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

DR. JIM SISNEY, an individual,)
)
Plaintiff,)
)
v.)
)
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.)

Case No. CJ-2008-06173
Judge Daman Cantrell

DISTRICT COURT
FILED

SEP 17 2012

SALLY HOWE SMITH, CLERK
STATE OF OKLA. TULSA COUNTY

AN EMERGENCY MOTION FOR STAY/CONTINUANCE/PROTECTIVE
ORDER IN THE CIVIL CASE PENDING COMPLETION OF CRIMINAL
PROCEEDING

SEP 17 PM 1:30
SALLY HOWE SMITH
CLERK
COURT CLERK

Plaintiff, Dr. Jim Sisney, moves this Court to enter a continuance or stay of this civil case until the adjudication of criminal proceedings filed by the State of Oklahoma against him in CF-2012-3842. 12 O.S. § 667 provides that, "The court may, for good cause shown, continue an action at any stage of the proceedings upon terms as may be just..."

As grounds for the stay, Dr. Sisney presents the Court with the following:

1. Plaintiff Sisney filed this civil action against the Broken Arrow School District and three School Board Members, Flippo, Whelply and Wilkins based upon his termination as Superintendent of Broken Arrow Public Schools. The School Board Members filed a counter claim against Sisney.

2. On April 2, 2012, this Court entered a scheduling order setting the pretrial for November 19, 2012 and discovery cut off for November 2, 2012.

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3. On August 30, 2012, the Tulsa County District Court unsealed an Indictment arising from the Multicounty Grand Jury in which Jim Sisney is charged with two felony counts for Bribery, 21 O.S. § 382 and Conspiracy against a School District, 21 O.S. § 424. (Exhibit "A")

4. Dr. Sisney is represented by the firm of Norman Wohlgemuth Chandler & Dowdell in the criminal case. The preliminary hearing will take place sometime in October, 2012.

5. A review of the indictment reveals that the defendants in this case, school board members Maryanne Flippo, Shari Wilkins and Sharon Whelpley testified against Dr. Sisney before the multicounty grand jury. It also appears that the defendants' attorney Phyllis Walta also testified against Sisney before the grand jury. Other witnesses who are listed on the Defendants witness list, such as Gary Gerber, Wes Smithwick and Dwayne Thompson, testified against Sisney before the grand jury.

6. Since the unsealing of the Indictment on August 30, 2012, Defendants have begun a frenzy of discovery activity and served Sisney with six (6) separate discovery requests documents and noticed him for deposition on October 4, 2012. Some of the discovery requests appear to be geared toward discovery for the criminal case.

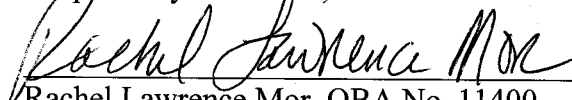
7. The Defendants have also scheduled depositions for the month of September and October due to the pretrial schedule and discovery cut off in November.

The criminal case against Dr. Sisney requires his full attention, time and effort as well as the full attention of his defense attorneys. Dr. Sisney should not be subjected to being deposed by those individuals and counsel who testified against him before the grand jury and who will likely testify for the state in the criminal trial. The Plaintiff

requests this Court enter an order which directs that all discovery in the civil matter immediately cease.

In the interest of justice, the Plaintiff's constitutionally guaranteed rights and privileges, judicial economy, and in order to avoid prejudice, harassment and undue burden, Plaintiff Sisney requests this Court order that this civil action be stayed or continued until the conclusion of the criminal case.

Respectfully submitted,


Rachel Lawrence Mor, OBA No. 11400

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CERTIFICATE OF SERVICE

I certify that on September 17, 2012, a true and correct copy of the above and foregoing document was mailed to the Tulsa County District Court Clerk for filing and delivered via U.S. Mail, postage prepaid thereon, to:

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