

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA**

(1) DIANA THURMAN,

Plaintiff,

v.

Case No.: 16-cv-104-TCK-PJC

(2) JANICE STIEDLEY, in her individual
capacity,

(3) LARRY STIEDLEY, in his individual
capacity,

(4) OFFICE OF THE DISTRICT
ATTORNEY FOR DISTRICT 12,

Defendants.

COMPLAINT

Plaintiff DIANA THURMAN (hereinafter “Plaintiff or “THURMAN”), for her cause of action against the above-named Defendants, would state and allege as follows:

I.

INTRODUCTION

This is an action arising from JANICE and LARRY STIEDLEY’s decision to use the welfare of an arrestee at the Rogers County Jail as leverage to set-up and humiliate a political rival. JANICE and LARRY STIEDLEY utilized the power of the Office of the District Attorney for District 12 for personal gain by targeting innocent citizens for political purposes, by manipulating the prosecution of THURMAN’s son, and by perpetuating their scheme through intimidation.

JANICE and LARRY STIEDLEY targeted THURMAN because JANICE STIEDLEY and the Office of the District Attorney for District 12 had a pending criminal matter against THURMAN's son they could use as leverage. JANICE and LARRY STIEDLEY used the criminal prosecution to manipulate THURMAN into believing that her son would receive favorable treatment if she agreed to set-up a political rival of LARRY and JANICE STIEDLEY. To maintain control over THURMAN throughout, JANICE and LARRY STIEDLEY insinuated that disclosure of the scheme could jeopardize her son's safety.

The actions of JANICE and LARRY STIEDLEY transgress the bounds of conduct that shocks the conscience in violation of the substantive due process clause of the Fourteenth Amendment to the United States constitution, actionable through 42 U.S.C. § 1983 and state law. THURMAN also brings state law negligence claims against the Office of the District Attorney for District 12 related to the manner in which it administered and supervised the drug court program.

II.

PARTIES, JURISDICTION, AND VENUE

1. THURMAN is a resident and citizen of Tulsa County, State of Oklahoma.
2. JANICE STIEDLEY is the former District Attorney for District 12, which includes Rogers, Mays and Craig counties, State of Oklahoma. Upon information and belief, JANICE STIEDLEY is a resident and citizen of Oklahoma. JANICE STIEDLEY's term as District Attorney ended in January 2015. The District Attorney is an elected state official. At all times relevant hereto, JANICE STIEDLEY was acting under color and authority of state law. She is sued in her individual capacity.

3. LARRY STIEDLEY is the husband of JANICE STIEDLEY. Upon information and belief, LARRY STIEDLEY is a resident and citizen of Oklahoma. LARRY STIEDLEY acted under color of law along with JANICE STIEDLEY in orchestrating the STIEDELY scheme using the machinery of the District Attorney's Office for District 12 to set-up a political rival. He is sued in his individual capacity.

4. The events complained of herein occurred in the judicial district for the United States District Court for the Northern District of Oklahoma. Pursuant to 28 U.S.C. § 1331, this Court maintains federal question jurisdiction over the claims brought under 42 U.S.C. § 1983. This Court has supplemental jurisdiction over the state claims pursuant to 28 U.S.C. § 1367. Plaintiff has complied with all jurisdictional prerequisites to filing suit consistent with the Oklahoma Government Tort Claims Act ("GTCA") by serving her notice of tort claim on May 22, 2015, and receiving notice of a denial on August 25, 2015.

III.

STATEMENT OF FACTS

5. In April 2014, THURMAN's son was arrested and jailed in the Rogers County Detention Center. Concerned for her son's welfare, THURMAN actively participated in his criminal matter from the outset, retaining counsel and attending court appearances.

6. After a hearing in May 2014, a woman contacted THURMAN about her son's case. The woman indicated she might be able to help, and THURMAN agreed to meet the woman in the parking lot of an Olive Garden.

7. During the meeting, the woman indicated that she worked for JANICE STIEDLEY. The woman indicated that JANICE STIEDLEY reviewed her son's case and had reservations about the conduct of the police. JANICE STIEDLEY wanted to know if THURMAN was interested in discussing the issue further. THURMAN was eager to do anything that might improve her son's legal plight, and she was instructed to meet at the office of LARRY STIEDLEY a couple days later.

8. When THURMAN arrived, she was directed to a conference room where she met with LARRY STIEDLEY and the woman from the parking lot. LARRY STIEDLEY had a copy of her son's criminal file on the conference room table. They reviewed the file, and LARRY STIEDLEY indicated that his wife, JANICE STIEDLEY, the acting District Attorney for District 12, wanted to help her son. THURMAN was eager to help her son, and expressed gratitude for the interest expressed by LARRY and JANICE STIEDLEY. THURMAN was told that another meeting would take place to review details.

9. A few days later, THURMAN drove to Claremore Lake to meet with LARRY and JANICE STIEDLEY. Upon arrival, THURMAN observed a dark colored SUV with an African American driver. The driver exited the SUV and instructed THURMAN to get in the backseat. The driver closed the door and remained outside. LARRY and JANICE STIEDLEY were inside, along with the woman who had initially contacted THURMAN from the Office of the District Attorney for District 12.

10. Inside the SUV, LARRY and JANICE STIEDLEY reiterated their desire to help THURMAN's son in his pending criminal matter, but pivoted to discussing what they needed from THURMAN.

11. As THURMAN listened, JANICE and LARRY STIEDLEY revealed a plan to set-up the Sheriff of Rogers County, Oklahoma by using THURMAN as bait in an effort to manufacture or create a scandal. LARRY and JANICE STIEDLEY detailed an intricate scheme that included instructions about how THURMAN should dress, how she should wear her hair, along with information about the Sheriff's movements, and possible locations to stage an encounter.

12. The Sheriff of Rogers County was a political rival of LARRY and JANICE STIEDLEY. The Sheriff participated in a very public petition drive that gathered approximately 7,000 signatures against JANICE STEIDLEY and resulted in a year-long multi-county grand jury proceeding that concluded around May 20, 2014 with a 74-page report highly critical of JANICE STIEDLEY and the Office of the District Attorney for District 12.

13. THURMAN understood her role in the plan hatched by LARRY and JANICE STIEDLEY included dressing provocatively, appearing at locations where the Sheriff was, or was likely to be, enticing the Sheriff to consume alcohol, luring him to other locations, and soliciting embarrassing or humiliating statements from him. Simultaneously, LARRY and JANICE STIEDLEY promised they would look for ways to assist in the criminal matter pending against THURMAN's son.

14. As THURMAN was about to exit the SUV, JANICE STIEDLEY placed her hand on THURMAN's knee, looked her in the eyes and emphasized that nobody else should know about the scheme. JANICE STIEDLEY communicated that jail is a dangerous place, and that people get hurt in jail all the time. THURMAN interpreted the

comment to mean that LARRY and JANICE STIEDLEY would orchestrate some injury or harm to her son, who was detained at the Rogers County Jail, if THURMAN revealed the STIEDLEY scheme to a third party. The woman who had initially contacted THURMAN then interjected in the conversation, telling THURMAN, “You really need to help us. People die in jail all the time and it would be a shame to find your son hanging in his cell.”

15. The comment terrified THURMAN, but the concern for her son’s welfare was paramount, and because JANICE STIEDLEY was the head law enforcement officer for Rogers County, THURMAN was not sure who she could trust. Consequently, instead of notifying law enforcement, THURMAN decided to document her conversations to protect herself and her son.

16. Over the next several weeks and months, THURMAN participated in the STIEDLEY scheme. At one point THURMAN met with the Sheriff at a rodeo and had a picture taken with him. She would frequently report back to LARRY STIEDLEY, who would give her additional instructions or suggestions.

17. On one occasion, LARRY STIEDLEY suggested that THURMAN travel to a Sheriff’s convention in Ft. Worth, Texas and surprise the Sheriff, get him intoxicated, and either embarrass himself, or cause him to be arrested. THURMAN ultimately declined to go, citing the implausible nature of appearing at the convention.

18. On another occasion, LARRY STIDLEY suggested that THURMAN lure the Sheriff to a secluded area in the county. Contemporaneous with the suggestion was the unsolicited comment from LARRY STIEDLEY that he was a “good shot” from a distance. The comment frightened THURMAN about what LARRY and JANICE

STIEDLEY might do if she revealed the scheme.

19. Throughout this time, THURMAN's son continued to languish in the Rogers County Jail. Although sentenced to drug court and ready to begin a rehabilitation program, the District Attorney's Office continuously delayed hearings and rejected numerous placement proposals. Upon information and belief, the criminal case for THURMAN's son was handled differently than other similarly situated cases, and the reason for the differential treatment directly related to perpetuating the STIEDLEY scheme, which required ongoing leverage over THURMAN *vis á vie* continued detention of her son at the Rogers County Jail.

20. Several months after JANICE STIEDLEY lost the Republican primary in the election for District Attorney, THURMAN eventually contacted the OSBI regarding the STIEDLEY scheme. OSBI agents urged THURMAN to perpetuate the STIEDLEY scheme so they could gather evidence. The OSBI decided to use THURMAN as an informant. The ongoing threat to THURMAN and her family was sufficiently serious that OSBI placed a watch order on her and assigned agents to monitor her home.

21. Continuing to maintain the STIEDLEY scheme as an informant exerted tremendous pressure on THURMAN. THURMAN was no longer able to control who knew about the scheme, and she was fearful that the OSBI investigation, or leaks by OSBI agents or staff, could place her and her family in imminent danger. The accompanying fear caused THURMAN to lose sleep and suffer from persistent bouts of anxiety.

22. In January 2015, JANICE STIEDLEY left office and the incoming District Attorney transferred the criminal case involving THURMAN's son to another

jurisdiction.

23. The decision by JANICE and LARRY STIEDLEY to perpetuate the STIEDLEY scheme by threatening the welfare of THURMAN's son is morally reprehensible. The motivation was purely personal and solely intended to embarrass and humiliate a political rival completely unrelated to THURMAN, but the machinery utilized and necessary to carryout the scheme was indistinguishable from JANICE STIEDLEY's position as District Attorney for District 12.

24. JANICE and LARRY STIEDLEY caused THURMAN to live in fear of her life, wondering on a daily basis whether her welfare or the welfare of her family was in imminent harm. As the District Attorney for District 12, JANICE STIEDLEY exercised authority over THURMAN as the top law enforcement official in Rogers County. The conduct of JANICE and LARRY STIEDLEY substantially exceeded garden-variety negligence, and is fairly characterized as intentional, willful and reckless. The nature of the elected office occupied by JANICE STIEDLEY, in combination with the harm suffered by THURMAN, is sufficiently outrageous that it shocks the conscience.

25. The actions of JANICE and LARRY STIEDLEY caused THURMAN to suffer both physically and psychologically; their actions caused serious damage to her relationships with her son and her husband, and had a deleterious effect on her financially and emotionally.

IV.

Statement of Claims

Substantive Due Process 42 U.S.C. § 1983

26. THURMAN hereby adopts and incorporates by reference each preceding paragraph as if fully set forth herein.

27. Substantive due process protects fundamental liberty interests and protects against the exercise of government authority that “shocks the conscience.” JANICE and LARRY STIEDLEY abused that authority or employed it as an instrument of oppression in a manner that caused injury and damages to THURMAN in violation of substantive due process clause of the Fourteenth Amendment, actionable through 42 U.S.C. § 1983, for which JANICE and LARRY STIEDLEY are liable.

Substantive Due Process
Okla. Const. Art. 2, § 7

28. THURMAN hereby adopts and incorporates by reference each preceding paragraph as if fully set forth herein.

29. Substantive due process protects fundamental liberty interests and protects against the exercise of government authority that “shocks the conscience.” JANICE and LARRY STIEDLEY abused that authority or employed it as an instrument of oppression in a manner that caused injury and damages to THURMAN in violation of substantive due process clause of Art. 2, Sec. 7 of the Oklahoma state constitution, actionable through *Bosh v. Cherokee County Governmental Building Authority, et al.*, 305 P.3d 994 (Okla. 2013) and *GJA v. Okla. Dep’t of Human Servs.*, 347 P.3d 310 (Okla. Civ. App. 2015), for which JANICE and LARRY STIEDLEY are liable individually, and for which the State of Oklahoma is liable for the actions of its agents under a common law theory of *respondeat superior*.

Negligence
51 O.S. § 151 et seq.

30. THURMAN hereby adopts and incorporates by reference each preceding paragraph as if fully set forth herein.

31. It is reasonably foreseeable that people in the drug court program will have family members who actively participate in their rehabilitation efforts, and it is reasonably foreseeable that the goals of the drug court program would be materially impaired if supervisors could manipulate family members of program participants. Consequently, The Office of District Attorney for District 12 owed a duty of reasonable care to properly administer and supervise the drug court program to ensure that proper protocols were implemented to protect against manipulation of program participants and their families.

32. The Office of District Attorney for District 12 breached that duty by either failing to implement adequate protocols, or by failing to adhere to established protocols.

33. The failure to implement adequate protocols, or alternatively, the failure to adhere to established protocols, was the proximate cause of the injuries and damages suffered by THURMAN by allowing JANICE and LARRY STIEDLEY to manipulate the program requirements in a manner that prolonged the detention of THURMAN's son, which allowed JANICE and LARRY STIEDLEY to extend their influence over THURMAN, for which The Office of the District Attorney for District 12 is liable.

V.

Relief Requested

34. THURMAN respectfully requests the Court grant declaratory relief and enter judgment in her favor on all claims and against LARRY and JANICE STIEDLEY in their individual capacity, and against the State of Oklahoma for the actions of JANICE

STIEDLEY taken in violation of the Oklahoma state constitution, and against the State of Oklahoma for the actions of The District Attorney's Office for District 12.

35. THURMAN respectfully requests the Court grant her compensatory damages against LARRY and JANICE STIEDLEY in their individual capacity for her claims premised on 42 U.S.C. § 1983 in an amount that exceeds \$1,000,000.00.

36. THURMAN respectfully requests the Court grant her compensatory damages against the State of Oklahoma for the actions of JANICE STIEDLEY taken in violation of the Oklahoma state constitution in an amount that exceeds \$1,000,000.00.

37. THURMAN respectfully requests the Court grant her compensatory damages against the State of Oklahoma for the actions of The District Attorney's Office for District 12 for actions that violate the GTCA in the amount of \$125,000.00.

38. THURMAN respectfully requests the Court grant her punitive damages against LARRY and JANICE STIEDLEY in their individual capacity in an amount that exceeds \$1,000,000.00.

39. Any other legal or equitable relief to which THURMAN may be entitled.

40. All costs and fees recoverable under 42 U.S.C. § 1988, and any other costs or fee shifting statute.

WHEREFORE, all premises considered, Plaintiff DIANNA THURMAN respectfully requests the Court enter judgment and award the damages consistent with the pleading.

Respectfully submitted,

BRYAN & TERRILL

s/J. Spencer Bryan

J. Spencer Bryan, OBA # 19419

Steven J. Terrill, OBA # 20869

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ATTORNEY'S LIEN CLAIMED

JURY TRIAL DEMANDED