



CJ-2021-2498
Timmons

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

AMANDA BROWN,)
)
 Plaintiff)
)
 v.)
)
 STEPHEN SCOTT FISCHER,)
)
 Defendant.)
)

Case No. **CJ-2021-2498**

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

JUN - 9 2021

RICK WARREN
COURT CLERK

PETITION

109 _____

Plaintiff, Amanda Brown (“Amanda”), for her petition against Defendant, Stephen Scott Fischer (“Scott Fischer” or “Fischer”), states as follows:

Preliminary Statement

1. Scott Fischer is the C.E.O. of Dippin’ Dots, L.L.C (“Dippin’ Dots”), a company that generates hundreds of millions of dollars per year in annual revenue. Amanda is a traveling nurse who Fischer recently dated. Following a two-year romantic involvement, Fischer has engaged in a relentless and vicious campaign of harassment and retaliation targeting Amanda, culminating in his non-consensual dissemination of her private sexual images to third parties. On at least one recent occasion, Fischer delivered Amanda’s private sexual image to perhaps the most traumatizing audience imaginable—Amanda’s mother. Persistently, Fischer has accompanied his cruel behavior with statements, suggestions, or intimations to Amanda that he is too rich or powerful for her to hold him accountable. Essentially, he has promised her that the law cannot reach him.

2. Amanda’s horrific experience is not an isolated one. On information and belief, Fischer has engaged in substantially the same behavior toward prior romantic partners. Aware that

predatory behavior persists when unchallenged, Amanda bring this action for compensatory and punitive damages in order to vindicate her own rights and, hopefully, deter Fischer—and those similarly inclined—from treating others the way Fischer treated her.

Parties, Jurisdiction, Venue

3. Amanda is an individual who resides in Payne County, Oklahoma.

4. Fischer is an individual who, on information and belief, resides in Oklahoma County, Oklahoma. He is the C.E.O. of Dippin' Dots, a position he assumed after an ownership group principally comprising his father bought the company out of bankruptcy in or around 2012.

5. Various acquaintances of Fischer's are described throughout this Petition. Because Amanda—at this time—asserts no claims against such persons, and in order to protect their privacy at this initial juncture, these acquaintances are identified as Person(s) A–D. On information and belief, each such individual resides in Oklahoma County, Oklahoma.

6. This Court has jurisdiction over these Parties and claims, and venue is appropriate in this Court, because Fischer resides in Oklahoma County and the facts, occurrences, and transactions underlying this Petition took place in this County.

Relevant Facts

A. The relationship between the parties.

7. Amanda and Fischer began a romantic relationship in early 2019.

8. That relationship ended sometime in late 2020.

9. Throughout the relationship, Fischer demonstrated a dangerous tendency to abuse alcohol. He drank frequently and excessively, and failed several attempts at sobriety. When Fischer drank, he frequently behaved in disturbed manners and engaged in severe emotional and verbal abuse of Amanda.

10. Throughout the relationship, Fischer used his superior financial standing as a means to control or manipulate Amanda. In various ways, he endeavored to make her financially dependent on him in order to use that dependence to compel her to do things she otherwise did not want to do and, most importantly, dissuade her from leaving him.

11. Fischer frequently solicited private sexual images from Amanda. Fischer frequently conditioned continued financial support to Amanda on his demands for these images.

12. Fischer also frequently captured private sexual images of Amanda himself, sometimes consensually and sometimes surreptitiously.

13. In each case that Fischer obtained a private sexual image of Amanda, he did so on the understanding that Amanda expected he maintain that image in confidence and not share that image with anyone.

14. Fischer's drinking and his abusive tendencies toward Amanda took a significant toll on their relationship. Amanda frequently pleaded with Fischer to stop drinking, frequently attempted to prevent him from drinking, and frequently attempted to involve members of his family or other loved ones in efforts to intervene in his self-destructive lifestyle.

15. Ultimately, the toll was too great. Amanda and Fischer split in 2020 and, thereafter, Fischer engaged in the campaign of abuse and harassment described herein.

B. Fischer's manipulation of Amanda using private sexual images.

16. Fischer's most recent and extensive efforts at causing Amanda pain and distress, and hopefully controlling her, concern his possession of private sexual images of Amanda. To that end, Fischer has disseminated Amanda's private sexual images to third parties, threatened to do so, and attempted to blackmail Amanda to behave in certain manners lest he do so.

17. Frequently, Fischer has threatened Amanda with dissemination of private sexual images in order to persuade Amanda to give him something of value.

18. Fischer's threats and promises to disseminate Amanda's private sexual images, as well as his statements indicating he had already done so, were frequently accompanied by claims that he had consulted legal counsel for Dippin' Dots, requests that Amanda contact same counsel in order to negotiate Fischer's related demands, and assurances that counsel for Dippin' Dots would make vindication of Amanda's rights difficult or impossible.

19. Under Oklahoma law, it is a criminal act to disseminate without consent the private sexual image of another with the intent to harass, intimidate, or coerce the other, where the image was obtained under circumstances in which a reasonable person would know that the image was intended to remain private. 12 O.S. § 1040.13(b). Fischer has done just this.

20. Under Oklahoma law, this same behavior is felonious—punishable by not more than four (4) years imprisonment—where the offender attempts to gain anything of value as a result of the nonconsensual dissemination. A subsequent violation is punishable by not more than ten (10) years imprisonment and registration as a sex offender. Fischer has disseminated private sexual images of Amanda in an attempt to gain a thing of value and, on information and belief, has done so to her and other former romantic partners on multiple occasions.

21. On various occasions following the separation of Amanda and Fischer, Fischer delivered to Amanda communications suggesting to her that he intended to disseminate her private sexual images if she did not comply with his demands that she behave in certain manners.

22. On other occasions, Fischer stated to Amanda that he *already had* disseminated her private sexual images to other persons in retaliation for her behavior.

23. On other occasions, Fischer *did* disseminate Amanda's private sexual images to other persons.

24. Fischer's various threats, promises, and related statements concerning his intention to disseminate Amanda's private sexual images were intended to harass, coerce, or intimidate Amanda and include, without exhaustion, the following examples of particularly egregious communications:

25. On December 3, 2019, Fischer delivered to Amanda a communication including a private sexual image of herself and further reading, "I'm sending this and the [REDACTED] video to [Person A] to hold on to for us potentially fighting." In response, Amanda delivered a communication to Fischer reading, "You do and I will forever hate u. Actually, we are done just u saying u are sending that to [Person A]."

26. On April 12, 2020, Fischer delivered to Amanda a communication reading, "[L]eave me the [car]. I'll take [the dog]. . . . Then I'm going to have someone hold onto the video of your [REDACTED] and if we ever get into a fight then it will be released. If we don't I'll just use it for fun."

27. On October 23, 2020, Fischer delivered to Amanda a communication instructing her to contact Dippin' Dots corporate counsel to negotiate matters between the parties and further reading, "I will make sure I have my dog, house, and personal life back without you around it, if you try then that's when I will retaliate and I will with every resource I have."

28. On November 7, 2020, Fischer told Amanda of a romantic rendezvous with another woman. Amanda responded by delivering a communication to Fischer reading, "Cool, should I tell her . . . you asked for a tit pic from me yesterday?" Fischer responded by delivering to Amanda

a communication including a private sexual image of herself and further reading, "Only if you want the same on porn hub . . . I'm happy to give everything to [Person A]."

29. On November 8, 2020, Fischer delivered to Amanda a communication reading, "I should post your nudes on social media so you can see what that's like."

30. On November 26, 2020, Amanda and Fischer discussed his romantic interest in another woman. In that conversation, Fischer delivered to Amanda a communication reading, "And, if you repeat anything then I will be totally against you [. . .] And if you screenshot one part of this from me being honest with you then I will do worse."

31. In or around January, 2021, Amanda learned via communications with Fischer that Fischer frequently solicited the private sexual images of other female contacts and shared the same images with others. About these images of other women, Fischer delivered to Amanda a communication reading, "I felt a fiduciary obligation to share with [Person C] and [Person A]."

32. On January 14, 2021, Fischer delivered to Amanda a communication reading, "Fuck you, you are not a good person. I just sent you the pics by text that I'm about to send out. You will see what my revenge will do. . . . The stuff I can do to you in the future is fascinating. I'm going to hurt you tonight." Contemporaneously, Fischer delivered to Amanda private sexual images of herself, as referenced in his written communication.

33. On the same date, Fischer delivered to Amanda a communication reading, "Fuck you. I'm going to do whatever I can to hurt you, watch what I'm about to do."

34. On the same date, Fischer delivered to Amanda a communication reading, "I just sent your nudes out to everyone [. . .] watch what I do to you. I'm going to make sure any sex pics, bad pics are sent to your employer, they will be soon sent to our friends, then I'll sue you for [the dog] . . . do you want to see what war is like . . . I'm about to show you."

35. On the same date, Fischer delivered to Amanda a communication reading, "I am sending those nudes to your dad and to [Person A] and all the rest of our friend[s] because that is the person you were."

36. On the same date, Fischer delivered to Amanda a communication including several private sexual images of herself and further reading, "Sent everyone this . . . told you. You are probably one of the most fucked up people I have ever met and including with your dad I'll make sure I hurt you in every way I can because your [sic] evil and your heart is shit . . . you talk about God, but you for sure don't know Him."

37. On January 14, 2021, Fischer delivered a private sexual image of Amanda to Amanda's mother. Fischer's delivery was accompanied by a menacing instruction Amanda's mother: "I'm sending this out tomorrow. Then I'm going to file a petition for [the dog]. I asked for a peaceful exit. I said I had a girlfriend and wanted to move on peacefully. I can hurt so much more. Watch."

38. On January 21, 2021, Fischer delivered to Amanda a communication reading, "[I]t's me that is going to send personal stuff [. . .] and pics out about you, but only to someone like [Person A] then tell him to send it to everyone he knows I'm [sic] the city."

39. On the same date, Fischer delivered to Amanda a communication including private sexual images of herself, referencing a vehicle he leased for Amanda, and indicating he would "go to the extreme" to reclaim that vehicle, and further reading, "I want you to see what it's like for me to send very personal stuff out about you to one person who will send it out."

40. On the same date, Fischer delivered to Amanda a communication indicating that corporate counsel for Dippin' Dots would "reclaim" the Parties' dog and further reading, "so you will have lost everything is this what you wanted when I asked what your goals were [. . .] That's not being clear, screenshots and harm is harm. Watch what I do and what I have. And, who I send all to,

who I promise will continue sending it out, and [Person A] will make sure it spreads. Watch what that feels like.”

41. On the same date, and in response to these communications, Amanda delivered to Fischer a communication reading, “I have never sent something directly about any of your secrets or past or nude photos. What you are threatening to do is try to cause direct harm to me.” Fischer responded with a communication reading, “you are a horrible person I wish I never went to KC, I’m so glad I never had babies with you, you would be a horrible mother, I’m going to send very personable stuff, screenshots of your very personable stuff out to one person who I think would be the worst person in okc and what they do with it is their choice.” Fischer again referenced Dippin’ Dots corporate counsel and indicated they would reclaim the parties’ dog, further advising, “so you will have lost everything[.]”

42. On the same date, Fischer delivered to Amanda a communication reading, “I’ll send my shit to [Person A] and the [sic] tell you to talk to him [. . .] He would be happy for that.”

43. On the same date, Fischer delivered to Amanda a communication reading, “And, I’m going to send your stuff out to [Person B] and whatever he does with it is up to him.”

44. On the same date, Fischer delivered to Amanda a communication reading, “If I cause, [Person B], [Person D], [and] others who you don’t like to have sensitive, private stuff about you it will hurt. They will laugh. And then maybe you will mature up and understand what trust is not [. . .] I found some really hurtful stuff on you.”

45. On the same date, Fischer delivered to Amanda a communication including private sexual images of herself and further reading, “You are probably one of the most sick individuals I ever met [. . .] My thoughts are you are just juvenile and childish . . . plus you like people to think that

you have what you don't and you also have that spirit like your mom did in wanting your dads [sic] house for her and her boyfriend. Some people are just like that. Anyways sent."

46. On January 22, 2021, Fischer delivered to Amanda a communication including several private sexual images of herself and further reading, "You spent the last two months trying to cause toxic chaos in my life, and now I get to spend time doing the same to you. Starting with those." In this communication, Fischer also indicated he was consulting with Dippin' Dots corporate counsel about these matters.

47. On the same date, Fischer delivered to Amanda a communication including a private sexual image of Amanda and, additionally, reading, "I'm serious. You'll see. It's very unfortunate you could be a kind spirit in others lives. . . You caused harm. You are an immature, and more white trash [Fischer's former romantic partner], with a loser [REDACTED] and [REDACTED] [. . .] and you can screenshot that and send it out or I'll just do side by sides with the caption . . . I'm going to make sure I take all I can away from you, while sending out hurtful stuff on you. You'll start finding out soon. Next time ask yourself why before you do."

48. On the same date, Fischer delivered to Amanda a communication indicating he is consulting Dippin' Dots corporate counsel regarding matters concerning Amanda and further reading, "I am going to send stuff out."

49. On February 20, 2021, Fischer delivered to Amanda a communication including several private sexual images of herself and further reading, "I promise to not send out the above pics to my contact list if you stay out of my life."

50. On the same date, Fischer delivered to Amanda a communication once again instructing Amanda to contact Dippin' Dots corporate counsel to discuss matters between the parties and

advising Amanda that Dippin' Dots corporate counsel would file a lawsuit against Amanda, including a temporary restraining order.

51. On March 8, 2021, Fischer delivered to Amanda a communication reading, "you can use my car until April . . . [the dog] is mine . . . anything bad comes out your [REDACTED] pics will be all over." He later stated, "It's done."

C. Additional Relevant Facts

52. On at least one occasion, while inebriated, and when Amanda attempted to prevent Fischer from engaging in self-destructive behavior, Fischer became physically violent with Amanda. When Amanda attempted to defend herself from a larger man's physical force, her defensive efforts caused a bruise to Fischer's arm. Thereafter, Fischer insisted to Amanda and others that she had committed "domestic violence" against him. Fischer's absurd recharacterization of these events—combined with his broader patterns of emotional abuse targeting Amanda—caused her significant emotional distress by persistently insisting to her that *she* was the emotionally flawed party in the relationship and the cause of tumult that primarily burdened her.

53. Fischer and Amanda co-leased a vehicle, which Amanda possesses to date. They also jointly cared for a dog which Fischer now claims to be his own.

54. In or around March of 2021, Amanda sought legal counsel related to her injuries caused by Fischer's conduct. On information and belief, Fischer contemporaneously or shortly thereafter learned of Amanda's efforts to consult with legal counsel. He then retained legal counsel in Nashville to pursue recovery of the vehicle he leased for Amanda and the dog once owned by the parties and, for time since their separation, kept and cared for by Amanda. His animating purpose was to vex and harass Amanda.

55. Amanda's counsel has conferred with Fischer's counsel in Nashville and Oklahoma and explained that (a) neither of the parties are residents of Tennessee, (b) Amanda's temporary employment in Tennessee ends in a matter of weeks, (c) none of the transactions underlying Fischer's purported claim to ownership of the dog or car took place in Tennessee and all of the same took place in Oklahoma, (d) all of the documentary evidence and witnesses relevant to the parties dispute regarding ownership of the dog and vehicle are in Oklahoma, not Tennessee.

56. Notwithstanding that Tennessee is an obviously inappropriate venue for any dispute between the parties, Fischer continues to pursue service of a lawsuit against Amanda in Tennessee to recover the dog and vehicle. Fischer's purpose in pursuing the Tennessee action—commenced only after he learned of Amanda's intention to bring claims in Oklahoma regarding his unrelated campaign of harassment and non-consensual dissemination of her private sexual images—is simply to vex and harass Amanda by requiring she retain counsel in a jurisdiction foreign to both the parties and any of the matters in dispute between them.

Claim One: Invasion of Privacy

57. Amanda had a reasonable expectation of privacy in the sexual images possessed by Fischer.

58. That reasonability of that expectation is made undeniable by the fact that Oklahoma law criminalizes the nonconsensual dissemination of such images.

59. Fischer invaded on Amanda's reasonable expectation of privacy.

60. As a result, Amanda suffered damages in an amount to be proven at trial but exceeding this Court's jurisdictional threshold.

61. In invading Amanda's privacy, Fischer acted maliciously and intended to cause Amanda harm. Accordingly, Amanda is entitled to punitive damages.

Claim Two: Intentional Infliction of Emotional Distress

62. In engaging in his campaign of harassment against Amanda, and culminating in his dissemination of her private sexual images (and threats to disseminate the same), Fischer intended to and did cause Amanda severe emotional distress.

63. Fischer's conduct was extreme and outrageous by any reasonable standard.

64. As a result, Amanda suffered severe emotional distress and related damages for which she is due compensation in an amount to be proven at trial but exceeding this Court's jurisdictional threshold.

65. Fischer acted maliciously and intended to cause Amanda severe emotional distress. Accordingly, Amanda is entitled to punitive damages.

Claim Three: Negligence

66. Having been entrusted with Amanda's private sexual images, some of which were solicited by Fischer and others of which were surreptitiously captured by him, Fischer owed a duty to Amanda to maintain the privacy of those images and to prevent their non-consensual dissemination to third parties.

67. That duty is made explicit by Oklahoma law, which criminally prohibits the non-consensual dissemination of such images.

68. Fischer breached his duty by disseminating Amanda's private sexual images, without her consent, and with the intent to harm Amanda.

69. As a result, Amanda suffered damages for which she is due compensation in an amount to be proven at trial but exceeding this Court's jurisdictional threshold.

70. Fischer acted maliciously, or wantonly and willfully, with intent to cause Amanda harm. Accordingly, Amanda is entitled to punitive damages.

Prayer for Relief

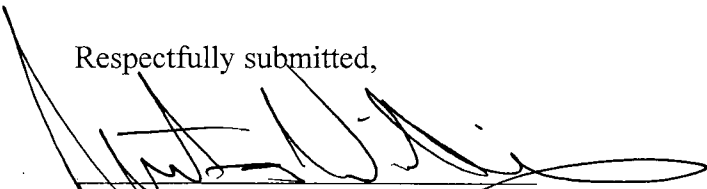
WHEREFORE, Plaintiff respectfully requests the Court enter judgment in her favor and award her compensatory damages, punitive damages, costs and fees (including reasonable attorney fees), injunctive relief prohibiting Fischer from disseminating her private sexual images; and,

WHEREFORE, Plaintiff also requests the Court enter a preliminary injunction prohibiting Fischer from disseminating Plaintiff's private sexual images.

In support of her request for the latter preliminary injunction, Plaintiff states that:

- a) She is likely to prevail on the merits of any dispute as to Fischer's authorization to disseminate her photos, as the principal legal question regarding same concerns her consent to such dissemination, which she adamantly refuses;
- b) She would suffer irreparable harm should Fischer disseminate any such images, as the resulting emotional distress and reputational harm is incalculable;
- c) Fischer would suffer no injury whatsoever by a preliminary injunction as requested by Plaintiff, as he has no legitimate interest in the non-consensual dissemination of Plaintiff's private sexual images; and
- d) The public interest favors privacy and the non-dissemination of private sexual images without the consent of the party in the image, as recognized by Oklahoma law criminalizing such dissemination.

Respectfully submitted,



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