

RECEIVED AND FILED  
IN DISTRICT COURT  
IN AND FOR PITTSBURG COUNTY  
STATE OF OKLAHOMA

2012 OCT 24 AM 10:50

SHIRLEY GILLIAM, individually, and as  
the Natural Mother of GABRIEL GRAVES,  
Deceased, and as Special Administrator of  
the Estate of GABRIEL GRAVES,  
Deceased,

Plaintiff,

vs.

NARCONON OF OKLAHOMA, INC., an  
Oklahoma Corporation d/b/a NARCONON  
ARROWHEAD; NARCONON  
INTERNATIONAL, a Foreign Corporation;  
ASSOCIATION OF BETTER LIVING  
AND EDUCATION INTERNATIONAL, a  
Foreign Corporation; and GERALD D.  
WOOTAN, DO, M.Ed.,

Defendants.

) CINDY SMITH  
)  
) BY \_\_\_\_\_  
) DEPUTY

Case No. *Cg-2012-295*

ATTORNEY LIEN CLAIMED

JURY TRIAL DEMANDED

PETITION

COMES NOW Plaintiff, Shirley Gilliam, individually, and as the Natural Mother of Gabriel Graves, Deceased, and Special Administrator of the Estate of Gabriel Graves, Deceased ("Plaintiff"), by and through her Counsel of Record, Richardson Richardson Boudreaux Keesling, PLLC, and hereby states and alleges the following:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, at all times relevant to the claims alleged herein, resided in Tulsa County, Oklahoma and is a resident of Tulsa County, Oklahoma.
2. Gabriel Graves, Deceased ("Gabriel" or "Gabriel Graves"), was the natural son of

Shirley Gilliam. Gabriel Graves was a resident of Tulsa County, Oklahoma, at the time of his death.

3. Defendant, Narconon of Oklahoma, Inc. ("NO"), is an Oklahoma Corporation, doing business in the State of Oklahoma as Narconon Arrowhead ("Arrowhead"), and is located in Pittsburg County.

4. Defendant, Narconon International ("NI"), is a Foreign Corporation, based in the State of California, doing business in Oklahoma.

5. Defendant, Association of Better Living and Education International ("ABLE"), is a Foreign Corporation, based in the State of California, doing business in Oklahoma.

6. 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, but resides in Tulsa County.

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

8. 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.

9. Plaintiff has complied with the requirements of 12 O.S. § 19, and has attached an Affidavit, providing that she has consulted with qualified experts and she has obtained written reports from the experts regarding the allegations contained within this Petition.

## STATEMENT OF OPERATIVE FACTS

### **Narconon Programs**

10. Plaintiff incorporates the paragraphs above as though stated verbatim below.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. This misplaced reliance is despite the fact that Hubbard had no known training or education in the field of drug and alcohol rehabilitation.
17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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 Gabriel Graves' condition.

25. 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.

26. 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.

27. 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.

#### **Gabriel Graves' Narconon Experience**

28. Gabriel Graves was the natural son of Shirley Gilliam.

29. Gabriel became addicted to drugs, and was introduced to Narconon when he decided to seek treatment.

30. After Plaintiff was provided misleading information by the Narconon website and Narconon representatives, Plaintiff believed that NO would be a safe and effective treatment facility for Gabriel.

31. The misrepresentations made to Plaintiff extended to the active concealment of the Narconon program's true relationship with ABLE and the teachings of L. Ron Hubbard.

32. After Plaintiff conferred with Narconon representatives regarding Narconon, specifically, the NO facility, Gabriel agreed to seek treatment at NO.

33. On or about August 27, 2011, Gabriel entered the NO rehabilitation facility.

34. During his stay at the NO facility, Gabriel repeatedly evidenced symptoms of feeling ill, headaches and vomiting.

35. Despite the fact that Gabriel repeatedly made known to the NO staff responsible for his care that he was not feeling well and requested medical assistance, Gabriel was never examined by a physician, referred to a physician, nor transferred to a medical facility equipped to diagnose and appropriately treat his medical condition.

36. On October 25, 2011, Gabriel complained of a terrible headache following a period of time that he spent in a sauna pursuant to the "Sauna Program," which was a worsening condition of a similar headache that he experienced on the previous day.

37. As a result of the pain that he experienced following the sauna, Gabriel requested over-the-counter pain relief and permission to see a physician. However, Gabriel was denied pain relief, was told that a physician was not on staff, and was advised to return to the sauna.

38. On the night of October 25, 2011, Gabriel died in his room at the NO facility, and was found by NO staff on following morning.

**FIRST CAUSE OF ACTION:  
NEGLIGENCE**

39. Plaintiff incorporates the above paragraphs as though stated below verbatim.

40. Defendants had a duty to Gabriel Graves to exercise proper national standards of care to ensure that Gabriel was provided safe, scientifically and medically based, reasonably supervised rehabilitation treatment services.

41. Defendants, NO, NI and ABLE, failed to exercise proper 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, Gabriel Graves, by:

- a. failing to provide reasonable and adequate supervision of NO's patients, including Gabriel Graves;
- 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 Gabriel Graves.

42. 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, Gabriel Graves, 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.

43. As a direct and proximate result of Defendants' willful, wanton and gross negligence and disregard for Gabriel Graves, he suffered serious personal injuries, death, other

personal and financial damages, pain and suffering, and loss of enjoyment of life, for which Plaintiff seeks damages in an amount in excess of Seventy-Five Thousand Dollars. (\$75,000.00).

**SECOND CAUSE OF ACTION:  
WRONGFUL DEATH**

44. Plaintiff incorporates the above paragraphs as though set forth below verbatim.

45. Plaintiff brings this claim for relief pursuant to Okla. Stat. Tit. 12 §§ 1051, 1053 and 1054.

46. Defendants' actions and omissions were grossly negligent, willful, wanton and/or reckless in nature, and resulted in the death of Gabriel Graves, Plaintiff's son.

47. Defendants, NO, NI and ABLE, willfully or recklessly failed to exercise proper 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, Gabriel Graves, by:

- a. failing to provide reasonable and adequate security and supervision of NO's patients, including Gabriel Graves;
- 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 Gabriel Graves.

48. Defendant, Wootan, willfully or recklessly failed to use 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, Gabriel Graves, 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.

49. Gabriel Graves' death was directly and proximately caused by Defendants' grossly negligent, willful, wanton and/or reckless actions and omissions.

50. As a direct and proximate result of Defendants' wrongful actions and/or omissions, Gabriel Graves, Plaintiff, as Gabriel's mother, and Gabriel's minor children, 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**

51. Plaintiff incorporates the above paragraphs as if fully set forth verbatim.

52. Defendants, NO, NI and ABLE, by and through their agents, servants, contractors and/or employees, solicited Plaintiff 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.

53. 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, Plaintiff suffered damages in excess of \$75,000.

### VICARIOUS LIABILITY & CIVIL CONSPIRACY

54. Plaintiff incorporates the above paragraphs as if fully set forth verbatim.

55. Defendants, NO, NI and ABLE, are corporations and can act only through their officers and employees. Any action or omissions 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, NI, NO and ABLE.

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

57. 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*.

58. Defendants, NO, NI and ABLE, acted together in concert to unlawfully and fraudulently mislead Plaintiff into placing her son, Gabriel Graves, in the care of NO, as alleged within the Third Cause of Action, *supra*.

### PUNITIVE AND EXEMPLARY DAMAGES

59. Plaintiff incorporates the above paragraphs herein as if fully set forth verbatim.

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

61. As a direct result of Defendants' gross and reckless disregard for Plaintiff's rights, Plaintiff is 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

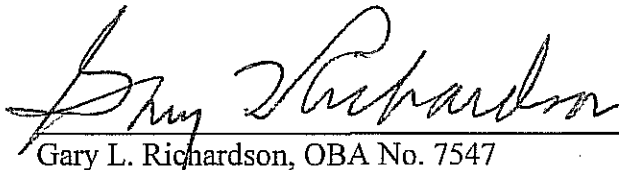
who are similarly situated from like behavior.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, Shirley Gilliam, individually, and as the Natural Mother of Gabriel Graves and Special Administrator of the Estate of Gabriel Graves, Deceased, requests that this Court grant to her 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 her any and all further relief that this Court deems appropriate, including interest, attorneys' fees and costs. Plaintiff further requests punitive damages in an amount sufficient to punish the Defendants and deter such reckless conduct in the future.

Respectfully submitted,

**RICHARDSON RICHARDSON  
BOUDREAUX KEESLING, PLLC**



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Gary L. Richardson, OBA No. 7547  
Charles L. Richardson, OBA No. 13388  
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 Plaintiff Shirley Gilliam*

**ATTORNEY LIEN CLAIMED**

**JURY TRIAL DEMANDED**



3. That said experts have provided written opinions stating that based upon the applicable facts and other relevant material, a reasonable interpretation of said facts supports a finding that the acts or omissions of the above-entitled Defendants constituted professional negligence.

4. That based upon the consultation with said experts, Plaintiff believes that her claims of Professional Negligence are meritorious and based on good cause.

FURTHER AFFIANT SAYETH NOT.

Melissa East  
Melissa A. East (Printed)

Melina East  
Melissa A. East (Signature)

Subscribed and sworn to before me this 24<sup>th</sup> day of October, 2012.

Linda G. Large  
Notary Public

My Commission expires on 11-01, 2012.

