



CJ16-4501  
Andrews

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA  
FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

JOSEPH ALEXANDER PUENTE,  
Individually and guardian and next of kin to  
ACP, a minor child.

Plaintiff(s),

v.

THOMAS M. JAHA, individually and in  
his official capacity as a Police Officer for  
the City of Oklahoma City (a.k.a. Thomas  
M. Simpson); OKLAHOMA CITY POLICE  
DEPARTMENT, a Municipal  
Corporation; CITY OF OKLAHOMA  
CITY, a purported Political Subdivision(s);  
and OKLAHOMA CITY PUBLIC  
SCHOOLS, a purported Political  
Subdivision(s).

Defendants.

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RICK WARREN  
COURT CLERK

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CASE NO. CJ-2016-

CJ-2016 - 4501

PETITION

Comes Now the Plaintiff(s), ACP, a minor child, and Joseph Alexander Puente, individually and as guardian and next of kin to ACP, by and through his Attorney of Record, J. David Ogle, and for his cause of against the Oklahoma City Police Department (referenced hereafter as "Police"), a Municipal Corporation; Thomas M. Jaha (referenced hereafter as "Jaha"), individually and in his official capacity as a Police Officer for the City of Oklahoma City (the Oklahoma City Police Department and the Oklahoma City Public School); the City of Oklahoma City (Referenced hereafter as "City"), a purported Political Subdivision(s); and Oklahoma City Public Schools (Referred hereafter as "School"), a purported Political Subdivision, collectively Defendants herein respectfully shows the Court the Following:

VENUE AND JURSDICTION

1. At the time of the assault and battery and bodily injury, Plaintiff(s) Joseph Alexander Puente, individually and guardian and next of kin to ACP, a minor child, were residents of Oklahoma County, State of Oklahoma. To the best of their knowledge and belief, all employees of the Police and all employees of the School are and at all time pertinent hereto residents of the State of Oklahoma and Oklahoma County.

2. At the time of the incident complained of herein, Defendant City, to the best of Plaintiff's knowledge and belief, is an Oklahoma Corporation doing business within said State of Oklahoma in Oklahoma County. Further, all actions complained of herein occurred in Oklahoma County, State of Oklahoma and venue and jurisdiction are therefore proper before this Court.

3. At the time of the incident complained of herein, Defendant School, to the best of Plaintiff's knowledge and belief, is an Oklahoma Corporation or Political Subdivision doing business within said State of Oklahoma in Oklahoma County. Further, all actions complained of herein occurred in Oklahoma County, State of Oklahoma and venue and jurisdiction are therefore proper before this Court.

#### **GOVERNMENTAL TORT CLAIMS ACT**

4. Defendants, City and School received notice of Plaintiff's claims, pursuant to the Oklahoma Governmental Tort Claims Act, 51 O.S. §151 *et seq.*, on December 11, 2015. No Defendant has acknowledged the claim as valid or paid on the claim within the ninety (90) days subsequent to parties' receipt of said notice. Said claim is deemed denied by lack of action by the parties.

#### **FIRST CAUSE OF ACTION: ASSAULT AND BATTERY (INTENTIONAL ACT) AGAINST DEFENDANT JAH**

5. To the best of the Plaintiffs' knowledge and belief, on or about October 9, 2015, the Plaintiff ACP, a minor child, was unarmed and a student at U.S. Grant High School. While on school property during normal school hours, ACP was assaulted and battered without provocation by Defendant Jaha, an Oklahoma City Police Officer (while on duty), causing ACP pain and suffering. (See Oklahoma County Case No. CM-2015-3353; State of Oklahoma v. Thomas M. Jaha wherein Jaha was criminally prosecuted for Assault and Battery and sentenced to probation.)

6. The acts of assault and battery on the part of the Defendant was the direct and proximate cause of Plaintiff ACP's, a minor child, injuries.

7. As a result of Defendant Jahas' actions, Plaintiff ACP, a minor child, incurred bodily injuries; suffered pain of the body and mind incurred expenses for medical attention; and loss of income. As a result, Plaintiff ACP has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff Joseph Alexander Puente, guardian and next of kin to ACP a minor child, prays judgment against Defendant in the amount in excess of \$75,000.00, together with

post and pre-judgment interest, as may be provided by law, cost, as reasonable attorney's fee and any such other and further relief as the Court may, in law or in equity, deem reasonable and proper.

**SECOND CAUSE OF ACTION: ASSUALT AND BATTERY**  
**(NEGLIGENCE) AGAINST DEFENDANT JAHA**

The allegations contained in the above paragraphs are incorporated herein by reference, as though herein set forth in full,

8. To the best of the Plaintiffs' knowledge and belief, on or about October 9, 2015, the Plaintiff ACP, a minor child, was unarmed and a student at U.S. Grant High School. While on school property during normal school hours, ACP was assaulted and battered without provocation by Defendant Jaha, an Oklahoma City Police Officer (while on duty), causing ACP pain and suffering. (See Oklahoma County Case No. CM-2015-3353; State of Oklahoma v. Thomas M. Jaha, where Jaha was criminally prosecuted for Assault and Battery and sentenced to probation.)

Defendant Jaha, was negligent in the following particulars, to wit:

- a. In failing to follow established policy and procedure of the Police.
- b. In failing to exercise due and reasonable care to Plaintiff.
- c. In striking a minor child in the face without provocation or alternative actions.

9. The acts of negligence on the part of the Defendant was the direct and proximate cause of Plaintiff ACP's, a minor child, injuries.

10. As a result of Defendant Jahas' actions Plaintiff ACP, a minor child, incurred bodily injuries; suffered pain of the body and mind; incurred expenses for medical attention; and loss of income. As a result, Plaintiff ACP has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff Joseph Alexander Puente, guardian and next of kin to ACP a minor child, prays judgment against Defendant in the amount in excess of \$75,000.00, together with post and pre-judgment interest, as may be provided by law, cost, as reasonable attorney's fee and any such other and further relief as the Court may, in law or in equity, deem reasonable and proper.

**THIRD CAUSE OF ACTION: NEGLIGENCE OF CITY AND**  
**POLICE UNDER AGENT/AGENCY RELATIONSHIP**

The allegations contained in the above paragraphs are incorporated herein by reference, as though herein set forth in full,

11. At the time of the incident complained of herein, Defendant Jaha was employed by the Police and City.

12. The Defendant Jaha was acting as an employee, servant, or agent for the Police and the City, within the scope of his employment at the time of said incident. Under the doctrines of respondeat superior and agency, Defendants Police and City are responsible for any damages Plaintiff ACP, a minor child, incurred as a result of the negligent act or omissions and intentional acts of its employee, agent, or servant.

13. As a result of Defendant Police's actions and the actions of the City, Plaintiff APC, a minor child, incurred bodily injuries; suffered pain of body and mind; incurred expenses for medical attention; has loss of income and as a result has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff Joseph Alexander Puente, guardian and next of kin to ACP a minor child, prays for judgment against Defendant Police and City and one and all of them, in an amount in excess of \$75,000.00, together with post and pre-judgment interest, as may be provided for by law, costs, a reasonable attorney's fee and such other and further relief as the Court may, in law or in equity, deem reasonable and proper.

**FOURTH CAUSE OF ACTION: NEGLIGENCE OF CITY AND POLICE**  
**FOR FAILING TO PROPERLY TRAIN AND SUPERVISE**

The allegations contained in the above paragraphs are incorporated herein by reference, as though herein set forth in full,

14. Defendants City and Police, or its agents, servants and/or employees/contract or otherwise, were negligent in the following particulars, to wit:

- a. In failing to train and instruct its agent and employee/contractor, particularly Defendant Jaha, in the proper use of force and non-deadly force;
- b. In failing to supervise its agent and employee, particularly Defendant Jaha;

15. As a result of Defendant City's and Police's actions, the Plaintiff ACP, a minor child, incurred bodily injuries; suffered pain of body and mind; incurred expenses for medical attention; has loss of work/income and as a result has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff Joseph Alexander Puente, guardian and next of kin to ACP a minor child, prays for judgment against Defendants and one and all of them, in an amount in excess of \$75,000.00, together with post and pre-judgment interest, as may be provided for by law, costs, a reasonable attorney's fee and such other and further relief as the Court may, in law or in equity, deem reasonable and proper.

**FIFTH CAUSE OF ACTION: NEGLIGENCE OF SCHOOL FOR  
FAILING TO PROPERLY TRAIN AND SUPERVISE**

The allegations contained in the above paragraphs are incorporated herein by reference, as though herein set forth in full,

16. Defendant School at the time of the incident employed by contractor agreement, or otherwise, with Police Defendant Jaha. In doing so Defendant School allowed Jaha access to the campus and students at U.S. Grant High School. Defendant School, or its agents, servants and/or employees, were negligent in the following particulars, to wit:

- a. In failing to insure its agent and employee/contract or otherwise was competent to be with and around youth.
- b. In failing to train and instruct its agent and employee/contract or otherwise, particularly Defendant Jaha, in the proper use of force and non-deadly force;
- c. In failing to supervise its agent and employee/contract or otherwise, particularly Defendant Jaha;

17. As a result of Defendant School, the Plaintiff ACP, a minor child, incurred bodily injuries; suffered pain of body and mind; incurred expenses for medical attention; has loss of work/income and as a result, has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff Joseph Alexander Puente, guardian and next of kin to ACP a minor child, prays for judgment against Defendants and one and all of them, in an amount in excess of \$75,000.00, together with post and pre-judgment interest, as may be provided for by law, costs, a reasonable attorney's fee and such other and further relief as the Court may, in law or in equity, deem reasonable and proper.

**SIXTH CAUSE OF ACTION: NEGLIGENCE OF SCHOOL UNDER  
AGENT/AGENCY RELATIONSHIP**

The allegations contained in the above paragraphs are incorporated herein by reference, as though herein set forth in full,

18. Defendant, School, at the time of the incident employed by contractor agreement with the Police the Defendant Jaha.

19. The Defendant, Jaha was acting as an employee/contract or otherwise, servant, or agent for the School, within the scope of his employment and at the time of said incident. Under the doctrines of respondeat superior and agency, Defendant School is responsible for any damages Plaintiff ACP, a minor child, incurred as a result of the negligent act or omissions and intentional acts of its employee, agent, or servant.

20. As a result of Defendant School, the Plaintiff APC, a minor child, incurred bodily injuries; suffered pain of body and mind; incurred expenses for medical attention; has loss of income and as a result, has been damaged in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff Joseph Alexander Puente, guardian and next of kin to ACP a minor child, prays for judgment against Defendants and one and all of them, in an amount in excess of \$75,000.00, together with post and pre-judgment interest, as may be provided for by law, costs, a reasonable attorney's fee and such other and further relief as the Court may, in law or in equity, deem reasonable and proper.

**SEVENTH CAUSE OF ACTION: NEGLIGENCE (RECKLESS DISREGARD)**  
**OF DEFENDANTS CITY AND POLICE**

The allegations contained in the above paragraphs are incorporated herein by reference, as though herein set forth in full,

21. The Defendant Jaha acted with reckless disregard for the safety of others through his actions, and the Police and City acted in reckless disregard for the safety of others as said defendants Police and City were either aware, did not care, or chose to be unaware that there was a substantial and unnecessary risk that Defendant Jaha's conduct would cause serious injury to others. In the alternative they recklessly failed to properly train and supervise the employee/agent.

22. As a result of the actions described, Plaintiff ACP, a minor, incurred bodily injuries; suffered pain of body and mind; incurred expenses for medical attention; loss of income and has been damaged in an amount in excess of \$75,000.00. Further, as a result of the gross negligence and reckless disregard of the named Defendants for the safety of others, Plaintiffs are entitled to exemplary damages.

WHEREFORE, Plaintiff Joseph Alexander Puente, guardian and next of kin to ACP a minor child, prays for judgment against Defendants and one and all of them, for punitive and exemplary damages in an amount in excess of \$75,000.00, together with post and pre-judgment interest, as may be provided for by law, costs, a reasonable attorney's fee and any such other and further relief as the Court may, in law or in equity, deem reasonable and proper.

**EIGHT CAUSE OF ACTION: NEGLIGENCE (RECKLESS DISREGARD) OF  
DEFENDANT SCHOOL**

The allegations contained in the above paragraphs are incorporated herein by reference, as though herein set forth in full,

23. The Defendant Jaha acted with reckless disregard for the safety of others through his actions, and that the School and the City, acted in reckless disregard for the safety of others, as said defendants School and City were either aware, did not care, or chose to ignore that there was a substantial and unnecessary risk that Defendant Jaha's conduct would cause serious injury to other.

24. As a result of the actions described, Plaintiff ACP, a minor, incurred bodily injuries and disfigurement; suffered pain of body and mind; incurred expenses for medical attention; loss of income and has been damaged in an amount in excess of \$75,000.00. Further, as a result of the gross of negligence and reckless disregard of the named Defendants for the safety of others, Plaintiffs are entitled to exemplary damages.

WHEREFORE, Plaintiff Joseph Alexander Puente, guardian and next of kin to ACP a minor child, prays for judgment against Defendants and one and all of them, for punitive and exemplary damages in an amount in excess of \$75,000.00, together with post and pre-judgment interest, as may be provided for by law, costs, a reasonable attorney's fee and any such other and further relief as the Court may, in law or in equity, deem reasonable and proper.

**NINE CAUSE OF ACTION: INTENTIONAL INFLECTION  
OF EMOTIONAL DISTRESS**

The allegations contained above are incorporated herein by reference, as though herein set forth in full,

25. That as a result of the Defendants' actions, Plaintiff Joseph Alexander Puente, individually and guardian and next of kin to APC, a minor child, suffered Inflection of Emotional Distress. Plaintiff Joseph Alexander Puente was required to care and aid his minor child, ACP,

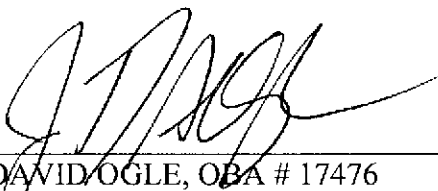
to attend numerous meetings and court hearings during the prosecution of Jaha. As a direct result of the Defendants' actions, Plaintiff Joseph Alexander Puente individually has been required to give added care and support to ACP, the minor child, has loss of income and emotional support to the minor child.

26. As a result of the actions described, Plaintiff Joseph Alexander Puente incurred physical pain, suffering of mental pain and anguish, and out of pocket expenses.

WHEREFORE, Plaintiff Joseph Alexander Puente, individually and guardian and next of kin to, APC, a minor child prays for judgment against Defendants in an amount in excess of \$75,000.00, for physical pain, suffering, mental pain, grief, medical expenses, loss of income, plus pre-judgment and post-judgment interest, and cost, including reasonable attorney's fees; and any such other and further relief as the Court, in law or in equity, deem reasonable and proper.

Respectfully submitted this 1st day of September, 2016

ATTORNEY'S LIEN CLAIMED  
JURY TRIAL DEMANDED



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J. DAVID OGLE, OBA # 17476  
BABBIT & MITCHELL, P.L.L.C.  
9905 S. Pennsylvania Avenue  
Oklahoma City, Oklahoma 73159  
Telephone: 405.605.6644  
Facsimile: 405.692.7670  
Email: david@oglelaw.net  
Attorney for Plaintiffs