



IN THE DISTRICT COURT IN AND FOR  
TULSA COUNTY STATE OF OKLAHOMA

VANESSA MCFADDEN, an individual,

**CJ-2015-02007**

Plaintiff,

Judge \_\_\_\_\_

**LINDA G. MORRISSEY**

v.

TULSA COUNTY BOARD OF COUNTY  
COMMISSIONERS;

*Attorney Lien Claimed*

*Jury Trial Demanded*

**DISTRICT COURT  
FILED**

SHERIFF STANLEY GLANZ,  
individually and in his official  
capacity as Tulsa County Sheriff;

MAY 27 2015

UNDERSHERIFF TIM ALBIN,  
individually and in his official  
capacity as Tulsa County  
Undersheriff;

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

MAJOR SHANNON CLARK,  
individually and in her official  
capacity as Tulsa County Major;

SERGEANT JUDY POUNDS,  
individually and in her official  
capacity as an officer of the Tulsa  
County Sheriff's Department;

CAPTAIN WILLIAM MCKELVEY,  
individually and in his official  
capacity as an officer of the Tulsa  
County Sheriff's Department;

Defendants.

SALLY HOWE SMITH  
COURT CLERK

15 MAY 27 PM 4:29

PETITION

(continued on next page)

**COMES NOW**, Plaintiff Vanessa McFadden, by and through her attorney of record Richardson Richardson Boudreaux, hereby files this petition against Defendants and informs the Court as follows:

**I. PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Vanessa McFadden (hereinafter "Plaintiff"), at all times relevant to the claims alleged herein, resided in Tulsa County, Oklahoma.

2. Based on information and belief, Defendant Stanley Glanz is the lawfully elected Sheriff of Tulsa County.

3. Based on information and belief, Defendant Tim Albin, at all times relevant to the claims alleged herein, was the Undersheriff of the Tulsa County Sheriff's Office (hereinafter "TCSO"), and both resided and worked within Tulsa County for the TCSO.

4. Based on information and belief, Defendant Judy Pounds, at all times relevant to the claims alleged herein, was a Sergeant in the TCSO, and both resided and worked within Tulsa County for the TCSO.

5. Based on information and belief, Defendant Shannon Clark, at all times relevant to the claims alleged herein, was a Major in the TCSO, and both resided and worked within Tulsa County for the TCSO.

6. Based on information and belief, Defendant William McKelvey, at all times relevant to the claims alleged herein, was a Captain in the TCSO, and both resided and worked within Tulsa County for the TCSO.

7. Defendant Tulsa County Board of County Commissioners ("TCBCC"), at all times relevant to the claims alleged herein, is the governing body of Tulsa County responsible for the recruiting, employing, training, and granting of authority to law

enforcement officers, under the auspices of the Tulsa County Sheriff's Office, to act under color of Oklahoma law, and further, is liable for the torts committed by its agents within the course and scope of their employment pursuant to the Oklahoma Governmental Tort Claims Act ("GTCA"), 51 O.S. §§ 151 *et seq.*

8. The facts giving rise to the claims alleged herein occurred within Tulsa County, State of Oklahoma.

9. Jurisdiction is proper in the State of Oklahoma, as the parties are residents of or do business in the State of Oklahoma and the amount in controversy exceeds \$75,000.

10. Venue is proper in the Tulsa County District Court pursuant to 12 O.S. § 133, which states that "an action against a public officer for an act done by him in virtue, or under color, of his office, or for neglect of his official duties" must be brought in the county where the cause, or some part thereof arose.

11. Pursuant to Okla. Const. Art. 7, § 7 and 12 O.S. § 2004(F), this Court has subject matter jurisdiction over the claims asserted herein.

12. Plaintiff mailed an appropriate GTCA Notice, to the Tulsa County Sheriff's Office on November 13, 2014 and it was duly received.

13. Plaintiff did not receive a response from Tulsa County; as such, her GTCA claims were deemed denied by statute on or about February 11, 2015.

14. This matter is timely filed within one hundred eighty (180) days of the above-referenced denial of claim, as required under 51 O.S. § 157.

15. All administrative proceedings inherent with the statutes involved herein have been exhausted; as such, resort to judicial relief is proper and warranted.

## II. STATEMENT OF PERTINENT FACTS

16. Plaintiff hereby incorporates all the preceding paragraphs as though stated *verbatim* below.

17. From about April 1, 2011, Plaintiff was employed as a police officer for the TCSO, and was at the material time an officer.

18. On or about January 15, 2013, Plaintiff was transferred to the Court Holding Department to fill a vacancy. While working at Court Holding, she was responsible for transferring prisoners.

19. In the performance of her duties while in the Court Holdings Department, Plaintiff reported to Sgt. Judy Pounds, as her direct supervisor.

20. Even though Plaintiff was an employee in good standing with a good track record and credentials, from the very beginning, Sgt. Pounds exhibited very hostile and malicious conduct toward Plaintiff, for no reason.

21. Sgt. Pounds made it known to Plaintiff that she was of the view that Plaintiff had advanced so well and far in her career by “fucking” with some of her superiors and/or name-dropping, when vying for advancement. For example, Sgt. Pounds told Plaintiff:

I will tell you one thing: I did not get the stripes on my sleeve by lying on my back. I heard you are fucking Kaiser [fellow TCSO officer], and that you arrange your time off to be with him. I also heard that you throw Chief Weigel's name down at the drop of a hat, because you know him.

*Id.*

22. In another instance, Sgt. Pounds while attacking Plaintiff's credentials and achievements again, insinuated that she flaunts her parents' status to gain favor at the TCSO. Both of Plaintiff's parents were former highly regarded Tulsa Police Department officers.

Based on information and belief, Sgt. Pounds went so far as to dismissively say, "I don't care who your parents are."

23. The situation gradually got worse. Unable to take more of Sgt. Pounds' unwarranted and illegal abuse, Plaintiff filed a grievance with her superiors, in the process involving the TCSO Internal Investigation unit.

24. The resulting backlash on Plaintiff for filing a grievance was brutal. Sgt. Pounds became very cold and extremely harsh with Plaintiff. Indeed, Sgt. Pounds even started fault hunting; for example, when Plaintiff and her partner [a fellow officer] ended their relationship, Sgt. Pounds learned of it and referred this purely personal matter to the Internal Investigation unit; Sgt. Pounds sent a deputy to pry at Plaintiff's residence when she was off-duty under the guise of a welfare check, when there was nothing to suggest a risk of serious harm to Plaintiff; and even after Plaintiff had secured time-off from her captain, and was at home still asleep, Sgt. Pounds revoked the time off, told her to come in, or she would write her up.

25. The situation kept getting worse. Plaintiff would inform her superiors about the treatment she was receiving, but nothing was done to stop it.

26. Finally, sometime in April of 2013, Plaintiff mustered up courage to ask for a transfer to a new department, away from Sgt. Pounds. Sgt. Pounds, however, informed Plaintiff that she was temporarily being assigned to Sgt. McClaughlin at the Courthouse, until further notice.

27. While the internal affairs investigation was still taking place, some TCSO officials warned Plaintiff to drop her internal investigation proceedings, and some, like

Captain William McKelvey went so far as to warn Plaintiff that “if you value your employment in Tulsa County, then you won’t hire counsel against us.”

28. Three months later, just before the end of the year 2013, the internal investigation against Sgt. Pounds was closed; no reprimand, and apparently, no wrong doing found either.

29. On or about January 8, 2014, Plaintiff while in the course and scope of her employment sustained a traumatic brain injury after being assaulted by an inmate. Plaintiff reported the incident and soon after, filed a workers’ compensation claim and also claimed benefits under the Family Medical Leave Act (“FMLA”).

30. Historically, the District Attorney’s office (hereinafter “DA’s office”), prosecutes inmates for such conduct, and Plaintiff expected the same to happen in this situation.

31. Not so in this situation, however. The charges were finally filed, but almost immediately after dropped. When Plaintiff called the DA’s office asking about the dropped charges, she was told that Captain William McKelvey had personally altered the police report and pushed for the charges to be dropped, without ever informing Plaintiff.

32. Surprised by the extreme turn of events, Plaintiff decided to follow up further. She called the Tulsa County Sheriff Jail Investigations department to find out what was going on. The personnel in that unit informed Plaintiff that they were told that “if McFadden ever called about the dropped charges, she can call McKelvey himself about it.”

33. Almost exactly two days after her fact-finding efforts, Plaintiff was summoned by the Internal Affairs Investigation unit. They wanted to know what she was up to. A week later, she was summoned to a pre-action meeting (part of the TCSO’s disciplinary

regime), where she was taken to task; almost immediately after, on or about March 10, 2014, she was fired, and concurrently told that “you are not cut out for this work; you only got involved [/hired] because of your mother.”

34. As a colleague put it to her bluntly: this was no longer an investigation, but a witch hunt. But it did not end there.

35. Even after Plaintiff tried to piece together her life and move on, the Defendants in this case got in the way, each time. Plaintiff has extensive experience working for the federal government having previously worked for the U.S. Department of Labor, Department of Veteran Affairs, and Department of Defense. She left each position with solid and good reviews. After her turbulent experience with the Tulsa County Sheriff's Office, Plaintiff decided to seek to work for the federal government again. To begin with, Plaintiff applied for a position with the United States Attorney's Office for the Northern District of Oklahoma. The interviews went well, and based on information and belief, she was in line to receive an offer of employment. But as soon as the prospective employer called TCSO seeking references, all interest in Plaintiff ceased, and the position was offered to someone else.

36. The same exact thing happened when she secured a Conditional Offer of Employment from the Probation and Parole Board of Oklahoma. Plaintiff interviewed well, was made an offer, but as soon as the prospective employer called seeking references from TCSO, the offer was rescinded and offered to someone else.

37. Again, the same happened with Plaintiff's efforts to secure employment with the City of Tulsa as a 911 operator and paralegal. Again, the interviews went well, and based on information and belief, she was in line to receive an offer of employment. But as soon as the

prospective employer called TCSO seeking references, all interest in Plaintiff ceased, and the position was offered to someone else.

38. Based on information and belief, Defendants named herein, defamed Plaintiff in that they falsely presented her to prospective employers as being not only incompetent, but also someone who was averse to authority. Put simply, she was branded a "trouble maker." But this was patently false.

39. Since then, Plaintiff has been unable to secure employment in line with her experience, training, and skills.

### **III. CAUSES OF ACTION**

#### **First Cause Of Action: Wrongful Termination Pursuant to 85 O.S. §341 (Against All Defendants)**

40. Plaintiff hereby incorporates all the preceding paragraphs in their entirety as though stated below *verbatim*.

41. Plaintiff sustained occupational injuries arising out of and in the course and scope of her employment.

42. One or more of the named Defendants herein terminated Plaintiff after she exercised her rights under the Workers' Compensation Code, 85 O.S. §§ 301 *et seq.*

43. Plaintiff's termination, as outlined herein, was in direct violation of Oklahoma law, specifically 85 O.S. §341.

44. As a direct and proximate result of Defendants' wrongful termination, Plaintiff has suffered considerable damages, including but not limited to, lost wages and other actual damages not in excess of \$75,000.00.

**Second Cause Of Action:  
FMLA - Retaliation Claim  
(Against All Defendants)**

45. Plaintiff hereby incorporates all the preceding paragraphs in their entirety as though stated below *verbatim*.

46. At the material time of her termination, Plaintiff was engaged in protected activity in that she had filed and claimed FMLA-protected leave.

47. Defendants took materially adverse action against Plaintiff in that she was terminated while harboring this protected status.

48. There was temporal proximity between Plaintiff claiming her FMLA-protected leave and her termination.

49. Defendants had no legitimate, non-discriminatory reason for terminating Plaintiff.

50. Indeed, the reasons offered by Defendant to terminate Plaintiff were merely pretextual. And based on information and belief, Defendants' violations of the FMLA statute were willful in that they knew that what they were doing to Plaintiff was prohibited by the FMLA statute and/or they acted with reckless disregard as to whether their complained of conduct was prohibited by the FMLA laws.

51. As a result of Defendants' wrongful conduct, Plaintiff has suffered damage, and hereby seeks appropriate monetary and all other available relief.

**Third Cause Of Action  
Statutory Blacklisting Pursuant To 40 O.S. §§ 172 et seq.  
(Against All Defendants)**

52. Plaintiff hereby incorporates all the preceding paragraphs in their entirety as though stated below *verbatim*.

53. Plaintiff was an employee of TCSO, who worked as its officer in Tulsa County.

54. The individual Defendants named herein were also superiors of Plaintiff in rank and order in the TCSO structure.

55. One or more of the Defendants named herein not only discharged Plaintiff, but they also published and/or blacklisted Plaintiff to prospective employers.

56. Defendants did this for the purpose of preventing Plaintiff from engaging and/or securing similar or other employment from other employers.

57. As a result of Defendants' conduct, Plaintiff has suffered damage, for which she now seeks legal redress.

**Fourth Cause Of Action  
Negligence  
(Against All Defendants)**

58. Plaintiff hereby incorporates all the preceding paragraphs in their entirety as though stated below *verbatim*.

59. Defendants had a duty imposed by law as Plaintiff's employers and superiors to exercise all due care in the preparation and providing of references to other prospective employers on her behalf.

60. Defendants were negligent in preparation of those references on behalf of Plaintiff, such that they be deemed to have breached their duty of care to her.

61. Defendants' breach of duty was the proximate cause of damages to Plaintiff, for which she now seeks the full breadth of legal remedies open to her.

**Fifth Cause Of Action**  
**Stigma Plus - Due Process Clause Claim - 14th Amendment**  
**42 U.S.C. § 1983**  
**(Against All Defendants)**

62. Plaintiff hereby incorporates all the preceding paragraphs in their entirety as though stated below *verbatim*.

63. Defendants made statements relating to Plaintiff that impugned her good name, reputation, character, integrity, abilities, credentials, and good standing in the community.

64. Based on information and belief, Defendants made false statements relating to Plaintiff to her co-workers, prospective employers, and attentive third parties in essence, that she was not only incompetent, but also someone who was averse to authority. Put simply, she was branded a "trouble maker." But this was patently false.

65. Based on information and belief, the false statements were made in the course of Plaintiff being terminated, to tarnish her good name, reputation and cover up Defendants' wrongful conduct of falsifying incident reports and illegal workplace harassment practices. Based on information and belief, the false and defamatory statements against Plaintiff were also repeated and/or made anew after Plaintiff had been terminated so as to foreclose future employment opportunities for her, in her line of work.

66. Defendants published the false allegations about Plaintiff to attentive and/or interested third parties, as well as prospective employers.

67. As a result of Defendants' false statements, Plaintiff's legal status changed in that she was deprived of rights, protections, and guarantees she previously held under state law. Plaintiff went from being a state employee in common with her peers entitled to a fair, impartial, unbiased investigatory and disciplinary procedures that previously guaranteed that

she would only face retribution for her own wrongful conduct — to someone who was on the receiving end of adverse governmental action based on patently false, biased, and retaliatory acts of others.

68. As a result of Defendants' wrongful conduct Plaintiff has suffered damage, for which she now seeks legal redress.

**Sixth Cause Of Action  
Defamation  
(Against All Defendants)**

69. Plaintiff hereby incorporates all the preceding paragraphs in their entirety as though stated below *verbatim*.

70. Defendants made statements relating to Plaintiff that impugned her good name, reputation, character, integrity, abilities, credentials, and good standing in the community.

71. Based on information and belief, Defendants made false statements relating to Plaintiff to her co-workers, prospective employers, and attentive third parties in essence, that she was not only incompetent, but also someone who was averse to authority. Put simply, she was branded a "trouble maker." But this was patently false.

72. Defendants made these allegations recklessly and/or knowingly and with the purpose that they be false, with reckless disregard for the falsity of the allegations and/or to injure Plaintiff.

73. As a result of Defendants' wrongful conduct Plaintiff has suffered damage, for which she now seeks legal redress.

## V. PUNITIVE DAMAGES

74. Plaintiff hereby incorporates all the preceding paragraphs in their entirety as though stated below *verbatim*.

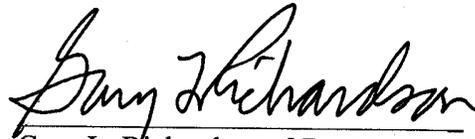
75. The acts and omissions by Defendants as set forth in the preceding paragraphs in this Petition demonstrate that Defendants were engaged in conduct and/or practices evincing malice and/or reckless indifference to Plaintiff's rights.

76. As a direct result of Defendants' malice and/or reckless disregard for Plaintiff's rights, Plaintiff is entitled to exemplary and punitive damages in an amount to be determined at trial commensurate with the financial resources available to Defendants and sufficient to deter others similarly situated from like behavior.

## VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays the Court grant judgment in her favor against Defendants for the causes of action alleged herein in an amount in excess of \$75,000, exemplary and punitive damages, attorney's fees, costs, pre-and-post judgment interest, and for such further relief as the Court deems just and proper.

Respectfully submitted,



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