

IN THE DISTRICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA

Albert G. Gerhart.

Plaintiff;

Case No. CJ-21-

v.

BRIAN GRAHAM,

Defendant.

PETITION FOR LIBEL, INFLICTION OF EMOTIONAL DISTRESS,  
AND FALSE LIGHT INVASION OF PRIVACY

Plaintiff Albert Gerhart, for his cause of action against the Defendant, Brian Graham

alleges and states as follows;

1. Brian Graham is a resident of the State of Oklahoma and a former candidate for public office.
2. On or about July 10<sup>th</sup> Brian Graham wrongfully posted an “anonymous” letter on Facebook on the Sooner Politics Facebook group page consisting of a black background jpeg with white letters, apparently a picture of a document, along with commentary claiming he didn't know including “which one of you wrote this” and also stated “whoever put this out”.
3. The letter or the jpeg of the letter wrongfully made horrific allegations of child sex trafficking and the abuse of women and other scurrilous attacks such as calling the Plaintiff a sociopath, atheist, and a litany of other insults with the intention of wrongfully labeling the Plaintiff as an abusive person.
4. The letter of jpeg of the letter wrongfully claimed that the Plaintiff had been convicted of blackmail and alleged that it had been overturned upon a “technicality” along with a statement of “I think we all know what really happened.” The Plaintiff is well known in political circles for indeed being convicted of blackmail and the case being dismissed upon appeal due to First Amendment and factual issues. There would be literally zero chance of the Defendant not knowing the truth on this dismissal.
5. The third paragraph in the letter or jpeg of the letter claimed that the Plaintiff made trips to the Philippines where indeed the Plaintiff does have a small factory. The letter then brings up the Philippines being well known for sex trafficking of women and children and claims that the Plaintiff talks of “my little girls” without offering any proof, with the obvious wrongful intention of casting false light upon the Plaintiff and inferring he is a sex trafficker.
6. The letter continues claiming the abuse of women and listing many names and wrongfully infers that the Plaintiff is an abuser and that “people are looking into his behavior” with previous partners.

7. Next the letter or jpeg of a letter wrongfully alleges that the Plaintiff was a “close personal friend” of a convicted sex trafficker and wrongfully questions if the Plaintiff ever visited the Philippines with the convicted sex trafficker in an attempt to wrongfully cast false light and libel upon the Plaintiff.
8. The letter or jpeg of a letter mentions attacks upon “conservatives” then lists a long list of far right Republicans and concludes by saying the letter was sent to numerous people and wrongfully asks for people to inform the police of any knowledge of sex trafficking or illegal behavior.
9. In the comment section on the Facebook post a long discussion ensued with the Defendant making this statement “For what it’s worth though Al, it is a blatant attack with a bunch of half truths and insults.” Another commenter asked why the Defendant posted the information if he knew it wasn't 100% true and received this reply in response “I posted it because I knew if Al hadn’t seen it it would irritate the hell out of him and I was curious who was buying his BS these days and who’d defend him.” The middle section of the screen shot comments has the Defendant stating “Did I post this knowing full well it would piss Al off? No. Just hoped.” The last part of the middle section of screen shots ends with the Defendant making this statement to the Plaintiff “If you weren't an asshole I would have sent this to you personally and privately.”
10. The post appeared on the Defendant's personal page as well listed as a group post. (See exhibit D)
11. During the discussion of the Defendant's wrongful and libelous Facebook post the Defendant wrongfully posted a “meme” picture with the word “live” at the top and near the bottom a “breaking news” text box containing this statement “Oklahoma Man at Gloryhole Outraged That Holes Were Too Tall For Him”, with the Plaintiff's picture from a TV story from a decade ago. The Defendant follows up the post with another post with this statement “I am not sure if that one is a lie or not. Sounds plausible”. It is clear that the message is that the Plaintiff is a homosexual engaging in vile acts.
12. Within a few hours the Defendant's wrongful Facebook post had been picked up by known allies, friends, and associates of the Defendant and re posted without the text comments stating that the letter was full of half truths and insults. The black background section with white lettering was shared on several Facebook groups with thousands of members/followers including Ekklesia of Oklahoma, Oklahoma Taxpayers Unite, the Oklahoma GOP No RINOs Facebook group ran by GOP executive director Bob Dani which has as a moderator GOP Public Relations Director Leslie Nessmith. One copy appeared to be the original text version, not the jpeg picture of the text on a black background.
13. The Defendant later posted again responding to the news that he had been sent a demand letter. Making this statement “It turns me on when you are irritated and I know how you and your butt buddy Ralphy Boy rolled”, referring to the convicted sex trafficker mentioned in the letter he had posted. The Defendant requested “more letters” saying he needed something to wipe his “Al hole” with.
14. The wrongful posting of the letter or jpeg of the letter that the Defendant knew was false was likely done in order to allow the other allies/associates to re post the letter or the jpeg of the letter in order to insulate them as to the source of the letter as well as a crude attempt to evade responsibility for posting known libelous materials.

15. The Defendant has made it known that he was given the libelous letter or jpeg of the letter to publish from associates or allies but has refused to reveal the source of the information until the Defendant receives a court order or subpoena. On September 10<sup>th</sup> two separate letters of demand, one with a certificate of mailing, were sent to the Defendant demanding a public apology and retraction and cooperation in identifying and documenting the source of the libelous material. On September the 16<sup>th</sup> the Defendant posted a post on Sooner Politics group on Facebook and tagged the Plaintiff to call attention to a video featuring the Defendant wadding up one of the unopened letters and flushing it down the toilet.

16. It is obvious from the statements that the Defendant has made to witnesses that the Defendant conspired with persons unknown to wrongfully write and publish the libelous letter with the intent to anger, irritate, libel, and diminish the reputation of the Plaintiff and to cause harm to the Plaintiff. As discovery uncovers these additional defendants they will be added to this lawsuit and further discovery will continue until all of the conspirators are identified and held accountable in court.

17. As a result of the Defendant's conduct and actions, which were so extreme and outrageous as to be beyond the bounds of decency and would be considered atrocious and utterly intolerable in a civilized society, Plaintiff Albert Gerhart has suffered a loss of reputation, endured ridicule and animosity leading to severe mental anguish and emotional distress beyond that which a reasonable person would be expected to endure even in politics.

18. The Defendant continues to post the libelous letter on Facebook in order to harass the Plaintiff and to damage his reputation and likely will not stop until enjoined by a court of law and the have suffered a financial impact from his actions. Likewise the associates and allies that conspired to damage the Plaintiff's reputation and cause him unease and mental anguish are not likely to stop the attacks until they have been held accountable in the same manner.

19. Some of these unknown co defendants may have close and intimate association with the Republican Party of Oklahoma and there is a second complaint to be filed concerning wrongful actions of Party officials and staff however this complaint will focus on the libel aspect of the incident and the other complaint will focus upon forcing compliance with the bylaws as these are two separate issues and the compliance with the bylaws of the Party need to be handled on an emergency basis.

Accordingly, the Plaintiff demands (1) immediate injunctive relief enjoining the Defendant from harassing, defaming or casting false light upon the Plaintiff in the same or similar manner as set forth herein; (2) discovery to allow the Plaintiff to determine who conspired with the Defendant to post the libelous materials, and (3) Judgement against the Defendants for actual and punitive damages in excess of **\$1,000,000**, plus any reasonable attorney fees, and all other costs incurred in this action.

By the Plaintiff, Pro Se

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**Statement Under Penalty of Perjury  
(in lieu of verification, pursuant to 12 Okla. Stat. Section 426)**

**I state under penalty of perjury under the laws of Oklahoma that I have personal knowledge that the foregoing is true and correct.**

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

\_\_\_\_\_

Location of signing: Oklahoma City Ok

Albert G Gerhart