

D
F
I
L
E
D
* 1 0 6 3 3 2 1 9 2 0 *

NOV 21 2025

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

KEIOSHA RUCKER,

Plaintiff,

v.

THE CITY OF TULSA and
THE TULSA FIRE DEPARTMENT,

Defendant.

CJ-2025-05430

Judge:

Caroline Wall

ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED

PETITION

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Keiosha Rucker is an adult resident of Tulsa County, State of Oklahoma.
2. The City of Tulsa is a municipality in the State of Oklahoma.
3. The Tulsa Fire Department is a governmental agency of the City of Tulsa.
4. All events giving rise to this action occurred in Tulsa County, State of Oklahoma.
5. Jurisdiction and venue are proper before this Court.

BACKGROUND

6. On or about February 26, 2024, Plaintiff Rucker was driving her 2019 Hyundai Accent westbound on E. 41st Street in Tulsa, Oklahoma, approaching S. New Haven Avenue.
7. In Plaintiff's vehicle were her minor children, Aziah Jones and Keylani Jones.
8. Plaintiff was stopped in the inside westbound lane of 41st Street intending to turn left onto New Haven Avenue. At this split moment, she observed a Tulsa Fire Department fire engine approaching from the rear.
9. Plaintiff reasonably determined she could execute her left turn to remove her vehicle from the lane of travel.
10. At this same time, Fire Engine 23, operated by Tulsa firefighter Joseph Stern ("Stern"), was traveling at a high and unsafe rate of speed toward Plaintiff's vehicle.

11. Fire Engine 23 then moved into the oncoming eastbound lane in an attempt to pass Plaintiff on the left.
12. Plaintiff, unaware the fire engine had improperly entered the oncoming lane and unable to anticipate the excessive speed at which it was traveling, initiated her left turn and was violently struck by Fire Engine 23.
13. As a result of the collision, minor children Aziah Jones and Keylani Jones sustained fatal injuries.
14. Plaintiff Rucker survived but suffered severe, permanent, and catastrophic injuries, including paralysis, significant physical trauma, neurological damage, emotional distress, and lifelong medical needs.
15. Plaintiff complied with all requirements of the Oklahoma Governmental Tort Claims Act (“GTCA”).

COUNT 1 - FIRST CAUSE OF ACTION
(Negligence – Under GTCA)

16. Plaintiff realleges paragraphs 1–15 as if fully set forth herein.
17. Stern owed Plaintiff and her passengers a duty to operate Fire Engine 23 with due regard for the safety of all persons on the roadway.
18. Stern breached these duties by:
 - a. operating the fire engine at an excessive and unsafe speed;
 - b. entering the oncoming lane without ensuring it was safe;
 - c. failing to maintain a proper lookout.
19. Under the GTCA, the City of Tulsa is liable for the negligent acts or omissions of its employee acting within the scope of employment.
20. As a direct and proximate result of Defendants’ negligence, Plaintiff Rucker suffered catastrophic, disabling, and permanent injuries.

COUNT 2 - SECOND CAUSE OF ACTION
(Negligence Per Se – Violation of 47 O.S. § 11-106 et seq.)

21. Plaintiff incorporates paragraphs 1–20 as though fully set forth herein.

22. Under 47 O.S. § 11-106, operators of emergency vehicles may exceed speed limits and disregard traffic rules only while exercising due regard for the safety of all persons.
23. Plaintiff and her minor children were members of the class of persons the statute was designed to protect.
24. Stern's violation of this statute—including excessive speed and improper entry into the oncoming lane—was a direct and proximate cause of the fatal injuries to the minor children and the severe, permanent injuries sustained by Plaintiff.
25. Such violations constitute negligence per se under Oklahoma law.
26. Defendants are vicariously liable under the GTCA for Stern's negligent acts.

COUNT 3 - THIRD CAUSE OF ACTION
(Wrongful Death Survivor Claims – 12 O.S. § 1053)
(Decedents: Aziah Jones and Keylani Jones)

27. Plaintiff incorporates paragraphs 1–26 as if fully set forth herein.
28. Plaintiff is the mother of deceased minors Aziah Jones and Keylani Jones and brings this wrongful death action pursuant to 12 O.S. § 1053(B).
29. As previously alleged, Defendants' employee, acting within the scope of employment, negligently operated Fire Engine 23 and caused the fatal injuries to the minor children.
30. As a direct and proximate result of Defendants' negligence, both minor children died.
31. Plaintiff seeks all damages authorized under Oklahoma's Wrongful Death Statute, including:
 - a. medical and burial expenses;
 - b. loss of companionship, love, and affection of the children;
 - c. destruction of the parent-child relationship;
 - d. Plaintiff's grief and emotional distress;
 - e. children's conscious pain and suffering prior to death;
 - f. pecuniary loss to Plaintiff; and
 - g. all other damages permitted under 12 O.S. § 1053.

32. Defendants City of Tulsa and the Tulsa Fire Department are vicariously liable for Stern's wrongful conduct under the GTCA.

33. The following are expressly excluded from this Petition, as they belong to the children's Special Administrator: pre-death pain and suffering, pre-impact fear, estate damages, and any survival-type claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Keiosha Rucker, respectfully prays for judgment against Defendants, the City of Tulsa, and the Tulsa Fire Department, jointly and severally, in excess of \$75,000 as follows:

- a. medical expenses;
- b. loss of companionship, love, and affection of the children;
- c. destruction of the parent-child relationship;
- d. Plaintiff's grief and emotional distress;
- e. pecuniary loss to Plaintiff; and
- f. all other damages permitted under 12 O.S. § 1053;
- g. For Plaintiff's costs of this action and reasonable attorney's fees; and for such other and further relief as the Court deems just and proper.

Respectfully Submitted,



Nathan M. Milner, OBA #30176
Milner Legal Group, P.L.L.C.
624 S. Denver Ave., Suite 300
Tulsa, Oklahoma 74119
918.521.1043 – Telephone
918.582.1340 – Facsimile
Attorney for Plaintiff

Email: nathan@milnerlegalgroup.com
Email: injuryavengers@gmail.com

2025 NOV 21 PM 4:53

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Nathan M. Milner, of legal age, being first duly sworn upon oath states that:

I am the attorney of record on behalf of the _____; That I have read the foregoing instrument, knows the contents thereof, and that the information set forth therein is true and correct to the best of my knowledge and belief; And, that I believe the testimony and evidence at trial will prove the facts, matters and allegations/defenses to be true and correct to the best of my knowledge.

Nathan M. Milner, OBA#30176

In conformity with 12 O.S. Section 426, I state that under penalty of perjury under the law of Oklahoma that the forgoing is true and correct this 21 day of November,
2005.

SUBSCRIBED AND SWORN TO before me this 21 day of January, 2005.

My Commission Expires:

