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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA

DR. JIM SISNEY, an individual	)
Plaintiff,	)
v.	) Case No.CJ-2008-06173
	) Judge Daman Cantrell
MARYANNE FLIPPO, SHARI WILKINS,	)
SHARON WHELPLEY, as individuals	)
and in their official capacities	)
as Members of the Broken Arrow	)
Public School Board of Education,	)
And	)
INDEPENDENT SCHOOL DISTRICT	)
NO. 3 OF TULSA COUNTY	)
Defendants.	)

DISTRICT COURT  
**FILED**

SEP - 4 2012

SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLA. TULSA COUNTY

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER**

Defendants Broken Arrow School Board and Broken Arrow School District have filed a Motion for Protective Order regarding a subpoena seeking to obtain public records. Defendants suggest that the documents sought are not relevant and should be protected from discovery.

Plaintiff believes the documents are relevant.<sup>1</sup> These documents are public records and defendants lack authority to seek protection of the documents. Specifically, the documents have been made relevant by the defendants who are also counter claimants against the Plaintiff.

On May 14, 2012, defendants/counter claimants, Flippo, Whelply and Wilkins listed on their Witness and Exhibit List as Exhibit "1" documents which they subpoenaed from Windstream Corporation regarding 2007 Final Four tickets. (Defendants' Witness and Exhibit List attached as Exhibit "A"). In response to this listing, Plaintiff sought via

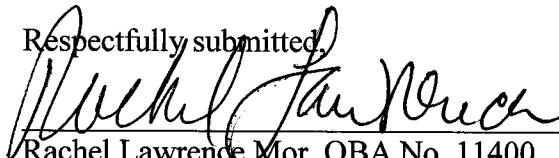
<sup>1</sup> The documents have been received by the Plaintiff having received them either on or before the defendants filed their ill conceived motion.

2012 SEP - 4 11 A M S H

subpoena the underlying documents and contracts with Windstream Corporation which were held in the custody and control of Kellogg and Sovereign Consulting. The relevance of the documents was addressed in a discovery conference with Mr. Bo Rainey and in a letter from Plaintiff's counsel. Further, these documents are public records and not subject to any type of protective order.

Wherefore, Plaintiff respectfully requests that the Court deny defendants' motion for a protection of the public documents relevant to accusations and exhibits submitted by the defendants.

Respectfully submitted,



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Rachel Lawrence Mor, OBA No. 11400  
3037 NW 63<sup>rd</sup> Street, Suite 200  
Oklahoma City, OK 73116  
(405) 562-7771 (Telephone)  
(405) 285-9350 (Facsimile)  
**ATTORNEY FOR PLAINTIFF**

### **CERTIFICATE OF SERVICE**

I certify that on the August 31, 2012, a true and correct copy of the above and foregoing document was delivered upon Service via U.S. Mail, postage prepaid thereon, to:

Kent B. Rainey, Esquire  
ROSENSTEIN, FIST & RINGOLD  
525 South Main, Suite 700  
Tulsa, OK 74103

Phyllis L. Walta, Esquire  
Monika Turek, Esquire  
WALTA & WALTA  
120 East Oklahoma  
P.O. Box 398  
Hennessey, OK 73742

  
Rachel Lawrence Mor

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA**

DR. JIM SISNEY, an individual,

Plaintiff,

vs.

Case No. CJ-2008-06173

MARYANNE FLIPPO, an individual;  
SHARI WILKINS, an individual; and  
SHARON WHELPLEY, an individual,  
INDEPENDENT SCHOOL DISTRICT  
NO. 3 OF TULSA COUNTY, a Political  
Subdivision,

Defendants.

**THE DEFENDANTS' MARYANNE FLIPPO, SHARI WILKINS AND  
SHARON WHELPLEY'S PRELIMINARY WITNESS AND EXHIBIT LIST**

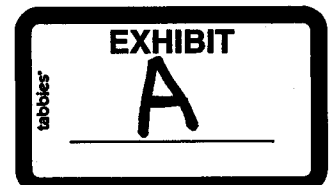
**WITNESSES**

1. Plaintiff, Dr. Jim Sisney

Rachel Lawrence Mor  
Michael J. Blaschke  
S. Randall Sullivan  
Attorneys at Law  
3037 NW 63<sup>rd</sup> Street, Suite 200  
Oklahoma City, OK 73116

2. Mike Rampey

c/o Graydon Dean Luthey, Jr.  
HALL, STILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.  
320 South Boston Avenue, Suite 200  
Tulsa, Oklahoma 74103-3706



3. Douglas Hudkins  
c/o Clark O. Brewster  
Mark Jennings  
BREWSTER & DE ANGELIS, P.L.L.C.  
2617 East 21st Street  
Tulsa, Oklahoma 74114
4. Defendant, Maryanne Flippo  
c/o Phyllis Walta  
WALTA & WALTA  
120 East Oklahoma  
Hennessey, Oklahoma 73742
5. Defendant, Shari Wilkins  
c/o Phyllis Walta  
WALTA & WALTA  
120 East Oklahoma  
Hennessey, Oklahoma 73742
6. Defendant, Sharon Whelpley  
c/o Phyllis Walta  
WALTA & WALTA  
120 East Oklahoma  
Hennessey, Oklahoma 73742
7. Terry Stover  
c/o Rosenstein, Fist & Ringold  
525 S. Main, Suite 700  
Tulsa, Oklahoma 74103
8. Stephanie Updike  
c/o Rosenstein, Fist & Ringold  
525 S. Main, Suite 700  
Tulsa, Oklahoma 74103
9. Dr. Gary Gerber  
c/o Rosenstein, Fist & Ringold  
525 S. Main, Suite 700  
Tulsa, Oklahoma 74103
10. State Representative Mike Ritze  
c/o James Dunn  
JAMES DUNN AND ASSOCIATES PLLC  
116 S. Walker Ave.  
Oklahoma City, OK 73102
11. State Representative Mike Reynolds  
c/o James Dunn  
JAMES DUNN AND ASSOCIATES PLLC  
116 S. Walker Ave.  
Oklahoma City, OK 73102

12. John Lare  
8308 South 8<sup>th</sup>  
Broken Arrow, Oklahoma 74011
13. Thurman Lee Sisney  
General Counsel  
TKT & Associates, Inc.  
2304 Hurstbourne Village Drive  
Louisville, KY 42152
17. Chris Tharp  
Broken Arrow, Oklahoma
18. Beth Snellgrove  
C/O Thurman Lee Sisney  
General Counsel  
TKT & Associates, Inc.  
2304 Hurstbourne Village Drive  
Louisville, KY 42152
19. Sheri Combs  
State Auditor and Inspector's Office  
2300 N. Lincoln Blvd., Suite 100  
Oklahoma City, OK 73105
20. Representative  
State Auditor and Inspector's Office  
2300 N. Lincoln Blvd., Suite 100  
Oklahoma City, OK 73105
21. Maj. Mark Irwin  
Broken Arrow Police Department  
220 S. First Street  
Broken Arrow, Oklahoma 74012
22. Bob Lewis  
Broken Arrow, Oklahoma
23. Ann Wade  
c/o Rosenstein, Fist & Ringold  
525 S. Main, Suite 700  
Tulsa, Oklahoma 74103
24. Any witnesses listed by the Plaintiff  
not objected to by the Defendants.

As discovery is continuing, the Defendants reserve the right to amend this Witness list.

**EXHIBITS**

1. Records obtained by subpoena from Windstream Communications concerning Jim Sisney and Thurman Lee Sisney's free trip provided by Windstream to the Final Four basketball tournament in Windstream's private suite
2. E-mail from Trish Williams to Mark Bilby with a copy to Jim Sisney, dated November 16, 2004, re: gratuities from vendors and "how we do *not* do business" and reference to Broken Arrow School District policy concerning the prohibition against receiving gifts from vendors
3. May 11, 2007 e-mail from Thurman Lee Sisney to Jim Sisney, referencing Final Four and being hosted by Windstream
4. Petition dated September 3, 2008, identifying "3 Unnamed Co-Conspirators"
5. Amended Petition listing Flippo, Wilkins and Whelpley dated October 1, 2008.
6. April 29, 2008 correspondence from Maryanne Flippo to fellow board members
7. July 14, 2008 Agenda and Minutes, Broken Arrow School District
8. July 15, 2008 e-mail from Jim Sisney to Stephanie Updike
9. July 15, 2008 "Talking Points Memo" prepared by Jim Sisney for Stephanie Updike
10. July 1, 2008 "Confidential Memo" prepared by Jim Sisney for Broken Arrow school board members
11. July 15, 2008 Agenda and Minutes, Broken Arrow School District
12. July 16, 2008 e-mail from Terry Stover to Jim Sisney
13. Digital Recording of July 16, 2008 telephone message left by Jim Sisney on Maryann Flippo's answering machine
14. July 19, 2008 Letter/Memo from Jim Sisney to Terry Stover "My Thinking at this Time"
15. July 22, 2008 Agenda and Minutes, Broken Arrow School District
16. July 29, 2008 Excel spreadsheets prepared at the direction of Jim Sisney, list of BA school district employees who had been paid for sick leave in excess of 120 days, with e-mails to and from Sisney

17. July 29, 2008 e-mail from Wilkins to Stover
18. July 30, 2008 e-mail from Mike Rampey to Sisney
19. August 1, 2008 email from Cathy Metavalis to Jim Sisney, re: information requested by Sisney on sick leave payments to employees
20. August 2, 2008 e-mail from Sisney to Updike
21. "Talking Points Memo" prepared by Sisney for Updike for August 4<sup>th</sup> board meeting, attached to August 2, 2008 e-mail
22. August 3, 2008, e-mail from Sisney to Updike with timeline attached
23. Photo of hand-written sticky note posted at the front desk of the administration offices at the direction of Jim Sisney, with the following language:

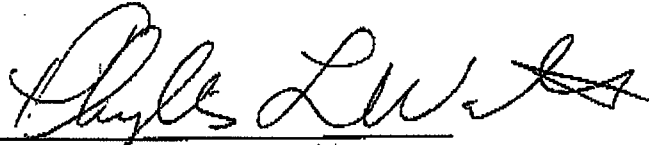
"Do NOT [*emphasized in the note by being underlined 3 times*] let Maryanne Flippo through the locked doors. Call the person she is here to see. They will come up to see her. If she is allowed to go back call Dr. Sisney and let him know she is in the building."
24. August 4, 2008 Agenda and Minutes for Broken Arrow School District
25. August 4, 2008 e-mail from Cathy Metavalis to Jim Sisney, re: follow-up on paid sick leave of district employees
26. August 6, 2008 e-mail from Wilkins to Stover
27. August 6, 2008 e-mail from Stover to Wilkins
28. August 6, 2008 e-mail from Wilkins to Stover
29. August 7, 2008 e-mail from Wilkins to Stover
30. August 7, 2008 e-mail from Thurman Lee Sisney to Jim Sisney, re: "Olive Branch"
31. August 8, 2008 e-mail from Thurman Lee Sisney to Jim Sisney, re: "Maryanne Flippo"
32. August 8, 2008 e-mail from Thurman Lee Sisney to Jim Sisney, re: "Narissa Rampey"
33. August 8, 2008 e-mail from Thurman Lee Sisney to Jim Sisney, re: "Mike Rampey"
34. August 9, 2008 e-mail from Thurman Lee Sisney to Jim Sisney, re: "Talking Points for Stephen Peters"



35. August 9, 2008 e-mail from Jim Sisney to Thurman Lee Sisney
36. August 10, 2008 e-mail from Jim Sisney to Stephanie Updike, re: Tuesday, August 12, 2008 school board meeting
37. Attachment to August 10, 2008 e-mail from Sisney to Updike, "Board Agendas"
38. Attachment to August 10, 2008 e-mail from Sisney to Updike, "Motives"
39. Attachment to August 10, 2008 e-mail from Sisney to Updike, spreadsheet on attorney fee analysis
40. Attachment to August 10, 2008 e-mail from Sisney to Updike, spreadsheet on legal fees
41. August 11, 2008 e-mail from Sisney to State Representative elect- Dr. Mike Ritze
42. Video of August 12, 2008 Broken Arrow School Board meeting
43. August 14, 2008 e-mail from Thurman Lee Sisney to Jim Sisney, "Stay the victim"
44. August 15, 2008 letter from Stephen Peters to Doug Mann
45. August 16, 2008 e-mail from Thurman Lee Sisney to Jim Sisney
46. August 16, 2008 e-mail from John Lare to Lee Sisney (first e-mail)
47. August 16, 2008 e-mail from John Lare to Lee Sisney (second e-mail)
48. August 21, 2008 Editorial published in the Broken Arrow Ledger
49. Police Report filed by John Lare with Broken Arrow Police Department
50. Police Report filed by Jim Sisney with Broken Arrow Police Department
51. Search Warrant and return filed by Broken Arrow Police Department with informant's name hidden
52. August 25, 2008 Broken Arrow School District agenda and minutes
53. Videotape of August 25, 2008 Broken Arrow School Board meeting
54. News reports of August 25, 2008 meeting (News6, Tulsa World, Fox News, News8, Broken Arrow Ledger reports)
55. Petition for Removal of Office filed by John Lare

56. September 9, 2008 e-mail from Jim Sisney to Maryannee Flippo
57. September 9, 2008 e-mail from Maryanne Flippo to Jim Sisney
58. September 30, 2008 notification of special meeting to determine if Jim Sisney should be suspended
59. October 2, 2008 Police Report filed by John Lare with BA Police Department concerning Flippo, Wilkins and Whelpley
60. October 6, 2008 Agenda and Minutes of Broken Arrow School District
61. October 8, 2008 Letter to Jim Sisney notifying him of possible grounds for his dismissal as an administrator with the Broken Arrow School District
62. October 16, 2008 request by John Lare to circulate a Grand Jury Petition
63. Stephanie Updike notes, including reference to October 18, 2008 incident where she "followed" Maryanne Flippo
64. October 22, 2008, Taxpayer Lawsuit filed by John Lare
65. October 23, 2008 Agenda and Minutes of Broken Arrow School District
66. Contract of Jim Sisney and Broken Arrow School District for 2008.
67. December 17, 2008 police report filed by John Lare and Jim Sisney with BA Police Department, including all records submitted with the report
68. January 7, 2009 "Taxpayer Demand" filed with the Broken Arrow School District by John Lare
69. January 16, 2009 article in Broken Arrow Ledger where Jim Sisney alleges criminal activity and massive coverup since 1990
70. January 30, 2009 press release by State Representative Mike Reynolds concerning payment of sick leave from years past to employees of Broken Arrow School District, specifically naming Cheryl Kelly and Gary Gerber
71. February 4, 2009 article in Broken Arrow Ledger titled "Police Looking At Possible Criminal Activity at BAPS."
72. May 4, 2009 press release issued by State Representative Mike Reynolds stating he had obtained a copy of a confidential legal memorandum prepared by Doug Mann

73. June 10, 2009 article in Broken Arrow Ledger titled "Three Amigos Blamed for Teacher Loss"
74. E-mail from Walta to Broken Arrow Ledger, June 10, 2009, complaining about article title in BA Ledger article
75. September 3, 2008 video of press conference called by Jim Sisney and Gary Richardson to announce filing of lawsuit against 3 unnamed co-conspirators, Sisney referring to "lynch mob" and "conspiratorial mystery" and that the 3 unnamed co-conspirators would be named at a later date.
76. Tulsa World article, September 4, 2008, concerning filing of litigation
77. BA Ledger article, September 4, 2008, concerning filing of litigation
78. October 2, 2008 Tulsa World article, with quotes by Gary Richardson, attorney for Jim Sisney about the adding of Flippo, Wilkins and Whelpley as the now named co-conspirators in the October 1, 2008 Amended Petition: "They put us in this position."
79. Jim Sisney's employment contracts with Sperry School District
80. "Witness Statement" of Mark Bilby dated October 23, 2008 and presented to the Broken Arrow Police Department
81. Income tax return of Dr. Jim Sisney for 2008, 2009 and 2010.
82. Records of all income received by Dr. Sisney since January 1, 2009.
83. Applications for employment by Jim Sisney since January 1, 2008.
84. Broken Arrow Ledger article dated October 3, 2008, with quote from Gary Richardson: "You can't stop people from doing foolish things, of course. If you could, we wouldn't need our prison system."
85. As discovery is continuing, the Defendants reserve the right to amend this Exhibit List.



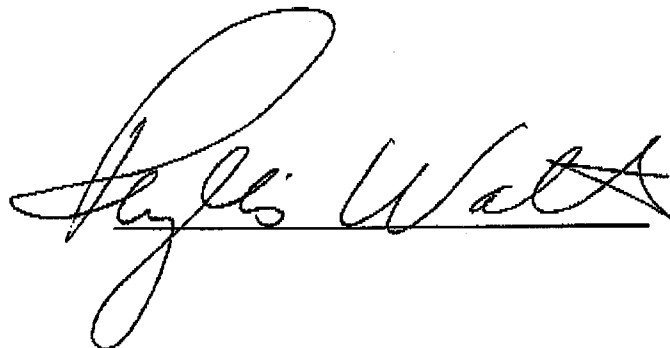
Phyllis L. Walta OBA # 9331  
WALTA & WALTA  
Attorneys at Law  
120 East Oklahoma  
Hennessey, Oklahoma 73742  
(405) 853-2346/ (405) 853-2462 (Facsimile)  
phyllis@waltalaw.com

**CERTIFICATE OF SERVICE**

This is to certify that on this the 14th day of May, 201e, a true and correct copy of the above and foregoing Witness and Exhibit List was mailed, postage prepaid, to the following counsel of record:

Rachel Lawrence Mor  
Michael J. Blaschke  
S. Randall Sullivan  
Attorneys at Law  
3037 NW 63<sup>rd</sup> Street, Suite 200  
Oklahoma City, OK 73116

Kent B. Rainey  
Rosenstein, Fist & Ringold  
525 South Main, Suite 700  
Tulsa, OK 74103  
(918) 585-9211  
Fax: (918) 583-5617  
Attorney for the Defendant  
Broken Arrow School District



WALTA & WALTA  
Attorneys at Law  
120 E. Oklahoma  
Hennessey, Oklahoma 73742

Frank E. Walta  
Phyllis L. Walta

Telephone: (405) 853-2346  
Facsimile: (405) 853-2462  
E-mail: frank@waltalaw.com

### FACSIMILE TRANSMISSION FORM

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TO: Rachel Mor

Re: Sisney vs. Flippo, Wilkins, and Whelpley  
Case No. CJ-2008-06173

FAX: (405) 285-9350

Date Sent: May 14, 2012

This transmission consists of this cover sheet plus 09 page(s) being transmitted.

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COMMENTS: