

CJ-19-6276
Timmons



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JOHN RICKETTS, and
GAYLENE RICKETTS,

Plaintiffs,

v.

PATRICK BRADEN ROTH,
E. DAVID WORDEN,
TRIBUNE BROADCASTING OKLAHOMA
CITY, LLC, dba KFOR-TV,
GRIFFIN COMMUNICATIONS, LLC,
GATEHOUSE MEDIA OKLAHOMA
HOLDINGS, INC, dba THE OKLAHOMAN,

Defendants.

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

NOV - 4 2019

CJ-2019-

RICK WARREN
COURT CLERK

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PETITION

COME NOW the Plaintiffs, John Ricketts ("John") and Gaylene Ricketts ("Gaylene"), (collectively "Plaintiffs"), and for their causes of action against Defendants Patrick Roth ("Roth"), David Worden ("Worden"), Tribune Broadcasting Oklahoma City, LLC, dba KFOR-TV ("KFOR"), Griffin Communications, LLC ("Griffin"), Gatehouse Media Oklahoma Holdings, Inc, dba The Oklahoman ("Oklahoman"), (collectively "Defendants"), allege and state as follows:

JURISDICTION AND VENUE

1. Plaintiff John is a resident of Canadian County, Oklahoma.
2. Plaintiff Gaylene is a resident of Canadian County, Oklahoma.
3. Upon information and belief, Defendant Roth is a resident of Oklahoma County, Oklahoma.
4. Upon information and belief, Defendant Worden is a resident of Galveston County, Texas.

5. Defendant KFOR is a Delaware Limited Liability Company doing business in the State of Oklahoma and online.
6. Defendant Griffin is an Oklahoma Limited Liability Company with its principal place of business located in Oklahoma County, Oklahoma.
7. Defendant Oklahoman is a Delaware Corporation doing business in the State of Oklahoma and online.
8. Part of the events that give rise to this lawsuit took place at or around Hudson street and Fourth street in Oklahoma City, Oklahoma. The remaining events that give rise to this lawsuit took place when each of the Defendants improperly published false reports and statements about Plaintiffs as set forth below.
9. This Court has personal jurisdiction over all Defendants under Okla. Stat. tit. 12 § 187.
10. Venue is proper in this Court under Okla. Stat. tit. 12 § 137.

FACTS RELATING TO ALL CLAIMS

11. In the late night hours of September 18, 2019, Defendant Roth was performing what can only be seen as video vigilantism in the downtown Oklahoma City area of Hudson and 4th Street.
12. Defendant Roth's video vigilantism consists of filming government employees, without their consent or prior notification, while provoking them to get a reaction out of the employee.
13. During this specific encounter with Plaintiffs, Defendant Roth proceeded to record the parking lot, where Plaintiffs were occupying a marked police vehicle.
14. In Defendant Roth's video, Plaintiff John can clearly be seen sitting upright in the driver seat of the vehicle. Plaintiff Gaylene can clearly be seen looking at a cell phone and talking.

15. Before Defendant Roth confronts John, Roth makes several false comments on film about Plaintiffs.
16. Upon confronting Plaintiffs, Defendant Roth asks John if he needs "EMSA" because he looked "hunched over". John replies that he is fine. When Defendant Roth inquires as to what John's name is, John gives Defendant Roth a lawful command to stay back from his person and then returns to the vehicle.
17. Defendant Roth defiantly continues to circle the vehicle for several minutes all the while making additional false and defamatory comments about the Plaintiffs.
18. Defendant Roth again confronts John in an attempt to elicit a reaction from him.
19. John lawfully detained Defendant Roth and his video camera for failure to obey a lawful command and officer safety while checking Defendant Roth for weapons and any outstanding warrants.
20. After checking for weapons and warrants, John released Defendant Roth with all his personal belongings.
21. Defendant Roth proceeded to his vehicle where he resumes filming and made additional false and defamatory statements about Plaintiffs.
22. Defendant Roth was live streaming the video to his YouTube channel, "News Now Patrick."
23. Defendants KFOR and Griffin the next day knowingly published portions of the video on local news broadcasts and their websites containing false statements about Plaintiffs without confirming the truth of the statements made on the video or in the news broadcasts.

24. Two days later, in response to the widespread publicity over the video, the Oklahoma City Police Department responds via press conference stating that they are investigating the allegations made about Plaintiffs in the video.
25. Defendant Oklahoman after covering the press conference, posted portions of the video online.
26. Defendant Roth subsequently edited the video to make the encounter between Defendant Roth and John appear much different than what actually occurred.
27. Defendant Roth then utilized the internet to publish false statements about Plaintiffs, to defame Plaintiffs, encourage and conspire with others to do the same, and to cause Plaintiffs economic and emotional damages.
28. Defendant Worden also utilized the internet to publish false statements about Plaintiffs, to defame Plaintiffs, encourage and conspire with others to do the same, and to cause Plaintiffs economic and emotional damages.
29. Since posting the video online, several others have reposted and copied the video to other websites and news stations throughout the country.
30. Upon information and belief, Defendants have endeavored to "end" Plaintiff's career with the Oklahoma City Police Department; lobbied or championed causes seeking to prevent Plaintiff from obtaining work as a police officer; lobbied, championed or contacted the City of Oklahoma City in attempt to have Plaintiff terminated as an employee in any capacity; or a combination of the foregoing.
31. Plaintiffs sent demand letters instructing Defendants to remove all online videos and posts defaming Plaintiffs and placing them in a false light which have been ignored by these Defendants.

First Cause of Action
(DEFAMATION)

32. Plaintiffs incorporate paragraphs 1 through 31 set forth above.
33. Upon information and belief, Defendants have published, verbally and in writing, false statements about Plaintiffs.
34. Upon information and belief, Defendants knew that the statements were false, or acted with reckless disregard as to whether the statements were false, or the Defendants acted negligently in failing to ascertain that the statements were false.
35. Defendants' libel and slander has caused Plaintiffs emotional distress and economic damages in an amount in excess of \$75,000.00.
36. Upon information and belief, the Defendants' actions were committed maliciously against Plaintiffs or at least with reckless disregard for Plaintiffs's rights for which they should be punished.
37. Plaintiffs are also entitled to a temporary restraining order, temporary injunction, permanent injunction and mandatory injunction against Defendants prohibiting the continued publication of defamatory statements through any channels of communication.

Second Cause of Action
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

38. Plaintiffs incorporate paragraphs 1 through 37 set forth above.
39. Upon information and belief, the Defendants knowingly and intentionally committed acts that they knew or should have known would have caused Plaintiffs to suffer emotional distress or acted with reckless disregard for Plaintiffs's rights.
40. The conduct of the Defendants was and continues to be extreme and outrageous.
41. The conduct of the Defendants caused Plaintiffs to suffer severe emotional distress.

42. Plaintiffs are entitled to temporary and permanent injunctive relief, actual damages and punitive damages in an amount in excess of \$75,000.00.

Third Cause of Action
(INVASION OF PRIVACY)

43. Plaintiffs incorporate paragraph 1 through 42 set forth above.

44. Upon information and belief, Defendants knowingly made public statements about Plaintiffs that placed them in a false light before the public.

45. Defendants' public statements about Plaintiffs are highly offensive to the reasonable person.

46. Upon information and belief, Defendants' statements were published to the public knowing the statements would place Plaintiffs in a false light, or Defendants acted recklessly as to whether the public statements were true or false and would place them in a false light.

47. Plaintiffs have suffered damages as the result of Defendants' actions for which Plaintiffs are entitled to actual damages and punitive damages in an amount not less than \$75,000.00.

ADDITIONAL RELIEF REQUESTED

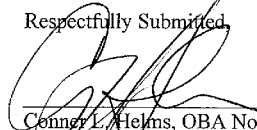
48. Plaintiffs incorporate paragraphs 1 through 44 set forth above.

49. Plaintiffs request the Court to Order each Defendant to remove all media posts related to Defendant Roth's video from their respective websites, social media pages, YouTube channels, and any other online source.

50. Plaintiffs request that all Defendants be disgorged from any and all benefits received from publishing Defendant Roth's video and any other video making false statements about Plaintiffs.

WHEREFORE, Plaintiffs pray for judgment against each of the Defendants as set forth above together with fees, costs, and such other relief as the Court deems equitable and proper.

Respectfully Submitted,



Conner L. Helms, OBA No. 12115

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ATTORNEYS FOR PLAINTIFFS

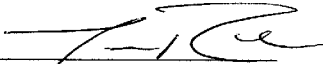
ATTORNEYS LIEN CLAIMED

VERIFICATION

STATE OF OKLAHOMA)
) ss:
COUNTY OF CANADIAN)

I, John Ricketts, of lawful age, state under penalty of perjury under the laws of Oklahoma:

That I have read the above and foregoing and am familiar with the contents thereof, and the facts set forth therein are within my personal knowledge and belief, and the matters and things therein set forth are true and correct.



John Ricketts

Signed on this 4th day of November, 2019.

VERIFICATION

STATE OF OKLAHOMA)
) ss:
COUNTY OF CANADIAN)

I, Gaylene Ricketts, of lawful age, state under penalty of perjury under the laws of Oklahoma:

That I have read the above and foregoing and am familiar with the contents thereof, and the facts set forth therein are within my personal knowledge and belief, and the matters and things therein set forth are true and correct.


Gaylene Ricketts

Signed on this 4th day of November, 2019.