

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. RICHARD MCMAHON,)	
)	
v.)	Civil Case No.
)	
2. CITY OF BROKEN ARROW,)	25-CV-00207-JFJ
and)	
3. BROKEN ARROW POLICE DEPARTMENT)	
and)	
4. MICHAEL FERGUSON)	
AND)	
5. UNKNOWN BROKEN ARROW)	
POLICE OFFICERS)	
)	
Defendants.)	

COMPLAINT

Plaintiff Richard McMahon, by and through his undersigned counsel, hereby files this Complaint against Defendants, City of Broken Arrow, Broken Arrow Police Department Michael Ferguson, and Unknown Broken Arrow Police Officers, and alleges as follows:

I. INTRODUCTION

1. This is an action for damages and injunctive relief arising out of Defendant officers' and municipal agents' repeated, intentional, and unconstitutional violations of Plaintiff's rights under the Fourth Amendment to the United States Constitution, the Fourteenth Amendment's Due Process Clause, and established statutory rights pursuant to 42 U.S.C. § 1983.

2. Defendant officers caused Plaintiff to suffer excessive force, false arrest, and unlawful seizures on two separate occasions—on July 28, 2023, and May 29, 2024—through conduct that demonstrates malice, bias, and a pattern of deliberate indifference to his rights.

II. JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1333 as this action arises under the Constitution of the United States and federal law, including claims under 42 U.S.C. § 1983.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because the events giving rise to these claims occurred in Broken Arrow, Oklahoma, and Defendants reside or maintain their principal offices within this district.

5. Plaintiff asserts that the amount in controversy exceeds the jurisdictional minimum, and his claims involve substantial federal questions.

III. STATEMENT OF FACTS

6. On July 28, 2023, Plaintiff reported that he had been assaulted and battered by his neighbor. Responding to his report, Sgt. Michael Ferguson, along with other officers from the Broken Arrow Police Department, arrived at Plaintiff's residence.

7. During the investigation, despite Plaintiff's presentation of evidence—including body cam recordings—Sgt. Ferguson disregarded Plaintiff's account and immediately accepted the neighbor's version of events without conducting a proper inquiry.

8. While Plaintiff was standing on the porch of his home, Sgt. Ferguson directed him to "turn around." With no specific basis or reasonable suspicion that Plaintiff had committed any offense, Plaintiff did not comply; consequently, Sgt. Ferguson proceeded to use excessive force, assaulting Plaintiff and subsequently arresting him for "resisting arrest."

9. On May 29, 2024, in a separate incident, Sgt. Ferguson and four other officers forcibly entered Plaintiff's home without a warrant or probable cause. The purported justification for this entry was to investigate a traffic incident involving a claim that Plaintiff was blocking another vehicle in a cul-de-sac.

10. The entry was pretextual, and the officers used excessive force, slamming Plaintiff to the ground and causing him physical injury. Plaintiff was detained overnight and released without charges.

11. Both incidents exhibit evidence of malice and forethought as indicated by Sgt. Ferguson's body camera footage and are reflective of a broader pattern of bias and harassment by the Broken Arrow Police Department against Plaintiff.

12. Defendants' actions and inactions—including the failure to monitor, control, train, and discipline their officers—manifest a deliberate indifference to Plaintiff's constitutional rights.

13. As a direct and proximate result of Defendant conduct, Plaintiff has suffered significant physical and emotional injuries, lost time, humiliation, and other damages in excess of \$1,000,000, including costs and attorney fees.

IV. CLAIMS FOR RELIEF

Count I – Violation of the Fourth Amendment (Unreasonable Seizure)

14. Plaintiff realleges and incorporates by reference the preceding paragraphs.

15. Defendants, acting under color of state law, violated Plaintiff's Fourth Amendment right to be free from unreasonable seizures by:

a. ordering Plaintiff to "turn around" without any reasonable suspicion on July 28, 2023, thereby unlawfully restraining his freedom of movement;

b. executing a warrantless, nonconsensual entry into Plaintiff's home on May 29, 2024, without probable cause or exigent circumstances.

16. These actions were clearly unconstitutional and in violation of Plaintiff's federal constitutional rights.

Count II – Excessive Use of Force (Fourth Amendment Violation)

17. Plaintiff realleges and incorporates by reference the foregoing paragraphs.

18. Sgt. Ferguson's use of force—both on the porch on July 28, 2023, and during the forcible entry on May 29, 2024—exceeded the bounds of what is constitutionally permissible.

19. Defendants employed excessive and unreasonable force in circumstances lacking any legitimate justification, thereby directly violating Plaintiff's Fourth Amendment rights.

20. Plaintiff suffered physical injuries and emotional trauma as a direct result of this unlawful conduct.

Count III – Violation of the Fourteenth Amendment (Due Process)

21. Plaintiff realleges and incorporates by reference the preceding paragraphs.

22. The conduct of Defendants deprived Plaintiff of his liberty and property interests without due process of law, as protected under the Fourteenth Amendment.

23. By engaging in a course of repeated constitutional violations against Plaintiff, coupled with a failure to implement adequate policies or training to prevent such violations, Defendants acted with deliberate indifference to Plaintiff's fundamental rights.

24. As a direct result, Plaintiff has suffered severe and ongoing harm warranting redress.

Count IV – Section 1983 Civil Rights Violation

25. Plaintiff realleges and incorporates by reference the preceding paragraphs.

26. Defendants, while acting under color of state law, knowingly and willfully violated Plaintiff's federally protected rights, including his Fourth Amendment right to be free from unreasonable seizures and his Fourteenth Amendment right to due process.

27. Each Defendant's individual actions, as well as the overall policies and customs of the City of Broken Arrow and the Broken Arrow Police Department, contributed to Plaintiff's constitutional deprivations.

28. Plaintiff is entitled to compensatory damages, injunctive relief, and attorney fees pursuant to 42 U.S.C. § 1988.

Count V – Municipal Liability (Monell Claim)

29. Plaintiff realleges and incorporates by reference the foregoing paragraphs.

30. The City of Broken Arrow, through its policies, customs, and failure to adequately train, supervise, and discipline its police officers, including Sgt. Ferguson, demonstrated deliberate indifference to the constitutional rights of Plaintiff.

31. This failure is directly connected to the excessive force, false arrest, and unlawful seizures inflicted upon Plaintiff.

32. As a result, the City of Broken Arrow is liable under the precedent established in *Monell v. New York City Dept. of Social Services* for the deprivation of Plaintiff's federally protected rights.

33. Plaintiff seeks all available relief, including compensatory damages, injunctive relief, and costs, in addition to attorney fees.

Count VI - Malicious Prosecution

34. Plaintiff realleges and incorporates by reference the foregoing paragraphs.

35. Defendant Sgt. Ferguson, acting outside the bounds of lawful police procedure and without probable cause, initiated criminal proceedings against Plaintiff. In doing so, Sgt. Ferguson disregarded clear, exculpatory evidence, including Plaintiff's own body cam recordings and police reports.

36. Sgt. Ferguson's actions were executed with malice, as evidenced by bias toward adverse third-party accounts and a predilection for employing excessive force inconsistent with a reasonable officer's conduct.

37. The continuation of biased practices by the Broken Arrow Police Department and the City of Broken Arrow's failure to discipline or remedy Sgt. Ferguson's conduct further support the malicious intent behind the wrongful prosecution.

38. As a direct and proximate result of Defendant's malicious prosecution, Plaintiff has incurred significant damages, including but not limited to wrongful arrest, reputational harm, emotional distress, and financial losses.

Count VII - Intentional Infliction of Emotional Distress

39. Plaintiff realleges and incorporates by reference the foregoing paragraphs.

40. Defendant Sgt. Ferguson's outrageous conduct, including the unnecessary and excessive use of force during both arrests—in circumstances not warranting such extreme measures—constitutes behavior that exceeds all bounds of decency and is utterly intolerable in a civilized society.

41. The intentional or reckless disregard for Plaintiff's well-being, combined with the pattern of biased enforcement by the Defendants, has caused Plaintiff to suffer severe emotional distress, including anxiety, humiliation, and ongoing psychological trauma.

42. Plaintiff's claims for intentional infliction of emotional distress are fully supported by the evidence, including documented body cam footage and an established pattern of misconduct by Defendants.

Count VIII - Intentional Infliction of Emotional Distress

43. Plaintiff realleges and incorporates by reference the foregoing paragraphs.

44. The City of Broken Arrow, as a municipal entity responsible for the supervision and training of its police department, owed a duty to ensure that its employees, including Sgt. Ferguson, were properly trained and disciplined.

45. Defendants breached this duty by failing to monitor, control, train and supervise Sgt. Ferguson, despite clear evidence and constructive notice of his propensity for excessive force, biased decision-making, and disregard for constitutional rights.

46. As a proximate result of such negligent training and supervision, Plaintiff suffered injuries and damages, for which Defendants are directly liable.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and grant the following relief:

- A. A declaration that Defendants' actions violated Plaintiff's Fourth Amendment and Fourteenth Amendment rights;
- B. Compensatory damages in an amount to be proven at trial, including but not limited to damages for physical injuries, wrongful arrest, emotional distress, and reputational harm;
- C. Compensatory damages in an amount to be determined at trial, but in no event less than \$1,000,000, together with any additional damages sustained by Plaintiff;
- D. Award punitive damages where appropriate, particularly in light of the Defendants' malicious and reckless conduct;;
- E. An award of costs of litigation, including reasonable attorney fees, pursuant to 42 U.S.C. § 1988;
- F. Injunctive relief requiring Defendants to institute comprehensive reforms regarding training, supervision, and discipline to ensure compliance with constitutional standards;
- G. Pre- and post-judgment interest as allowed by law;
- H. Attorney fees and costs incurred pursuant to the Oklahoma Governmental Tort Claims Act and applicable law;
- I. Such other and further relief as this Court deems just and proper.

VI. DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims so triable.

/s/ Brian E. Duke /s/
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