

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA

FILED
DISTRICT COURT
1775

JERRY BURD,)
)
 Plaintiff,)
)
 vs.)
)
 LORI COLE, an individual,)
 JOHN DOE NOS. 1-57, individuals)
 JANE DOE NOS. 1-57, individuals,)
 Defendants,)

JUN 13 2006

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

Case No. CJ 2006 03717

Judge RONALD L. SHAFFER

**JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED**

PETITION

COMES NOW Plaintiff, Jerry Burd by and through his attorneys of record Michael L. Barkett and William C. McLain of the firm GRAVES & BARKETT, PLLC, and for his causes of action against the Defendants Lori Cole, John Doe Nos. 1-57 and Jane Doe Nos. 1-57, state and allege as follows:

- 1) Plaintiff Jerry Burd (hereinafter "Mr. Burd") is now and at all times relevant to this action has been a resident of Tulsa County, State of Oklahoma;
- 2) Defendant Lori Cole (hereinafter "Cole") is now and at all times relevant to this action has been a resident of Osage County, State of Oklahoma;
- 3) On information and belief, Defendants John Doe Nos. 1-57 (hereinafter "John Does") and Defendant Jane Doe Nos. 1-57 (hereinafter "Jane Does") are now and at all times relevant to this action have been residents of Tulsa County, State of Oklahoma;
- 4) The acts giving rise to this action occurred in Tulsa County, Oklahoma.
- 5) This Court has jurisdiction over the parties and venue is properly lodged.

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FACTUAL SUMMARY

6) Plaintiff Mr. Burd is the Sperry Public Schools superintendent and has been an Oklahoma educator in excess of thirty years;

7) Defendant Cole is the parent of one or more children who attend school in the Sperry Public Schools;

8) On information and belief, Defendants John Does and Jane Does are parents, teachers, school administrators and/or other interested persons of students in the Sperry Public Schools;

9) In or around April, 2006 Cole began a personal inquiry of the Sperry Public School's business practices, including, but not limited to requesting copies of specific documents outlining school district expenditures;

10) Nothing contained in those documents show or suggest any wrongdoing whatsoever;

11) On information and belief in or around April, 2006, Cole, John Does and Jane Does designed, set up and now maintain a message board for the purpose, in large part, to discuss Mr. Burd both personally and professionally;

12) Message board participants post messages, chat and otherwise communicate to third parties under alias "screen names" or "chat names";

On or about May 3, 2006 Cole attended an elementary booster club meeting and shortly after the meeting adjourned Cole, speaking in a group of parents, falsely and recklessly accused Mr. Burd of embezzling school funds;

In or around this same time period from April, 2006 through the present Cole, John Does and Jane Does have posted and continue to post messages communicating to third

parties false and reckless statements and accusations directed at Mr. Burd of criminal acts and/or omissions in his duties as superintendent;

FIRST CAUSE OF ACTION
(Slander Per Quod – 12 O.S. §1442, et seq.)
DEFENDANT LORI COLE

Plaintiff re-pleads the allegations contained in paragraphs 1 through 14 as though fully set forth herein;

Cole made false statements to third parties accusing Mr. Burd of committing the crime of embezzlement;

Cole made these statements knowing them to be untrue and/or with reckless disregard for the truth;

18) Cole made these statements willfully in a wanton and oppressive manner;

The statements made by Cole are not privileged;

As a direct result of Cole's defamatory statements Mr. Burd has suffered damages in an amount in excess of \$10,000.00;

WHEREFORE, Plaintiff Burd prays for a judgment against Defendant Cole, for damages in an amount in excess of \$10,000.00 together with interest and costs of this action, and for an award of punitive damages in excess of \$10,000.00 to apprise the parties and the community at large that the acts and/or omissions of the Defendant are not acceptable in a civilized community, and such other and further relief to which Burd may be entitled.

SECOND CAUSE OF ACTION
(Slander Per Se – 12 O.S. §1442, et seq.)
DEFENDANT LORI COLE

21) Plaintiff re-pleads the allegations contained in paragraphs 1 through 20 as though fully set forth herein;

Cole made false statements to third parties accusing Mr. Burd of a crime;

23) Cole at the time she made these statements knew them to be untrue and/or made them with reckless disregard for the truth;

24) Cole made these statements willfully in a wanton and oppressive manner, and in conscious disregard for Burd's rights;

25) Cole's statements are not privileged;

Cole's statements had and continue to have an injurious affect on Burd in respect to his office, profession, trade and business;

Cole's statements constitute slander per se;

WHEREFORE, Plaintiff Burd prays for a judgment against Defendant Cole, for damages in an amount in excess of \$10,000.00 together with interest and costs of this action, and for an award of punitive damages in excess of \$10,000.00 to apprise the parties and the community at large that the acts and/or omissions of the Defendant are not acceptable in a civilized community, and such other and further relief to which Burd may be entitled.

THIRD CAUSE OF ACTION

(Libel Per Quod – 12 O.S. §1441, *et seq.*)

DEFENDANT LORI COLE, DEFENDANTS JOHN DOES AND JANE DOES

Plaintiff re-pleads the allegations contained in paragraphs 1 through 27 as though fully set forth herein;

Defendants John Does and Jane Does maintain, participate in, post statements and otherwise communicate to third parties on a message board for purposes, at least in part, to post false statements regarding Mr. Burd;

30) On information and belief, Cole participates, posts statements and otherwise communicates to third parties false statements regarding Mr. Burd;

The false statements expose and subject Mr. Burd to public hatred, contempt, ridicule and tend to deprive him of public confidence and thereby injure him in his occupation;

These written statements are not privileged;

The authors of the statements know or should have known the statements to be false and/or the statements were and continue to be made with reckless disregard for the truth;

As a direct result of the statements posted on the message board by Defendants John and Jane Does Mr. Burd has suffered damages in excess of \$10,000.00;

WHEREFORE, Plaintiff Burd prays for a judgment against Defendant Cole, for damages in an amount in excess of \$10,000.00 together with interest and costs of this action, and for an award of punitive damages in excess of \$10,000.00 to apprise the parties and the community at large that the acts and/or omissions of the Defendant are not acceptable in a civilized community, and such other and further relief to which Burd may be entitled.

FOURTH CAUSE OF ACTION
(Libel Per Se – 12 O.S. §1441, et seq.)
DEFENDANT LORI COLE, DEFENDANTS JOHN DOES AND JANE DOES

Plaintiff re-pleads the allegations contained in paragraphs 1 through 34 as though fully set forth herein;

Defendants John and Jane Does maintain, participate in, post statements and otherwise communicate to third parties on a message board for purposes, at least in part, false statements regarding Mr. Burd;

37) On information and belief, Cole participates, posts statements and otherwise communicates to third parties false statements regarding Mr. Burd;

The false statements expose and subject Mr. Burd to public hatred, contempt, ridicule and tend to deprive him of public confidence and thereby injure him in his occupation;

These written and published statements are not privileged;

The authors of the statements know or should have known the statements to be false and/or the statements were and continue to be made with reckless disregard for the truth;

WHEREFORE, Plaintiff Burd prays for a judgment against Defendant Cole, for damages in an amount in excess of \$10,000.00 together with interest and costs of this action, and for an award of punitive damages in excess of \$10,000.00 to apprise the parties and the community at large that the acts and/or omissions of the Defendant are not acceptable in a civilized community, and such other and further relief to which Burd may be entitled.

GRAVES & BARKETT, PLLC

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