



IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

NOV 28 2016

RICK WARREN  
COURT CLERK  
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JAMES KITCHEN COSPER,  
an individual,  
  
Plaintiff,  
  
v.  
  
NATIONAL REINING HORSE  
ASSOCIATION, an Oklahoma  
Corporation,  
  
Defendant.

Case No. CJ-2016-5297

Judge Thomas E. Prince

**ANSWER**

Defendant, National Reining Horse Association (“NRHA”), answers the Petition For Declaratory Relief filed by Plaintiff on October 17, 2016 (the “Petition”).

1. NRHA objects to Plaintiff’s demand for jury trial inserted in the style of the Petition. This matter involves action by a governing body of a non-profit organization wherein Plaintiff’s membership in the organization was revoked. While courts ordinarily will not interfere with the internal governance of a voluntary organization, they may, under appropriate circumstances, judicially review an organization’s enforcement of its rules to determine that the organization’s action was not arbitrary, capricious or an abuse of discretion. Matters of judicial review are essentially an appeal of the organization’s actions. Trials, much less jury trials, are not part of judicial review.

2. The allegations in paragraphs 1 through 4 of the Petition are admitted.

3. With regard to paragraph 5 of the Petition, the NRHA is a non-profit organization dedicated to the promotion of the Reining Horse. The 2016 NRHA Handbook contained the bylaws of the NRHA, the Rules and Regulations of the NRHA and the NRHA Judge’s Guide.

Article II, Section 3 of the NRHA Bylaws states, in part, that “[e]ach member of the Association shall pay annual membership dues to the NRHA.” While the NRHA prides itself as being a leader in the sport of reining, there are other equine associations that conduct reining events.

4. With regard to paragraph 6 of the Petition, the NRHA admits that Plaintiff had purchased a “lifetime membership” in the NRHA and served in various roles including as a member of the NRHA Board of Directors and Executive Committee and as a member of the NRHA’s Bylaw Committee, prior to the revocation of his membership in May 2016. In January 2012, by vote of the NRHA Board of Directors, Plaintiff was removed from the Board of Directors and Executive Committee pursuant to Article VII, Section 10 of the 2012 NRHA Bylaws.

5. With regard to the allegations in paragraphs 7 through 10 of the Petition, the NRHA admits that its general counsel sent a letter dated May 25, 2016 to Plaintiff advising that Plaintiff’s membership had been revoked by the NRHA Executive Committee and advised Plaintiff that he could request an in-person meeting with the NRHA Executive Committee with regard to the matter. Plaintiff’s counsel sent a letter dated June 2, 2016 to NRHA’s general counsel asking that Plaintiff be allowed to personally address the matter of his membership revocation with the NRHA Executive Committee. In a letter dated June 6, 2016, NRHA’s general counsel responded to Plaintiff’s counsel’s request and advised that the next meeting of the NRHA Executive Committee was on August 15, 2016 and that Plaintiff could attend with counsel by asking to be put on the agenda. The exact content of the letters speak for themselves. Plaintiff did not ask to be put on the agenda for the August 15, 2016 NRHA Executive Committee meeting and did not appear at the meeting. Thus, the matter is considered closed by the NRHA.

6. The allegations in paragraph 11 are admitted.

7. The NRHA is without knowledge or information sufficient to form an understanding of the truthfulness of the allegations in paragraphs 12 and 13 of the Petition. Therefore, the allegations are denied.

8. The NRHA denies the allegations in paragraphs 14 through 18 of the Petition. When this matter came before the NRHA Executive Committee, it considered its authority in the 2016 NRHA Handbook and determined that revocation was appropriate pursuant to Article II, Section 1 of the NRHA Bylaws in that “membership is a privilege and not a vested right and is granted, rejected or revoked at the discretion of the Executive Committee.”

9. The allegations in paragraphs 19 through 21 of the Petition are legal conclusions to which no response is required.

10. The allegations in paragraphs 22 and 23 of the Petition are denied.

11. The NRHA denies any allegations in the Petition not expressly admitted herein.

#### **AFFIRMATIVE DEFENSES**

For its affirmative defenses to Plaintiff’s Petition, the NRHA states as follows:

12. Plaintiff was offered an opportunity to meet with the Executive Committee and discuss the revocation of his NRHA membership. Plaintiff requested an in-person meeting, but then failed to meet with the Executive Committee. As a result, Plaintiff waived any right that he might have had to contest the Executive Committee’s revocation of his NRHA membership.

13. Plaintiff’s right to object to the Executive Committee’s action with regard to NRHA’s internal governance of its own organization and membership is limited to judicial review to determine that the organization’s action was not arbitrary, capricious or an abuse of discretion.

14. The NRHA Executive Committee properly exercised its discretion in revoking Plaintiff's NRHA membership.

15. The NRHA Executive Committee properly interpreted the NRHA Handbook to allow it to take the contested action.

16. The NRHA Executive Committee's revocation of Plaintiff's NRHA membership was further justified by Plaintiff's wrongful actions and conduct toward the NRHA Executive Committee and NRHA employees.

17. Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver, estoppel and unclean hands.

WHEREFORE, the NRHA requests that the Court judicially review the allegations of Plaintiff, determine that the revocation of Plaintiff's membership was authorized by the NRHA Bylaws (or if the Court determines that it was not, remand the matter to the NRHA governing body for appropriate action under its Bylaws), deny any claims, causes of actions and requests for relief asserted by Plaintiff, dismiss Plaintiff's Petition with prejudice, order Plaintiff to pay the NRHA's attorneys' fees and costs incurred herein, and order such other and further relief as the Court deems just and property under the circumstances.

Respectfully submitted this 28<sup>th</sup> day of November, 2016.



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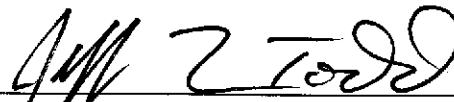
**ATTORNEYS FOR DEFENDANT  
NATIONAL REINING HORSE  
ASSOCIATION**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 28<sup>th</sup> day of November, 2016, a copy of the foregoing document was sent by mail, postage pre-paid, to the following:

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