

JAMES DAVID SISNEY  
December 22, 2009

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

JIM SISNEY, an individual,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	CASE NO.
	)	09-CV-253-TCK-PJC
INDEPENDENT SCHOOL	)	
DISTRICT NO. 3 OF TULSA	)	
COUNTY, a Political	)	
Subdivision; and the	)	
BROKEN ARROW SCHOOL BOARD,	)	
	)	
Defendants.	)	

\*\*\*\*\*

DEPOSITION OF JAMES DAVID SISNEY

TAKEN ON DECEMBER 22, 2009

IN TULSA, OKLAHOMA

ON BEHALF OF THE DEFENDANT

\*\*\*\*\*

APPEARANCES:

MR. DAVID R. KEESLING and MS. DENISE P. JAMES,  
Attorneys at Law, RICHARDSON, RICHARDSON, BOUDREAUX,  
6450 S. Lewis, Suite 300, Tulsa, Oklahoma 74136, (918)  
492-7674, appearing on behalf of the Plaintiff.

MR. KENT B. RAINEY, Attorney at Law, ROSENSTEIN,  
FIST & RINGOLD, 525 South Main, Suite 700, Tulsa,  
Oklahoma 74103, appearing on behalf of the Defendants.

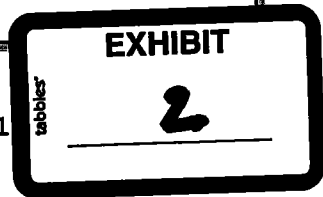
ALSO PRESENT: LEE SISNEY and GARY GERBER

REPORTED BY:

SUSAN G. STOTTS, CSR

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1 JAMES DAVID SISNEY,  
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 MR. RAINEY: Hi. This is Bo Rainey.

5 JOAN: Hi. This is Joan with Judge Cleary.  
6 Mr. Rainey, tell me who else is with you representing  
7 the other side.

8 MR. RAINEY: We have all the parties in the  
9 room with us.

10 JOAN: What attorneys?

11 MR. RAINEY: David Keesling and Denise James  
12 for the plaintiff.

13 JOAN: All right.

14 MR. RAINEY: Myself only for the school  
15 district.

16 JOAN: Okay.

17 MR. RAINEY: And also present is Dr. Gary  
18 Gerber, who is the representative of the district.

19 JOAN: All right.

20 MR. RAINEY: Dr. Sisney, the plaintiff.

21 JOAN: Right.

22 MR. RAINEY: And Dr. Sisney's brother, Lee  
23 Sisney.

24 JOAN: All right. Thank you. I'm going to  
25 call the case. When I do so, we'll ask you again to

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1           **Q.**    Have you had an opportunity to speak with  
2           your counsel regarding a deposition?

3           **A.**    Briefly.

4           **Q.**    Okay.  Before we get into that, you're  
5           represented here today by your counsel,  
6           Mr. Keesling and Ms. James, correct?

7           **A.**    Yes, sir.

8           **Q.**    There's another gentleman here who I  
9           understand is Lee Sisney; is that correct?

10          **A.**    That's correct.

11          **Q.**    And is he your brother?

12          **A.**    He is.

13          **Q.**    And is he an attorney licensed in  
14          Oklahoma, to your knowledge?

15          **A.**    No.

16          **Q.**    Is he an attorney?

17          **A.**    Yes.

18          **Q.**    And where do you understand him to be  
19          licensed?

20          **A.**    Kentucky.

21          **Q.**    Thank you.  Dr. Sisney, let me go over a  
22          few rules with regard to your deposition and talk  
23          to you about a few things.  Your testimony here  
24          today is under oath and has the same force and  
25          effect as if it were made in front of a judge and

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1           **Q.**     (By Mr. Rainey) Who did you intend to  
2           sue by saying the Broken Arrow School Board?

3           **A.**     Broken Arrow Schools.

4           **Q.**     Broken Arrow Public Schools; is that  
5           correct?

6           **A.**     That's correct.

7           **Q.**     And you are not intending to sue all five  
8           members of the Broken Arrow Board of Education in  
9           individual capacities, were you?

10           **MR. KEESLING:** Objection as to form. Answer  
11           if you know.

12           **MR. RAINEY:** Mr. Keesling, I would request  
13           that you limit your objections to object as to form.  
14           "Answer if you know," I believe --

15           **MR. KEESLING:** Fine. Objection as to form.

16           **THE WITNESS:** Restate the question.

17           **Q.**     (By Mr. Rainey) While naming the Broken  
18           Arrow School Board as a defendant, were you  
19           intending to sue all five members of the Broken  
20           Arrow Board of Education in their individual  
21           capacities?

22           **A.**     No.

23           **Q.**     In fact, sir, within this complaint, you  
24           have not brought any individual claims against any  
25           of the members of the Broken Arrow School Board,

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1 correct?

2 **A.** That's correct.

3 (Defendant's Exhibit 2 marked.)

4 **Q.** (By Mr. Rainey) Dr. Sisney, I want to  
5 hand you what I've now marked as Defendant's  
6 Exhibit 2 and ask if you can identify that for me.  
7 Can you identify that document, sir?

8 **A.** I can identify this document.

9 **Q.** What is it?

10 **A.** It's an Application For Dismissal Without  
11 Prejudice.

12 **Q.** Is that an application for dismissal on  
13 the federal action that was filed by your  
14 attorneys?

15 **A.** That's correct.

16 **Q.** Have you reviewed this application prior  
17 to today?

18 **A.** Yes.

19 **Q.** I want to direct you, sir, to paragraph  
20 four of this application. It's on page two, and it  
21 states that, "Through discovery in case  
22 development, counsel has determined that  
23 plaintiff's claims and remedies are not at this  
24 time of a federal nature but those that sound in  
25 the laws governed by state courts;" do you see

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