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Via Email:

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Re: *John Doe 1 v. Kingfisher, et al* – Plaintiff’s Settlement Demand

Superintendent Glover and Members of the Kingfisher School Board of Education,

It is a frightening thing for a parent to hand their child over to the care of another adult. But state law forces parents to do just that. From the time a child begins kindergarten, until he or she walks across the stage at graduation, parents are forced—by law—to entrust a school with the care of their child for most of the day. If a child sleeps 8 hours a night, that means that the majority of that child’s waking hours each day are spent in the care and custody of someone other than their own parents: their teachers. And when that child participates in extra-curricular activities, they often spend as much as 75% of their waking hours each day at school under the care of their teachers and coaches.

As a result, the law places an extremely high duty of care on teachers and their superiors, including each of you, to ensure the safety and well-being of each and every student placed under their care. That duty permeates every facet of school life—from the moment students board the bus in the morning, while the students sit at their desks, when they walk the school halls during the day, when they gather in fellowship at school-sponsored activities, to when they return home to the safety of their parents. That duty must also permeate every decision the school makes. And the ultimate responsibility to ensure that each and every teacher fulfills this duty is placed upon the school district’s board of education.

Tragically, the administration in Kingfisher has allowed a predator to roam the halls of Kingfisher High School. This predator has engaged in conduct and/or tolerated conduct that has resulted in the mental and physical abuse and sexual assault of minor children while at school. Such conduct has gone on for years, and prior administrations have helped cover it up. This predator’s name is Jeff Myers.

Myers poses a clear and present danger to the very students—minor children—whom you are charged by law to protect. Unless something is done to protect these children immediately, more children will be hurt. Indeed, it is just a matter of time before one of them is killed, takes his own life, or takes the life of someone else.

Some of you may remember Jeff Myers for the trophies he brought to Kingfisher. For him, winning the State Championship was likely his greatest achievement.



But winning a championship will not be Myers's legacy. His legacy will be the long-lasting pain, suffering, and humiliation he inflicted upon generations of young boys—the children of this community.



No single shining moment will erase the lifetime of mental and emotional trauma those boys will endure. No amount of wood and plastic will make up for the blood and tears those boys shed. No award will fill the voids left by the lives lost and shattered as a result of Myers's abuse.

The question now is: what do each of you want your legacy to be? Will you continue to protect this predator so you can win another trophy? Or will you choose, finally, to put the safety of your children above all else? You must act now.

The health, safety, and well-being of the minor children of Kingfisher depends on what you do next.

Background:

The Kingfisher Board of Education has failed to live up to its duties for years. The Kingfisher Board of Education and Kingfisher Public Schools (collectively "KPS") administration have known that Jeff Myers is a predator who posed, and continues to pose, an imminent danger to the minors he—and each of you—are required to protect. But KPS has refused to take action. Indeed, rather than take action against Myers, some members of KPS actively sought to intimidate and bully the parents who reported him or tried to stand up to him. Other KPS members stood idly by and did nothing.

Why?

Because, at KPS, winning high school football games is what mattered the most.

Before this case was filed, in June 2021, in an effort to resolve their issues without litigation, Plaintiff's parents laid out in great detail all of the allegations against the school in a meeting with *then*-Superintendent Dan Craig and High School Principal Jay Wood. After a heart-wrenching meeting, begging these administrators to finally take action to help protect the children of Kingfisher, *then*-Superintendent Dan Craig told them:

"I don't have time for this. If you want the truth to come out, you are going to have to sue us."

Rather than suspend or terminate this predator, KPS decided to leave him in a position of power and control over minor children.

So, Plaintiff did what Dan Craig told Plaintiff's parents to do. Plaintiff filed suit.

Nevertheless, rather than force KPS into protracted and expensive litigation, Plaintiff made a \$1.5 million settlement offer to release KPS from this lawsuit. However, Plaintiff continued to demand that KPS terminate Myers and refused to release Plaintiff's claims against any of the KPS coaches named in the lawsuit. Plaintiff's reasoning was simple: these predators' conduct cannot be kept secret and none of them should ever be allowed to have a position of authority over a minor child again. Ever.

In March of 2022, KPS rejected Plaintiff's settlement offer. And that was all after KPS received multiple reports from other parents, students, and teachers about the mental, physical and sexual abuse and dangerous conditions in the football program—conditions that Myers knew about, helped create, and failed to report or do anything to stop.

But even worse than KPS' ill-advised decision to decline Plaintiff's settlement offer, KPS has continued to allow Myers to hold a position of power over minor children. Such reckless conduct is in utter defiance of KPS' legal and moral obligations.

Examples of Facts Discovered to Date:

Your failure to take action over the years empowered Myers and his coaches to set an example that it was okay to humiliate, demean, and sexually assault other players. For example, since the time KPS recklessly rejected Plaintiff's settlement offer, Plaintiff has continued to uncover dozens of examples of mental, physical and sexual assault that were either promulgated, condoned, or perpetrated by Myers. Plaintiff included a list of some of these examples in Plaintiff's recent Motion to Compel filed in federal court. Sadly, there are many more.

In a recurring event known among players and coaches as "The Ring," the boys and/or coaches would organize fights in the locker room, pitting freshman against one another—or against much bigger upperclassman—for entertainment. Plaintiff has video of one such occasion in which two freshman were made to brawl in front of the rest of the team. One wore MMA boxing gloves, and the other wore towels secured to his hands with athletic tape as they flung blows at each other's heads. On another occasion, a Ring participant got a black eye when another boy punched him in the face. Where were the coaches during all this? At times, in the room watching, saying which fighter they thought would win, or telling the boys to put their phones away and not take videos so that they could avoid getting caught. Even worse, Coach Myers would tell the players that "what happens in the locker room stays in the locker room," actively discouraging players from reporting this abuse. And, on at least one occasion, a coach got in the Ring and wrestled a student himself while other coaches watched. Before getting into the Ring that day, the Coach, who referred to this player as a "faggot," told the players to "put your fucking phones away." The mismatch only ended when the Coach had placed the weaker player into a headlock and forced him to "tap out" or suffer greater injury. That player later quit the program.

We provided your lawyers with a copy of a video of "The Ring," in which young boys fought in front of a wall emblazoned with the phrase "JACKET PRIDE."

Have you watched the video?

Is this what is supposed to happen to minor children in a high school?

Do those images fill you with "JACKET PRIDE"?

In the locker room, upperclassmen would whip the younger players with wet towels until they bled, or hit them with a stun gun while they were tying their shoes. Older boys would urinate in the younger players' helmets, put the helmets in the freezer, and then watch as the urine melted

down the younger players' faces during practice. At other times, upperclassmen would lie in wait with paintball and airsoft guns to jump out and shoot the underclassmen as other boys herded them toward the kill zone. Where were the coaches during all this? They were waiting, looking on, and laughing as the younger boys were pelted with a barrage of gunfire. And they were running practice as usual, acting as if nothing was amiss as urine streamed down the boys' faces. Coach Myers has even admitted that he knew about players urinating in others' helmets.

Is this how you would want your child to be treated?

What would you do if your child came home looking like Plaintiff in the photo above?

Would you call the cops?

Would you take matters into your own hands?

Would you run for a position on the school board to make a change?

Myers would repeatedly come up behind a player and play with his breasts and squeeze his nipples, degrading the player in front of his peers. And when the COVID-19 pandemic hit, Myers reassured his players that, although they had to practice social distancing, everyone could still play with this player's nipples.

Would you allow a man to squeeze your minor child's nipples?

Would you stand in front of your peers at a school board meeting and tell the minor children in the room to play with each other's nipples?

What would you do if you found out that a grown man did this to your child?

Another time, in or around 2019, Plaintiff was recovering from an injured hand and asked if he could get some practice on offense. Myers told Plaintiff "no" because he was still wearing a brace on his arm and couldn't catch. Nevertheless, Myers, standing mere feet from Plaintiff, threw a football at Plaintiff's genitals, knocking him to the ground in front of all his teammates. What possible explanation could there be for grown man—a coach, a teacher, someone who is supposed to be a role model to children—to commit such a repulsive and humiliating act against a child, particularly when he had just told Plaintiff he was too injured to catch a ball?

Would you, at your next board meeting, throw a ball and purposefully hit a minor child in the genitals?

The obvious answer to all of these questions is: "NO!" But, even though you would not do these things yourself, and would not tolerate it if someone did these things to your own minor children, you have, in fact, allowed this conduct to occur. And, by allowing Myers to stay in a position of power and authority over minor children, you allow this type of conduct to continue.

Moreover, you allow the minor children in your community to grown up in an environment that teaches them that this behavior is okay. And when that happens, the abuse only escalates.

For example, in 2020 Coach Micah Nall pleaded guilty to obstruction of justice after an incident involving a player wherein Coach Nall isolated the player in the “Bull in the Ring” drill and instructed players to hit the player over and over again. The abuse was premeditated by Nall, who told the victim on Saturday that Nall was going to “make him a dirt bag” on Monday and then labeled the drill on Monday’s practice schedule as: “dirt bag training.” The players on the team were led to believe this was to make their teammate better. The reality is, it’s child abuse.

In February 2005, a mother reported that Myers physically assaulted her son during gym class. Kingfisher police made a report, classifying the offense as “Assault on a Minor.” But, to Plaintiff’s knowledge, the School District did nothing to discipline Myers.

In the fall of 2008, a student was sexually assaulted in the KHS locker room. The player’s father brought the sexual assault to the attention of *then*-Superintendent Don Scales, who held a meeting with Myers and the father. Kingfisher School Board members were also notified of this sexual assault. Upon information and belief, the School District did not conduct any further investigation, did not report the assault to law enforcement, and did not reprimand or punish Myers for this sexual assault happening on his watch by his players.

In the fall of 2010, Coach Myers physically abused a senior football player who had developed a staph infection in his leg, walking on crutches and undergoing medical treatment. At practice, Coach Myers ordered other players to hold his star player down as he attempted to squeeze the bacteria out of the player’s infected knee, apparently so that the player would be able to play in the upcoming game. Coach Myers’s conduct caused the staph infection to worsen and placed the student at substantial risk of serious, immediate harm. The student’s doctor was furious because the student could have lost his leg and/or his life as a result of Myers’s recklessness. The student’s parents and their lawyer reported the abuse to the School Board and *then*-Superintendent Don Scales. Scales told the parents that the new superintendent, Jason Sternberger, would handle it. Upon information and belief, neither Scales nor Sternberger did anything in response to the reported abuse. Ultimately, the parents presented their complaint to the Kingfisher School Board with the assistance of an attorney. Yet, despite their report, Myers was never disciplined or reprimanded for his abusive actions.

In the fall of 2015, a freshman player quit the program because Coach Micah Nall repeatedly called him a “*fat worthless piece of shit*” because he had trouble remembering the plays at practice. This was in front of his peers and other coaches. This student had a learning disability and qualified for an Individualized Education Program (IEP). His Special Education teacher was none other than Coach Micah Nall. That former player lives and works in your community.

In the 2015-2016 school year, a father of a student reported to *then*-Superintendent Jason Sternberger that a student was sexually assaulted on the baseball team bus when a player digitally penetrated the anus of another student.

In or around the fall of 2017, a player's parent went to Myers and *then*-Superintendent Jason Sternberger after the player came home in tears after getting in a fist fight at school with another player. The parent stated the following:

I went to the coach afterwards and said, "Hey man, this horse-play's gotta stop. This fighting's gotta stop." He said, "Well, they're football players." I'm like, "You know what, there's college football programs, pro football programs. They don't allow it." I went to [Superintendent] Sternberger and he said, "Hey, there's not much I can do. It's an afterschool program."

This parent described his son's senior year as "a living hell."

In the fall of 2018, Plaintiff was pinned down in the locker room by four older players. Plaintiff attempted to fight off his attackers but was physically overwhelmed. While pinned down on his back on the locker room floor, Plaintiff's arms and legs were pulled in four different directions in a starfish-type pattern by these four players while another player, completely naked, squatted over Plaintiff and placed his bare anus on Plaintiff's nose with the attacker's scrotum on Plaintiff's face. The attacker then began to grind his butt, anus, and scrotum on Plaintiff's face and nose. The attacker also moved his body in an up-and-down motion on Plaintiff's face and nose. The day after this assault on Plaintiff in the fall of 2018, Myers called a meeting of all the coaches (including Defendant Patterson) and football players (including Plaintiff and those who had assaulted him), wherein Myers instructed his team not to talk about what had happened to Plaintiff the day before in the locker room for the good of the football program. Myers specifically referenced another high school football team that had recently been in the spotlight, stating, "*we don't want this to turn into another Putnam City West*"—referring to a recent sexual-assault incident where a group of football players sodomized another player with a broomstick. Coach Myers stressed that he did not want the abuse of Plaintiff to derail the football season.

In the fall of 2018, a senior player (one of the same players involved in sexually assaulting Plaintiff in the incident described above) sent the following voice message to a group-chat including Plaintiff:

This is my last warning. Do not show up to practice tomorrow. I'm already gonna fuck on you, but if you say anything else, like to try to fuck on me, come at me, then I probably will beat your ass right there. You don't understand how fucking annoying you are and how fucking nobody likes you because you're a fucking little bitch, just a rich spoiled ass who's got powerful parents that can sue whoever in the fuck they want. You think you're all big and bad just 'cause you have fucking rich parents.

That same senior left the following message for another player:

After I get done legit kicking your ass and then taking a big old shit in your mouth, I'm gonna go and beat the absolute fuck out of [John Doe 1]. Like, he thinks I'm kidding, but I'm gonna beat his ass, and if he fucking dares tells his mom, I'm gonna fucking go and kill that bitch.

Myers never reprimanded that player or kicked him off the team.

In or around the fall of 2019, a player was held down in the football locker room by four players and sexually assaulted—just like Plaintiff was the year before and just like the assault on the student in 2008. That former player has twice attempted suicide, and he and his family firmly point to the abuse he suffered in your football program as the source of his mental trauma.

In the fall of 2019, Coach Myers acknowledged that he confiscated a taser in the locker room a few years prior and put it in his gun safe (and still had it). This is the same taser that Plaintiff was electrocuted with on several occasions when he was a freshman during the 2017 football season. Upon information and belief, Myers never reported that he had confiscated the weapon or that it had been used in the locker room on students.

In 2020, a student was physically abused during a practice drill under the supervision of Nall and Myers. Upon learning that a parent had contacted the media about the incident, *then*-superintendent Sternberger did not report it or punish the coaches. Instead, he called the parent, bullied her himself, and cussed *her* out for bringing negative attention to the football program.

In February 2021, concerned parents & citizens sent the following to the Kingfisher School Board:

Kingfisher School Board Members:

As a board member, you are elected to be a representative for the Kingfisher Public School system and to prioritize the needs of the students/staff/faculty of KPS. Let's not let one problem turn into multiple problems. There is not a single employer that would tolerate this kind of behavior. Why would we accept this behavior in our schools, around our underage kids? Our children are disciplined for things that do not even compare to this incident. A student getting blamed for bullying would get suspended. Yet, a grown adult that repeatedly bullies children and defies the law, is still employed @ KPS?!? The fact that he is still at the school is a total disrespect to all students/staff/faculty and a future liability. DO THE RIGHT THING!

Sincerely,
Concerned Parents & Citizens

In the fall of 2021, a Kingfisher football player shared that freshmen were being whipped with wet towels and beaten with a PVC pipe called the “rape stick” in the KHS football locker room. When the player’s mother found out, she complained to Coach Myers, and only then did Coach Myers tell the players that they could not pop each other with towels or use the PVC pipes anymore.

In December of 2022, a former player who graduated in 2016 sent the following message to the Kingfisher School Board:

Myers is not who you think he is, He never did anything physically to me, (mainly because I would've handled him) but he for sure verbally and psychologically tormented me, talked down upon me, humiliated me, would go out of his way to discourage me, I Still remember the day him ripping [name Redacted] up by his face mask and screaming "I don't give a F#ck who is in the stands I'll drag you around however I want. I don't care if it's your mommy daddy or grandma and grandpa." Well [name Redacted] ended up taking his own life, hanging himself, he had a hard enough life as it was do you think he needed those words of encouragement? I'm all for hard coaching and tough love you know that, I've competed in sports my entire life, I've taken plenty of ass chewings in my life and I know how to take them especially when deserved, he isn't like that, he treats you with disrespect it was different with him. Not everyone can just shrug it off like I did, that could've played into [name Redacted]'s suicide, he could've held onto those emotions forever! Not everyone can just shrug it off like I did, he could've held onto those emotions forever, he is a truly terrible terrible person, I haven't turned in a statement or anything like that (and probably I won't) but I know where we stand and I know what kind of person he is and that is good enough for me, I've talked with a few other players who have had problems with him as well.

We have confirmed that the referenced KPS football player died by hanging himself.

The events described above go far beyond bullying. KPS consciously chose to violate state and federal law and its own policies and to abdicate its responsibilities to these students and their families. And when players or their parents voiced concern, they were met with hostility and branded as outcasts. In fact, the one time a report of this abuse broke containment and leaked outside of the School District's control—the Micah Nall incident that ended up on the news—*then*-superintendent Sternberger took it upon himself to find out who leaked the story, to call that parent, and to verbally *abuse* her for daring to speak up.

And to this day, even after receiving and declining Plaintiff's prior settlement demand, KPS continues to spare no expense when it comes to Coach Myers's football program. Since this case was filed, KPS has touted how much extra money it has and has unabashedly spent millions of it on Coach Myers's football program.¹ In fact, just a few days ago, the School Board approved \$1.7 million for a new artificial-turf football field. As more and more evidence comes to light about the bullying, hazing, and abuse suffered at the hands of Coach Myers, KPS's response is to continue to deny the problem and reward Myers with nicer facilities. That is not right. That is not in keeping with what we teach our children about consequences and taking responsibility for their actions. It is not in keeping with KPS's duty to ensure the safety and well-being of its students.

¹ See "A Good Problem to Have" Kingfisher Times & Free Press, Sunday February 13, 2022, <https://www.kingfisherpress.net/article/news/good-problem-have>

But KPS does not have to continue down this path. This letter presents a final opportunity for KPS to finally do the right thing, to model the values we teach our children, to ensure the safety and well-being of its students, and to compensate Plaintiff for the avoidable, yet irreparable, harm it has caused him by turning a blind eye to years of bullying, hazing, and abuse.

New Settlement Demand

All prior settlement demands are irrevocably withdrawn. KPS failed to take advantage of Plaintiff's very reasonable demand. And when you did that, Plaintiff and his attorney, Cameron Spradling, chose to bring in an additional trial firm to take this case to verdict. That firm is Nix Patterson. Together, we have a long-standing history of being "upstanders" when it comes to dealing with bullies like Myers and the institutions that enable them.

We will take this case to trial if it is not resolved as demanded below. Our firm has a history of recovering eight-figure, even nine-figure sums across the nation in all kinds of cases ranging from sexual-abuse and personal-injury to complex-commercial cases.

We have recovered more than \$20 billion for our clients. And we have recovered well over \$1 billion in Oklahoma cases alone, including:

- \$270 million settlement against Purdue Pharma on behalf of the State of Oklahoma;
- \$85 million settlement against Teva Pharmaceuticals on behalf of the State of Oklahoma;
- \$465 million verdict against Johnson & Johnson on behalf of the State of Oklahoma²;
- \$ 308 million in settlements against pharmaceutical distributors on behalf of the State of Oklahoma;
- \$155 million verdict against Sunoco, Inc. on behalf of Oklahoma oil and gas royalty owners;
- \$155 million settlement against QEP on behalf of Oklahoma oil and gas royalty owners;
- \$284.1 million settlement in the Delphi Securities Litigation on behalf of the Oklahoma Law Enforcement Retirement System;
- \$280 million settlement against BNY Mellon on behalf of CompSource, Oklahoma's workers compensation provider;
- \$186 million settlement against the United States on behalf of Chickasaw and Choctaw Nations;

² While this was ultimately overturned on appeal by the Oklahoma Supreme Court, the Nix Patterson trial team—the same team on this case—was nevertheless named the 2019 Trial Team of the Year by The National Trial Lawyers association.

- \$41 million settlement against XTO Energy, Inc. on behalf of Oklahoma oil and gas royalty owners;
- \$87.5 million settlement against Range Resources on behalf of Oklahoma oil and gas royalty owners;
- \$55 million settlement against EnerVest and FourPoint on behalf of Oklahoma oil and gas royalty owners;
- \$119 million on behalf of roughly 7,000 Oklahomans in an environmental class action related to the toxic contamination of a smelter plant in Blackwell, Oklahoma³; and
- Numerous confidential settlements in sexual abuse and personal injury cases in Oklahoma.

We have included these examples of past results because it is important that you understand the seriousness of the situation at hand.

With that in mind, Plaintiff hereby makes the following demand.

(A) Plaintiff will agree to settle this lawsuit and to release all of his claims against all Defendants on the following conditions:

- KPS must fire Jeff Myers; and
- KPS must agree to pay Plaintiff \$5,000,000.

This offer will expire 14 days from the date of this letter, after which time it is automatically withdrawn forever.

(B) If you allow the above demand to expire, Plaintiff's demand will increase to the following:

- KPS must fire Jeff Myers; and
- KPS must agree to pay Plaintiff \$10 million.

The increased offer will expire on the earlier of (1) the date Plaintiff withdraws it; or (2) the date the Court rules on any motions for summary judgment or, if there are no such motions filed, on the deadline to file such motions.

(C) If you allow both of the above demands to expire, we will take the case to trial where we fully expect a jury to award a verdict well into eight figures. The jury pool in this case will not

³ Co-counsel Cameron Spradling was also our co-counsel in the referenced Freeport-McMoran Mining Contamination Class Action and in the Perry Sex Abuse Scandal case. <https://nixlaw.com/ourresults/perry-oklahoma-schools-sex-abuse-scandal/>

be limited strictly to citizens of the Kingfisher community. The jurors will not know Jeff Myers to be some kind of god; they will see him for the predator he is.

* * *

KPS's decisions regarding this lawsuit, Coach Myers, and the football program have not only exposed its students to years of abuse, they have also put the financial stability of the school district at risk. As reported by the Kingfisher Times & Free Press, KPS neglected (another) basic responsibility when it failed to timely renew its insurance policies in 2021.⁴ Thus, any judgment in this case will come out of KPS's sinking fund, and KPS will have only one choice to pay for its wrongdoing – **raise taxes**. *See* OKLA. CONST. Art. X, § 28:

Counties, townships, school districts, cities, and towns *shall* levy sufficient additional revenue to create a sinking fund to be used, first, for the payment of interest coupons as they fall due; second, for the payment of bonds as they fall due; third, *for the payments of such parts of judgments as such municipality may, by law, be required to pay.*

If this case goes to trial and we win a verdict far in excess of the amounts demanded above, it will once again be the children and families of Kingfisher who are forced to suffer for KPS's failures.

If KPS continues down the path it's on and refuses to take this matter—and the health and safety of its students—seriously, the taxpayers of Kingfisher will have no one to blame but their duly elected Board Members. The Board will have to explain to the voters why the Board repeatedly chose to protect a coach and program that has subjected so many children to abuse and humiliation. The Board will have to explain to the voters how the Board let its insurance lapse. And the Board will have to explain to the voters why, when presented with this offer, the Board chose instead to gamble the financial stability of this community by once again putting all its chips behind Jeff Myers.

But KPS does not have to continue down this path. This letter presents yet another opportunity for KPS to finally do the right thing, to model the values we teach our children, and to ensure the safety and well-being of its students.

Plaintiff insists this settlement demand be presented publicly at the next scheduled Kingfisher School Board meeting. Plaintiff further demands that any member of the public who wishes to comment on this matter be permitted to do so, regardless of whether he or she submits a written request in advance.

KPS claims to have a “**No Tolerance Policy**” when it comes to bullying. Coach Jeff Myers is a bully. He is a threat to the health and safety of the children of Kingfisher. He should no longer be tolerated. It's time for KPS to do the right thing for the future of Kingfisher. The deadlines herein will not be extended.

⁴ “KPS footing legal tab for federal suit.” Kingfisher Times & Free Press, Sunday May 1, 2022, <https://www.kingfisherpress.net/article/news/kps-footing-legal-tab-federal-suit>.

Regards,

A handwritten signature in black ink, appearing to read "Ross Leonoudakis". The signature is written in a cursive style with a large initial "R" and "L".

Ross Leonoudakis
Bradley E. Beckworth