

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARK E. SCHELL,	)	
	)	Civil Case No. 5:19-cv-00281-HE
Plaintiff,	)	
	)	
v.	)	
	)	
NOMA GURICH, Chief Justice of the	)	
Oklahoma Supreme Court; et al.	)	

**ANSWER OF THE CHIEF JUSTICE  
AND JUSTICES OF THE OKLAHOMA SUPREME COURT**

Defendants, Noma Gurich, Chief Justice of the Oklahoma Supreme Court; Tom Colbert, Justice of the Oklahoma Supreme Court; Doug Combs, Justice of the Oklahoma Supreme Court; Richard Darby, Vice Chief Justice of the Oklahoma Supreme Court; James E. Edmondson, Justice of the Oklahoma Supreme Court; Yvonne Kauger, Justice of the Oklahoma Supreme Court; and James R. Winchester, Justice of the Oklahoma Supreme Court, referred to collectively herein as the “Justices” for their Answer to Plaintiff’s First Amended Complaint allege and state as follows. The paragraph numbers used herein correspond to the paragraph numbers of the First Amended Complaint.

1. The allegations of this paragraph are conclusions to which no response is needed.
2. Admitted.
3. These allegations were rendered moot by the Court’s dismissal of Counts 1 and 2 of the First Amended Complaint.

4. These allegations were rendered moot by the Court's dismissal of Counts 1 and 2 of the First Amended Complaint.
5. Denied.
6. The allegations of this paragraph are conclusions to which no response is needed.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. The Justices admit that plaintiff is a member of the OBA and his dues have been paid. The Justices are without knowledge as to his alleged reasons for doing so.
12. Admitted.
13. Admitted.
14. Admitted.
15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted.
19. The Justices admit that the seat on the Oklahoma Supreme Court referred to in this paragraph was vacant at the time of the filing of the First Amended Complaint.

20. The Justices admit that the seat on the Oklahoma Supreme Court referred to in this paragraph was vacant at the time of the filing of the First Amended Complaint.

21. Admitted.

22. Admitted.

23. Admitted.

24. The Justices admit that Williams is Executive Director of the OBA, but denies that he is Secretary/Treasurer. The remaining allegations of the paragraph are conclusions to which no response is necessary.

25. – 39. Admitted.

40. & 41. These allegations were rendered moot by the Court's dismissal of Counts 1 and 2 of the First Amended Complaint.

42. – 43. The allegations of these paragraphs are conclusions of law to which no response is required. The Rules Creating and Controlling the Oklahoma Bar Association ("the Rules") speak for themselves.

44. Admitted.

45. Admitted.

46. Admitted.

47. Admitted.

48. Denied.

49. The Rules speak for themselves.

50. The Rules speak for themselves.

51. The Rules speak for themselves.

52. Denied.

53. Denied. The actions of individual members of the Bar are not the acts of the Justices, the Oklahoma Supreme Court or the OBA.

54. Denied. The actions of individual members of the Bar are not the acts of the Justices, the Oklahoma Supreme Court or the OBA.

55. The Justices admit that the OBA and/or OBA voluntary committee membership engage with legislation that is germane, but deny that the OBA engages in activities that are non-germane, or that an individual member's acts or opinions are the acts or opinions of the OBA.

56. The Justices admits that the OBA voluntary committee membership engage with legislation that is germane, but deny that voluntary committee membership engage in activities that are non-germane, or that an individual member's acts or opinions are the acts or opinions of the OBA.

57. Denied.

58. – 66. The Justices admit that the referenced articles were published, but deny that such articles constituted speech of the Justice, the Oklahoma Supreme Court, the OBA, or any person or entity other than the author of the article.

67. The Justices are without knowledge as to the truth or falsity of the allegations of this paragraph.

68. – 76. The Justices admit that the referenced articles were published, but deny that such articles constituted speech of the Justice, the Oklahoma Supreme Court, the OBA, or any person or entity other than the author of the article.

77. Admitted.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. – 88. The Notice and Objection Procedure speaks for itself.

89. Denied.

90. – 92. The Justices are without knowledge of the truth or falsity of the allegations of these paragraphs.

93. Denied. The Justices are without knowledge as to Plaintiff's desires.

94. – 118. These allegations were rendered moot by the Court's dismissal of Counts 1 and 2 of the First Amended Complaint.

119. The Justices adopt their responses to paragraphs 1 – 118 set out above.

120. – 128. Denied.

129. For further defense, the Justices allege that the Plaintiff's First Amended Complaint fails to state a claim for relief as against the Justices.

130. For further defense, the Justices allege that the Plaintiff's claims are barred by the applicable statute of limitations or time barred by the doctrine of laches.

131. For further defense, the Justices allege that the Plaintiff has failed to exhaust remedies provided in the Rules, are therefore is barred from pursuing a personal challenge to the Rules.

WHEREFORE, the Justices pray that the Plaintiff recover nothing by way of his First Amended Complaint, and that the Justices recover all costs of the defense of this action, including reasonable attorney's fees and any other relief as may be just and proper.

Dated: October 2, 2019

Respectfully submitted,

/S/ Kieran D. Maye, Jr.  
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*Attorneys for the Chief Justice and  
Justices of the Oklahoma Supreme  
Court*

**CERTIFICATE OF SERVICE**

This certifies that on the 2nd day of October, 2019, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmitted a Notice of Electronic Filing to all ECF registrants in this case.

/S/ Kieran D. Maye, Jr.

Kieran D. Maye, Jr., OBA # 11419