

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

ROXANNE RANDALL, Individually and  
as Next of Kin to LINCOLN V. LEWIS,  
DECEASED,

Plaintiff,

v.

VICTORY CHRISTIAN CENTER, INC.,  
an Oklahoma Corporation, and BERT  
GLEN FRANKLIN, an individual,

Defendants.

MAR 03 2017

RICK WARREN  
COURT CLERK

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Case No.:

**CJ - 2017 - 1259**

**PETITION**

COMES NOW the Plaintiff, Roxanne Randall individually and as Next of Kin to Lincoln V. Lewis, Deceased, and for her claims for relief against the Defendant, alleges and states as follows:

**I. PARTIES, JURSDICTION & VENUE**

1. Plaintiff is the biological mother and next of kin of Lincoln V. Lewis, Deceased ("Plaintiff").
2. Lincoln V. Lewis, Deceased was a child under eighteen (18) years of age at all times relevant to the matters asserted herein. Roxanne Lewis brings this action on her own behalf and on behalf of her infant son, Lincoln V. Lewis, Deceased.
3. All all times material hereto, Plaintiffs Roxanne Lewis and Lincoln V. Lewis, Deceased, were residents of Oklahoma City, Oklahoma County, Oklahoma.

4. The events out of which this lawsuit arises occurred primarily in Oklahoma County, Oklahoma.

5. Defendant Victory Christian Center, Inc. ("Victory"), is an Oklahoma corporation, licensed by the State of Oklahoma, and in good standing. Defendant's place of business is in Tulsa County, Oklahoma.

6. Defendant Bert Glen Franklin ("Franklin") is an individual who currently resides in the Oklahoma County Jail in Oklahoma City, Oklahoma County, Oklahoma.

7. This Court has personal and subject matter jurisdiction over the parties and their claims. Therefore, this Honorable Court has jurisdiction over the parties, and is a proper venue for this action.

## **II. FACTUAL ALLEGATIONS**

8. Roxanne Lewis is the mother of Lincoln V. Lewis, an 18 month old infant who was viciously assaulted and received life ending injuries on or about July 16, 2016.

9. At all times material hereto, Bert Glen Franklin was a doctor licensed to practice dentistry in the state of Oklahoma.

10. Roxanne Randall became a patient of Franklin on or about July, 2015.

11. Franklin sought after and engaged into a personal relationship with Roxanne Randall on or about July, 2015.

12. On or about July 16, 2016, Franklin assaulted and abused Roxanne Randall's infant son, Lincoln V. Lewis causing severe and permanent injuries that ultimately resulted in Lincoln's death.

13. At all times material hereto, Bert Glen Franklin was on the board of directors at Victory Christian Center and was a financial donor to Victory Christian Center.

14. At all times material hereto, Bert Glen Franklin was the biological father of children who were enrolled as students and who attended Victory Christian Center.

15. During the early months of 2016, Franklin's minor child, a student of Victory Christian Center, reported to teachers and/or other employees of Victory Christian Center that Bert Glen Franklin had physically abused and assaulted her.

16. Defendant Victory's response to the report of assault/abuse was to attempt to conceal the accusations from the public's eye and the appropriate authorities. Defendant Victory failed to report the abuse to the Oklahoma Department of Human Services or the Tulsa Police Department. Rather than contacting the appropriate authorities, Defendant chose to conduct its own "investigation" with the ultimate purpose of doing damage control as opposed to protecting the Child Victim. Defendant's action of not reporting the assault/abuse allowed Franklin the freedom to not only continue his abusive behaviors but to increase the intensity and broaden the range of his victims and ultimately led to his violent attack upon Lincoln Lewis which resulted in severe injuries to Lincoln and caused his untimely death.

17. Oklahoma statute 10A O.S. §1-2-101(B)(1) required Defendant Victory and its employees, agents, and/or servants to notify the Oklahoma Department of Human Services ("DHS") of the reported child abuse. This law provides that *every person* who has reason to believe a child is a victim of abuse *must* report the matter promptly to DHS. The purpose of this law is not only to protect the child victims from further abuse by the

perpetrator but to also protect other members of the general public such as Lincoln Lewis from any such perpetrator. In violation of this legal obligation, Defendant made the reckless and/or in the alternative, intentional and deliberately indifferent choice not to report the conduct and thereby allowed the perpetrator, Bert G. Franklin, to not only continue his abusive actions against the Child Victim but to increase the violent nature of the abuse and broaden the range of his victims to include Lincoln V. Lewis.

18. Moreover, Defendant has a written policy that requires any allegations of abuse to be reported internally and to DHS. Defendant has acknowledged that said policy was not followed. Had Defendant Victory followed its written policies, Franklin would have been held accountable for said actions and thereby prevented him from assaulting and/or abusing other children such as Lincoln V. Lewis of whom Franklin came into contact.

19. Defendant's reckless, and/or in the alternative, deliberate and intentional, choice to forego contacting authorities obstructed the judicial system and resulted in Franklin's continued and expanded abusive actions which ultimately resulted in the abuse, severe injuries and death of Lincoln V. Lewis.

20. Defendant Victory is responsible for the conduct of its informed personnel. Defendant is responsible for actual damages to Roxanne Randall and her infant son, Lincoln V. Lewis, Deceased, for the result of the wrongful conduct of its employees.

21. Defendant Victory is responsible for all compensatory damages and for punitive damages for its negligence in failure to properly respond to allegation of abuse made against Defendant Franklin as well as its intended cover-up.

22. The conduct of Defendant Victory constitutes negligence, negligence *per se*, and gross negligence. Defendant acted with reckless disregard and/or with intentional and deliberate indifference for the rights of the Child Victim and other child members of the general public such as Lincoln V. Lewis. Defendant Victory acted recklessly and/or in the alternative, intentionally with deliberate indifference to protect itself, all to the detriment of members of the public such as Roxanne Randall and Lincoln V. Lewis.

**FIRST CAUSE OF ACTION  
(Assault, Battery Wrongful Death)**

23. Plaintiff re-pleads Section II above as if fully set forth here.

24. On or about July 16, 2016, Defendant Franklin violently attacked, assaulted, abused and battered, Lincoln V. Lewis, an infant, by kicking Lincoln about the head and thrusting Lincoln's head onto the ground in a "Pile-driver" like motion.

25. Such actions perpetrated by Franklin upon Lincoln V. Lewis inflicted severe injuries to Lincoln which ultimately resulted in his death.

26. Such actions perpetrated by Bert G. Franklin were in direct violation of O.S. 21 §644.

27. To deter such outrageous conduct by Defendant Franklin in the future, to prevent the repetition of such conduct as a practice, and to punish Defendant for his wrongful conduct, exemplary damages should be assessed against him.

**SECOND CAUSE OF ACTION**  
**(Negligence, Gross Negligence, Reckless Disregard and/or**  
**in the alternative, Intentional Acts)**

28. Plaintiff re-pleads Section II above as if fully set forth here.
29. Defendant Victory had a duty to Child Victim and members of the general public such as Roxanne Randall and Lincoln V. Lewis.
30. Defendant, Victory, through its acts and omissions, breached its duty.
31. Such negligence, gross negligence, reckless disregard and/or in the alternative, intentional conduct was the direct and proximate cause of the physical abuse inflicted by Bert G. Franklin upon Lincoln V. Lewis.
32. Such negligence, gross negligence, reckless disregard and/or in the alternative, intentional acts resulted in the severe abuse and wrongful death of Lincoln V. Lewis.
33. To deter such outrageous conduct by Defendant Victory in the future, to prevent the repetition of such conduct as a practice, and to punish Defendant for its wrongful conduct, exemplary damages should be assessed against them.

**THIRD CAUSE OF ACTION**  
**(Negligence *per se* – 10A O.S. §1-2-101 (B)(1))**

34. Plaintiff re-pleads Sections II above as if fully set forth here.
35. Defendant Victory and its employees, agents and/or servants had a duty to report Child Victim's allegations to the Oklahoma Department of Humans Services ("DHS") and/or other appropriate authorities.

36. Such law was promulgated by the Oklahoma Legislature to prevent the type of injuries inflicted upon Child Victim and to protect members of the general public such as Lincoln V. Lewis from such perpetrators.

37. Defendant Victory failed to report to the DHS, or any other authority, notwithstanding that Defendant had information which required reporting.

38. Such behavior by Defendant was the direct and proximate cause of Bert G. Franklin's continued infliction of abuse upon Child Victim and members of the general public such as Lincoln V. Lewis.

39. Such failure to report resulted in and caused Lincoln Lewis great pain of body and mind, physical injuries, terror, fright and permanent injuries which ultimately resulted in Lincoln's death.

40. Defendant Victory's acts and omissions were grossly negligent and/or in the alternative, intentionally negligent of the rights of not only the Child Victim but also the rights of other child members of the public such as Lincoln V. Lewis who were in contact with Bert G. Franklin.

41. To deter such outrageous conduct by Defendant Victory in the future, to prevent the repetition of such conduct as a practice, and to punish Defendant Victory for its wrongful conduct, exemplary damages should be assessed against them.

**FOURTH CAUSE OF ACTION  
(Wrongful Death of Lincoln V. Lewis)**

42. Plaintiff re-pleads Sections II above as if fully set forth here.

43. Plaintiff brings this wrongful death cause of action pursuant to Title 12 O.S. §1053, et seq. As a result of each Defendant's actions set forth above, Lincoln V. Lewis suffered a severe beating resulting in severe injuries. These injuries suffered by Lincoln V. Lewis resulted in his death.

44. Plaintiff seeks recovery for medical and burial expenses, mental pain, and anguish suffered by the decedent, pecuniary loss, grief, and loss of companionship and destruction of the parent child relationship.

**FIFTH CLAIM FOR RELIEF  
(Punitive Damages)**

45. Plaintiff re-pleads Section II above as if fully set forth here.

46. Defendants, and each of them, are hereby placed on notice that the Plaintiff may seek an instruction from the Court that will allow an award of punitive damages.

**WHEREFORE**, premises considered, Plaintiff, Roxanne Lewis, individually and as Next Friend of Lincoln V. Lewis, Deceased, prays for judgment against Defendants, Victory Christian Center, Inc., and Bert Glen Franklin on all causes of action for actual and exemplary damages in an amount in excess of \$75,000.00. Plaintiff may also seek punitive damages in an amount in excess of \$75,000.00; finally, Plaintiff seeks attorney fees, interest, and costs associated with the prosecution of this case, and such further relief as this Court deems just and equitable.

Respectfully submitted,



L. Ray Maples, II, OBA #18586

Glendell D. Nix, OBA #13747

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**ATTORNEYS FOR PLAINTIFF**

**JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED**