

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

O. Gene Bicknell v. Richard M. Silanskas, Jr., Larry K. Wilhite, and
Stephen D. Hedrick

Bicknell · No. 25-cv-00383-SH · Decided May 5, 2026

SUMMARY

The United States District Court for the Northern District of Oklahoma considers motions to dismiss filed by Larry K. Wilhite and Stephen D. Hedrick in a dispute concerning the American Heartland theme-park project. The court concludes that the plaintiff failed to plead the continuity required for a pattern of racketeering activity under RICO, dismisses the RICO claims, and otherwise denies the motions.

CASE DETAILS

COURT	United States District Court for the Northern District of Oklahoma
WRITING FOR THE COURT	Huntsman, U.S. Magistrate Judge
JURISDICTION	United States District Court for the Northern District of Oklahoma
DECIDED	May 5, 2026
DOCKET	25-cv-00383-SH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought federal RICO claims and Oklahoma state-law claims for civil conspiracy, fraud, deceit, constructive fraud, intentional infliction of emotional distress, and unjust enrichment. Defendants Larry K. Wilhite and Stephen D. Hedrick moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and asks whether the complaint states a facially plausible claim for relief. Fraud allegations must satisfy Rule 9(b)'s particularity requirement.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court opinion
PARTIES	O. Gene Bicknell v. Richard M. Silanskas, Jr., Larry K. Wilhite, Stephen D. Hedrick

TOPICS

motions to dismiss civil procedure commercial litigation fraud intentional infliction of emotional distress

PRACTICE AREAS

civil procedure commercial litigation RICO fraud intentional infliction of emotional distress
unjust enrichment

QUESTIONS PRESENTED

1. Whether Bicknell adequately pleaded a RICO pattern of racketeering activity based principally on alleged wire fraud directed at him.
2. Whether the RICO-conspiracy claim survived when the underlying RICO claim failed.
3. Whether Bicknell adequately pleaded fraud, deceit, and constructive fraud against Wilhite.
4. Whether Bicknell adequately pleaded intentional infliction of emotional distress against Wilhite.
5. Whether Bicknell adequately pleaded civil conspiracy against Wilhite.
6. Whether Bicknell adequately pleaded unjust enrichment against Wilhite and Hedrick.

HOLDINGS

1. The complaint did not adequately allege closed-ended continuity sufficient to establish a RICO pattern of racketeering activity. Although the alleged conduct lasted long enough to satisfy the duration consideration, the alleged scheme targeted one victim, pursued one discrete goal, involved little variety in predicate acts, produced one principal type of injury, and lacked sufficient extensiveness or potential to extend to other victims.
2. The RICO-conspiracy claim against Wilhite failed because the underlying RICO claim was dismissed.
3. The complaint adequately pleaded fraud and deceit against Wilhite because it alleged that he participated in sending materially false religious communications and that he received an advantage from the alleged constructive fraud.
4. The complaint adequately pleaded intentional infliction of emotional distress under Oklahoma law.
5. The complaint adequately pleaded civil conspiracy against Wilhite.
6. The complaint adequately pleaded unjust enrichment against Wilhite and Hedrick, including a sufficient connection between Bicknell's expenditures and Hedrick's alleged enrichment and sufficient allegations of wrongdoing and lack of an adequate legal remedy.

KEY QUOTATIONS

“To survive a motion to dismiss, “a plaintiff must plead sufficient factual allegations ‘to state a claim to relief that is plausible on its face.’” (at 8)

““[C]losed-ended continuity consists of a closed period of repeated, related racketeering acts that do not necessarily threaten future repetition.”” (at 10)

“Without a threat of continued illegal activity, a single scheme rarely supports finding continuity.” (at 14)

“The second element of this tort requires proof that the defendant’s conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency, and that such conduct is regarded as atrocious and utterly intolerable in a civilized community.” (at 21)

“The essential elements of civil conspiracy are: (1) two or more persons; (2) an object to be accomplished; (3) a meeting of the minds on the object or course of action; (4) one or more unlawful, overt acts; and (5) damages as the proximate result.” (at 24)

FACTUAL BACKGROUND

Bicknell, a 91-year-old businessman and major Pizza Hut franchisee, was the sole or principal financial backer of the proposed American Heartland theme park project. He alleged that Wilhite and Silanskas sent him fabricated religious communications purporting to be messages from God and from a fictional nun, while Hedrick allegedly supplied false or unreliable feasibility information and representations about the project's prospects and personnel. Bicknell alleged that he transferred more than \$60 million to the project, that defendants received substantial compensation or other benefits, and that the project ultimately ran out of funds and halted construction.

PROCEDURAL HISTORY

Bicknell filed suit against Silanskas, Wilhite, and Hedrick. Wilhite moved to dismiss all claims asserted against him, and Hedrick moved to dismiss the unjust-enrichment claim asserted against him. The court dismissed Bicknell's RICO and RICO-conspiracy claims against Wilhite without prejudice, denied Wilhite's motion as to the remaining claims, denied Hedrick's motion, and allowed Bicknell fourteen days to file a proper motion to amend.

DISPOSITION

other

CASES CITED

- *Brokers' Choice of Am., Inc. v. NBC Universal, Inc.*, 861 F.3d 1081, 1104 (10th Cir. 2017)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 686-87 (2009)
- *Diversey v. Schmidly*, 738 F.3d 1196, 1199 (10th Cir. 2013)
- *Koch v. Koch Indus., Inc.*, 203 F.3d 1202, 1236 (10th Cir. 2000)
- *Clinton v. Sec. Benefit Life Ins. Co.*, 63 F.4th 1264, 1277, 1280 (10th Cir. 2023)
- *George v. Urb. Settlement Servs.*, 833 F.3d 1242, 1255 (10th Cir. 2016)
- *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 481-82, 496 n.14 (1985)
- *BancOkla. Mortg. Corp. v. Cap. Title Co.*, 194 F.3d 1089, 1102 (10th Cir. 1999)
- *Robbins v. Wilkie*, 300 F.3d 1208, 1210 (10th Cir. 2002)

- Johnson v. Heath, 56 F.4th 851, 858-62 (10th Cir. 2022)
- H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239, 241 (1989)
- Boone v. Carlsbad Bancorp., Inc., 972 F.2d 1545, 1555 (10th Cir. 1992)
- Resol. Tr. Corp. v. Stone, 998 F.2d 1534, 1544-45 (10th Cir. 1993)
- Boyle v. United States, 556 U.S. 938 (2009)
- SIL-FLO, Inc. v. SFHC, Inc., 917 F.2d 1507, 1516 (10th Cir. 1990)
- Petco Petroleum Corp. v. West, No. 19-CV-439-GKF-SH, 2021 WL 6053682, at *5 (N.D. Okla. July 12, 2021)
- Gaddy v. Corp. of the President of the Church of Jesus Christ of Latter-Day Saints, 148 F.4th 1202, 1218 (10th Cir. 2025)
- Modoc Nation v. Bohl, No. 19-CV-588-JDR-JFJ, 2024 WL 4643701, at *2-5 (N.D. Okla. Oct. 30, 2024)
- United States v. Zander, 794 F.3d 1220, 1230 (10th Cir. 2015)
- Lillard v. Stockton, 267 F. Supp. 2d 1081, 1111 (N.D. Okla. 2003)
- Bowman v. Presley, 2009 OK 48, ¶ 13, 212 P.3d 1210, 1217-18
- Sutton v. David Stanley Chevrolet, Inc., 2020 OK 87, ¶ 13, 475 P.3d 847, 854
- Est. of Trentadue ex rel. Aguilar v. United States, 397 F.3d 840, 855-56 & n.7 (10th Cir. 2005)
- Computer Publ'ns, Inc. v. Welton, 2002 OK 50, ¶¶ 8-9, 13, 49 P.3d 732, 735-36
- Durham v. McDonald's Restaurants of Okla., Inc., 2011 OK 45, ¶¶ 9, 13, 256 P.3d 64, 67-68
- Mengert v. United States, 120 F.4th 696, 712-13 (10th Cir. 2024)
- Johnson v. Spirit Aerosystems, Inc., No. 20-CV-00138-GKF-FHM, 2020 WL 12800851, at *3 (N.D. Okla. Aug. 4, 2020)
- CitiFin. Mortg. Co. v. Frasure, No. 06-CV-160-TCK-PJC, 2008 WL 2199496, at *7 (N.D. Okla. May 23, 2008)
- Brock v. Thompson, 1997 OK 127, ¶ 39, 948 P.2d 279, 294
- Clinton HMA, LLC v. Clinton Hosp. Auth., No. CIV-22-569-J, 2023 WL 5668016, at *7 (W.D. Okla. July 25, 2023)
- Schovanec v. Archdiocese of Okla. City, 2008 OK 70, ¶ 46, 188 P.3d 158, 175
- Shadid v. Monsour, 1987 OK CIV APP 48, ¶ 18, 746 P.2d 685, 689
- N. Texas Prod. Credit Ass'n v. McCurtain Cnty. Nat. Bank, 222 F.3d 800, 815 (10th Cir. 2000)
- Randle v. City of Tulsa, 2024 OK 40, ¶¶ 26, 31, 33, 556 P.3d 612, 620-22
- Tillman ex rel. Est. of Tillman v. Camelot Music, Inc., 408 F.3d 1300, 1309 (10th Cir. 2005)
- Lapkin v. Garland Bloodworth, Inc., 2001 OK CIV APP 29, ¶¶ 7-8, 23 P.3d 958, 961-62
- Dollar Rent A Car Sys., Inc. v. P.R.P. Enters., Inc., No. 01-CV-698-JHP-FHM, 2006 WL 1266515, at *27 (N.D. Okla. May 8, 2006)
- Northmarq Cap., L.L.C. v. Kabani, No. 24-CV-00073-SH, 2024 WL 4467522, at *10 (N.D. Okla. Oct. 10, 2024)
- McAnulty v. Standard Ins. Co., 81 F.4th 1091, 1098 (10th Cir. 2023)

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