

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**JIM SISNEY, an individual,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **INDEPENDENT SCHOOL DISTRICT** )  
 **NO. 3 OF TULSA COUNTY, a Political** )  
 **Subdivision; and the BROKEN ARROW** )  
 **SCHOOL BOARD,** )  
 )  
 )  
 **Defendants.** )

**Case Number: 09-CV-253-TCK-PJC**

**PLAINTIFF’S APPLICATION FOR ORDER OF  
DISMISSAL WITHOUT PREJUDICE TO REILING**

**COMES NOW** the Plaintiff, by and through its Attorneys of record, Gary L. Richardson and Charles L. Richardson of Richardson Richardson Boudreaux, and, pursuant to F. Rule Civ. Pro. 41 (a)(2), moves that this Court enter an Order of Dismissal Without Prejudice to Refiling (“the Application”). The following is submitted in support of the Application.

1. On September 3, 2008, Plaintiff Jim Sisney filed a Petition in the Tulsa County District Court against Mike Rampey, Narissa Rampey , Douglas J. Hudkins and Three (3) Unnamed Co-Conspirators, alleging defamation, injurious falsehood, invasion of privacy- false light, tortious interference with a business contract and intentional infliction of emotional distress, based upon assertions of individual and collective actions and/or involvement of those Defendants in unlawful and or wrongful conduct, involving the Broken Arrow School System, its employees and vendors, and said conduct occurring to the detriment of the Plaintiff.

2. On October 1, 2008, Plaintiff Jim Sisney filed an Amended Petition in that court adding school Board Members Maryanne Flippo, Shari Wilkins, Sharon Whelpley and Doug Mann

of Rosenstein, Fist & Ringold, as Defendants. On November 18, 2008, and January 12, 2009, Defendants Narissa Rampey and Doug Mann, respectively, were dismissed by Plaintiff without prejudice.

3. The School Board voted 3-2 to terminate Dr. Sisney's employment with the Broken Arrow School District on October 23, 2008. The Board Members voting in favor of Dr. Sisney's termination were Maryanne Flippo, Shari Wilkins and Sharon Whelpley. The instant Complaint was subsequently filed on April 30, 2009.

4. Through discovery and case development, Counsel has determined that Plaintiff's claims and remedies are not, at this time, of a federal nature, but those that sound in the laws governed by the state courts. Accordingly, in the interest of justice, Plaintiff seeks dismissal of his federal case without prejudice.

5. Counsel for Plaintiff has contacted Counsel for Defendant, Bo Rainey of Rosenstein, Fist & Ringold, and Counsel for Defendant objects to this request.

6. This Application is filed in good faith for those reasons stated herein and will not create unnecessary delay or undue prejudice.

**WHEREFORE** Plaintiff moves this Court for an Order of Dismissal Without Prejudice to Refiling.

Respectfully submitted,

/s/ Gary L. Richardson

Gary L. Richardson, OBA# 7547

Charles L. Richardson, OBA# 13388

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 7th day of October, 2009, a true and correct copy of the foregoing instrument was properly transmitted to:

Kent B. Rainey  
**ROSENSTEIN, FIST & RINGOLD**  
525 South Main, Suite 700  
Tulsa, Oklahoma 74103  
*Attorneys for Defendants*

/s/ Gary L. Richardson  
**RICHARDSON RICHARDSON BOUDREAUX**