IN THE DISTRICT COURT OF MUSKOGEE COUNTY
STATE OF OKLAHOMA

SCOTT O. SAPULPA, an individual; PULLMAN 360, INC., an Oklahoma corporation; PULLMAN360.COM LLC, an Oklahoma limited liability company; and PULLMAN 360 DEVELOPMENT, INC., an Oklahoma corporation,	)	
Plaintiffs,	)	**Case No.** CJ-21-100
v.	)	
GANNETT CO., INC., a Delaware corporation d/b/a The Oklahoman and d/b/a USA Today; CAMERON JOURDAN, individually and as an employee of Gannett Co., Inc; NURIA MARTINEZ-KEEL, individually and as an employee of Gannett Co., Inc.; MATTHEW SHAWN ROWAN, individually and d/b/a OSPN; NFHS NETWORK LLC, a Delaware for-profit company; and CBS SPORTS, INC., a Delaware corporation,	)	
Defendants.	)	

STATE OF OKLAHOMA
COUNTY OF MUSKOGEE
2021 MAR 29 PM 3:12
PAULA SEXTON
COURT CLERK

PETITION

COME NOW the Plaintiffs, Scott O. Sapulpa; Pullman 360, Inc.; Pullman360.com LLC; and Pullman 360 Development, Inc., and file this original Petition and Jury Demand against Defendants Gannett Co., Inc. d/b/a The Oklahoman and d/b/a USA Today; Cameron Jourdan individually and as an employee of Gannet Co., Inc. d/b/a The Oklahoman; Nuria Martinez-Keel, individually and as an employee of Gannett Co., Inc. d/b/a The Oklahoman; Matthew Shawn Rowan, individually and d/b/a OSPN; NFHS Network LLC; and CBS Sports Inc. In support hereof, Plaintiffs pledge a of portion of the recovery herein to be donated to the Norman High School Athletic Department and state as follows:

I. THE PARTIES

1. Plaintiff Scott O. Sapulpa ("Sapulpa") is a private citizen the State of Oklahoma and the Muscogee (Creek) Nation who resides in and has suffered damages within Muskogee County, Oklahoma.

2. Plaintiffs Pullman 360, Inc. and Pullman 360 Development, Inc. are Oklahoma corporations headquartered and doing business in Muskogee County, Oklahoma. Plaintiff Pullman360.com LLC is an Oklahoma limited liability company headquartered and doing business in Muskogee County, Oklahoma. Collectively, these private business entities are hereinafter referred to collectively as "Pullman 360."

3. Sapulpa owns and operates Pullman 360, which is a business engaged in creating, building, constructing, manufacturing, and marketing workout sleds for use in improving athletic fitness, power, and speed. Pullman 360 also does business as a commercial and private construction company. Pullman 360 has also sustained damages in Muskogee County, Oklahoma.

4. Defendant Gannett Co., Inc. (hereinafter "Gannett," and/or "The Oklahoman" and/or "USA Today" where appropriate) is a Delaware corporation and the largest newspaper publisher in the United States as measured by total daily circulation. In December 2020, Gannett announced its 2019 actual revenue to be $1,867,909,000.00.[1]

5. USA Today, a division of Gannett, is the largest newspaper of its kind by circulation in the United States with, upon information and belief, an approximate daily domestic readership of 2.6 million.

6. The Oklahoman, also a division of Gannett, is the largest daily newspaper in

[1] https://www.businesswire.com/news/home/20200227005303/en/Gannett-Announces-Fourth-Quarter-Full-Year-2019

Oklahoma and, upon information and belief, is the 59th largest newspaper in circulation in the United States. The Oklahoman holds itself out as "the state's most trusted news source."

7. The Oklahoman and USA Today are part of the "USA TODAY Network." The Oklahoman and USA Today each publish the following content on their respective websites, entitled "Principles of Ethical Conduct for Newsrooms":

> "USA TODAY Network's Principles of Ethical Conduct for Newsrooms includes concepts and language developed by the Radio and Television Digital News Association, other Gannett documents and a group of Gannett executives and journalists. These principles are designed to guide journalists working with any news platform, including newspapers, websites, mobile devices, video, social media channels and live story events.
>
> **WE ARE COMMITTED TO:**
>
> **I. Seeking and reporting the truth in a truthful way**
> - We will be honest in the way we gather, report and present news - with relevancy, persistence, context, thoroughness, balance, and fairness in mind.
> - We will seek to gain understanding of the communities, individuals and issues we cover to provide an informed account of activities.
> - We will hold factual information in editorials and other opinion pieces to the same standards of accuracy as news stories.
> - We will treat information from unofficial sources, which may include social media, with skepticism and will seek to corroborate information.
> - When considering news content created outside of the Network, we will factor the credibility of the source and weigh the value and accuracy of information provided.
>
> **II. Serving the public interest**
> - We will uphold First Amendment principles to serve the democratic process.
> - We will be vigilant watchdogs of government and institutions that affect the public, fighting to ensure that the public's business is conducted in public.
> - We will seek solutions as well as expose problems and wrongdoing in order to effect change for the good in the communities we serve.
> - We will provide public forums for diverse people and views.
> - We will reflect and encourage understanding of the diverse segments of our community.
> - We will provide editorial and community leadership.

- We will seek to promote understanding of complex issues.
- When sharing editorials and other opinion articles, we will encourage and promote views that foster understanding, insight and civil discourse. We seek to offer viewpoints that represent various views on a particular topic.
- We will consider providing free access to some news coverage during public safety emergencies and as a public service when appropriate, such as elections.

III. Exercising fair play

- We will treat people with respect and compassion.
- We will correct errors promptly.
- We will strive to include all sides relevant to a story. When news develops and we can't include important perspectives immediately, we will share updates, including additional sources, when possible. We also will share attempts to reach sources who add value to the story.
- We will explain to audiences our journalistic processes to promote transparency and engagement.
- We will give particular attention to fairness in relations with people unaccustomed to dealing with the news media.
- We will use confidential sources as the sole basis for published information only as a last resort and under specific procedures that best serve the public's right to know.

IV. Maintaining independence

- We will remain free of outside interests, investments or business relationships that may compromise the credibility of our news reporting.
- We will maintain an impartial, arm's-length relationship with anyone seeking to influence the news.
- We will not support political campaigns or causes through the display of bumper stickers, signs, pins, public/private donations, participation in demonstrations, petitions or in social media posts.
- Individual viewpoints that might cause readers to question our impartiality in news coverage should remain private. This principle does not apply to those who are paid to write and share opinion.
- We will avoid potential conflicts of interest and eliminate inappropriate influence on content.
- We will be free of improper obligations to news sources, newsmakers and advertisers.
- We will not blur the line between advertising and editorial content. We will provide appropriate disclosures, exercise transparency and avoid actual or implicit commercial endorsements by our journalists.
- When sponsorships of news are appropriate, we will not allow them to determine, change or restrict content.

V. Acting with integrity

- We will act honorably and ethically in dealing with news sources, the public and our colleagues.
- We will obey the law.
- We will observe standards of decency.
- We will take responsibility for our decisions and consider the possible consequences of our actions.
- We will be conscientious in observing these principles.
- We will use technological tools with skill and thoughtfulness, avoiding approaches that skew facts, distort reality, or sensationalize events.
- We will not plagiarize or fabricate information.
- We will not alter photos, video or audio to misrepresent events or mislead audiences."[2]

8. Gannett, by and through its newspapers The Daily Oklahoman or USA Today, wholly failed to adhere to any of the applicable ethical standards listed above, as is further discussed herein.

9. Gannett publishes and distributes its content in print and on the internet (for example, at www.oklahoman.com and www.usatoday.com) in all 50 states, the District of Columbia, Puerto Rico, internationally, throughout global social media, and in Muskogee County, Oklahoma.

10. Gannett, through its affiliates and subsidiaries including The Oklahoman and USA Today, markets its products in Muskogee County, Oklahoma through active distribution, subscriptions, and online readership of its web-based content, and this content is published in and read by residents of Muskogee County, Oklahoma, in addition to innumerable readers across countless other towns, cities, counties, states and nations.

11. Gannett also owns and operates the following newspapers located in Oklahoma, to wit: the Bartlesville Examiner Enterprise, Miami News-Record, Pawhuska Journal Capital, Daily Ardmoreite, and Shawnee News-Star. These newspapers routinely "republish" original content

[2] https://cm.usatoday.com/ethical-conduct/; https://cm.oklahoman.com/ethical-conduct/

from The Oklahoman and/or USA Today.

12. Defendant Cameron Jourdan (hereinafter "Jourdan") is, according to public records, a resident of Oklahoma and at all relevant times was employed by Gannett as a high school beat reporter for The Oklahoman.

13. Defendant Nuria Martinez-Keel (hereinafter "Martinez-Keel) is, according to public records, a resident of Oklahoma and at all relevant times was employed by Gannett as an education reporter for The Oklahoman.

14. Defendant Matthew Shawn Rowan (hereinafter "Rowan" or "OSPN") is a resident of Oklahoma and at all relevant times operated a live-streaming broadcasting service known as OSPN. Upon information and belief, Rowan and OSPN at all relevant times were contracted with and agents of Defendant NFHS Network LLC, performing livestreaming broadcasting services for the 2021 Oklahoma Class 6A Girls State Basketball Tournament games in Sapulpa, Oklahoma.

15. Defendant NFHS Network LLC (hereinafter "NFHS") provides live broadcasting of live sports in the United States and Oklahoma. According to its website, NFHS is part of the CBS Sports Digital Network and "is the leader in streaming Live and On Demand high school sports...cover[ing] 27 different regular season and postseason sports."[3]

16. Defendant CBS Sports Inc. (hereinafter "CBS Sports") is a partner/affiliate of NFHS, is the sports division of the American television network CBS, and owns or operates a website known as cbssports.com.

II. JURISDICTION AND VENUE

17. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

[3] https://www.nfhsnetwork.com/company/

18. The named Defendants herein each, with actual malice, uttered, authored, edited, published, marketed, and/or distributed legally actionable content or statements that defamed the named Plaintiffs herein and placed them each in a false and defamatory light, and tortiously interfered with Plaintiffs' business relationships and contracts, all within Muskogee County, Oklahoma.

19. As a result, the Plaintiffs each sustained damages within Muskogee County, Oklahoma, beginning on or about March 12, 2021, continuing to the date on which this Petition is filed, and continuing permanently into the future.

20. This Court, therefore, has proper jurisdiction over this cause of action and is the proper venue for the litigation.

III. FACTUAL ALLEGATIONS

21. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

22. This lawsuit arises out of an original and continued false and incorrect publications made by The Oklahoman on March 12, 2021 against Plaintiffs.

23. Specifically, Gannett, by and through The Oklahoman reporters Jourdan and Martinez-Keel, on March 12, 2021 falsely named Sapulpa and accused Sapulpa of uttering during the livestream broadcast racist and distasteful remarks towards the Norman High School girls' basketball team while they were kneeling during the national anthem before their game in the Oklahoma state high school girls' basketball tournament the night before, March 11, 2021.

24. A few hours prior to the game on March 11, 2021, Rowan, owner and operator of

a live broadcasting streaming service known as OSPN, contacted Sapulpa to ask for Sapulpa's assistance in broadcasting a girls' high school basketball game in Sapulpa, Oklahoma. Rowan informed Sapulpa that he was short-staffed and could use assistance.

25. Even though he was not a professional broadcaster and was inexperienced with broadcasting in general, Sapulpa, a native of Sapulpa, Oklahoma (a town actually named after Sapulpa's direct ancestor Chief Sapulpa), volunteered to assist Rowan in the broadcasting of the girls' basketball game, as he found the request to be a great opportunity to visit his old hometown.

26. Upon arrival to the gymnasium where the basketball game was to be played, Rowan informed Sapulpa that he needed assistance in broadcasting four (4) state quarterfinal basketball games, much to Sapulpa's surprise. However, Sapulpa agreed to take on the endeavor.

27. Rowan and Sapulpa made their way to the broadcasting table at the top of the gymnasium. Upon arrival Sapulpa began studying the names of players, player numbers, lineups, and statistics so that he would be prepared for the games that he had volunteered to broadcast. Soon the broadcasts began, with Rowan clearly identifying himself and Sapulpa.[4]

28. While reviewing the different teams' information in preparation for tipoff of the Norman High School-Midwest City girls' quarterfinal basketball game, the national anthem began to play. During the national anthem, the Norman High School girls' basketball team took a knee to recognize and bring attention to social injustice.

29. During this time, Rowan began speaking, asking Sapulpa questions, and making remarks regarding the young women kneeling during the national anthem. Rowan then began to use profanity and wishing defeat upon Norman High School.

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[4] https://www.readfrontier.org/stories/announcer-who-made-racist-comments-during-basketball-game-says-he-had-spiking-blood-sugar-when-he-used-racial-slur/

30. From there, Rowan suddenly spewed a racial epithet directed at the kneeling young women. Sapulpa was immediately shocked and was unsure of what to do. Rowan then covered his microphone asked Sapulpa if the microphones were on or off.

31. Sapulpa, being unfamiliar with the equipment, replied that he did not know. Rowan then turned off the microphones, and Sapulpa turned to Rowan and said "Dude, what the hell are you doing," indicating his dismay and disgust with Rowan.

32. After the national anthem concluded, Sapulpa again turned to Rowan and expressed his shock with Rowan regarding Rowan's remarks. At this point, things were moving quickly, and the game was beginning to start. Accordingly, Sapulpa went on to make sure his roster and statistic book were correct, and then proceeded to broadcast the game as he had volunteered and as those tuning into the game would have expected.

33. At no point did Sapulpa ever express any type of displeasure with the young women kneeling, nor did Sapulpa ever utter any racist, rude, or inappropriate remarks.

34. While Rowan made his racist remarks, unbeknownst to Rowan, there was a live microphone that was broadcasting the racial slurs to the public.

35. The following morning, March 12, 2021, Jourdan got wind of the inflammatory and racist slurs and quickly, although wrongly, concluded that the statements were made by Sapulpa.

36. Jourdan would go on throughout the day on March 12, 2021 to state that he relied on "official sources" that told him the statements were made by Sapulpa. However, upon information and belief those "official sources" were Rowan and OSPN, who were agents/employees of NFHS and CBS Sports. To be certain, Rowan was contacted repeatedly throughout the day and denied that it was he who made the racist remarks.

37. Jourdan and The Oklahoman were eager to be the first source to "break the news" and in their self-interested fury, failed to conduct even the minimum due-diligence to fact-check the very life altering story that they were publishing. As a result, The Oklahoman, by and through its reporters Jourdan and Martinez-Keel, negligently, recklessly, and with malice accused Sapulpa of making the racist remarks in a story published on its website and promoted on its social media the morning of March 12, 2021.

38. Subsequently, and within a matter of minutes, the news story foreseeably spread like wildfire online, with the original story published worldwide by, among countless other media outlets and social media accounts, both CBS Sports and USA Today.

39. After apparently reading The Oklahoman's original erroneous and false story, an Oklahoma City media outlet known as "The Lost Ogle," through its twitter account @TheLostOgle, then published Sapulpa's image and likeness to its thousands of followers during the day of March 12, 2021 while at the same time linking to the original story from The Oklahoman. A short time later, on March 12, 2021, "The Lost Ogle," through its twitter account @TheLostOgle, further published Sapulpa's social media page, image, likeness, and the Pullman 360 brand to his thousands of followers.

40. Predictably, throughout the day on March 12 Sapulpa's name made national and global news as the broadcaster who made the inappropriate and racist statements. Many who are familiar with Sapulpa came forward and notified Jordan and/or Martinez-Keel that their reports were wrong, as these Defendants and The Oklahoman had falsely labeled Sapulpa as the broadcaster who made the racist remarks when in actuality it was Rowan.

41. Despite being repeatedly informed that it was not Sapulpa that spewed the racial slurs (and ignoring the clear identification of the commentators on the broadcast), The Oklahoman

and Jourdan chose to gamble with Sapulpa's life and "doubled down" on the erroneous news story by insisting the reporting had correctly identified Sapulpa as the racist in question. Indeed, Jourdan emphatically, throughout the day, tweeted that he was confident in his reporting and that it was correct. These tweets have now been deleted.

42. Rowan knew throughout the day of March 12 that it was he and not Sapulpa who made the racist remark, yet he allowed Sapulpa to be blamed for saying it. Late in the afternoon on March 12, despite knowing all day that it was he and not Sapulpa who made the racist remark, Rowan came forward and publicly acknowledged that it was he, Rowan, who made the statements, and not Sapulpa.[5]

43. Apparently realizing the gravity of its malicious publication of Sapulpa's private and business information, which contributed to the further threatening, harassment and "doxxing" of Plaintiffs, "The Lost Ogle" attempted to back away from Jourdan's original reporting and tweeted: "It looks like @TheOklahoman_ may have identified the wrong guy in the broadcast. That's what we get for trusting the reporting of the state's 'most trusted news.'"

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[5]https://www.cnn.com/2021/03/13/us/oklahoma-high-school-basketball-announcer-trnd/index.html; https://abcnews.go.com/US/high-school-sports-announcer-caught-calling-girls-basketball/story?id=76426436; https://www.espn.com/espn/story/_/id/31053026/oklahoma-prep-game-broadcaster-denounced-using-racial-epithet; https://www.si.com/sports/2021/03/13/oklahoma-high-school-announcer-racial-slur-live-broadcast; https://www.oklahoman.com/story/sports/high-school/basketball/2021/03/12/announcer-directs-racist-comments-toward-norman-girls-basketball-kneeling-during-national-anthem/4664965001; https://www.al.com/sports/2021/03/announcer-uses-racial-slurs-toward-oklahoma-high-school-team-that-knelt-for-anthem.html;https://www.normantranscript.com/sports/high_school_sports/high-school-basketball-announcer-directs-racial-slur-at-norman-high-players-blames-blood-sugar/article_7f75230e-834b-11eb-a524-d7f41ae6649e.html;https://tulsaworld.com/sports/high-school/announcer-who-used-racial-slur-against-norman-basketball-team-cannot-explain-comments-blames-medical-condition/article_f305d6b8-8352-11eb-8c0a-4760dd0d5a95.html;andhttps://www.tahlequahdailypress.com/news/local-man-apologizes-for-racist-remarks/article_dee2625a-838e-11eb-903c-1f367c4d6889.html.

44. Late in the evening on March 12, 2021, The Oklahoman finally "corrected" the story, publishing the following "correction" at the very end of their "updated" story on the incident:

> *"The Oklahoman in an earlier version of this story identified an individual as the person who made the racist comments, based on official sources who were familiar with the incident. That information was incorrect."*

45. However, the public acknowledgement by Rowan and the "correction" by the Oklahoman came too late. Even worse, it did nothing to specifically clear Sapulpa's name. This only perpetuated the vicious narrative that Sapulpa was the racist and, for those who may have been paying attention enough to see that Rowan finally admitted it was him, allowed for a different narrative Sapulpa was somehow "complacent" or "guilty by association" with Rowan. In fact, the only reason Sapulpa's name was ever mentioned at all to begin with was due to The Oklahoman's false and defamatory reporting and their reporter's insistence that the original story was accurate.

46. Accordingly, on March 19, 2021, Sapulpa made a formal request to Gannett, The Oklahoman, Jourdan, and Martinez-Keel for a formal, comprehensive, emphatic, public, and immediate retraction regarding all allegations that Sapulpa either made any such statements, was in any way associated with the making of any such statements or condoned in any manner the making of such statements.

47. On March 25, 2021, Gannett, The Oklahoman, Jourdan, and Martinez-Keel "tripled down" and refused to issue a formal retraction. Specifically, these Defendants stated their false identification of Sapulpa was "initial and brief" and "never appeared in a print version of the story." They then outlandishly stated that a "formal retraction at this date would be unnecessary, would not be in keeping with accepted journalism practices, and would likely do Mr. Sapulpa more harm than good."

48. Now Sapulpa has been labeled as a racist on a national level, he has been virtually terminated from his job as a teacher and coach, he has received numerous hate calls and messages, he has been threatened with physical harm and death, he has been shunned from his community, and he has been forced to go into hiding which continues to this day. Likewise, Pullman 360 and Sapulpa have lost several local and national accounts, business contracts, business relationships, and business opportunities. Further, Sapulpa has been informed that his association with USA Football will cease going forward. Additionally, Sapulpa's family cannot show their faces in public and are left fearing for their lives suffering extreme mental anguish of their own.

49. This all happened because of the mad dash to "break the scoop" and get "likes," "retweets," and comments on social media, the consequences to Sapulpa be damned. Unfortunately, Sapulpa's life, family, and business will never be the same again.

50. Many casual observers immediately recognized the horrendous nature of the Defendants' actions. In fact, these actions were so brazenly false that, on the night of March 12, 2021, New York Times bestselling author Jeff Pearlman published an article entitled "Who Will Scott Sapulpa Sue First?"[6]

51. To answer that question, among many others, Plaintiffs' claims for relief are set forth below.

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[6] https://jeffpearlman.com/2021/03/12/who-will-scott-sapulpa-sue-first/, which also includes the following passage: "Anyhow, [Rowan]'s future as a youth pastor is probably in flux—as (I'm guessing) is Scott Sapulpa's bank account, which should grow exponentially after he sues The Oklahoman for ruining his life and reputation and having to forever answer the question, 'Are you the guy who …'"

IV. PLAINTIFFS' CAUSES OF ACTION AND CLAIMS FOR RELIEF

52. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege the following causes of action:

Count 1:

Defamation *Per Se* (Libel) Against Defendants Gannett Co., Inc. d/b/a The Oklahoman and d/b/a USA Today, Cameron Jourdan, Nuria Martinez-Keel, and CBS Sports Inc.

53. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

54. Sapulpa is a private figure and Pullman 360 is a private business.

55. Defendants Gannett Co., Inc. d/b/a The Oklahoman and d/b/a USA Today, Cameron Jourdan, Nuria Martinez-Keel, and CBS Sports Inc. each published written false and defamatory statements against Sapulpa and/or Pullman 360. In so doing, Defendant Gannett and its employees violated their own purported ethical standards set forth above. The other named Defendants, to the extent they even had any ethical standards, committed the same or similar violations.

56. These statements and accusations exposed Plaintiffs to public hatred, contempt, ridicule and/or disgrace.

57. The Defendants communicated the false statements and accusations to persons other than the Plaintiffs.

58. Those persons reasonably understood the statements and accusations to be about Plaintiffs.

59. The statements and accusations were false.

60. The statements caused Plaintiffs to suffer financial loss, damage to reputation, and emotional injury.

61. The Defendants knew the statements were false, should have known they were false, had serious doubt whether the statements were true or false, or should have had serious doubts whether the statements were true or false.

62. The publication of the false and defamatory accusations directly and proximately caused substantial and permanent damage to Plaintiffs.

63. The false and defamatory accusations were republished by third parties and members of the mainstream media and via social media, which was reasonably foreseeable but also the outcome the Defendants desired and pursued for their own profits.

64. The false and defamatory accusations and publications against Plaintiffs are defamatory *per se*, as they are libelous on their face without resort to additional facts. This is further demonstrated by Rowan's public statement that it was he, Rowan, who uttered the racist comments at issue and not Sapulpa.

65. As a direct and proximate result of the false and defamatory accusations and publications Plaintiffs suffered permanent harm to their reputations.

66. As a direct and proximate result of the false and defamatory accusations Plaintiff Sapulpa suffers and will continue to suffer severe emotional distress.

67. As a direct and proximate result of the false and defamatory accusations Sapulpa is forced to live his life in a constant state of concern over his safety and the safety of his family, and to this day is living in hiding.

68. Defendants Gannett Co., Inc. d/b/a The Oklahoman and d/b/a USA Today, Cameron Jourdan, Nuria Martinez-Keel, and CBS Sports Inc. each published their false and defamatory accusations with actual malice and common law malice.

69. Defendants Gannett Co., Inc. d/b/a The Oklahoman and d/b/a USA Today,

Cameron Jourdan, Nuria Martinez-Keel, and CBS Sports Inc.'s conduct was outrageous and willful, demonstrating that entire want of care that raises a conscious indifference to consequences.

70. Plaintiffs are entitled to an award of Category III punitive damages pursuant to 23 O.S. § 9.1 to punish Defendants Gannett Co., Inc. d/b/a The Oklahoman and d/b/a USA Today, Cameron Jourdan, Nuria Martinez-Keel, and CBS Sports Inc. and to deter them from repeating such egregiously unlawful misconduct in the future.

Count 2:

Additional Count of Defamation *Per Se* (Slander) Against Rowan, NFHS, and CBS Sports.

71. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

72. Sapulpa is a private figure and Pullman 360 is a private business.

73. At the time of the incidents complained of herein, Defendants Rowan, individually and d/b/a OSPN, NFHS, and CBS Sports were in a principal-agent and/or employer-employee agent relationship, whether express, implied, apparent, or by ratification.

74. Thus, the acts and omissions of Rowan (agent/employee) are imputed to NFHS and CBS Sports (principal/employer).

75. These Defendants each made false and defamatory oral statements against Sapulpa and/or Pullman 360, starting with Rowan who, upon information and belief, was the "official source" of The Oklahoman's false and defamatory news story and who, upon information and belief, spoke with Jourdan and/or Martinez-Keel and provided the false information.[7]

76. These statements and accusations exposed Plaintiffs to public hatred, contempt,

[7] If discovery indicates these statements were written and not spoken orally, Plaintiffs reserve the right to amend this suit to allege libel *per se* against these Defendants.

ridicule and/or disgrace.

77. The Defendants communicated the false statements and accusations to persons other than the Plaintiffs.

78. Those persons reasonably understood the statements and accusations to be about Plaintiffs.

79. The statements and accusations were false.

80. The statements caused Plaintiffs to suffer financial loss, damage to reputation, and emotional injury.

81. These Defendants knew the statements were false, should have known they were false, had serious doubt whether the statements were true or false, or should have had serious doubts whether the statements were true or false.

82. The publication of the false and defamatory accusations directly and proximately caused substantial and permanent damage to Plaintiffs.

83. These false and defamatory oral statements against Sapulpa and/or Pullman 360 directly and proximately caused substantial and permanent damage to Plaintiffs.

84. The false and defamatory oral statements by Rowan, NFHS and CBS Sports against Sapulpa and/or Pullman 360 were published by third parties and members of the mainstream media and via social media, which was reasonably foreseeable.

85. The false and defamatory oral statements against Plaintiffs are defamatory *per se*, as they are slanderous on their face without resort to additional facts. This is further demonstrated by Rowan's public statement that it was he, Rowan, who uttered the racist comments at issue and not Sapulpa.

86. As a direct and proximate result of the false and defamatory oral statements

against Sapulpa and/or Pullman 360, Plaintiffs suffered permanent harm to their reputations. As a direct and proximate result of the false and defamatory oral statements Plaintiff Sapulpa suffers and will continue to suffer severe emotional distress.

87. As a direct and proximate result of these false and defamatory oral statements Plaintiff is forced to live his life in a constant state of concern over his safety and the safety of his family.

88. Defendants Rowan d/b/a OSPN, NFHS, and CBS Sports each uttered their false and defamatory oral statements with actual malice and common law malice.

89. Defendants Rowan d/b/a OSPN, NFHS, and CBS Sports' conduct was outrageous and willful, demonstrating that entire want of care that raises a conscious indifference to consequences.

90. Plaintiffs are entitled to an award of punitive damages to punish Defendants Rowan d/b/a OSPN, NFHS, and CBS Sports Plaintiff to an award of Category III punitive damages pursuant to 23 O.S. § 9.1, and to deter them from repeating such egregiously unlawful misconduct in the future.

Count 3:

Negligence, Gross Negligence, and Actual Malice Against All Defendants.

91. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

92. Each named Defendant herein was grossly negligent either individually or in the supervision of its/their employees and/or agents who, while acting within the scope of their employment and under the supervision and direction of each Defendant where applicable, injured Plaintiff personally and professionally.

93. Therefore, Plaintiffs are each entitled to an award of all damages that each Defendant named herein caused them including but not limited to Plaintiffs' financial losses, injury to Sapulpa's person, injury to Plaintiffs' property, injury to Plaintiffs' standing and reputation in the community, and Sapulpa's personal humiliation, mental anguish, and suffering.

94. Plaintiffs are also entitled to an award of Category III punitive damages pursuant to 23 O.S. § 9.1 punitive damages against each named Defendant because each Defendant acted with gross negligence, actual malice and/or reckless disregard.

Count 4:

Malicious Wrong Against All Defendants.

95. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

96. Sapulpa is a private figure and Pullman 360 is a private business.

97. When the named Defendants gave unfair and unwanted publicity to Plaintiffs with false, misleading, and otherwise defamatory statements and assertions, they each committed a malicious wrong against Plaintiffs.

98. In doing so, each Defendant intentionally and with malice did that which was knowingly calculated in the ordinary course of events to damage Plaintiffs.

99. In fact, the acts and omissions of all Defendants did damage Plaintiff Sapulpa personally, professionally, and in his trade and occupation, as well as in his business Pullman 360.

100. Each Defendant committed these malicious wrongs without just cause or excuse or privilege.

101. Consequently, Sapulpa and Pullman 360, where appropriate, are each entitled to recover damages from each Defendant for injuries that each Defendant caused to Sapulpa's person, his/its business, his/its professional employment, his/its reputation and standing in the community, his emotional well-being, his/its right to privacy and his right to quiet enjoyment of his life including financial losses, harm for intrusion into his/its privacy, personal and professional humiliation, mental anguish and suffering, and for such other relief to which he is entitled under the laws of this state.

102. Plaintiffs are also entitled to Category III punitive damages against each named Defendant because each Defendant acted with gross negligence, actual malice and/or reckless disregard.

Count 5:

False Light/Invasion of Privacy and/or Seclusion Against All Defendants.

103. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

104. Sapulpa is a private figure and Pullman 360 is a private business.

105. As is clearly set forth herein, each named Defendant committed multiple tortious acts against Plaintiffs, starting with the false and defamatory statements that Sapulpa uttered racist commentary.

106. More specifically, Defendants each made wrongful and false statements about the private facts surrounding Sapulpa's involvement with the broadcast of the March 11, 2021. These public statements and publications placed Plaintiffs in a false light before the public and those with whom they existed, lived, and/or worked.

107. The false light cast by these remarks was highly offensive to a reasonable person and to Plaintiffs and invaded the privacy of each Plaintiff.

108. Defendants knew or should have known the public disclosure was false and would place Plaintiffs in a false light thereby invading the privacy of each Plaintiff.

109. Alternatively, Defendants each should have had serious doubt about the truthfulness of the public statements and publications that placed Plaintiffs in a false light since the identity of the broadcasters on the telecast was easily ascertainable and due to numerous concerned citizens advising The Oklahoman that it had named the wrong person as the one who uttered the racist commentary in the March 11, 2021 broadcast.

110. Consequently, the Defendants' conduct has injured Plaintiffs' reputation and standing in the community, Sapulpa's occupation and profession, and Pullman 360's business reputation.

111. Plaintiffs are entitled to an award of all damages Defendants caused them, including but not limited to financial losses, injury to Sapulpa's person, injury to Plaintiffs' property, injury to Plaintiffs' standing and reputation in the community, Sapulpa's personal humiliation, Sapulpa's mental anguish and suffering, and Category III punitive damages.

Count 6:

Intentional Infliction of Emotional Distress Against All Defendants.

112. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

113. The conduct of each named Defendant was also extreme and outrageous; the conduct caused Sapulpa emotional distress; and the resulting emotional distress was severe. Therefore, a cause of action exits against each of the named Defendants on behalf Sapulpa for

the independent tort of Intentional Infliction of Emotional Distress, with accompanying Category III punitive damages.

Count 7:

Tortious Interference with Business Contracts and Relationships Against All Defendants.

114. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further alleges as follows:

115. The Defendants, in committing the wrongful, tortious, and malicious acts set forth herein, interfered with existing contractual or business rights inuring to Plaintiffs, as well as all past, present, and future business relationships.

116. This interference was malicious and wrongful, nor was it justified, privileged or excusable.

117. Consequently, Plaintiffs have suffered irreparable damage.

118. Therefore, Defendants each owe Plaintiffs for all lost sales and profits, for damages to their reputation in their industries, for interest on lost income, and for such other damages as permitted by law including costs, expenses, and attorney fees.

119. Furthermore, since Plaintiff's conduct was reckless and malicious, Plaintiffs are entitled to an award of Category III punitive damages against each Defendant.

Count 8:

Spoliation of Evidence Against All Defendants, Where Appropriate.

120. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein, and further allege as follows:

121. Beginning on March 12, 2021, some or all of the Defendants began to "update," alter, or delete previously available public and published electronic evidence that was and is

directly relevant to the instant litigation. The relevance of this electronic evidence was reasonably foreseeable to each Defendant.

122. Plaintiff expects discovery to reveal the extent of all evidence spoliation.

123. Each Defendant is hereby directed to protect and preserve all evidence in their possession or control including, but not limited to, all documents, correspondence, internet posts and associated code, electronic mail, voice recordings, memoranda, text messages and social media, subject to this Court's jurisdiction, that is pertaining to any allegation contained in this lawsuit in any way.

124. As it relates to any spoliation of evidence, Plaintiffs expressly reserve the right to seek all available sanctions under the law, including but not limited to "adverse inference" jury instructions and default judgment pursuant to 12 O.S. § 3237(B)(2)(c).

Count 9:

Punitive/Exemplary Against Each Named Defendant.

125. All of the Defendants' actions were performed intentionally and/or with malice and/or in reckless disregard of the rights of Plaintiffs, which entitles Plaintiffs each to an award of Category III or less punitive/exemplary damages, as set forth in to 23 O.S. § 9.1, against each named Defendants.

WHEREFORE, Plaintiffs respectfully state their intent to donate a portion of the recovery herein to the Norman High School athletic department, demand a jury trial, and respectfully pray as follows:

I. That judgment be entered against the Defendants, and each of them, for actual and compensatory damages in the amounts set forth below:

A. Against Gannett Co., Inc. d/b/a The Oklahoman and d/b/a USA Today: an amount in excess of $75,000.00;

B. Against Cameron Jourdan individually and as an employee of Gannett Co., Inc. d/b/a The Oklahoman: an amount in excess of $75,000.00;

C. Against Nuria Martinez-Keel, individually and as an employee of Gannett Co., Inc. d/b/a The Oklahoman: an amount in excess of $75,000.00;

D. Against Matthew Shawn Rowan, individually and d/b/a OSPN: an amount in excess of $75,000.00;

E. Against NFHS Network LLC: an amount in excess of $75,000.00; and

F. Against CBS Sports Inc.: an amount in excess of $75,000.00

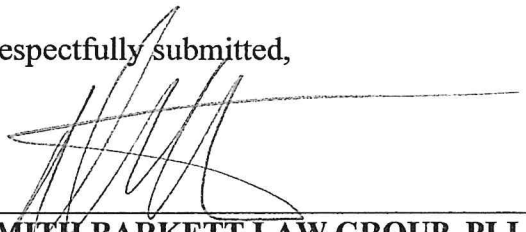
II. That judgment be entered pursuant to 23 O.S. § 9.1 against each Defendant for Category III punitive damages pursuant to 23 O.S. § 9.1 to be proven at trial, but at a minimum equal to the amount of compensatory damages awarded Plaintiffs.

III. That Plaintiffs recover their reasonable attorneys' fees, costs/expenses, and interest from the Defendants;

IV. That the Court allow Plaintiffs to amend or add new parties and new causes of action herein as additional information become available; and

V. Whatever further relief the Court deems just, proper, and equitable.

Respectfully submitted,



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