

**IN THE DISTRICT COURT OF STEPHENS COUNTY
STATE OF OKLAHOMA**

THE ESTATE OF NOAH NICHOLS,

Plaintiff,

v.

AVERY JO HOWARD, an Individual;

CARTER COMBS, an Individual;

JACK NEWTON, an Individual;

CALEB NEWTON, an Individual;

JOHNNIE TROUT WILCOXSON, JR., an Individual;

STEVIE HOWARD, an Individual;

LOGAN JERNIGAN, an Individual;

JOHN/JANE DOE A-Z, unidentified Individuals; and,

**VAL PETROL, LLC, a Domestic Limited Liability
Company,**

Defendants.

Case No. CJ-2025-95

**FILED DISTRICT COURT
Stephens County, Okla.
JUN 23 2025
MELODY HARPER
Court Clerk**

WRONGFUL DEATH PETITION

COMES NOW Plaintiff, the Estate of Noah Nichols, for its causes of action against the above-named Defendants, alleging the following:

1. Before his untimely death in September of 2023, Noah Nichols (hereinafter referred to as "Decedent" or "Nichols") was a resident of Stephens County.
2. Upon information and belief, Defendant Avery Jo Howard ("Avery Howard") was a resident of Jefferson County at the time of the Decedent's passing, but may have moved since.
3. Defendant Carter Combs ("Carter Combs") is a resident of Jefferson County.

4. Defendant Logan Jernigan (“Logan Jernigan”) is a resident of Jefferson County.
5. Defendant Jack Newton (“Jack Newton”) is a resident of Stephens County.
6. Defendant Caleb Newton (“Caleb Newton”) is a resident of Stephens County.
7. Defendant Johnnie Trout Wilcoxson, Jr. (“Wilcoxson”) is a resident of Jefferson County.
8. Defendant Stevie Howard (“Stevie Howard”) is a resident of Texas.
9. John/Jane Does A-Z is an alias for yet unidentified Defendant(s) in the above-styled case that were involved in the wrongful death of the Decedent.
10. Defendant, Val Petrol, LLC (“Val” or “Napoli’s”), is a Domestic Limited Liability Company, with its registered agent in Stephens County, that operates Napoli’s convenience store.
11. Jurisdiction and venue are proper.
12. On September 4, 2024, the Decedent was found lifeless and naked on the side of United States Highway 81, in Terral, Oklahoma.
13. Found next to the Decedent’s body were the Decedent’s teeth, a necklace, and a neatly folded pair of basketball shorts.
14. Decedent’s death was not caused by being hit by a motor vehicle.
15. Prior to his passing, Decedent attended a party hosted by Defendants Avery Jo Howard, Carter Combs, and Logan Jernigan, on property owned by Wilcoxson.
16. The party was a civil conspiracy by Defendants to furnish alcoholic beverages to underaged and intoxicated individuals, such as Decedent, over the course of several days.
17. Upon information and belief, the alcohol provided to Decedent was purchased by Defendant Jack Newton at Napoli’s convenience store in Marlow, Oklahoma, despite Defendant Jack Newton being under the age of twenty-one (21).

18. The party in question took place at the property owned by Defendant Wilcoxson, in a trailer owned by Defendant Stevie Howard.

19. Despite being underage, Decedent was promised and provided copious amounts of alcohol if he attended the party.

20. Defendants provided the Decedent with alcohol over the course of multiple days, even after he was already intoxicated.

21. During the party, Defendant Caleb Newton permitted Decedent to drive or ride on his all-terrain vehicle while intoxicated.

22. Decedent was involved in all-terrain vehicle accident and sustained injuries.

23. Toward the end of the party Defendants Jack Newton and Avery Howard were seen verbally fighting with Decedent.

24. At or around 3:41 am on September 4, 2023, at least some partygoers began to notice that Decedent was no longer physically present at the party.

25. At or around 5:43 am on September 4, 2023, Decedent's body was discovered on United States Highway 81.

26. On or around September 5, 2023, the Office of the Chief Medical Examiner of Oklahoma, via Dr. Leonardo Roquero, found that Decedent had suffered multiple blunt force injuries to his head, torso, and extremities, which led to the Decedent's untimely death.

27. On or around September 6, 2024, Dr. Roquero also released the Medical Examiner's Report of Laboratory Analysis, which found that the Decedent's blood-alcohol content was 0.14 g/dL at the time of his death—nearly double the amount of blood-alcohol content that would be present in a typical, intoxicated person.

28. Decedent was beat to death by one or more of the Defendants.

29. Defendants owed a specific duty of care to Decedent based on Oklahoma law, which prohibits the distribution of alcohol to underaged persons.

30. Defendants owed a specific duty of care to Decedent based on Oklahoma law, which prohibits all persons from providing alcohol to a person who is already intoxicated.

31. Defendants owed a specific duty of care to Decedent based on Oklahoma law, which prohibits the driving of any vehicle upon the public roads of Oklahoma while intoxicated.

32. Defendants breached their duties of care to Decedent by providing him with alcohol; by continuing to give him alcohol even after he was observably intoxicated; by driving Decedent around on an all-terrain vehicle while intoxicated; and by selling alcohol to a minor who purchased alcohol for Decedent to consume.

33. All Defendants engaged in a civil conspiracy to host a party for underaged drinking, and failed to prevent harm to a member of targeted class by failing to prevent Decedent's death.

34. Two or more Defendants engaged in a civil conspiracy to beat Decedent.

35. These civil conspiracies were based on illegal conduct, which fatally harmed Decedent.

36. Either intentionally or accidentally, the Defendants killed Decedent.

37. Although the death may have been unintended, hosting the party and beating of Decedent was intentionally, malicious, and in reckless disregard of the Decedent's rights.

38. Some Defendants also owed Decedent duties based on their legal status as individuals that exercise control over the events outlined within the Petition, such as the adults that decided to attend the party and encourage underaged drinking expressly and/or implicitly.

39. Defendant Wilcoxon owed Decedent a non-delegable duty as the land's property owner to ensure all invitees were free of foreseeable risks. This duty extends to preventing

unlawful or dangerous activities, including the distribution of alcohol to minors and reckless behavior.

40. Defendant Stevie Howard owed Decedent a non-delegable duty as the trailer's owner to ensure all invitees were free of foreseeable risks. This duty extends to preventing unlawful or dangerous activities, including the distribution of alcohol to minors and reckless behavior.

41. By knowingly allowing the party to occur on their property, Defendant Wilcoxson and Stevie Howard facilitated the unlawful distribution of alcohol and the unsafe environment that led to Decedent's death.

42. Moreover, Defendant Wilcoxson and Stevie Howard knew or reasonably should have known that illegal activity (e.g., serving alcohol to minors) would occur at the party and permitted it, and their tacit agreements makes them liable as co-conspirators.

43. As the party hosts—Defendants Avery Howard, Carter Combs, Logan Jernigan—had a duty not to provide alcohol to underage individuals under 37A O.S. § 6-105; they also had a general duty of care to ensure that their guests were not placed in harm's way.

44. These Defendants' active role in hosting the party, encouraging alcohol consumption, and failing to supervise underage drinking demonstrates a clear breach of duty.

45. Defendants knew or should have known the risk of providing underaged persons with alcohol and/or encouraging such drinking by attending such a party.

46. By organizing, facilitating, and/or attending the party, Defendants entered into an implicit agreement with others to engage in illegal activity. This encouragement of alcohol consumption and failure to address unsafe conditions solidifies every Defendants' role as a co-conspirator.

47. Defendants acted maliciously and/or in reckless disregard of Decedent's rights, justifying an award of punitive damages.

48. In addition to punitive damages, the Estate is entitled to recover damages from Decedent's medical and burial expenses, Decedent's mental pain and suffering, and the surviving family's pecuniary loss and loss of companionship.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in its favor and against the Defendants as follows:

- A. Enter judgment in favor of Plaintiffs and against all Defendants;
- B. Award Plaintiffs all monetary relief to which they are entitled and order Defendants to pay Plaintiff more than \$75,000 in damages.
- C. Award punitive damages to Plaintiffs;
- D. Award Plaintiffs all attorney fees, costs and expenses incurred in pursuing their claims; and,
- E. Award Plaintiffs such other and further relief as the Court deems just, equitable, and proper.

Respectfully submitted,



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