

**IN THE DISTRICT COURT IN AND FOR PITTSBURG COUNTY
STATE OF OKLAHOMA**

RECEIVED AND FILED
IN DISTRICT COURT
PITTSBURG COUNTY, OKLA
2012 OCT -5 AM 10:29

ROBERT MURPHY and TONYA WHITE,)
 individually, and as Natural Parents and)
 Next of Kin of STACY DAWN MURPHY,)
 Deceased,)
)
 Plaintiffs,)
)
 vs.)
)
 NARCONON OF OKLAHOMA, INC., an)
 Oklahoma Corporation, d/b/a NARCONON)
 ARROWHEAD; NARCONON)
 INTERNATIONAL, a Foreign Corporation;)
 ASSOCIATION FOR BETTER LIVING)
 AND EDUCATION INTERNATIONAL, a)
 Foreign Corporation; and GERALD D.)
 WOOTAN, D O, M.Ed.,)

BY CHDY SMITH
 DEPUTY
 Case No. CQ-2012-265

ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED

PETITION

COME NOW Plaintiffs, Robert Murphy and Tonya White, individually, and as Natural Parents and Next of Kin of Stacy Dawn Murphy, Deceased, by and through their Counsel of Record, Richardson Richardson Boudreaux Keesling, PLLC, and hereby state and allege for their causes of action, the following:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Robert Murphy, at all times relevant to the claims alleged herein, resided in Rogers County, Oklahoma and is a resident of Rogers County, Oklahoma.
2. Plaintiff, Tonya White, at all times relevant to the claims alleged herein, resided in Tulsa County, Oklahoma and is a resident of Tulsa County, Oklahoma.

3. Stacy Dawn Murphy, Deceased ("Stacy" or "Stacy Murphy"), was the natural daughter of Robert Murphy and Tonya White. Stacy Murphy was a resident of the City of Owasso, Tulsa County, Oklahoma, at the time of her death.

4. Defendant, Narconon of Oklahoma, Inc. ("NO"), is a domestic corporation, doing business in the State of Oklahoma as Narconon Arrowhead ("Arrowhead"), and is located in Pittsburg County.

5. Defendant, Narconon International ("NI"), is a foreign corporation, based in the State of California, doing business in Oklahoma.

6. Defendant, Association for Better Living and Education International ("ABLE"), is a foreign corporation, based in the State of California, doing business in Oklahoma.

7. Defendant, Gerald D. Wootan, DO, M.Ed. ("Wootan"), is an osteopathic physician, who at all times relevant to the claims herein, practiced medicine in Pittsburg County, although he is a resident of Tulsa County.

8. Jurisdiction is proper in the District Court for Pittsburg County, State of Oklahoma, as the parties are all residents of or do business in the State of Oklahoma and the amount in controversy exceeds \$75,000.

9. Venue is proper in the Pittsburg County District Court pursuant to OKLA. STAT. TIT. 12 § 142, as this is a jurisdiction in which one or more of the Defendants reside and/or may be served. In addition, one or more of the acts giving rise to this litigation occurred in Pittsburg County, Oklahoma.

10. Plaintiffs have complied with the requirements of 12 O.S. § 19, and have attached

an Affidavit, providing that they consulted with qualified experts and have obtained written reports from the experts regarding the allegations contained within this Petition.

STATEMENT OF OPERATIVE FACTS

Narconon Programs

11. Plaintiffs incorporate the paragraphs above as though stated verbatim below.
12. Defendant, NI, is a foreign corporation that licenses, operates and/or otherwise directs drug rehabilitation facilities throughout the United States and around the world. Defendant, NI, is a subsidiary of Defendant, ABLE, an umbrella group that oversees the drug rehabilitation, education, and criminal justice activities of the Church of Scientology, including, but not limited to, NI and NO.
13. Defendant, NO, is a corporate sham and illusion, is merely an adjunct, subsidiary, licensee and/or alter ego of Defendant, NI, and is heavily controlled by Defendant, NI.
14. Defendant, NI, is a corporate sham and illusion, is merely an adjunct, subsidiary, licensee and/or alter ego of Defendant, ABLE, and is heavily controlled by Defendant, ABLE.
15. Defendant, Wootan, is the Medical Director of NO. As the medical director, Wootan approves all treatments, and has the responsibility to monitor and educate NO staff to recognize when a patient needs medical attention.
16. Defendants, NO, NI and ABLE, all rely exclusively upon the written "technology" of L. Ron Hubbard ("Hubbard"), the founder of the Church of Scientology, to address the drug and alcohol rehabilitation needs of students enrolled in Narconon programs.
17. This is despite the fact that Hubbard had no known training or education in the field of drug and alcohol rehabilitation.

18. Subsidiary programs like NO implement what they advertise as drug prevention and education programs, based upon the texts of Hubbard, and are forbidden to deviate from these texts. However, none of these programs incorporate known acceptable treatment for drug and/or alcohol addiction.

19. In order to use the Hubbard technology, NO must pay a license fee to NI and agree to use the Hubbard technology in a manner that is heavily regulated by NI.

20. Part of the Hubbard technology, as regulated by NI, includes the course materials and purification component used by NO to "rehabilitate" students. However, neither the materials nor the purification component are designed to advance alcohol and/or drug rehabilitation. Instead, the materials are comprised of eight different levels that are virtually identical to the course materials promoted by ABLE, none of which specifically address treatment for drug and/or alcohol addiction.

21. The purification component of this treatment consists of "The Sauna Program," which is virtually identical to a required component of ABLE training for non-addiction individuals.

22. Another significant portion of the program is devoted to requiring students to undergo various "training routines", or "TR's", that focus upon conditioning students to either give or receive orders. The courses are "self taught" by students and overseen by counselors, who have little or no training other than that offered by NO, NI and/or ABLE, in administering the course themselves.

23. NO students receive no counseling or education in drug and/or alcohol rehabilitation per se, and therapeutic discussion of drugs and their effects among students and

staff is actually discouraged. Instead, NO's proponents believe that strict adherence to the Hubbard technology will address the rehabilitation needs of its students. NI routinely audits its subsidiaries to insure that the Hubbard technology is being zealously followed.

24. The NO staff is almost exclusively composed of former students of the Hubbard technology program. Students routinely graduate from the program and immediately become paid staff members at a nominal weekly rate.

25. The NO staff of former students lacks training and education in the fields of both drug and alcohol rehabilitation and, therefore, lacked sufficient training to properly evaluate and understand the serious nature of Stacy Murphy's condition.

26. The NO program operates under strict rules related to the discipline, structure, hierarchy, and training of ABLE and its subsidiaries, none of which are, within themselves, known treatments for drug and/or alcohol addictions.

27. Defendants, NO, NI and ABLE, fraudulently misrepresented and falsely advertised the Narconon Program as one in which students suffering from alcohol and/or drug addiction would be provided substantive education and rehabilitation in the fields of drug and alcohol abuse. However, instead of providing drug rehabilitation, Defendants concealed, and continue to conceal, the Narconon Program's true relationship with ABLE, by teaching the Hubbard technology and not abuse related education.

28. NO fraudulently misrepresents to potential students that a physician is on staff twenty-four hours a day. Instead, a physician is present only once a week.

Stacy Murphy's Narconon Experience

29. Stacy Murphy was the natural daughter of Robert Murphy and Tonya White.

30. Stacy became addicted to prescription drugs and her sickness eventually escalated to the use of heroin.

31. When Stacy's addiction escalated to the use of heroin, Plaintiffs sought help via the Internet and searched for safe and effective rehabilitation facilities for their daughter. It was then that Plaintiffs were introduced to Narconon.

32. After reviewing the misleading and fraudulent information provided by the Narconon website, Plaintiffs believed that NO would be a safe and effective treatment facility for their daughter, Stacy.

33. The misrepresentations contained on Narconon's website extended to the active concealment of the Narconon program's true relationship with ABLE, the teachings of L. Ron Hubbard and the lack of acceptable and/or actual drug abuse rehabilitation.

34. After conferring with Plaintiffs regarding Narconon, specifically, the NO facility, Stacy agreed to seek treatment at NO.

35. Plaintiff, Tonya White, thereafter contracted with Defendants to provide Stacy Murphy with drug rehabilitation services. NO was paid a significant sum for the safe and effective treatment of Stacy, based and in reliance upon, the fraudulent and misleading statements made by NI's agents, as described *supra*.

36. After several weeks of treatment, Stacy requested and, despite the fact that she did not meet any of the criteria for a leave of absence, was granted a leave of absence to visit her family outside the facility, in violation of NO's Student Visitors and Leave Rules.

37. On Tuesday, July 17, 2012, Stacy left the NO facility with the permission of NO, which violated NO's own Student Visitors and Leave Rules.

38. Stacy returned to NO on the next day, Wednesday, July 18, 2012.

39. Upon her return to the NO facility on July 18, 2012, and later in the evening, NO staff allegedly observed Stacy and allegedly believed that she was under the influence of drugs. Therefore, Stacy was confined in the Withdrawal Unit of the NO facility.

40. While Stacy was in the Withdrawal Unit, there was no nurse or physician on staff within the facility and, for at least two hours following a shift change, there were no staff members present within the facility to supervise Stacy. This was in complete contradiction to the statements and assurances that were made to Plaintiffs regarding NO's staff, specifically, assurances that a physician would be present twenty-four hours a day.

41. On Thursday, July 19, 2012, at approximately 9:20 a.m., Stacy was found dead in the Withdrawal Unit of the NO facility.

**FIRST CAUSE OF ACTION:
NEGLIGENCE**

42. Plaintiffs incorporate the above paragraphs as though stated below verbatim.

43. Defendants had a duty to Stacy Murphy to exercise required national standards of care to ensure that Stacy was provided safe, scientifically and medically based, reasonably supervised rehabilitation treatment services.

44. Defendants, NO, NI and ABLE, failed to exercise appropriate care and breached the national standards of care that were required, in order to avoid injury to students of NO, including, but not limited to, Stacy Murphy, by:

- a. failing to provide reasonable and adequate supervision of NO's patients, including Stacy Murphy;
- b. failing to exercise proper care in the selection, hiring and retention of its

employees; and

- c. failing to provide adequate care and treatment to NO's patients, including Stacy Murphy.

45. Defendant, Wootan, failed to exercise appropriate care and breached the national standards of care that were required by members of his profession in good standing, in order to avoid injury to students of NO, including, but not limited to, Stacy Murphy, by:

- a. failing to adequately monitor the treatment provided to NO patients, including, but not limited to, the use of high doses of Niacin; and
- b. failing to properly train and educate NO medical staff.

46. As a direct and proximate result of Defendants' willful, wanton and gross negligence and disregard for Stacy Murphy, she suffered serious personal injuries, death, other personal and financial damages, pain and suffering, and loss of enjoyment of life, for which Plaintiffs seek damages in an amount in excess of Seventy-Five Thousand Dollars. (\$75,000.00).

**SECOND CAUSE OF ACTION:
WRONGFUL DEATH**

47. Plaintiffs incorporate the above paragraphs as though set forth below verbatim.

48. Plaintiffs bring this claim for relief pursuant to Okla. Stat. Tit. 12 §§ 1051, 1053 and 1054.

49. Defendants' actions and omissions were grossly negligent, willful, wanton and/or reckless in nature, and resulted in the suffering and death of Stacy Murphy, Plaintiffs' daughter.

50. Defendants, NO, NI and ABLE, willfully or recklessly failed to exercise appropriate care and breached the national standards of care that were required, in order to avoid

injury to students of NO, including, but not limited to, Stacy Murphy, by:

- a. failing to provide reasonable and adequate security and supervision to NO's patients, including Stacy Murphy;
- b. failing to exercise proper care in the selection, hiring and retention of its employees;
- c. failing to provide adequate medical care and treatment to NO's patients, including Stacy Murphy.

51. Defendant, Wootan, willfully or recklessly failed to exercise proper care and breached the national standards of care that were required by members of his profession in good standing, in order to avoid injury to students of NO, including, but not limited to, Stacy Murphy, by:

- a. failing to adequately monitor the treatment provided to NO patients, including, but not limited to, the use of high doses of Niacin; and
- b. failing to properly train and educate NO medical staff.

52. Stacy Murphy's death was directly and proximately caused by Defendants' negligent, willful, wanton and/or reckless actions and omissions.

53. As a direct and proximate result of Defendants' wrongful actions and/or omissions, Stacy Murphy and Plaintiffs, as Stacy Murphy's natural parents, have suffered damages in excess of \$75,000, including, without limitation, medical and burial expenses, pain and suffering, mental pain and anguish, loss of companionship, grief, pecuniary loss, pain and suffering, and any and all other damages that are recoverable by common law or pursuant to 12 O.S. § 1053.

**THIRD CAUSE OF ACTION:
VIOLATION OF THE OKLAHOMA CONSUMER PROTECTION ACT, 15 O.S. §§ 751-765**

54. Plaintiffs incorporate the above paragraphs as if fully set forth verbatim.

55. Defendants, NO, NI and ABLE, by and through their agents, servants, contractors and/or employees, solicited Plaintiffs with false, fraudulent and misleading representations and/or assurances and/or promises which are contrary to and in violation of Oklahoma's Consumer Protection Act, 15 O.S. §§ 751-765.

56. As a direct result of the false, fraudulent, and misleading solicitation of Defendants, NO, NI and ABLE, by and through their agents, servants, contractors and/or employees, Plaintiffs suffered damages in excess of \$75,000.

VICARIOUS LIABILITY & CIVIL CONSPIRACY

57. Plaintiffs incorporate the above paragraphs as if fully set forth verbatim.

58. Defendants, NO, NI and ABLE, are corporations and can act only through their officers and employees. Any action or omission of an officer or employee while acting within the scope of his or her employment and/or authority is the act or omission of Defendants.

59. Defendants, NO, NI and ABLE, collectively constituted two or more persons who combined to act together.

60. Defendants, NO, NI and ABLE, acted together in concert to unlawfully and tortuously operate a dangerous, unsafe and unsupervised drug and alcohol rehabilitation program at NO, as alleged within the First Cause of Action, *supra*.

61. Defendants, NO, NI and ABLE, acted together in concert to unlawfully and fraudulently mislead Plaintiffs into placing their daughter, Stacy Murphy, in the care of NO, as alleged within the Third Cause of Action, *supra*.

PUNITIVE AND EXEMPLARY DAMAGES

62. Plaintiffs incorporate the above paragraphs herein as if fully set forth verbatim.

63. The acts and omissions of Defendants, as set forth within the preceding paragraphs, demonstrate that Defendants engaged in conduct evincing malice or reckless indifference to Plaintiffs' rights.

64. As a direct result of Defendants' malice and/or reckless disregard for Plaintiffs' rights, Plaintiffs are entitled to exemplary and punitive damages in an amount to be determined by a jury, commensurate with the financial resources available to Defendants and sufficient to deter others who are similarly situated from like behavior.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, Robert Murphy and Tonya White, individually and as Natural Parents and Next of Kin of Stacy Murphy, Deceased, request that this Court grant to them relief in the form of monetary damages in excess of the amount required for diversity jurisdiction pursuant to 28 U.S.C. § 1332, and grant them any and all further relief that this Court deems appropriate, including interest, attorneys' fees and costs. Plaintiffs further request punitive and exemplary damages, in an amount sufficient to punish the Defendants and deter such reckless conduct in the future.

Respectfully submitted,

**RICHARDSON RICHARDSON
BOUDREAU KESLING, PLLC**



Charles L. Richardson, OBA No. 13388

Gary L. Richardson, OBA No. 7547

Paul T. Boudreaux, OBA No. 990

Jason C. Messenger, OBA No. 19887

Melissa A. East, OBA No. 21695

7447 South Lewis Avenue

Tulsa, Oklahoma 74136

(918) 492-7674 Telephone

(918) 493-1925 Facsimile

Attorneys for Plaintiffs Robert Murphy and Tonya White

ATTORNEY LIEN CLAIMED

JURY TRIAL DEMANDED

above-entitled Defendants constituted professional negligence.

4. That based upon the consultation with said experts, I believe that my claims of Professional Negligence are meritorious.

FURTHER AFFIANT SAYETH NOT.

Tonya White
Tonya White (Printed)

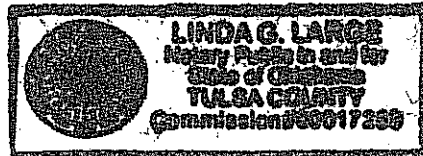
Tonya White
Tonya White (Signature)

Subscribed and sworn to before me this 4th day of October, 2012.

Linda G. Large
Notary Public

My Commission expires on November 1st, 2012.

Submitted by:
RICHARDSON RICHARDSON
BOUDREAU KESLING, PLLC
7447 South Lewis Avenue
Tulsa, Oklahoma 74136
(918) 492-7674 Telephone
(918) 493-1925 Facsimile
ATTORNEYS FOR PLAINTIFFS



above-entitled Defendants constituted professional negligence.

4. That based upon the consultation with said experts, I believe that my claims of Professional Negligence are meritorious.

FURTHER AFFIANT SAYETH NOT.

ROBERT MURPHY
Robert Murphy (Printed)

[Signature]
Robert Murphy (Signature)

Subscribed and sworn to before me this 4th day of October, 2012.

Linda G. Large
Notary Public

My Commission expires on November 1st, 2012.

Submitted by:
RICHARDSON RICHARDSON
BOUDREAUX KEESLING, PLLC
7447 South Lewis Avenue
Tulsa, Oklahoma 74136
(918) 492-7674 Telephone
(918) 493-1925 Facsimile
ATTORNEYS FOR PLAINTIFFS

