

IN THE DISTRICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA

Albert G. Gerhart.

Plaintiff;

Case No. CJ-21-

v.

REPUBLICAN PARTY OF OKLAHOMA,
and JOHN ROBERT BENNETT CHAIRMAN
OF THE REPUBLICAN PARTY, and SHANE
DILLON JEMISON VICE CHAIRMAN OF THE
REPUBLICAN PARTY, and PAMELA ANN
POLLARD NATIONAL COMMITTEEWOMAN
OF THE REPUBLICAN PARTY, and STEVEN
WALTER CURRY NATIONAL
COMMITTEEMAN OF THE REPUBLICAN
PARTY

Defendants.

PETITION FOR THE ENFORCEMENT OF THE BYLAWS OF
THE REPUBLICAN PARTY OF OKLAHOMA AND FALSE LIGHT INVASION OF PRIVACY

Plaintiff Albert Gerhart, for his cause of action against the Defendants, the
Republican Party of Oklahoma, John Robert Bennett acting as Chairman of the
Republican Party, Shane Jemison acting as Vice Chairman of the Republican
Party, Pam Pollard acting as National Committeewoman of the Republican Party,
and Steve Curry acting as National Committeeman of the Republican Party,

alleges and states as follows;

1. John Robert Bennett is the elected Chairman of the Oklahoma Republican Party and charged with enforcing the Rules and Bylaws of the Republican Party.
2. Shane Jemison is the elected Vice Chairman of the Oklahoma Republican Party.
3. Pam Pollard is the elected National Committeewoman of the Oklahoma Republican Party.

4. Steve Curry is the elected National Committeeman of the Oklahoma Republican Party.
5. Together the four defendants comprise the Central Committee of the Oklahoma Republican Party and under the bylaws of the Oklahoma Republican Party they are responsible for the day to day running of the Party including acting when any officer, volunteer, or employee or of the Party isn't following the bylaws.
6. On June 24th around 10:30 pm the Plaintiff received a mass email from the Party signed by Miles Rahimi, the Communications Director of the GOP. The purpose of the email appears to have been to sabotage a survey that the Plaintiff was conducting that was aimed at the 2021 Oklahoma GOP State Convention delegates in order to gauge their views and interests in Party issues.
7. Contained within the official Party email were statements wrongfully claiming that the delegate list for the conventions are proprietary and never shared. This cast the aspersion that the use of the delegate list to survey was somehow improper, illegal, or unauthorized. There was also a statement suggesting that clicking on the link in the Plaintiff's survey was dangerous, with the warning to only click on links from people you know.
8. The statements combined wrongfully caused the survey recipients to refuse to participate in the survey as they had been told the survey link could be dangerous and responses to the survey ground nearly to a halt about the time that the Party email was sent out to their email list. Prior to that time the Republican delegates were participating. The combined statements in the email would have led a reasonable person to deduce that the survey email was dangerous, unauthorized, and most likely part of a scam or other fraudulent activity and thus wrongfully cast false light upon the Plaintiff.
9. There are no GOP precedents or rules for interfering with a survey done by any group or person. In fact in April of 2021, both the Bennett and Jemison campaigns ran surveys to the same delegate list during their campaigns to be elected at the Republican State Convention in April of 2021. Oklahoma Republican Party bylaws/rules state that any registered Republican in Oklahoma has the right to obtain delegates lists including the contact information as these are delegates representing their precincts and counties at the convention.
10. A few days later in conversations between the Plaintiff and Chairman John Bennett, Chairman Bennett admitted that he and his staff had discussed the survey email the night it was sent out and the decision was made to immediately send out the email response which wrongfully sabotaged the survey.
11. The resulting wrongful sabotage of the survey severely limited the responses of the survey and the email cast a false light upon both the intentions of the survey and the Plaintiff and interfered with the Plaintiff's future survey projects. This violates Oklahoma Republican Party Bylaws/Rule 3A which states:

“Members: All citizens of Oklahoma are invited to join the Oklahoma Republican Party to perpetuate this Republic. All qualified voters of this state who are registered Republicans are members of the Oklahoma Republican Party, and shall have the right to participate in the official affairs and governance of the Republican Party in accordance with these rules as set forth herein. Such right shall be sacred and inviolate, and the willful disregard or abridgement of such right by an officer or member of any committee of the Party shall be deemed sufficient cause for the removal of such officer or committee member.”

12. Then there is the wrongful closing of the July 17th State Committee meeting to visitors and interested parties. This was done in violation of the Oklahoma Republican Party bylaws including Rule 3A as there is no GOP rule that allows for closed meetings or even executive session, in fact it has never been GOP practice to lock out observers. This also may well wrongfully violate Oklahoma statutes covering non profit and corporate meetings where executive session is only reserved for very sensitive matters such as employee discipline or sensitive legal matters involving crimes or civil lawsuits. Roberts Rules of Order also states that while the discussion of sensitive matters might well take place in executive session it requires a motion and vote to enter and to leave executive session.

13. Associated with this illegal and wrongful closing of what has always been a public State Committee meeting there is the matter of the Plaintiff's wrongful removal from the July 17th State Committee meeting held at the Fairview Baptist Church in Edmond. As the video evidence will show the Plaintiff was sitting quietly at the back surrounded by dozens of empty chairs as well as the multitude of empty chairs in the delegate sections and the large amount of room unoccupied by any seating at the West end of the meeting room. Once again Rule 3A was violated against not only the Plaintiff but also dozens of Republicans that had traveled across the state to the meeting. Furthermore the wrongful use of a uniformed deputy sheriff to wrongfully force the Plaintiff from the building cast a false light upon the Plaintiff as if he was doing something illegal or disruptive. Indeed a blog story was posted and circulated claiming this was the case. No motion was made at the start of the meeting to close the meeting, no vote was taken on the matter. This of course wrongfully violated Roberts Rules of Order and the rights of the Plaintiff and hundreds of thousands of Republicans across the state as well as hundreds of interested convention delegates that would have wanted to attend the meeting to observe business being conducted. The press was locked out as well, an unconscionable act and one befitting a third world dictator.

14. Additionally the next night GOP Public Relations officer Leslie Nessmith posted a message on the Facebook group Sooner Politics on Sunday night, July 18th, admitting that she had wrongfully conspired with Chairman John Bennett and Executive Director Bob Dani to close off “*all access*” to the Plaintiff and said this in her Facebook post “*John Bennett myself and Bob Dani all agreed that Al Gerhart was responsible for all of the attacks on David McLain and he would do the same to John if he let him have any access. So, we decided that he would have no more access.*” No information was given nor suggested any reason the Plaintiff would possibly have to politically attack Chairman John Bennett that would have warranted such wrongful treatment or loss of rights. Indeed the Plaintiff and Bennett had a decade long political ally and political relationship. Prior to this statement in Leslie Nessmith's Facebook post while referring to the Plaintiff she admitted that she personally worked to “*get into the way of everything he wanted to do*” . This included the sabotaging of thousands of dollars of in-kind donations to repair and improve the GOP headquarters building and efforts to recruit

volunteers to assist in projects and staffing of the GOP headquarters. This is an obvious wrongful violation of Rule 3A and a direct admission statement implicating Chairman John Bennett, Executive Director Bob Dani, and Public Relations Director Leslie Nessmith in a conspiracy and collusion to wrongfully deny the Plaintiff his right to participate even after the projects had been approved by either Chairman Bennett or Executive Director Bob Dani.

15. These wrongful political attacks and false light encouraged others to pile on including a horrific libel attack upon the Plaintiff that was posted on Sooner Politics by a Republican supporter named Brian Graham, then re-posted on Executive Director Bob Dani's Oklahoma GOP - No RINO group, then re-posted on other Facebook groups and pages including an attempted posting on the Oklahoma Constitution Facebook group page, and re-postings by Chairman John Bennett's abortion abolitionist allies including the Ekklesia of Oklahoma Facebook group ran by Daniel Navejas with 2,574 followers. The re-postings didn't include the original comments from Brian Graham that the "anonymous" letter" was full of half truths and and insults so the allegations against the Plaintiff of child sex trafficking, the abuse of women, and the convictions of a crime were even less moderated and duplicitous. The fact that Executive Director Bob Dani and Public Relations Director Leslie Nessmith own and/or moderate the Oklahoma GOP – No RINO group demonstrates the likelihood that this was part of the wider effort admitted to by Leslie Nessmith and others to discredit the Plaintiff and cast him in a false light in order to make him so politically and personally radioactive as to effect his complete removal from the Republican Party. Both Nessmith and Dani also had intimate and accurate knowledge of the Plaintiff and knew the details of the alleged crime conviction and the dismissal of the same so they knew for certain that the conviction allegation was false light invasion of privacy. Also there is the fact that the Plaintiff and another political ally were removed from the Facebook Oklahoma GOP -No RINO group for no reason a few days prior to the posting of the libelous letter but both were told of the posting by numerous friends and political allies of the libelous post and subsequent discussion.

16. Additionally the Plaintiff has been wrongfully removed from the Republican Party email list and no longer receives any email or notices from the Party which would make it difficult to participate as the bylaws of the Party allow. This would preclude the Plaintiff from receiving notices of meetings and conventions and thus making it impossible or more difficult to attend.

17. Other violations of the Oklahoma Republican Party bylaws are also at issue and the Plaintiff requests injunctive relief to force compliance with the bylaws. The books or accounting files of the Party are supposed to be available to any interested Republicans yet they are not even available to the State Committee members that actually have the final say on things in the Party. The Party books are supposed to be audited annually by a CPA yet that is not being done in violation of the bylaws. The bylaws require that a budget be set prior to the fundraising effort and that isn't being done.

18. The co defendants Vice Chair Shane Jemison, and National Committee members Pam Pollard and Steve Curry have done nothing to enforce the Party bylaws and aid the Plaintiff despite two letters mailed to all of asking for relief and giving them reason and cover to do so. Nor did they prevent the State Committee meeting from being wrongfully closed to the Plaintiff, closed to spectators, the media, and interested Republicans. They were also notified of the false light invasion of privacy, and have done nothing to investigate the wrongful actions or to prevent future attacks.

19. As a result of the Defendants wrongful actions or lack of responsible actions the Plaintiff's reputation has been damaged in the community, across the state, as well as within the Republican Party. The Party has been wrongfully deprived of thousands of dollars of political donations some of which had to be sent back due to projects being shut down or sabotaged simply because Chairman John Bennett, Executive Director Bob Dani, and Public Relations Director Leslie Nessmith wanted to drive the Plaintiff out of the Party. Volunteers have been wrongfully rejected and turned away for the same reasons, affiliation to the Plaintiff..

20. As a result of the Defendant's wrongful actions or lack of actions, which was 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 severe reputational diminishment, mental anguish, and emotional distress beyond that which a reasonable person would be expected to endure even in politics.

21. Oklahoma State Statues under Title 18 Chapter 22 allow the use of District Court to regulate the meetings and other aspects of corporations including the availability of financial information and statements. Section 1014 of that same set of statutes cover the right of the use of the District Court to clarify and enforce the bylaws of non profits and corporations which would include the Oklahoma Republican Party. Section 1065 of the same statures allow for the inspection of books and records of corporations. Section 1070 allows a shareholder or member in the case of a non stock corporation like a non profit to remove an elected or appointed officer. The same statutes in Section 1122 allow for the appointment of a receiver should a court order enforcing the bylaws be ignored.

Accordingly, the Plaintiff demands (1) immediate injunctive relief enjoining the Defendants from wrongfully defaming or casting false light upon the Plaintiff in the same or similar manner as set forth herein; (2) immediate injunctive relief in enjoining the Defendants from wrongfully closing or preventing the Plaintiff, observers, or other interested parties attending Republican Party meetings or conferences or any other sort of gathering as permitted by the Party bylaws; (3) immediate injunctive relief enjoining the Defendants from wrongfully interfering or sabotaging volunteer or approved projects such as fund raising, the raising of volunteers to aid in Party matters, building repair, landscaping, or other actions intended to aid the Republican Party of Oklahoma that the Plaintiff might conduct in the future; (4) immediate injunctive relief enjoining the Defendants from wrongfully interfering in surveys or in the use of Party delegate lists by the Plaintiff as allowed by Party bylaws; (5) immediate injunctive relief enjoining the Defendants from wrongfully refusing to follow the Party

bylaws in the transparency of financial matters, accounting, or the distribution of delegate lists that the Plaintiff might request or require as allowed under Party bylaws, or in any other right conveyed by the Republican Party of Oklahoma bylaws; (6) immediate injunctive relief to place the Plaintiff back upon the Party email list and remain upon the list as allowed under the bylaws; (7) injunctive relief to appoint a receiver to to run the Oklahoma Republican Party should the Central Committee or the State Committee wrongfully refuse to comply with the bylaws of the Party and act quickly to investigate the Plaintiff's complaints contained herein and remove those responsible from office as required by the bylaws and to negotiate a consent decree/operating agreement with the Plaintiff to ensure the bylaws are followed thereafter; and (8) Judgement against the Defendants for actual and punitive damages in excess of **\$250,000**, 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