

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

**(1) KENNETH BUCKLEY, on behalf of D.D.B.,
a minor child, (2) PHILLIP and ANDREA
CONNELLY, on behalf of E.J.D.C., a minor
child, (3) CLINT and CATHY STAPLETON,
on behalf of K.N.S., a minor child, (4) BOBBY
and RUTH SWEET, on behalf of M.N.S.,
a minor child, (5) MICHELLE SUMTER,
on behalf of M.N.S., a minor child, and
(6) FRANCIS SHOEMAKER, on behalf of D.W.S.,**

Plaintiffs,

vs.

**(1) INDEPENDENT SCHOOL DISTRICT NO. 4
of ROGERS COUNTY, OKLAHOMA, a/k/a
OOLOGAH-TALALA PUBLIC SCHOOLS,
(2) CARA JONES, individually, (3) MELISSA
GIBSON, individually, (4) KENNETH KINZER,
individually, (5) RICK THOMAS, individually,
(6) BOBBY SORDO, individually, (7) CITY OF
OWASSO, a political subdivision,
jointly and severally,**

Defendants.

Case No. 10-CV-240-GKF-PJC

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs Cathy Stapleton and Ruth Sweet hereby dismiss without prejudice themselves as parties in and to the above-referenced case, and further provide and stipulate with the Defendants as follows:

1. This Joint Stipulation of Dismissal Without Prejudice does not arise out of any settlement between the parties, but is based upon the agreement of the parties reached during the hearing on June 9, 2010, to reduce the number of plaintiffs in the case in an effort to eliminate duplicative parties and unnecessary depositions.

2. Cathy Stapleton and Ruth Sweet will not testify or otherwise offer evidence to be used in this case for any purpose whatsoever, other than proper rebuttal testimony.

3. This Joint Stipulation of Dismissal Without Prejudice does not affect the claims brought by Clint Stapleton, on behalf of K.N.S., a minor, and the claims brought by Bobby Sweet, on behalf of M.N.S. (Sweet), a minor.

Respectfully submitted,

s/ Brendan McHugh
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Claremore, Oklahoma 74018
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mchugh8@att.net

ATTORNEY FOR PLAINTIFFS

~and~

s/ Eric D. Wade
J. Douglas Mann, OBA No. 5663
Eric D. Wade, OBA No. 19249
Matthew J. Ballard, OBA No. 19400
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ATTORNEYS FOR THE SCHOOL DEFENDANTS

~and~

s/ Keith A. Wilkes
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ATTORNEYS FOR THE CITY OF OWASSO

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

(1) KENNETH BUCKLEY, on behalf of D.D.B.,)
a minor child, (2) PHILLIP and ANDREA)
CONNELLY, on behalf of E.J.D.C., a minor)
child, (3) CLINT and CATHY STAPLETON,)
on behalf of K.N.S., a minor child, (4) BOBBY)
and RUTH SWEET, on behalf of M.N.S.,)
a minor child, (5) MICHELLE SUMTER,)
on behalf of M.N.S., a minor child, and)
(6) FRANCIS SHOEMAKER, on behalf of D.W.S.,)

Plaintiffs,)

Case No. 10-CV-240-GKF-PJC

vs.)

(1) INDEPENDENT SCHOOL DISTRICT NO. 4)
of ROGERS COUNTY, OKLAHOMA, a/k/a)
OOLOGAH-TALALA PUBLIC SCHOOLS,)
(2) CARA JONES, individually, (3) MELISSA)
GIBSON, individually, (4) KENNETH KINZER,)
individually, (5) RICK THOMAS, individually,)
(6) BOBBY SORDO, individually, (7) CITY OF)
OWASSO, a political subdivision,)
jointly and severally,)

Defendants.)

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff Francis Shoemaker, on behalf of D.W.S., a minor child (“Shoemaker Plaintiffs”), hereby dismisses with prejudice all of the claims asserted by her and D.W.S. in the above-referenced case against Defendants Independent School District No. 4 of Rogers County, Oklahoma, commonly known as the Oologah-Talala Public Schools, Cara Jones, Melissa Gibson, Kenneth Kinzer and Rick Thomas (collectively the “School Defendants”), and further provides and stipulates with the School Defendants as follows:

1. This Joint Stipulation of Dismissal With Prejudice does not arise out of any settlement between the parties, but is based upon the evidence and deposition testimony provided in this case by the Shoemaker Plaintiffs and other individuals.

2. While an Order granting summary judgment against the Shoemaker Plaintiffs and in favor of Defendants Cara Jones, Melissa Gibson, Kenneth Kinzer and Rick Thomas (collectively the “Individual School Defendants”) was entered on June 7, 2010, this Joint Stipulation of Dismissal **With** Prejudice is being filed to permanently foreclose any possibility of or right to an appeal of that Order.

3. The School Defendants agree to not pursue the recovery of costs and attorney fees against the Shoemaker Plaintiffs, but do not waive any right to seek prevailing party costs and/or attorneys fees of any nature that may be or become available to them against the other Plaintiffs in this case.

Respectfully submitted,

s/ Brendan McHugh
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ATTORNEY FOR PLAINTIFFS

~and~

s/ Eric D. Wade
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ATTORNEYS FOR THE SCHOOL DEFENDANTS

CERTIFICATE OF DELIVERY

I hereby certify that on June 25, 2010, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Gregory P. Reilly
greilly@newtonconnor.com

Keith A. Wilkes
kwilkes@newtonconnor.com

I hereby certify that on _____, 2010, I served the attached document by United States Certified Mail, Return Receipt Requested on the following, who are not registered participants of the ECF System:

s/ Brendan M. McHugh
Brendan M. McHugh

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

(1) KENNETH BUCKLEY, on behalf of D.D.B.,)
a minor child, (2) PHILLIP and ANDREA)
CONNELLY, on behalf of E.J.D.C., a minor)
child, (3) CLINT and CATHY STAPLETON,)
on behalf of K.N.S., a minor child, (4) BOBBY)
and RUTH SWEET, on behalf of M.N.S.,)
a minor child, (5) MICHELLE SUMTER,)
on behalf of M.N.S., a minor child, and)
(6) FRANCIS SHOEMAKER, on behalf of D.W.S.,)

Plaintiffs,)

Case No. 10-CV-240-GKF-PJC

vs.)

(1) INDEPENDENT SCHOOL DISTRICT NO. 4)
of ROGERS COUNTY, OKLAHOMA, a/k/a)
OOLOGAH-TALALA PUBLIC SCHOOLS,)
(2) CARA JONES, individually, (3) MELISSA)
GIBSON, individually, (4) KENNETH KINZER,)
individually, (5) RICK THOMAS, individually,)
(6) BOBBY SORDO, individually, (7) CITY OF)
OWASSO, a political subdivision,)
jointly and severally,)

Defendants.)

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs Clint Stapleton and Cathy Stapleton, on behalf of K.N.S., a minor child (“Stapleton Plaintiffs”), hereby dismiss with prejudice all of their claims asserted in the above-referenced case against Defendants Cara Jones, Melissa Gibson, Kenneth Kinzer and Rick Thomas (collectively the “Individual School Defendants”), and further provide and stipulate with the Individual School Defendants as follows:

1. This Joint Stipulation of Dismissal With Prejudice does not arise out of any settlement between the parties, but is based upon the evidence and deposition testimony provided in this case by the Stapleton Plaintiffs and other individuals.

2. The Individual School Defendants agree to not pursue the recovery of costs and attorney fees against the Stapleton Plaintiffs, but do not waive any right to seek prevailing party

costs and/or attorneys fees of any nature that may be or become available to them against the other Plaintiffs in this case against whom summary judgment was entered on the Individual School Defendants' Motion for Summary Judgment on June 7, 2010.

3. Nothing contained herein is intended to be, nor shall it be construed as, an agreement by Defendant Independent School District No. 4 of Rogers County, Oklahoma, commonly known as the Oologah-Talala Public Schools ("School District"), to not seek an award of costs and attorneys fees against the Stapleton Plaintiffs on their claims against the School District in the event that prevailing party costs and/or attorney fees become available to the School District on those claims.

Respectfully submitted,

s/ Brendan McHugh
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ATTORNEY FOR PLAINTIFFS

~and~

s/ Eric D. Wade
J. Douglas Mann, OBA No. 5663
Eric D. Wade, OBA No. 19249
Matthew J. Ballard, OBA No. 19400
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ericw@rflaw.com
mballard@rflaw.com

**ATTORNEYS FOR THE
INDIVIDUAL SCHOOL DEFENDANTS**

CERTIFICATE OF DELIVERY

I hereby certify that on June 25, 2010, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Gregory P. Reilly
greilly@newtonconnor.com

Keith A. Wilkes
kwilkes@newtonconnor.com

I hereby certify that on _____, 2010, I served the attached document by United States Certified Mail, Return Receipt Requested on the following, who are not registered participants of the ECF System:

s/ Brendan M. McHugh
Brendan M. McHugh

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

**KENNETH BUCKLEY, on behalf of)
D.D.B., a minor child, PHILLIP and)
ANDREA CONNELLY, on behalf of)
E.J.D.C., a minor child, CLINT and)
CATHY STAPLETON, on behalf of)
K.N.S., a minor child, BOBBY and)
RUTH SWEET, on behalf of M.N.S., a)
minor child, MICHELLE SUMTER,)
on behalf of M.N.S., a minor child,)
FRANCIS SHOEMAKER, on behalf of)
D.W.S,)**

Plaintiffs,

vs.

**INDEPENDENT SCHOOL DISTRICT)
NO. 4 of ROGERS COUNTY,)
OKLAHOMA, a/k/a OOLOGAH)
TALALA PUBLIC SCHOOLS, CARA)
JONES, individually, MELISSA)
GIBSON, individually, KENNETH)
KINZER, individually, RICK)
THOMAS, individually, BOBBY)
SORDO, individually, CITY OF)
OWASSO, a political subdivision,)
jointly and severally,)**

Defendants.

Case No. 10-CV-240-GKF-PJC

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs Clint and Cathy Stapleton, on behalf of K.N.S., a minor child (“Stapleton Plaintiffs”), and Plaintiff Francis Shoemaker, on behalf of D.W.S, a minor child (“Shoemaker Plaintiffs”), hereby dismiss with prejudice all of their claims arising out of the above-captioned matter against Defendant Bobby Sordo (“Officer Sordo”) and the City of Owasso (“Owasso), and further provide as follows:

1. This Stipulation of Dismissal With Prejudice does not arise out of any settlement between the parties, but is based upon the evidentiary deposition testimony provided in this case by the Stapleton Plaintiffs and Shoemaker Plaintiffs.

2. Officer Sordo and Owasso agree not to pursue the recovery of costs against the Stapleton Plaintiffs or Shoemaker Plaintiffs, but do not waive any right to seek any and all prevailing party costs of any nature that may become available to them as against the other Plaintiffs in this matter.

3. I have the permission of counsel for Officer Sordo and Owasso to electronically file this Stipulation of Dismissal with Prejudice.

Respectfully submitted,

By: /s/ Brendan McHugh

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ATTORNEY FOR PLAINTIFFS

-And-

**NEWTON, O'CONNOR, TURNER & KETCHUM,
A PROFESSIONAL CORPORATION**

By: /s/ Keith A. Wilkes

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**ATTORNEYS FOR DEFENDANTS CITY OF
OWASSO AND BOBBY SORDO**

CERTIFICATE OF SERVICE

- I hereby certify that on June 23, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Keith A. Wilkes, Esq.
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J. Douglas Mann, Esq.
dougman@rflaw.com

Matthew J. Ballard, Esq.
mballard@rflaw.com

- I hereby certify that on June 23, 2010, I served the foregoing document by mail on the following, who are not registered participants of the ECF System:

None

/s/ Brendan M. McHugh
Brendan M. McHugh