Tulsa, OK 74105-6006

*J. Schaad Titus
**TITUS, HILLIS, REYNOLDS, LOVE,
DICKMAN & MCCALMON**
15 E. 5th Street, Suite 3700
Tulsa, OK 74103
ATTORNEY FOR DEFENDANT
MYRON GRUBOWSKI

Chad Neuens
NEUENS MITCHELL FREESE, PLLC
2021 S. Lewis Ave., Suite 660
Tulsa, OK 74104

Erin Oquin
200 S. Lynn Riggs Blvd.
Claremore, OK 74017

Edith A. Singer
321 W. 1st Street
P.O. Box 1341
Claremore, OK 74018

A handwritten signature in black ink, appearing to read "J.W. Clegg", is positioned over a horizontal line. The signature is fluid and cursive, with a distinct 'J' at the beginning and a 'g' at the end.

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

KIRT THACKER,)
Plaintiff,)
vs.) CJ-2014-3247
vs.) Daman H. Cantrell
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
FILED

OCT 20 2014

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

**PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO
DEFENDANT WILLIAM HIGGINS' MOTION TO DISMISS AND
REQUEST FOR EXPEDITED RELIEF**

COMES NOW Kirt Thacker, by and through his attorney of record, Larry R. Steidley, Jr., and moves this Court for an extension of time in which to respond to the motions to dismiss filed herein by Defendants William Higgins and Scott Walton, and alleges and states as follows:

1. Plaintiff filed his Petition and had Summons issued on August 25, 2014.
2. Plaintiff has yet to serve any defendant with the Petition and Summons, but is well within the times prescribed by Oklahoma statutes and local court rules to do so.
3. On October 2, 2014, counsel for Defendant William Higgins filed a motion to dismiss, and answer, in this case. The motion to dismiss and answer were served via mail.
4. On October 2, 2014, counsel for Defendant Scott Walton filed a motion to dismiss, and answer, in this case. The motion to dismiss and answer were served via mail.
5. Plaintiff has until October 20, 2014, to respond to the aforementioned motions.

6. Counsel for Plaintiff filed suit to preserve Plaintiff's statute of limitations against defendants, but has not yet served the Petition and Summons to allow Plaintiff's counsel time to coordinate his schedule for the handling of this case, and currently his schedule has not been conducive to allowing the appropriate time to research and file a response. Plaintiff's counsel needs a brief, reasonable extension of time with which to respond.
7. The case has just been filed, the time period on Plaintiff's Summons has not expired, no hearing has been set, and no party will be prejudiced by a reasonable extension of time.
8. Plaintiff requests a 15 day extension to November 4, 2014, in which to respond to the motions to dismiss filed herein by defendants Higgins and Walton.
9. Counsel for Defendant Higgins, and apparently counsel for Defendant Walton, object to the requested extension.

WHEREFORE, Plaintiff respectfully requests he be given an additional 15 days, or until November 4, 2014, to respond to Defendant Higgins's and Defendant Walton's motions to dismiss.



Larry R. Steidley, Jr. – OBA #18000
P.O. Box 98
Claremore, OK 74018-0098
(918) 343-2060
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify on the 20 day of October, 2014, I delivered a copy of the foregoing document to the following, via regular mail, with postage properly paid, to:

Walter D. Haskins
Keith B. Bartsch
525 South Main, Suite 1500
Tulsa, OK 74103-4524

Neal E. Stauffer
Jody R. Nathan
P.O. Box 702860
Tulsa, OK 74170

Mark Antinoro
Antinoro Law Firm, PLC
P.O. Box 932
Pryor, OK 74362

Chad Neuens
Neuens Mitchell Freese, PLLC
2021 South Lewis Ave., Suite 660
Tulsa, OK 74104

Erin Oquin
c/o: Lenoard Logan
101 South Wilson Street
Vinita, OK 74301

Edith Singer
321 West 1st Street
P.O. Box 1341
Claremore, OK 74018

Michael Masterson
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Tulsa, Oklahoma 74103

James W. Connor, Jr.
Randy Lewin
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Tulsa, OK 74103

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15 West Sixth Street, Suite 2900
Tulsa, OK 74119



Larry Steidley

1027507169

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
F I L E D

OCT 24 2014

KIRT THACKER,
Plaintiff,

vs.

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

Defendants.

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

Case No.: CJ-2014-03247
Honorable Judge: Damon Cantrell

SPECIAL ENTRY OF APPEARANCE FOR DEFENDANT HIGGINS

Neal E. Stauffer, Jody R. Nathan, and Jessica L. Tait of the Law firm of Stauffer & Nathan, hereby specially appear as attorneys of record for the Defendant William Higgins without waiving any defenses in 12 O.S. § 2012.

P

Respectfully submitted,

STAUFFER & NATHAN, P.C.

By:

Jody R. Nathan
Neal E. Stauffer, OBA No. 13168

Jody R. Nathan, OBA No. 11685

Jessica L. Tait, OBA No. 30748

P.O. Box 702860

Tulsa, OK 74170-2860

918-592-7070 (Telephone)

918-592-7071 (Facsimile)

Attorneys for Defendant William Higgins

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was deposited in the U.S. Mail on the 24th day of October, 2014, addressed to the following, with proper postage thereon, fully prepaid:

Larry R. Steidley, Jr.
P.O. Box 98
Claremore, Oklahoma 74018-0098
Attorney for Plaintiff Kirt Thacker

James W. Connor Jr.
Richards & Connor
1250 ParkCentre
525 S. Main Street
Tulsa, Oklahoma 74103
Attorney for Defendant Scott Walton

Michael Masterson
David Fleury
Attorneys at Law
2421 E. Skelly Drive
Tulsa, Oklahoma 74105

J. Schadd Titus
Titus, Hills, Reynolds, Love, Dickman &
McCalmon
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Tulsa, Oklahoma 74013

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Neuens Mitchell Freese, PLLC
2021 S. Lewis Ave., Suite 660
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Walter D. Haskins
Keith B. Bartsch
Atkinson, Haskins, Nellis, Brittingham,
Gladd & Fiasco
1500 ParkCentre
525 South Main
Tulsa, Oklahoma 74103
Attorneys for Defendant William Higgins

Erin Oquin
200 S. Lynn Riggs Blvd.
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Edith A. Singer
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P.O. Box 1341
Claremore, Oklahoma 74018



SALLY HOWE SMITH
COURT CLERK

Tulsa County Courthouse
Tulsa, Oklahoma 74103-3844

500 South Denver, Rm. 200
(918) 596-5000

COURT CLERK
COUNTY OF Tulsa
STATE OF Oklahoma

TULSA CASE NO. CJ-2014-3247

Dear Clerk: Rogers County

Enclosed please find our complete file and order for change of venue with attorneys check attached. Thank you in advance for your co-operation.

Kirt Thacker

Plaintiff.

VS.

Scott Walton et al.

Defendant.

WITNESS MY HAND AND SEAL OF THE COURT THIS

5 day of November, 2014.

SALLY HOWE-SMITH, COURT CLERK

Dimitra Aune
Deputy

cc: Larry R. Steedley
1503 N. Lynn-Riggs Blvd
Suite - C
Claremore, OK 74019

Re: Kirt Thacker

cc: Keith B. Bartsch
Walter D. Haskins III
1500 Park Centre
525 S. Main ST.
Tulsa, OK 74103

Re: William Higgins

cc: Jody R. Nathan
Neal E. Stauffer
Jessica L. Tait
PO Box 702860
Tulsa, OK 74170

Re: William Higgins

cc: James W. Connor Jr
1250 Park Centre
525 S. Main ST
Tulsa, OK 74103

Re: Scott Walton

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

KIRT THACKER, Plaintiff, v. SCOTT WALTON, Defendant, and JOHN SINGER, Defendant, and STEVE COX, Defendant, and MYRON GRUBOWSKI, Defendant, and BILL JONES, Defendant, and RUSSELL GUILFOYLE, Defendant, and WILLIAM "BILL" HIGGINS, Defendant, and ERIN OQUIN, Defendant, and CARL WILLIAMS, Defendant, and SALLY WILLIAMS, Defendant, and EDITH SINGER, Defendant.	No. CJ-2014-3247 (Civil relief more than \$10,000: OTHER <..DESCRIPTION OF ACTION..>) Filed: 08/25/2014 Judge: Cantrell, Daman H.
---	---

Parties

COX, STEVE , Defendant
 GRUBOWSKI, MYRON , Defendant
 GUILFOYLE, RUSSELL , Defendant
 HIGGINS, WILLIAM , Defendant
 JONES, BILL , Defendant
 OQUIN, ERIN , Defendant
 SINGER, EDITH , Defendant
 SINGER, JOHN , Defendant
 THACKER, KIRT , Plaintiff
 WALTON, SCOTT , Defendant
 WILLIAMS, CARL , Defendant
 WILLIAMS, SALLY , Defendant

Attorneys

Attorney

KEITH B(Ba# 22059)
 1500 PARKCENTRE
 525 S MAIN STREET
 TULSA, OK 74103

Represented Parties

HIGGINS, WILLIAM

CONNOR, JAMES W JR(Ba# 12248)
 1250 PARKCENTRE, 525 S MAIN STREET
 TULSA, OK 74103

WALTON, SCOTT

JOHN SINGER(Ba# 3964)
 1500 ParkCentre
 525 S Main
 Tulsa, OK 74103

HIGGINS, WILLIAM

JOHN SINGER(Ba# 11689)
 1500 ParkCentre
 525 S Main
 Tulsa, OK 74103

HIGGINS, WILLIAM

STEVEN NEALE(Ba# 13168)
 1500 ParkCentre
 525 S Main
 Tulsa, OK 74103

HIGGINS, WILLIAM

~~PO BOX 702860
TULSA, OK 74170~~

Steidley, Larry R (Bar # 18000)
 1503 N. Lynn Riggs Blvd.
 Suite-C
 P.O. Box 98
 Claremore, OK 74019

THACKER, KIRT

~~TATT, JESSICA L (Bar # 30748)
 PO BOX 702860
 Tulsa, OK 74170~~

HIGGINS, WILLIAM

Events

Event	Party	Docket	Reporter
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Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1. Issue: OTHER <..DESCRIPTION OF ACTION..> (OTHER)
 Filed by: THACKER, KIRT
 Filed Date: 08/25/2014

<u>Party Name:</u>	<u>Disposition Information:</u>
<u>Defendant:</u> WALTON, SCOTT	Pending.
<u>Defendant:</u> SINGER, JOHN	Pending.
<u>Defendant:</u> COX, STEVE	Pending.
<u>Defendant:</u> GRUBOWSKI, MYRON	Pending.
<u>Defendant:</u> JONES, BILL	Pending.
<u>Defendant:</u> GUILFOYLE, RUSSELL	Pending.
<u>Defendant:</u> HIGGINS, WILLIAM	Pending.
<u>Defendant:</u> OQUIN, ERIN	Pending.
<u>Defendant:</u> WILLIAMS, CARL	Pending.
<u>Defendant:</u> WILLIAMS, SALLY	Pending.
<u>Defendant:</u> SINGER, EDITH	Pending.

Docket

Date	Code	Count	Party	Serial #	Entry Date	User Name	
08-25-2014	TEXT	1		91103211	Aug 25 2014 4:21:35:103PM	OSCN\CarolynKindley	-
CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.							
08-25-2014	OTHER	-		91103213	Aug 25 2014 4:21:35:343PM	OSCN\CarolynKindley	Realized
OTHER <..DESCRIPTION OF ACTION..>							
08-25-2014	DMFE	-		91103214	Aug 25 2014 4:21:35:353PM	SYSTEM\Autodocket	Realized
							\$ 2.00

DISPUTE MEDIATION FEE(\$ 2.00)

08-25-2014 PFE1	-	91103215	Aug 25 2014 4:42:50:033PM	OSCN\KatlynDelozier	Realized	\$ 163.00
PETITION(\$ 163.00)						
<u>Document Available (#1027002273)</u>						
08-25-2014 PFE7	-	91103216	Aug 25 2014 4:21:35:353PM	SYSTEM\Autodocket	Realized	\$ 6.00
LAW LIBRARY FEE(\$ 6.00)						
08-25-2014 OCISR	-	91103217	Aug 25 2014 4:21:35:353PM	SYSTEM\Autodocket	Realized	\$ 25.00
OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)						
08-25-2014 CCADMIN02	-	91103218	Aug 25 2014 4:21:35:353PM	SYSTEM\Autodocket	Realized	\$ 0.20
COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS(\$ 0.20)						
08-25-2014 OCJC	-	91103219	Aug 25 2014 4:21:35:353PM	SYSTEM\Autodocket	Realized	\$ 2.00
OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 2.00)						
08-25-2014 OCASA	-	91103220	Aug 25 2014 4:21:35:353PM	SYSTEM\Autodocket	Realized	\$ 5.00
OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)						
08-25-2014 CCADMIN04	-	91103221	Aug 25 2014 4:21:35:353PM	SYSTEM\Autodocket	Realized	\$ 0.50
COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)						
08-25-2014 LTF	-	91103222	Aug 25 2014 4:21:35:463PM	OSCN\CarolynKindley	Realized	\$ 10.00
LENGTHY TRIAL FUND(\$ 10.00)						
08-25-2014 SMF	-	91103223	Aug 25 2014 4:22:04:763PM	OSCN\CarolynKindley	Realized	\$ 55.00
SUMMONS FEE (CLERKS FEE)-11(\$ 55.00)						
08-25-2014 SMIP	-	91103224	Aug 25 2014 4:21:35:563PM	OSCN\CarolynKindley	Realized	\$ 0.00
SUMMONS ISSUED - PRIVATE PROCESS SERVER						
08-25-2014 TEXT	-	91103212	Aug 25 2014 4:21:35:323PM	OSCN\CarolynKindley	-	\$ 0.00
OCIS HAS AUTOMATICALLY ASSIGNED JUDGE CANTRELL, DAMAN H. TO THIS CASE.						
08-25-2014 ACCOUNT	-	91103251	Aug 25 2014 4:22:24:393PM	OSCN\CarolynKindley	-	\$ 0.00
RECEIPT # 2014-2917285 ON 08/25/2014.						
PAYOR:STEIDLEY LAW FIRM TOTAL AMOUNT PAID: \$268.70.						
LINE ITEMS:						
CJ-2014-3247: \$218.00 ON AC01 CLERK FEES.						
CJ-2014-3247: \$6.00 ON AC23 LAW LIBRARY FEE.						
CJ-2014-3247: \$0.70 ON AC31 COURT CLERK REVOLVING FUND.						
CJ-2014-3247: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.						
CJ-2014-3247: \$2.00 ON AC59 OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.						
CJ-2014-3247: \$2.00 ON AC64 DISPUTE MEDIATION FEES.						
CJ-2014-3247: \$25.00 ON AC79 OCIS REVOLVING FUND.						
CJ-2014-3247: \$10.00 ON AC81 LENGTHY TRIAL FUND.						

10-02-2014 MO

WALTON, SCOTT 91510974 Oct 3 2014 9:16:12:977AM OSCN\MaryFagan

\$ 0.00

DEFENDANT SCOTT WALTON'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO TRANSFER
Document Available (#1027418469)

10-02-2014 MO	-	HIGGINS, WILLIAM	91510998	Oct 3 2014 9:17:08:347AM	OSCN\MaryFagan	-	\$ 0.00
DEFENDANT WILLIAM HIGGINS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO TRANSFER & BRIEF IN SUPPORT (A/J)							
<u>Document Available (#1027418465)</u>							
10-02-2014 A	-	HIGGINS, WILLIAM	91511597	Oct 3 2014 9:34:25:557AM	OSCN\DanielHaddock	-	\$ 0.00
ANSWER OF DEFENDANT WILLIAM HIGGINS / CERT OF MAILING / COVER SHEET							
<u>Document Available (#1027418542)</u>							
10-02-2014 A	-	WALTON, SCOTT	91511790	Oct 3 2014 9:39:13:977AM	OSCN\DanielHaddock	-	\$ 0.00
ANSWER OF DEFENDANT SCOTT WALTON / CERT OF SERVICE							
<u>Document Available (#1027418522)</u>							
10-20-2014 MO	-	THACKER, KIRT	91689381	Oct 21 2014 10:44:21:073AM	OSCN\DanielHaddock	-	\$ 0.00
PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO DEFENDANT WILLIAM HIGGINS' MOTION TO DISMISS AND REQUEST FOR EXPEDITED RELIEF / A2J / CERT OF SERVICE							
<u>Document Available (#1027422128)</u>							
10-24-2014 EAA	-		91740781	Oct 24 2014 3:54:32:867PM	OSCN\DanielHaddock	-	\$ 0.00
SPECIAL ENTRY OF APPEARANCE FOR DEFENDANT HIGGINS / CERT OF SERVICE							
<u>Document Available (#1027507169)</u>							
11-04-2014 CTFREE	-		91871220	Nov 4 2014 4:10:27:060PM	OSCN\MelissaNorris	-	\$ 0.00
CANTRELL, DAMAN: GRANTED - AGREED ORDER TRANSFERRING CASE TO ROGERS COUNTY.							

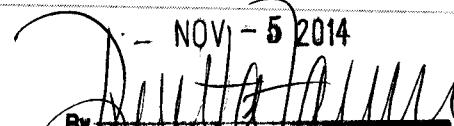
Balances

Party	Costs Due	Costs Paid	Balance Due	Cash	Bonds	Bond Forf.	Overpayments	Holding
GUILFOYLE, RUSSELL	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
JONES, BILL	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
COX, STEVE	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
SINGER, EDITH	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
WILLIAMS, CARL	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
OQUIN, ERIN	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
WALTON, SCOTT	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
THACKER, KIRT	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
HIGGINS, WILLIAM	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
GRUBOWSKI, MYRON	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
WILLIAMS, SALLY	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
SINGER, JOHN	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Generic Party	\$ 268.70	\$ 268.70	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Totals	\$ 268.70	\$ 268.70	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

\$ Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma,
hereby certify that the foregoing is true, correct and full.
copy of the instrument herewith set out as appears on record
in the Court Clerk's Office of Tulsa County, Oklahoma, this

Report Generated by The Oklahoma Court Information System at November 5, 2014 9:22 AM

End of Transmission.

NOV - 5 2014

 By _____
