

IN THE DISTRICT COURT IN AND FOR CLEVELAND COUNTY  
STATE OF OKLAHOMA

BRIAN MCDONALD, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ELLEN FLETCHER, individually and )  
 THE CITY OF NORMAN, NORMAN )  
 POLICE DEPARTMENT, and NORMAN )  
 ANIMAL WELFARE, )  
 )  
 Defendants. )

Case No. *CF-16-1084 TS*

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }  
**FILED** In The  
Office of the Court Clerk  
SEP 21 2016

PETITION

In the office of the  
Court Clerk MARILYN WILLIAMS

COMES NOW the Plaintiff, Brian McDonald, by and through his attorney of record, Anderson & Associates, PLLC, and for his cause of action against the Defendants, Ellen Fletcher, individual and The City Of Norman, Norman Police Department, and Norman Animal Welfare, alleges and states as follows:

JURISDICTION AND VENUE

1. That the Plaintiff is a resident of Norman, Cleveland County, State of Oklahoma. That the Defendants re a residents of Norman, Cleveland County, State of Oklahoma. That the automobile accident giving rise to this action occurred in Cleveland County, Oklahoma, thus making jurisdiction of this Court just and proper.
2. That Defendants' conduct was in violation of the Oklahoma Government Tort Claims Act, Oklahoma Statute Title 51 §151 et seq.
3. Timely and proper notice of this claim was given to Defendants pursuant to the Oklahoma Government Tort Claims Act, Oklahoma Statute Title 51 §151 et seq.

4. That at all times, Defendant Fletcher was acting within the scope and course of her employment with Defendant Norman Animal Welfare, a department of Defendant Norman Police Department as an employee of the Defendant City of Norman, a governmental entity, which is thus liable under the doctrine of respondent superior.

5. That as a direct and proximate result of Defendants' negligence and negligence per se, Plaintiff suffered serious bodily injuries, has endured and continues to endure both physical and mental pain and suffering, has incurred and continues to incur medical expenses, has incurred property damage, has lost the enjoyment of life, has incurred lost wages, has incurred impairment of future earning capacity and has suffered further damages all of which will be more particularly proven at trial and which entitle Plaintiff to collect a sum in the excess amount of \$75,000.00 from the Defendants.

#### **FIRST CAUSE OF ACTION**

6. Plaintiff's re-alleges and re-incorporates all allegations contained in Paragraphs 1- 5.

7. That on January 27, 2016, Plaintiff was operating a vehicle that was traveling South on South Findlay Ave. approaching E. Symmes Street. Defendant Ellen Fletcher, while in the course and scope of her employment with Norman Animal Welfare, a department of Defendant Norman Police Department as an employee of the Defendant City of Norman, a governmental entity, was operating a vehicle that was traveling East on Symmes Street trying to locate a stray dog. While looking for the dog, Defendant Ellen Fletcher failed to see the stop sign at the intersection and drove onto S. Findlay Ave., and did fail to yield to Plaintiff and did carelessly, recklessly and negligently collide with the passenger door of Plaintiff's vehicle.

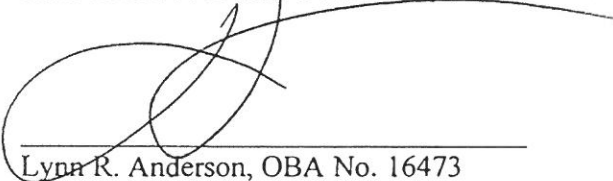
8. That by failing to yield Defendant Fletcher did commit negligence per se.

9. That as a direct and proximate result of Defendant Fletcher's negligence and negligence per se, Plaintiff suffered serious bodily injuries, has endured and continues to endure both physical and mental pain and suffering, has incurred and continues to incur medical expenses, has incurred property damage, has lost the enjoyment of life, has incurred lost wages, has incurred impairment of future earning capacity and has suffered further damages all of which will be more particularly proven at trial and which entitle Plaintiff to collect a sum in the excess amount of \$75,000.00 from the Defendants.

**WHEREFORE**, premises considered, the Plaintiff prays that this Court award him damages in the excess amount of \$75,000.00 from the Defendants, including attorney's fees, costs, interest, and any such further relief that this Court deems just and proper.

Respectfully submitted this 16<sup>th</sup> day of September, 2016.

**ANDERSON & ASSOCIATES, PLLC**



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**ATTORNEY'S LIEN CLAIMED**