

IN THE DISTRICT COURT FOR ROGERS COUNTY
STATE OF OKLAHOMA

MAY 23 2016

CARL PARSON,)
)
 Plaintiff,)
)
 vs.)
)
 DON FARLEY,)
)
 Defendant.)

~~KIM HENRY COURT CLERK~~

AS

Cas. CJ-2016-198

PETITION

Plaintiff, Carl Parson, respectfully submits this Petition and asserts claims against Defendant, Don Farley, and in support states as follows:

1. Plaintiff, Carl Parson, is a resident of Rogers County, State of Oklahoma.
2. Defendant, Don Farley, on information and belief is a resident Creek County, State of Oklahoma.
3. At all times the events and circumstances alleged herein arose in Rogers County, State of Oklahoma. Jurisdiction and venue are, therefore, proper in Rogers County.
4. On or about April 16, 2016 the Inola Area Chamber of Commerce received a written letter (Ex. 1) from Don Farley wherein Don Farley wrote intentional false statements about Plaintiff, Carl Parson, with knowledge of their falsity for the intentional and malicious purpose to defame the Carl Parson.
5. The letter explicitly and unambiguously refers to Carl Parson.
6. The letter refers to Carl Parson by name throughout, and was made to be understood by those who read the letter that the statements made therein were made about and concerning Carl Parson.

7. The statements made in the letter about Carl Parson were made maliciously and intentionally published by Don Farley and thus were made with actual malice and with the intent to cause harm to Carl Parson.

8. The Inola Chamber of Commerce is located in Inola, Rogers County, Oklahoma.

9. Carl Parson owns and operates a business in Inola and he and his business are members of the Inola Chamber of Commerce.

10. The Inola Chamber of Commerce is a non-profit corporation funded by membership dues, donations and fundraisers. (www.inolachamber.com)

11. The Inola Chamber of Commerce is made up of a group of citizens and business leaders striving to foster a positive economic environment for future growth within the town of Inola and the surrounding community.

12. The publication letter sent from Don Farley to the Inola Chamber of Commerce was seen and read by the administrators of the chamber.

13. The letter clearly and unequivocally exposes the Plaintiff to contempt, ridicule, distrust, obloquy, disgrace, dishonor, ill repute, scandal, shame and falsely states on its face that the Plaintiff is accused of crime of moral turpitude.

14. As a proximate result of the published letter, Carl Parson has suffered loss to his reputation, suffered shame, humility, disgrace, and injury to his name and reputation both as a citizen of Oklahoma running for State Representative and as a local businessman and member of the Inola Chamber of Commerce.

15. The Don Farley letter was not privileged because it was published by Don Farley with the malice, hatred and ill will toward Carl Parson.

16. As Administrator of the estate of Hubert Leon Farley Carl Parson had to sue Don Farley (the brother of the decedent) on behalf of the Estate of Hubert Leon Farley to recovery real and personal property taken from the Estate of Hubert Leon Farley by Don Farley.

17. The Defendant, Don Farley, published the letter to the Inola Chamber of Commerce out of hatred, ill will, malice and only with the desire to intentionally injure Carl Parson as a business owner and member of the Inola Chamber of Commerce with the malice and intent to deprive him of public confidence and to injure him in his occupation.

18. Because of the malice and ill will towards Carl Parson, and the intentional desire to defame, harm, and injure, Plaintiff seeks punitive damages.

**COUNT I
LIBEL AND/OR LIBEL PER SE**

19. Plaintiff incorporates all preceding paragraphs.

20. Plaintiff has suffered harm and damages, including presumed damages as a result of the defamatory and libelous statement made in the letter to the Inola Chamber of Commerce.

21. Defendant's publication of the letter was clear and explicit as to whom Defendant intended to defame. Defendant's publication of the letter was false, contained false statements and/or was a malicious unprivileged publication by writing which tends to deprive the Plaintiff of public confidence and/or injured him in his occupation as a local businessman and member of the Inola Chamber of Commerce.

22. Defendant is liable to Plaintiff for damages in excess of \$10,000, actual and presumed, punitive damages and any other relief this Court deems just and proper for committing libel per se under 12 O.S. § 1441.

COUNT II
FALSE LIGHT INVASION OF PRIVACY

23. Plaintiff incorporates all preceding paragraphs.

24. Defendant's letter published to the Inola Chamber of Commerce concerning the Plaintiff placed the plaintiff before the public in a false light.

25. The false light in which the Plaintiff was placed would be highly offensive to a reasonable person.

26. The Defendant, Don Farley, knew of or acted in reckless disregard as to the falsity of the published letter and the false light in which the Plaintiff was placed. Moreover, Don Farley acted with malice, ill will, contempt and hatred towards the Plaintiff by publishing the letter to the Inola Chamber of Commerce with the malicious intent to place the Plaintiff in a false light and defame the Plaintiff.

27. Defendant is liable to Plaintiff for damages in excess of \$10,000, actual and presumed, punitive damages and any other relief this Court deems just and proper for placing Plaintiff in false light under Oklahoma law.

COUNT III
INJUNCTION PERMANENT AND TEMPORARY

28. Plaintiff incorporates all preceding paragraphs.

29. 12 O.S. § 1382, which reads in relevant part:

When it appears, by the petition, that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of some act, the commission or continuance of which, during the litigation, would produce injury to the plaintiff . . . a temporary injunction may be granted to restrain such act.

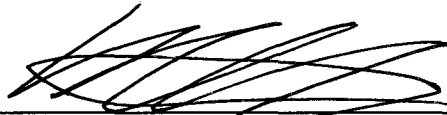
30. There are four criteria that courts are to consider to determine whether or not to grant the injunctive relief requested in this matter. “(1) the applicant’s likelihood of success on the merits, (2) irreparable harm to the party seeking relief if injunctive relief is denied, (3) relative effect on the other interested parties, and (4) public policy concerns arising out of the issuance of injunctive relief.” *Tulsa Order of Police Lodge v. City of Tulsa*, 2001 OK CIV APP 15, ¶24 quoting *Thayne Hedges Regional Speech & Hearing Ctr, Inc. v. Baughman*, 1998 OK CIV APP 122, ¶4.

31. An injunction is to prevent the perpetuation of a wrong or the doing of an act whereby the rights of the moving party may be materially invaded, injured or endangered. *Sharp v. 251st Street Landfill, Inc.*, 1991 OK 41, ¶21. It also protects a court's ability to render a meaningful decision on the merits of the controversy. *Id.*

32. Plaintiff alleges that there exists a likely probability of success on the merits of his claim for libel and/or false light; that irreparable harm and injury to Plaintiff's business reputation, and public confidence will be denied if an injunction is not granted; that it will not prejudice the Defendant to order him to refrain from any further statements about the Plaintiff; and, the public policy of Oklahoma as specified in 12 O.S. § 1441 prohibits such defamatory statements and publications being made as alleged herein by the Don Farley.

WHEREFORE, Plaintiff prays judgment against Defendant Don Farley for damages, punitive damages, costs, temporary and permanent injunctive relief, and any such other relief as this Court may deem just and proper.

Respectfully submitted,



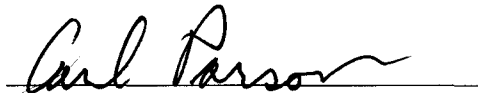
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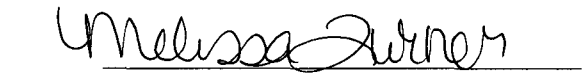
VERIFICATION

I, Carl Parson, hereby state that the foregoing allegations are true and correct to my information and belief.



Carl Parson

Subscribed and sworn to before me this 14th day of May 2016.



Notary
#03000003
Expires 12-31-18