

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

STEPHEN LEMONTE CLARK)
)
Plaintiff,)
)
v.)
)
BOARD OF REGENTS FOR THE)
OKLAHOMA AGRICULTURAL AND)
MECHANICAL COLLEGES; STATE)
OF OKLAHOMA ex rel. OKLAHOMA)
STATE UNIVERSITY; and TRAVIS)
FORD;)
Defendants.)

Case No.: _____

COMPLAINT

COMES NOW, Plaintiff, Stephen LeMonte Clark, and for his cause of action against the named Defendants, alleges the following:

JURISDICTION

1. This Court has jurisdiction to adjudicate the subject matter of this complaint pursuant to the Oklahoma Governmental Tort Claims Act, Title 51 O.S. § 151 et seq., Title 15 O.S. § 1 et seq., Title 42 U.S.C. § 1983 and the due process clause of the Oklahoma and United States Constitution.

VENUE

2. This Court is the appropriate venue for this action because the acts and omissions complained of began in Oklahoma City, Oklahoma County, Oklahoma. Additionally, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges is an Oklahoma County resident.

PARTIES

3. Stephen LeMonte Clark (“Stevie”) is a resident of Oklahoma County, Oklahoma and was a freshman student athlete in the men’s basketball program at Oklahoma State University in Stillwater, Oklahoma at the time of the incidents complained of.

4. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (“Board of Regents”) is the governing body of Oklahoma State University and is located in Oklahoma County, Oklahoma.

5. Oklahoma State University (“OSU”) is an institution of higher education located in the City of Stillwater, Payne County, Oklahoma.

6. Travis Ford (“Coach Ford”) was, at the time of the actions complained of, and remains, head coach of Oklahoma State University’s men’s basketball program, residing in Stillwater, Oklahoma. He is sued in both his individual and official capacities.

ALLEGATIONS

7. Stephen Clark was aggressively recruited for OSU’s men’s basketball program’s 2013 recruiting class.

8. During the recruitment process, Travis Ford made certain representations that Mr. Clark relied on in finally deciding to attend OSU despite the fact he was also being recruited by National College Athletic Association’s basketball powerhouses, UConn and UCLA.

9. Various promises were made with regard to playing time and ensuring that Stevie made it to the next level. Travis Ford even promised Stevie a Camaro.

10. When Stevie showed up at OSU to check into his room in August, 2013, he was surprised to find that he had been assigned a room with 24-year-old, Gary Gaskins. A troubled

young man who once lived in his car before playing Big 12 basketball, Gaskins left the program mid-season for “personal” reasons.

11. Around November, 2013, having determined that Coach Ford had no intention of keeping his promises to him, Stevie, then 18 years old, became frustrated.

12. In addition, Stevie was facing hazing and disrespect from player, Marcus Smart, a starter. Stevie expressed his frustration to Coach Ford. In response, Coach Ford had Stevie put on psychotropic drugs without his consent. Coach Ford required Stevie to take the meds if he wanted to keep practicing with the team.

13. Stevie began to experience side effects from the medication almost immediately, manifesting in suicidal and homicidal thoughts as well as erratic behavior.

14. In late November, 2013, Stevie was scapegoated for his starting teammates when marijuana was discovered in his room. As a result, he was not allowed to travel with the team to Florida.

15. In December, 2013, feeling overwhelmed and depressed, Stevie went to see a school counselor, Miss Marilyn.

16. In January and February, 2014, Stevie was arrested. Supposedly as a result of his second arrest, Stevie was let go from the basketball program. However, OSU would not release Stevie so that he could continue his basketball career at a Division I school.

CAUSES OF ACTION

Breach of Contract

17. Plaintiff re-alleges and incorporates by reference all of the paragraphs above.

18. Defendants made representations to Stevie Clark that induced him to attend the university to play basketball.

19. Stevie relied on those promises to his detriment, as Defendants never came through on any of his promises.

20. Defendants' failure to fulfill the promises he made caused Stevie Clark damages he is entitled to recover.

Violation of Civil Rights – Due Process

21. Plaintiff re-alleges and incorporates by reference all of the paragraphs above.

22. The actions of Defendants damaged Plaintiff's reputation irreparably, damning any possibility Stevie ever had of playing in the National Basketball Association ("NBA").

23. Additionally, Defendants refused to release Stevie from OSU, thereby torpedoing any opportunity Stevie had to rehabilitate himself at a Division I school.

24. Defendants derailed Stevie's opportunity to make a living playing professional basketball. This opportunity was snatched away from Stevie without due process of law.

24. Plaintiff is entitled to recover damages for the violation of his due process rights.

Assault

25. Plaintiff re-alleges and incorporates by reference all of the paragraphs above.

26. Defendants caused Stevie to be medicated against his will and made Stevie's taking the medication a prerequisite to his ability to continue practicing with the team.

27. Stevie did not want to take the medication, but did so because he wanted to continue with the team.

28. Stevie was fearful about what effects the psychotropic drugs would have on him, and they did, in fact, impact him adversely.

29. Plaintiff is entitled to recover damages for the assault on his person.

Battery

30. Plaintiff re-alleges and incorporates by reference all of the paragraphs above.

31. Defendants, without Stevie's consent, caused him to be subjected to psychotropic drugs as a condition of his continuing to practice with the team.

32. Stevie suffered adverse effects as a result of taking the medication Defendants required.

33. Plaintiff is entitled to recover damages for the battery to his person.

Intentional/Negligent Infliction of Emotional Distress

34. Plaintiff re-alleges and incorporates by reference all of the paragraphs above.

35. Defendants' actions with regard to an 18-year-old student away from home for the first time, breaking promises, scapegoating him, failing to protect him from hazing, and putting him on psychotropic drugs, were so extreme and outrageous as to go beyond all possible bounds of decency and would be considered atrocious and utterly intolerable in a civilized society.

36. Defendants intentionally or recklessly caused severe emotional distress to Plaintiff beyond that which a reasonable person could be expected to endure. Stevie Clark had worked his whole life towards an NBA career, which due to the actions of Defendants, is an impossibility.

37. Stevie Clark suffered emotional harm due to Defendants' actions and is entitled to recover damages for Defendants' intentional infliction of emotional distress.

Negligence Per Se

38. Plaintiff re-alleges and incorporates by reference all of the paragraphs above.

39. Defendants medicated Stevie Clark in violation of law.

40. Stevie Clark is entitled to recover damages for being illegally medicated.

Breach of Fiduciary Duty

- 41. Plaintiff re-alleges and incorporates by reference all of the paragraphs above.
- 42. A fiduciary relationship existed between Stevie Clark and Defendants that created fiduciary duties owed to Plaintiff.
- 43. Defendants breached their fiduciary duties to Plaintiff.
- 44. This breach of the fiduciary duties was the direct cause of damages to Plaintiff, and he is entitled to recover those damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff requests that judgment be entered in his favor, awarding him compensatory and punitive damages, including general special damages, and any further relief which the court may deem appropriate.

Respectfully submitted,

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