



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

JUL 20 2022

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

SCOTT BODLEY, Individually)
AND as Personal Representative of the Estate of)
JAMES LEE BODLEY,)
deceased)

Plaintiffs,

vs.

CITY OF SKIATOOK.)
SKIATOOK FIRE DEPARTMENT)
SKIATOOK EMS)

Defendants.)

CJ-2022-02287
Case No. Caroline Wall

ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED

PETITION

COMES NOW, the Plaintiff, Scott Bodley, Individually and as Personal Representative of the Estate James Lee Bodley, deceased, by and through his attorney of record, Mark S. Stanley, of Stanley & Morgan Law Firm, PLLC and for his causes of action against the Defendants, alleges and states as follows, to wit:

1. That at all times hereinafter mentioned, James Lee Bodley (hereinafter "Bodley") was a resident of Osage County, State of Oklahoma.
2. That at all times hereinafter mentioned, Defendant City of Skiatook (hereinafter "City") is a governmental entity and municipality in Tulsa County, State of Oklahoma.
3. That at all times hereinafter mentioned, Defendant Skiatook Fire Department (hereinafter "Skiatook Fire") is operated by Defendant City of Skiatook, a municipality in Tulsa County, State of Oklahoma.

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4. That at all times hereinafter mentioned, Defendant Skiatook EMS (hereinafter "EMS") is operated by Defendant Skiatook Fire Department which is operated by Defendant City of Skiatook, a municipality in Tulsa County, State of Oklahoma.

5. That this action arises out of the negligence of City, Skiatook Fire and Skiatook EMS employees working through Defendant EMS operated by Defendant Skiatook Fire operated by Defendant City whose negligence caused the wrongful death of decedent which occurred in Osage County, State of Oklahoma and this Court has jurisdiction of the parties hereto and the subject matter hereof.

COMPLIANCE WITH THE GOVERNMENTAL TORT CLAIM NOTICE ACT

Plaintiff adopts and alleges the allegations in paragraphs 1 through 5 as if plead herein.

6. On November 30, 2021, pursuant to 51 O.S. §151 et seq. Plaintiff sent written notice to Defendants placing Defendants on notice of the claim.

7. On December 2, 2021, Defendants received Plaintiff's written notice sent pursuant to 51 O.S. §151 et seq.

8. By operation of law the claim was deemed denied on March 3, 2022.

FACTS

Plaintiff adopts and alleges the allegations in paragraphs 1 through 8 as if plead herein.

9. That on or about January 18, 2021, the decedent was at home and began experiencing pain in his chest. Decedent contacted the Skiatook EMS service who responded to the call and arrived at decedent's home.

10. Upon Arrival EMS personnel observed decedent sitting in his recliner with cowboy boots and jeans on.

11. Even though decedent called EMS, upon contact by EMS personnel decedent questioned why EMS was at his house.

12. The EMS personal thereafter failed to properly assess decedent's condition, failed to properly treat decedent, and failed to transport decedent to the hospital.

13. EMS personnel left decedent in his recliner.

14. That on January 18, 2021, EMS personnel failed to generate a run report or otherwise document the incident.

15. That on January 20, 2021, decedent was found dead in his home by a family member.

16. Decedent's family member called EMS.

17. Upon arrival of EMS personnel EMS personnel, observed gnats flying around decedent Bodley.

18. EMS personnel found decedent Bodley sitting in his recliner with his cowboy boots and jeans on.

19. Decedent Bodley's head was leaned back, and his mouth was open and was without a shirt.

20. When EMS personnel administered an EKG, it was discovered that decedent still had "leads" on his body from the January 18, 2021, treatment provided by the EMS service.

21. Decedent did not have a pulse and was pronounced dead.

22. It was noted that rigor mortis had set in.

23. That Defendants' actions or inactions caused the wrongful death of decedent Bodley.

**COUNT I
(Negligence)**

Plaintiff adopts and alleges the allegations in paragraphs 1 through 23 as if plead herein.

24. That as a direct and proximate result of Defendants' negligence, decedent Bodley suffered injuries together with physical and emotional pain and suffering.

25. That as a direct and proximate result of Defendants' negligence, the estate of decedent Bodley has incurred, funeral expenses and other damages.

26. That as a direct and proximate result of Defendants, negligence, the surviving heirs have suffered damages.

**COUNT II
(Wrongful Death)**

Plaintiff adopts and alleges the allegations in paragraphs 1 through 26 as if plead herein.

27. That Defendants' actions or inactions of failing to properly assess, treat and transport decedent Bodley was the proximate cause of his death.

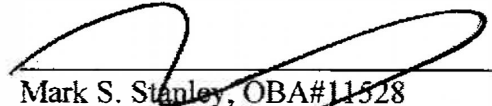
28. That as a direct and proximate result of Defendants' negligence and the wrongful death of decedent Bodley suffered injuries together with physical and emotional pain and suffering.

29. That as a direct and proximate result of Defendants' negligence and the wrongful death of decedent Bodley, the estate of decedent Bodley has incurred, funeral expenses and other damages.

30. That as a direct and proximate result of Defendants' negligence and the wrongful death of decedent Bodley, the surviving heirs suffered loss of consortium and grief.

WHEREFORE, with premises considered, Plaintiff prays that he have and recover a judgment against the Defendants in an amount exceeding the jurisdictional amount as set forth in 28 U.S.C. §1332, together attorney fees interest and costs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark S. Stanley', is written over a horizontal line.

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