

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Oscar Brownfield v. Cherokee County School District No. 35 a/k/a
Tahlequah Public Schools, Leon Ashlock, Mat Cloud, and Deann
Mashburn

Case No. CIV-21-312-GLJ · No. CIV-21-312-GLJ · Decided March 5, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma addresses cross-motions for summary judgment in Oscar Brownfield’s action against Tahlequah Public Schools and individual defendants. The court grants defendants’ motion on all claims except Brownfield’s Title IX retaliation claim against the school district, based on factual disputes concerning his coaching position and substitute-teacher status, and denies Brownfield’s motion. The court holds his Rule 11 sanctions motion in abeyance pending a show-cause hearing.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	Gerald L. Jackson
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	March 5, 2026
DOCKET	CIV-21-312-GLJ
DISPOSITION	other
PROCEDURAL POSTURE	The parties filed cross-motions for summary judgment concerning Title IX retaliation, Title VII retaliation, and First Amendment claims under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Summary judgment is appropriate when the record shows no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed evidence in the light most favorable to the nonmoving party and applied the McDonnell Douglas burden-shifting framework to the Title IX and Title VII retaliation claims. First Amendment retaliation claims were evaluated under the constitutional elements requiring protected activity, an injury that would chill a person of ordinary firmness, and retaliatory motivation.

PRECEDENTIAL VALUE	unknown
PARTIES	Oscar Brownfield v. Cherokee County School District No. 35 a/k/a Tahlequah Public Schools, Leon Ashlock, Mat Cloud, Deann Mashburn

TOPICS

retaliation summary judgment section 1983 civil rights employment law

PRACTICE AREAS

employment law civil rights constitutional law civil procedure

QUESTIONS PRESENTED

1. Whether genuine disputes of material fact precluded summary judgment on Brownfield's Title IX retaliation claim based on his alleged removal from the youth wrestling coaching position and the TPS substitute-teacher list.
2. Whether the October 2019 letter, standing alone, constituted a materially adverse action for purposes of Title IX retaliation.
3. Whether TPS was entitled to summary judgment on Brownfield's Title VII retaliation claim arising from his nonselection for a 2021 teaching and coaching position.
4. Whether Brownfield established the elements of First Amendment retaliation under 42 U.S.C. § 1983 against TPS and the individual defendants.
5. Whether the individual defendants were entitled to qualified immunity.

HOLDINGS

1. Summary judgment was denied because genuine disputes of material fact remained regarding whether TPS influenced or controlled Brownfield's removal from the youth wrestling coaching position and whether and why TPS personnel removed him from the substitute-teacher list after his protected Title IX activity.
2. The October 2019 letter, which addressed Brownfield's requested board meeting and warned him about conduct toward school staff, was not a materially adverse action because it would not dissuade a reasonable person from engaging in protected activity.
3. TPS was entitled to summary judgment on the Title VII retaliation claim because Brownfield failed to show that TPS's legitimate, nondiscriminatory reasons for not interviewing or hiring him were pretextual.
4. TPS and the individual defendants were entitled to summary judgment on Brownfield's First Amendment claims because the undisputed facts did not show an injury that would chill a person of ordinary firmness from continuing to engage in protected activity.

5. Ashlock, Cloud, and Mashburn were entitled to qualified immunity because Brownfield failed to establish that they violated a constitutional or statutory right.

KEY QUOTATIONS

“While not unrelated to the Title IX claim, as the requested Title IX hearing with the School Board is discussed in the letter, the letter does not constitute an action that would dissuade a reasonable person from engaging in protected activity.” (at 13)

“As such, “this circuit has held that ‘McDonnell Douglas has no useful role to play in First Amendment retaliation cases.’” (at 19)

“The undisputed facts, as interpreted in favor of Plaintiff as the nonmoving party, do not meet the rigorous objective standard of actions that would chill a person of ordinary firmness.” (at 22)

FACTUAL BACKGROUND

Brownfield served as a volunteer youth wrestling coach affiliated with the Boys and Girls Club of Tahlequah and worked intermittently as a TPS substitute teacher. In September 2019, he published a Facebook post criticizing disparate treatment of female student athletes and made a Title IX complaint to TPS officials. He later complained to the Office for Civil Rights and entered a resolution agreement with TPS. Brownfield alleged that TPS influenced his removal from the youth wrestling coaching position and the substitute-teacher list and retaliated against him by not interviewing or hiring him for a 2021 teaching and coaching position.

PROCEDURAL HISTORY

Brownfield filed the action in Oklahoma state court on September 10, 2021. Defendants removed it to the Eastern District of Oklahoma on October 18, 2021. After amendment and partial dismissal, the remaining claims were Title IX retaliation against TPS, First Amendment claims against TPS and individual defendants, Title VII retaliation against TPS, and First Amendment retaliation claims against TPS and Mat Cloud. The court granted Defendants' motion for summary judgment on all claims except the Title IX retaliation claim concerning Brownfield's removal from the youth wrestling coach position and the substitute-teacher list, denied Brownfield's cross-motion, and held his Rule 11 sanctions motion in abeyance.

DISPOSITION

other

CASES CITED

- *McGirt v. Oklahoma*, 591 U.S. 894 (2020)
- *Oklahoma v. Castro-Huerta*, 597 U.S. 629, 635 (2022)
- *United States v. Budder*, 601 F. Supp. 3d 1105, 1114 (E.D. Okla. 2022), affirmed, 76 F.4th 1007 (10th Cir. 2023)
- *Jackson v. Birmingham Board of Education*, 544 U.S. 167, 173 (2005)
- *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-805 (1973)

- *Hiatt v. Colorado Seminary*, 858 F.3d 1307, 1315 n.8, 1316 (10th Cir. 2017)
- *Morgan v. Hilti, Inc.*, 108 F.3d 1319, 1323 (10th Cir. 1997)
- *Nave v. Independent School District No. 20 of LeFlore County*, 2018 WL 6419296, at *6 (E.D. Okla. Dec. 6, 2018)
- *Trans World Airlines, Inc. v. Thurston*, 469 U.S. 111, 121 (1985)
- *Texas Department of Community Affairs v. Burdine*, 450 U.S. 248, 254 (1981)
- *Kincaid v. Unified School District No. 500*, 645 F. Supp. 3d 1134, 1162 (D. Kan. 2022), affirmed, 94 F.4th 936 (10th Cir. 2024)
- *Walkingstick Dixon v. Oklahoma ex rel. Regional University System of Oklahoma Board of Regents*, 125 F.4th 1321, 1339 (10th Cir. 2025)
- *Anderson v. Coors Brewing Co.*, 181 F.3d 1171, 1179 (10th Cir. 1999)
- *Proctor v. United Parcel Service*, 502 F.3d 1200, 1208 (10th Cir. 2007)
- *Doerr v. Colorado Division of Youth Services*, 95 Fed. Appx. 295, 298 (10th Cir. 2004)
- *Conner v. Schnuck Markets, Inc.*, 121 F.3d 1390, 1395 (10th Cir. 1997)
- *Mauldin v. Wormuth*, 713 F. Supp. 3d 1132, 1147 (E.D. Okla. 2024), affirmed sub nom. *Mauldin v. Driscoll*, 136 F.4th 984 (10th Cir. 2025)
- *Frappied v. Affinity Gaming Black Hawk, LLC*, 966 F.3d 1038, 1058 (10th Cir. 2020)
- *EEOC v. Flasher Co.*, 986 F.2d 1312, 1316 & n.4 (10th Cir. 1992)
- *Jaramillo v. Colorado Judicial Department*, 427 F.3d 1303, 1308 (10th Cir. 2005)
- *Pioneer Centres Holding Co. Employee Stock Ownership Plan & Trust v. Alerus Financial, N.A.*, 858 F.3d 1324, 1334 (10th Cir. 2017)
- *VDARE Foundation v. City of Colorado Springs*, 11 F.4th 1151, 1160 (10th Cir. 2021)
- *Schaffer v. Salt Lake City Corp.*, 814 F.3d 1151, 1156 (10th Cir. 2016)
- *Pembaur v. City of Cincinnati*, 475 U.S. 469, 478-480 (1986)
- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 691-694 (1978)
- *Brammer-Hoelter v. Twin Peaks Charter Academy*, 602 F.3d 1175, 1188-1189 (10th Cir. 2010)
- *Hinton v. City of Elwood, Kansas*, 997 F.2d 774, 782 (10th Cir. 1993)
- *Brown v. Montoya*, 662 F.3d 1152, 1164-1165 (10th Cir. 2011)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009)
- *Dodds v. Richardson*, 614 F.3d 1185, 1199 (10th Cir. 2010)
- *Van Deelen v. Johnson*, 535 F. Supp. 2d 1227, 1232-1234 (D. Kan. 2008)
- *Boy Scouts of America v. Dale*, 530 U.S. 640, 678 (2000)
- *Cox v. State of Louisiana*, 379 U.S. 536, 554-555 (1965)
- *National Association for Advancement of Colored People v. State of Alabama ex rel. Patterson*, 357 U.S. 449, 460-461, 463 (1958)
- *Thomas v. Collins*, 323 U.S. 516, 530 (1945)
- *Raggi, An Independent Right to Freedom of Association*, 12 Harv. C.R.-C.L.L. Rev. 1, 1 (1977)
- *Roberts v. Winder*, 16 F.4th 1367, 1381 (10th Cir. 2021)

- Walton v. Powell, 821 F.3d 1204, 1210 (10th Cir. 2016)
- Wolford v. Lasater, 78 F.3d 484, 488 (10th Cir. 1996)
- Smith v. Plati, 258 F.3d 1167, 1177 (10th Cir. 2001)
- Douglass v. Garden City Community College, 652 F. Supp. 3d 1329, 1349 (D. Kan. 2023)
- How v. City of Baxter Springs, Kansas, 217 Fed. Appx. 787, 798 (10th Cir. 2007)
- Taylor v. City of Claremore, 2019 WL 3482965, at *9 (N.D. Okla. July 31, 2019)
- Valdez v. New Mexico, 109 Fed. Appx. 257, 263 (10th Cir. 2004)
- Pearson v. Callahan, 555 U.S. 223, 231 (2009)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Lewis v. Tripp, 604 F.3d 1221, 1225 (10th Cir. 2010)
- Mitchell v. Forsyth, 472 U.S. 511, 526 (1985)
- Bowling v. Rector, 584 F.3d 956, 964 (10th Cir. 2009)
- Green v. Dorrell, 969 F.2d 915, 917 (10th Cir. 1992)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005)
- Nielsen v. Price, 17 F.3d 1276, 1277 (10th Cir. 1994)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)
- Adickes v. S. H. Kress & Co., 398 U.S. 144, 157 (1970)
- Lounds v. Lincare, Inc., 812 F.3d 1208, 1221 (10th Cir. 2016)
- Beaird v. Seagate Technology, Inc., 145 F.3d 1159, 1177 (10th Cir. 1998) (Tacha, J., concurring in part)
- Randle v. City of Aurora, 69 F.3d 441, 451-452 & n.15 (10th Cir. 1995)
- Shaw v. T-Mobile, 2020 WL 5231309, at *6 (D. Kan. Sept. 2, 2020)
- MacCormack v. City of Prairie Village, Kansas, 2001 WL 58838, at *4 (D. Kan. Jan. 17, 2001)