

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

RANDY GAMEL-MEDLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. CIV-17 -830-HE
	)	Civil Rights Action
JONITA PAULS a/k/a JONITA JACKS,	)	Arising In Blaine County
	)	<b>JURY TRIAL DEMANDED</b>
JOEL PAULS,	)	
	)	
RENITA PAULS,	)	
	)	
MERADITH NORRIS,	)	
	)	
RICK EDSALL,	)	
	)	
KENNY MEIER,	)	
	)	
PATSY MEIER,	)	
	)	
TONY ALMAGUER, individually and his capacity as Sheriff of Blaine County,	)	
	)	
DAVID ROBERTSON, individually and in his capacity as Undersheriff of Blaine County,	)	
	)	
Defendants.	)	

**COMPLAINT**

**COMES NOW THE PLAINTIFF**, and for his cause of action herein alleges and states as follows:

**PARTIES**

1. The Plaintiff is Randy Gamel-Medler, an adult formerly residing in Blaine County, Oklahoma.

2. The Defendants are:

A. Jonita Pauls a/k/a Jonita Jacks,

- B. Joel “Joey” Pauls,
- C. Renita Pauls,
- D. Meradith Norris,
- E. Rick Edsall,
- F. Kenny Meier,
- G. Patsy Meier,
- I. Tony Almaguer, individually and in his capacity as Sheriff of Blaine County, and
- J. David Robertson, individually and in his capacity as Undersheriff of Blaine County.

All of whom are adult residents of Blaine County living in or around the township of Hitchcock, Oklahoma.

### **JURISDICTION AND VENUE**

3. This is a cause of action for injury to Plaintiff's Fourteenth Amendment of equal protection of the law which injury is made actionable by 42 U.S.C. § 1983. Plaintiff also asserts a violation of 42 U.S.C. § 1985(1) in the form of a conspiracy to deprive the Plaintiff of his town office, and § 1985(3) for denial of equal protection of the law. Jurisdiction is vested over the federal actions pursuant 28 U.S.C. §§ 1331, 1343(a)(3). State law claims for assault, battery, destruction of real and personal property and intentional infliction of emotional distress arise out of the same facts giving rise to the civil rights claim and jurisdiction is vested under 28 U.S.C. §§ 1367.

4. Defendants are located in Blaine County, and all acts complained of occurred

in Blaine County. Blaine County is located within the Western District for the United States District Courts of Oklahoma, wherefore venue is proper in this Court under 28 U.S.C. § 1391(b).

### **STATEMENT OF FACTS**

5. At all pertinent times, Plaintiff was the Town Clerk for the Town of Hitchcock, Oklahoma.

6. Plaintiff is a gay man with an adopted seven year old African-American son. These facts were not known to the Defendants when they began the actions of harassment described below.

7. In approximately August, 2016, the Plaintiff brought his African-American seven year old son to live with him in Hitchcock.

8. In approximately Sept. 2016, at a town council meeting, Meradith Norris, a trustee of the Town of Hitchcock, upon learning that Plaintiff had an African-American son, said at a town meeting in the presence of the Mayor and other Trustees, and the persons below listed: “What’s going to happen when your house burns down and we don’t send out the fire trucks?”

9. Plaintiff filed a police report with the former Sheriff of Blaine County, but no criminal action was commenced.

10. In early May, 2017, the Plaintiff was performing his duties as Town Clerk in attempting to remove an obstruction to a right of way when he was assaulted by Jonita Pauls Jacks (a convicted felon) who, while Plaintiff was in the performance of his duties, came up to Plaintiff’s truck, tried to enter the truck, and when Plaintiff locked the door, started

shaking the truck. Jonita Pauls Jacks called Plaintiff a ‘f\*\*\*ing queer. I’m going to grab your little boy, rip his nigger head off, and shit down his throat.’

11. Plaintiff went to the Sheriff’s office to file a report. However, The Blaine County Sheriff (Tony Almaguer) refused to take a report and advised Plaintiff that Hitchcock Mayor Rick Edsall had already been in. The Deputy Sheriff said words to the effect: ‘That’s just how they how they are out there and it’s free speech.’

12. Plaintiff then returned to work at the Town Hall and found the parents of Jonita Pauls Jacks, Joel Pauls (who is on the Hitchcock water board) and Renita Pauls (an employee of the town of Hitchcock), who had called a deputy to file their own complaint. In the presence of the deputy sheriff, Renita Pauls said: “Which part of that is not right? You’re a queer aren’t you? Well, we’re just going to rip your little nigger boy’s head off and shit down his throat.” Plaintiff was challenged by the Pauls saying “Well, what are you going to do the next time?” Plaintiff said, I’ll defend myself.

13. During the next few weeks, Kenny Meier, husband of Town Trustee Patsy Meier, drove his motorcycle two to three times on the road in front of Plaintiff’s house, throwing gravel at the house.

14. On or about May 26, 2017, a 3x4 foot sign was placed across from post office where Plaintiff and his son walked. The sign read: “The town clerk is a f\*cking queer.” The Plaintiff called the Sheriff, who said the sign was “free speech”.

15. Later, on or about May 26, 2017, a friend of the Plaintiff’s went with the Plaintiff while the Plaintiff was mowing public properties, which was a part of the Plaintiff’s job. Kenny Meier drove past and “flipped off” Plaintiff and his friend, and then got in a

pickup truck and ran Plaintiff's friend off the road. Kenny Meier attempted to take a gun from the friend, causing a struggle, but without any injuries. Kenny Meier ran away, and the Sheriff's office was called with a Deputy believed to be Bob Kissimee appearing. Patsy Meier (Kenny Meier's wife) showed up and said to Plaintiff: "We haven't run you off yet?" During the conversation, Patsy admitted to the Deputy that she and Kenny had put the sign at the post office, though they had since taken it down. Deputy Kissimee stated that she and her husband just admitted to committing a hate crime and he was going to have to arrest them. Deputy Kissimee pulled Plaintiff aside and said: "These people are serious. They're going to kill you, they're going to kill your son and they're going to burn your house down." At this point, Undersheriff Dave Robertson showed up and tells Deputy Kissimee to leave. The Undersheriff told Plaintiff: "My best advise to you, is to tell you and your son to leave." The Mayor of Hitchcock (Rick Edsall) showed up, and said "this is just how they behave, there is no reason for the Sheriff to be there."

16. Plaintiff attempted to file a police report, and the Undersheriff would not allow a report to be filed.

17. On May 28, 2017, Plaintiff went out to mow town park areas and had his son with him. Joel and Renita Pauls drove by him and his son twice. Plaintiff then took his son to a neighbor's house and, while at Plaintiff's house, Plaintiff heard a noise in his garage like glass breaking and called the Sheriff's office to report a burglary. Plaintiff then saw a fire in his garage and called for the fire department. Plaintiff's residence is one block from the fire station, however, the fire department did nothing for an extended time, with the result that Plaintiff's home was burned to the ground.

18. A person believed to be the fire marshal said to the Plaintiff words to the effect: “I understand that someone threatened to burn your house down when you first moved here, and that this was in the town council minutes. I suppose the minutes were in your house.” Plaintiff responded that the minutes were in his house. The fire official then responded to the effect that, “I guess that takes care of that.”

19. While Plaintiff’s house was burning, Patsy Meier sat on one side of the house watching, Kenny Meier was on the other side watching, Joey Pauls was in the alley watching, and the Mayor and his family were in their lawn chairs watching.

### COUNT I

For his first cause of action, Plaintiff incorporates all prior allegations, and alleges and states as follows:

20. The above named Sheriff and Undersheriff were, at all time, officers of Blaine County acting under the color of state law.

21. The Sheriff of Blain County, is the decision maker and policymaker regarding law enforcement in Blaine County, and he is in charge of his Undersheriff and the deputies.

22. By the actions above described, the Plaintiff was denied equal protection of the law by the Sheriff (Almaguer) and Undersheriff (Robertson), both individually and in their official capacities.

23. Because the Sheriff is the official regarding law enforcement policymaker and decisionmaker for Blaine County, Blaine County as a political subdivision is liable for the denial of equal protection.

24. As the direct result of the actions above described, Plaintiff has suffered injuries in the form of emotional distress, fear for himself, his child, and the destruction of his home and its contents, for which Plaintiff is entitled to compensation.

25. Because the actions of Sheriff Almaguer and Undersheriff Robertson were willful or, at the least, in reckless disregard of Plaintiff's federally protected rights, punitive damages should be assessed against those Defendants individually.

## COUNT II

For this cause of action, Plaintiff incorporates all prior allegations, and alleges and states as follows:

26. The actions of each of the Defendants were motivated by a common desire and part of a common plan and conspiracy to force the Plaintiff to relinquish his official position as Town Clerk.

27. The actions of each of the Defendants were part of a common scheme to use force, violence, and intimidation to force the Plaintiff to step down. Such scheme was first announced on September 2016, and which culminated when Defendants burned Plaintiff's house down and did not send out fire trucks.

28. These actions are contrary to 42 U.S.C. §1985(1), which makes it unlawful to:

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, **or** from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties.

29. As the direct result of the actions above described, Plaintiff was forced to give up his position and move away from the Town of Hitchcock. He has suffered injuries in the form of emotional distress, fear for himself and his child, and destruction of his home and its contents, for which Plaintiff is entitled to compensation.

30. Because the actions of each Defendant was willful or, at the least, in reckless disregard of Plaintiff's federally protected rights, punitive damages should be assessed against those Defendants individually and collectively.

### **COUNT III**

For this cause of action, Plaintiff incorporates all prior allegations, and alleges and states as follows:

31. The actions of each of the Defendants were motivated by a common desire and part of a common plan and conspiracy to deprive the Plaintiff of his common rights and protections as a citizen of the United States.

32. These actions are contrary to 42 U.S.C. §1985(d) which makes it unlawful to:

3) Depriving persons of rights or privileges. If two or more persons in any State or Territory conspire. . . for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws. . . ; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

33. As the direct result of the actions above described, Plaintiff was forced to give up his position and move away from the Town of Hitchcock. He has suffered injuries in the



form of emotional distress, fear for himself and his child, and the destruction of his home and its contents, for which Plaintiff is entitled to compensation.

34. Because the actions of each Defendant was willful or, at the least, in reckless disregard of Plaintiff's federally protected rights, punitive damages should be assessed against those Defendants individually and collectively.

#### **COUNT IV**

For this cause of action, Plaintiff incorporates all prior allegations, and alleges and states as follows:

35. The actions above described represent a civil conspiracy under the laws of the State of Oklahoma to:

- A. Commit an assault and battery on the Plaintiff;
- B. Damage and destroy the property of the Plaintiff, and
- C. Inflict extreme and intentional emotional distress on the Plaintiff.

36. As the direct result of the actions above described, Plaintiff suffered extreme emotional distress about his welfare and that of his son, suffered the loss of his house and its contents, and was placed in fear of personal harm and harm to his family.

37. Because the actions of each Defendant was willful or, at the least, in reckless disregard of Plaintiff's federally protected rights, punitive damages should be assessed against those Defendants individually and collectively.

#### **COUNT IV**

For this cause of action, Plaintiff incorporates all prior allegations, and alleges and states as follows:

38. The actions of Jonita Pauls Jacks, Joey Pauls, Renita Pauls, and Kenny Meier described above constitute an assault and battery on the Plaintiff.

37. The actions of Jonita Pauls Jacks, Joey Pauls, Renita Pauls, Kenny Meier and Patsy Meier described above constitute an intentional infliction of extreme emotional distress on the Plaintiff.

39. As the direct result of the actions above described, Plaintiff suffered extreme emotional distress about his welfare and that of his son, suffered the loss of his house and its contents, and was placed in fear of personal harm and harm to his family.

40. Because the actions of each Defendant was willful or, at the least, in reckless disregard of Plaintiff's federally protected rights, punitive damages should be assessed against those Defendants individually and collectively.

**PRAYER**

**WHEREFORE**, Plaintiff prays that this Court assess all damages suffered by the Plaintiff against each Defendant individually and jointly, and further that an award of punitive damages be entered against each Defendant individually and jointly. Plaintiff prays that actual damages arising from the conduct of the Sheriff in his official capacity be assessed against the County. Plaintiff prays for an award of costs, fees, and such other relief at law or in equity as may be appropriate.

**RESPECTFULLY SUBMITTED THIS 3<sup>rd</sup> DAY OF AUGUST, 2017.**

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