



IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }  
**FILED** In The  
Office of the Court Clerk

JUN 15 2012

DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_ RECORDED  
Rhonda Hall, Court Clerk  
DEPUTY

RORY JOHNSON, an individual )  
PLAINTIFF, )  
 )  
v. )  
 )  
CLEVELAND COUNTY SHERIFF, )  
CLEVELAND COUNTY COMMISSIONERS, )  
DEFENDANT. )

CJ-2012-912 L

PETITION

COMES NOW the Plaintiff, Rory Johnson, an individual, and for his claims against the City of Oklahoma City, Oklahoma, states and alleges as follows:

PARITES, VENUE AND JURISDICTION

1. Rory Johnson is a resident of Oklahoma County, Oklahoma.
2. Upon information and belief, the Cleveland County Commissioners, and the Cleveland County Sheriff are political subdivisions located in Cleveland County, Oklahoma.
3. The incident at issue occurred in Cleveland County, Oklahoma.
4. On or about Sunday, August 14, 2011, at approximately 2:00 p.m., Rory Johnson was assaulted by a group of inmates in the Cleveland County Jail.
5. On or about October 10, 2011, Rory Johnson timely served his Tort Claim Notice to the Cleveland County Commissioners.
6. Rory Johnson's claim was deemed denied on January 24, 2012.
7. Rory Johnson filed this claim timely under the Governmental Tort Claims Act ("GTCA").

8. Plaintiff brings state law claims for negligence, and emotional distress.
9. This Court has personal jurisdiction over the Parties.
10. This Court has subject matter jurisdiction over the Plaintiff's state law claims.
11. Venue is proper in Cleveland County, and as such, this Court should assume the same having personal jurisdiction over the Parties, and subject matter jurisdiction over the Plaintiff's claims.

### **FACTS GIVING RISE TO PLAINTIFF'S CLAIMS**

12. On or about August 14, 2011, at approximately 2:00 p.m., Rory Allen Johnson was in the custody of the Cleveland County Sheriff to serve a twenty-four (24) hour period for a drug court sanction.
13. During this period of time, it was the practice of the Cleveland County Sheriff to leave all cell doors open in the pod where Mr. Johnson was housed because the pod and cells lacked adequate ventilation and cooling, as the ambient temperature was over 95 degrees F.
14. Because the doors were open, this allowed the inmates to move freely between cells within the pod. (The inmates were on the honor system, and were not supposed to leave their individual cell until designated times.)
15. One of those designated times was approximately 2:00 p.m., at which time the inmates could leave their cell and go to the common area.
16. At approximately 2:00 p.m., 5 to 6 black inmates, perhaps more, approached Mr. Johnson as a gang, and demanded Mr. Johnson to tell them whether he had any tobacco on him.

17. Mr. Johnson replied that he did not have any tobacco on him, or in the cell. The gang escalated their verbal attack against Mr. Johnson, and began to try to intimidate him physically and mentally.
18. Mr. Johnson was standing in his cell at the time. The next thing that happened was that Mr. Johnson was hit in the side of the head with a blunt object.
19. The object hit Mr. Johnson on the left side of the face, and knocked him unconscious.
20. Mr. Johnson fell to the floor, and upon information and belief, the perpetrators continued to beat on him.
21. Mr. Johnson regained some consciousness approximately 5 minutes later.
22. When Mr. Johnson regained consciousness, the gang of inmates had left the cell.
23. No one from Cleveland County Sheriff attended to the pod or the cells during that time.
24. No one from Cleveland County Sheriff was on the floor when the inmates were leaving their cells to go to the common area
25. At approximately 5:00 p.m., the Cleveland County Sheriff called for Mr. Johnson to be discharged.
26. When Mr. Johnson left the pod, he was met by a Cleveland County Sheriff employee, who recognized that Mr. Johnson had been badly beaten.
27. Subsequently, Mr. Johnson was taken to the emergency room for treatment, and was hospitalized for one night.
28. Mr. Johnson was given pain killers to alleviate pain to his head.
29. Mr. Johnson's face was badly swollen, and continued to be swollen for quite some time.
30. Mr. Johnson spit up blood for a significant period of time after the beating.
31. Mr. Johnson suffered five (5) fractures to his face.

32. Mr. Johnson has had nerve damage on the left side of his face.

**COUNT I**

**NEGLIGENCE**

33. The beating by the other inmates was a direct result of the Cleveland County Sheriff's lack of supervision among the inmates, and its practice and procedure to allow cell doors to remain open.

34. The Cleveland County Sheriff knew or should have known that allowing the cell doors to remain open would allow the inmates to move between the cells, and that this unfettered movement could result in physical violence among the inmates.

35. The Cleveland County Sheriff had a duty to take reasonable steps to protect the inmates' safety, which it failed to do when it failed to adequately supervise the pod and cells in person, and/or adequately supervise the remote cameras.

36. As a consequence, Mr. Johnson suffered physical damage, of which some is permanent in nature, emotional damage, mental damage, and financial damage.

37. Mr. Johnson's damages from Defendant's negligence are in excess of \$75,000.

**COUNT 11**

**EMOTIONAL DISTRESS**

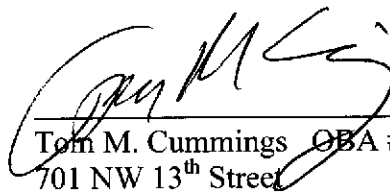
38. Plaintiff suffered emotional distress as a result of the beating and injuries he received while in custody of the Cleveland County Sheriff, and claims damages in excess of \$75,000.00.

**PRAYER**

WHEREFORE, premises considered, Plaintiff prays for judgment in excess of \$75,000.00 for each claim, for negligence and emotional distress, and for all other relief this

Court can grant, including costs, fees, interests, and a reasonable attorney's fee, against the Cleveland County Sheriff and the Cleveland County Commissioners, and for all other relief that this Court deems appropriate, whether in equity or at law.

Respectfully submitted,



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