

2024 Civil Litigation

Oklahoma Supreme Court

Stricklen v. Multiple Injury Trust Fund, 2024 OK 1

- The Supreme Court interpreted “subsequent employer” in 85A O.S.Supp.2019 § 32 to mean the employer at the time of the most recent injury, regardless of whether the worker’s employment changed. The petitioner, a long-term employee with multiple adjudicated injuries, sought permanent total disability benefits from the Fund. The Commission dismissed the claim, interpreting “subsequent employer” as requiring a new employer. The Supreme Court reversed, holding that the Fund remains potentially liable when the final injury, combined with prior adjudicated impairments, meets statutory criteria, and remanded for further proceedings.

Jackson County Emergency Medical Service District v. Kirkland, 2024 OK 4

- The Oklahoma Supreme Court held that emergency medical service districts, created under article 10, section 9C, enjoy sovereign immunity akin to counties and municipalities. A toll booth operator injured by an ambulance driver employed by Jackson County Emergency Medical Service District had already received workers' compensation. The Court found that section 155(14) of the Governmental Tort Claims Act bars further liability when workers' compensation covers the injury. Because the district's board is the governing entity, it is protected from negligence suits once compensation is paid. The Court granted a writ of prohibition, requiring dismissal of the action.

Brassfield v. State, 2024 OK 9

- The Supreme Court reversed the district court's denial of expungement, holding no "pending state charges" remained after the post-McGirt dismissal in Indian Country. Investigations by federal or tribal authorities did not constitute a refile of state charges. Under section 18(A), a formal charge is required to bar expungement; mere possibility of prosecution elsewhere does not suffice. The Court remanded for the district court to balance privacy interests against the public need for open records and apply the correct burden-shifting framework under section 19(F), as the prior denial improperly deemed Appellant ineligible.

Brown v. Dempster, 2024 OK 17

- The Supreme Court held that an ordinary residential swimming pool lacking hidden dangers is not an attractive nuisance. A child drowned in an unfenced pool, and the trial court granted summary judgment for the owner. The Court agreed the pool was not an attractive nuisance, as water's danger is open and obvious. However, it found genuine issues of fact regarding the owner's potential premises liability, particularly whether reasonable precautions were taken and how the child came onto the property. Thus, the Court vacated the appellate opinion, partially affirmed, partially reversed, and remanded for further proceedings.

Schiewe v. Cessna Aircraft Co., 2024 OK 19

- Plaintiffs claimed Cessna negligently failed to update its service manual for a Cessna 172RG, allegedly causing a crash. Cessna invoked the General Aviation Revitalization Act's (GARA) 18-year statute of repose. Plaintiffs argued a maintenance manual is not a "part," so GARA should not apply. The Court found creating manuals is part of Cessna's capacity as a manufacturer, barred the claim, and ruled the GARA period was not restarted by any new or revised manual. Concluding the aircraft's components were older than 18 years, the court affirmed summary judgment for Cessna.

Fleig v. Landmark Construction Group, 2024 OK 25

- Fleig lost a suit arising from a roofing contract and was ordered to pay \$51,331.50 in attorney fees. He appealed, arguing the trial court failed to follow State ex rel. Burk's directives for fee awards. The Supreme Court found the trial court order lacked sufficient factual findings and explanation regarding hourly rates, hours worked, and reasonableness. It reversed the fee award and remanded for compliance with Burk. Landmark's request for additional appellate fees was deemed premature, and the remainder of the Court of Civil Appeals opinion was affirmed.

Anaya-Smith v. Federated Mutual Insurance Co., 2024 OK 34

- The Tenth Circuit asked if an employer vehicle was “uninsured” for UM purposes when liability coverage was inaccessible under workers’ compensation, whether a corporate insured may choose UM coverage for only some insureds, and which limits apply if such selection is invalid. The Oklahoma Supreme Court held the vehicle was “uninsured” because workers’ compensation barred tort recovery. It also ruled 36 O.S. § 3636(G) prevents a corporate insured from splitting UM coverage among insureds. The Court declined to answer the limits question, finding it insufficiently briefed.

Knox v. Oklahoma Gas and Electric Co., 2024 OK 37

- A widow sued several defendants for wrongful death, including the decedent's employer (BJ's) that had paid workers' compensation. Another contractor, SunPower, sought indemnity and contribution from BJ's, but the trial court dismissed those claims. The Supreme Court reversed, explaining that, under Oklahoma law, an employer's liability for accidental injuries is exclusive to workers' compensation. However, if an employer intentionally causes injury, exclusivity does not apply. Because SunPower alleged intentional tort, the Court allowed those claims to proceed and remanded for a determination whether BJ's conduct rose to that intentional standard.

Randle v. City of Tulsa, 2024 OK 40

- In, survivors of the Tulsa Race Massacre sued governmental and private entities, claiming a continuing public nuisance from the 1921 events and unjust enrichment from tourism and commemoration efforts. The trial court dismissed both claims, and the Supreme Court affirmed. The Court held that Oklahoma's nuisance statute does not extend to broader social or economic injuries tied to historical events, and that the alleged harms and remedies lie beyond the statute's scope. It also found no contractual or property-based basis to support unjust enrichment. As a result, both claims were dismissed with prejudice.

Bayouth v. Dewberry, 2024 OK 42

- An employee shot by a co-employee sued the shooter's estate. The district court granted summary judgment, holding the Administrative Workers' Compensation Act barred the suit regardless of whether the co-employee was acting in the course and scope of employment. The Oklahoma Supreme Court reversed, concluding that co-employee immunity applies only when both the injured worker and the co-employee are on the job at the time of injury. A genuine dispute existed over whether the shooter's actions were job-related, so summary judgment was improper. The case was remanded for further proceedings.

Hayes v. Penkoski, 2024 OK 49

- Leaders of a local LGBTQ group and church obtained a five-year protective order based on alleged harassment and stalking through social media posts and public commentary. The Supreme Court reversed, holding that “harassment” under Oklahoma’s Protection from Domestic Abuse Act requires a family, household, or dating relationship—which did not exist here—and that Penkoski’s broad references to organizations and public photos did not amount to individualized stalking. Because Penkoski never directly contacted Petitioners or identified them by name, the statutory requirements were not met. The Court vacated the protective order and reversed the lower court’s judgment.

Mathis v. Kerr, 2024 OK 52

- Two Amazon delivery drivers sued for wrongful retaliation after being discharged, citing a workers' compensation claim. The Supreme Court held they are exempt from the Federal Arbitration Act because they engage in interstate commerce, delivering goods that have traveled across state lines. Additionally, 85A O.S. § 7 grants district courts exclusive jurisdiction over retaliatory discharge claims, precluding arbitration for such disputes. While other tort claims may be arbitrable, the trial court's blanket order to compel all claims was improper. The Court vacated the Court of Civil Appeals' opinion, reversed the trial court, and remanded for further proceedings.

Tulsa Ambulatory Procedure Center v. Olmstead, 2024 OK 57

- Medical providers sued a former employee, who counterclaimed for unpaid wages and a bonus tied to referrals. Four years into litigation, Plaintiffs first alleged that the bonus provision was illegal under anti-kickback laws. The trial court struck that defense as untimely, found for the former employee, and awarded damages. The Court of Civil Appeals reversed, but the Supreme Court reinstated the trial court's ruling. It held that a party generally must raise affirmative defenses early or seek leave to amend, and that Plaintiffs' unexplained delay in asserting illegality prejudiced the defendant.

Spencer v. Nelson, 2024 OK 63

- In, the administrator alleged negligent and grossly negligent medical care caused a patient's death. The hospital, a governmental entity, argued the Governmental Tort Claims Act's one-year notice deadline was missed. The Court of Civil Appeals agreed, but the Supreme Court reversed. It held that the discovery rule applies to wrongful death claims based on medical negligence, making timeliness a fact issue. The Court also ruled that gross negligence could remove a state employee from scope-of-employment immunity. Thus, the trial court's dismissal was reversed, the Court of Civil Appeals' opinion was vacated, and the case was remanded for further proceedings.

Royal Hot Shot Investments v. Kiefer Production Co., 2024 OK 70

- The trial court ordered Kiefer (a non-party) to produce financial records and tax returns under subpoena for a business valuation dispute. Kiefer appealed, but the Court of Civil Appeals dismissed the appeal as interlocutory. The Supreme Court held that a non-party may directly appeal such discovery orders because they are considered final orders. It found no abuse of discretion in compelling production, as Kiefer's financial information was relevant to valuing an owner's interest. Vacating the Court of Civil Appeals' dismissal, the Supreme Court affirmed the trial court's order compelling document production.

Watson v. BNSF Railway Company, 2024 OK 74

- The widow of a driver killed at a rural railroad crossing sued BNSF for negligent maintenance and sight obstructions. After a lengthy trial, the jury found BNSF not liable. The Court of Civil Appeals reversed, citing improper jury instructions. On certiorari, the Supreme Court reinstated the verdict, explaining that instructions are considered as a whole, and any potential errors did not likely change the outcome. Ample evidence showed BNSF operated the train within legal limits and provided warnings. The Court affirmed the trial court's denial of a new trial and remanded for further proceedings.

Marshall v. City of Tulsa, 2024 OK 78

- The City rescued a pit bull mix, Julian, then placed him with a foster caretaker who agreed not to let anyone else care for Julian. The caretaker nonetheless left the dog with Marshall, who was bitten. Marshall sued for strict liability under 4 O.S. § 42.1 and negligence. The trial court found Marshall was effectively an “owner” under Tulsa ordinances, barring her strict liability claim. It also held the City owed her no duty, as Julian showed no known aggression. The Supreme Court affirmed, concluding no material facts precluded summary judgment for the City.