



CJ-17-6090  
PARRISH

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

OCT 24 2017

RICK WARREN  
COURT CLERK

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Blaine Pennington )  
 )  
 Plaintiff, )  
 )  
 vs )  
 )  
 Kyle Lee Hill, )  
 )  
 Defendant, )

Case No.

CJ-2017 - 6090

PETITION

COMES NOW, Blaine Pennington (hereinafter Pennington or Plaintiff) by and through his attorneys of record, Irven R. Box, Tyler C. Box, and Stephen A. Box, and for his causes of action against the Defendant, alleges and states as follows:

PARTIES

1. The Plaintiff, Blaine Pennington, (Pennington or Plaintiff), is an individual who at all times relevant to this action is a citizen and resident of Oklahoma County, Oklahoma.
2. The Defendant, Kyle Lee Hill, (Hill or Defendant), is an individual who at all times relevant to this action is a citizen and resident of Oklahoma County, Oklahoma.

## **JURISDICTION AND VENUE**

3. The Plaintiff's causes of action against the Defendant are (1) civil assault and battery; and (2) intentional infliction of emotional distress, pursuant to state statute.

4. All of the claims arose in Oklahoma County, Oklahoma; therefore, venue is proper before this Court.

## **STATEMENT OF FACTS**

5. At all times relevant to this action, the Plaintiff was the bartender of the business establishment Bin 73 Oklahoma County, Oklahoma.

6. During the time Plaintiff was employed at Bin 73 he became aware that the Defendant was a regular customer of the bar. Plaintiff on several occasions witnessed Defendant become sexually aggressive and physically inappropriate with the female staff.

7. On January 12<sup>th</sup>, 2017 at approximately 1:00 a.m. the Plaintiff was working as a bartender at Bin 73 when he witnessed the Defendant attempt to give a cash tip to waitress, Erin Williams, by placing his entire hand inside of her jeans in a sexual manner. After the incident, Erin Williams told Plaintiff that this behavior as well as past behavior of the Defendant made her feel very unsafe around him

and that she didn't want to be left alone around Defendant because his unwanted sexual advances made her feel uncomfortable.

8. Plaintiff notified his manager, Beau Stephenson, of the behavior he observed by Defendant and Erin Williams' desire not to be left alone with Defendant because she feared unwanted sexual advances.

9. On January 13<sup>th</sup>, 2017 Plaintiff was informed by his manager Beau Stephenson that he had spoken to the Defendant about his inappropriate behavior and that the Defendant responded by threatening acts of violence upon the Plaintiff if he should mention his "tipping process" again.

10. On the night of January 19, 2017 including the early morning of January 20, 2017, Plaintiff was informed that the Defendant had gotten in a physical altercation in the parking lot of Bin 73 with another Patron, Paul Garretson. Plaintiff was informed by Mr. Garretson that during this altercation the Defendant had shoved to the ground another Bin 73 employee, Melissa Farrow.

11. Defendant, during his preparations to leave Bin 73, became confrontational with patron Paul Garretson about the physical altercation that had taken place in the parking lot earlier in the evening. Defendant began yelling threats of violence at Mr. Garretson. Defendant then began to remove his jacket as if he was preparing to get in a physical altercation. At this time the Plaintiff told the Defendant to put his jacket back on and leave the establishment.

Instead of doing as instructed, the Defendant picked up a beer bottle and lunged at Mr. Garretson in a violent manner. Plaintiff repeatedly told the Defendant to put down the bottle.

12. Defendant next turned his attention to the Plaintiff and advanced to an area behind the bar of Bin 73. Defendant slammed the Plaintiff up against the bar. Defendant attacked Plaintiff by putting both hands around his throat and choking with great force depriving the Plaintiff of the ability to breath. Defendant intended to cause and did cause a harmful contact with the Plaintiff. Defendant was eventually restrained from his attack on the Plaintiff by two of Plaintiff's coworkers, Brian Powers and Craig Weygandt.

13. Police were called to Bin 73 and Defendant was placed under arrest for assault and battery committed upon the Plaintiff.

14. Plaintiff subsequently sought medical treatment for his injuries caused by the Defendant. The actions taken by the Defendant against the Plaintiff have been willful, humiliating and designed to cause, and have caused the Plaintiff severe emotional distress.

## COUNT I

15. Plaintiff incorporates and references all prior allegations made in paragraphs one (1) through fourteen (14) above and further alleges and states as follows:

16. The Plaintiff has suffered in the form of pain and suffering from the assault and battery from the plaintiff's attack, medical bills and lost opportunities to obtain work. The actions by the Defendant have caused the Plaintiff emotional distress and financial hardship all in excess of \$75,000.00.

## COUNT II

Plaintiff incorporates by reference all preceding statements and allegations, and further alleges and states as follows:

17. The acts of the Defendant as described above constitute the tort of intentional infliction of emotional distress upon the Plaintiff.

18. The Plaintiff has been damaged in excess of \$75,000.00.

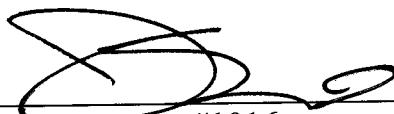
19. All of the Defendant's actions described above and as set forth in Counts I and II, above, were willful, wanton and in disregard of the Plaintiff's rights. The Plaintiff is entitled to punitive damages in an amount in excess of \$75,000.00.

## PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, Blaine Pennington, prays the Court enter judgement in favor of the Plaintiff on the issue of liability and assess against the Defendant, actual,

compensatory and punitive damages all in excess of \$75,000.00, together with interest, costs, attorney fees and for such other relief as the Court may deem equitable and appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Irven R. Box', is written over a horizontal line.

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