

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

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July 16, 2024

Pro Se Retained Court Appointed USA
(IFP Granted)

Case No: CIV-21-1022

Date Filed: 07/15/2024

Style of Case: Black Emergency Response Team et al v. OConnor et al

Appellant: Rick Braught, Anita Holloway, Rick Nagel, Robert Ross, Natalie Shirley, Eric Stevenson, University of Oklahoma Board of Regents

Notice of Appeal Amended Notice of Appeal
 Interlocutory Appeal Cross Appeal
 Tenth Cir. Case No.

Pro se Appellant:

Motion IFP Forms Mailed/Given Motion IFP Filed Appeal Fee Paid

Retained Counsel:

Appeal Fee Paid Appeal Fee Not Paid

The Preliminary Record on Appeal is hereby transmitted to the Tenth Circuit Court of Appeals. Please refer to the forms and procedures concerning the requirements for ordering transcripts, preparing docketing statements and briefs, and designations of the record found on the Tenth Circuit's website, www.ca10.uscourts.gov.

Payment for this case or motion to proceed *in forma pauperis* will be made to this District Court.

The transcript order form must be filed in the District Court as well as the Court of Appeals within 14 working days after the notice of appeal was filed in the Circuit Court. This form must contain the signature of the court reporter if transcripts are being ordered.

If you have questions, please contact this office.

Sincerely,

JOAN KANE, COURT CLERK

by: s/R. Popp
Case Administrator

cc: Clerk of the Court, Tenth Circuit Court of Appeals

APPEAL, GREEN

Email All Attys

Email All Attys and Secondary Emails

U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:21-cv-01022-G

Black Emergency Response Team et al v. OConnor et al
Assigned to: Judge Charles Goodwin
Cause: 42:1983 Civil Rights Act

Date Filed: 10/19/2021
Jury Demand: None
Nature of Suit: 448 Civil Rights: Education
Jurisdiction: Federal Question

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ATTORNEY TO BE NOTICED

Garry M Gaskins , II
(See above for address)
ATTORNEY TO BE NOTICED

William Patrick Flanagan
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

P Mitchell Adwon, Jr
*in their official capacities as members of
the Oklahoma State Board of Education
TERMINATED: 03/19/2024*

represented by **Andy N Ferguson**
(See above for address)
ATTORNEY TO BE NOTICED

Garry M Gaskins , II
(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)

William Patrick Flanagan
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jack Sherry

represented by **Andy N Ferguson**
(See above for address)
ATTORNEY TO BE NOTICED

Garry M Gaskins , II
(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)

William Patrick Flanagan
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Courtney Warmington
*in their official capacities as the
Oklahoma State Regents for Higher
Education*

represented by **Andy N Ferguson**
(See above for address)
ATTORNEY TO BE NOTICED

Garry M Gaskins , II

(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)

William Patrick Flanagan
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Robert Ross
TERMINATED: 03/19/2024

represented by **M Daniel Weitman**
University of Oklahoma Office of Legal
Counsel
660 Parrington Oval
Suite 213
Norman, OK 73019
405-325-4124
Fax: 405-325-7681
Email: dan.weitman@ou.edu
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Frank Keating

represented by **M Daniel Weitman**
(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Rick Braught
TERMINATED: 03/19/2024

represented by **M Daniel Weitman**
(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Natalie Shirley

represented by **M Daniel Weitman**
(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Eric Stevenson

represented by **M Daniel Weitman**
(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Anita Holloway

represented by **M Daniel Weitman**
(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

represented by

Rick Nagel

*in their official capacities as members of
the Board of Regents of the University of
Oklahoma*

M Daniel Weitman

(See above for address)
ATTORNEY TO BE NOTICED

Tina Sharell Ikpa

(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Angela Grunewald

*in her official capacity as the
Superintendent of Edmond Public
Schools
TERMINATED: 08/24/2022*

represented by **F Andrew Fugitt**
The Center for Education Law
900 N Broadway Ave
Suite 300
Oklahoma City, OK 73102
405-528-2800
Fax: 405-528-5800
Email: afugitt@cfel.com
ATTORNEY TO BE NOTICED

Justin C Cliburn

The Center for Education Law
900 N Broadway Ave
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Fax: 405-528-5800
Email: jcliburn@cfel.com
ATTORNEY TO BE NOTICED

Zachary P West

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jamie Underwood

TERMINATED: 08/24/2022

represented by **F Andrew Fugitt**
(See above for address)
ATTORNEY TO BE NOTICED

Justin C Cliburn

(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Cynthia Benson
TERMINATED: 08/24/2022

represented by **F Andrew Fugitt**
(See above for address)
ATTORNEY TO BE NOTICED

Justin C Cliburn
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kathleen Duncan
TERMINATED: 08/24/2022

represented by **F Andrew Fugitt**
(See above for address)
ATTORNEY TO BE NOTICED

Justin C Cliburn
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lee Ann Kuhlman
*in their official capacities as members of
the Board of Education of Edmond
Public Schools
TERMINATED: 08/24/2022*

represented by **F Andrew Fugitt**
(See above for address)
ATTORNEY TO BE NOTICED

Justin C Cliburn
(See above for address)
ATTORNEY TO BE NOTICED

Zachary P West
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Independent School District No 12 of
Oklahoma County Oklahoma**
*also known as
Edmond Public Schools*

represented by **F Andrew Fugitt**
(See above for address)
ATTORNEY TO BE NOTICED

Justin C Cliburn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Katie Quebedeaux
in their official capacities as members of

represented by **Tina Sharell Ikpa**
(See above for address)

the Oklahoma State Board of Education
 TERMINATED: 03/19/2024

Defendant

William Flanagan

Defendant

Carlisha Bradley

Defendant

Jennifer Monies

Defendant

Estela Hernandez

Defendant

Brian Bobek

Defendant

Jay Helm

Defendant

Joseph Parker, Jr

Defendant

Michael Cawley

Defendant

Phil Albert

Defendant

University of Oklahoma Board of Regents

represented by **Tina Sharell Ikpa**
 (See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 10/19/2021 | <u>1</u> | COMPLAINT against All Defendants filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Guidance from Edmond Written, # <u>2</u> Exhibit 2 – ELA 12 Align. re 1775, # <u>3</u> Civil Cover Sheet)(jjs) (Entered: 10/19/2021) |
| 10/19/2021 | <u>2</u> | ENTRY of Appearance by Megan E Lambert on behalf of All Plaintiffs (Lambert, Megan) (Entered: 10/19/2021) |
| 10/19/2021 | <u>3</u> | Summons Issued Electronically as to All Defendants. (jjs) (Entered: 10/19/2021) |
| 10/19/2021 | | PAYMENT FOR A CIVIL CASE Filing fee \$ 402, receipt number AOKWDC-3782948. (Lambert, Megan) (Entered: 10/19/2021) |

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| 10/20/2021 | <u>4</u> | MOTION for Leave to Appear Pro Hac Vice <i>Emerson Sykes</i> Filing fee \$ 50, receipt number AOKWDC-3783810 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>5</u> | MOTION for Leave to Appear Pro Hac Vice <i>Sarah Hinger</i> Filing fee \$ 50, receipt number AOKWDC-3783824 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>6</u> | MOTION for Leave to Appear Pro Hac Vice <i>Leah Watson</i> Filing fee \$ 50, receipt number AOKWDC-3783839 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>7</u> | MOTION for Leave to Appear Pro Hac Vice <i>Genevieve Bonadies Torres</i> Filing fee \$ 50, receipt number AOKWDC-3783845 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>8</u> | MOTION for Leave to Appear Pro Hac Vice <i>David Hinojosa</i> Filing fee \$ 50, receipt number AOKWDC-3783861 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>9</u> | MOTION for Leave to Appear Pro Hac Vice <i>Gary Stein</i> Filing fee \$ 50, receipt number AOKWDC-3783869 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>10</u> | MOTION for Leave to Appear Pro Hac Vice <i>Michael Cutini</i> Filing fee \$ 50, receipt number AOKWDC-3783876 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>11</u> | MOTION for Leave to Appear Pro Hac Vice <i>Sara Solfanelli</i> Filing fee \$ 50, receipt number AOKWDC-3783880 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>12</u> | MOTION for Leave to Appear Pro Hac Vice <i>Elahe Hosseini</i> Filing fee \$ 50, receipt number AOKWDC-3783884 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>13</u> | MOTION for Leave to Appear Pro Hac Vice <i>Amir Shakoorian</i> Filing fee \$ 50, receipt number AOKWDC-3783891 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/20/2021 | <u>14</u> | MOTION for Leave to Appear Pro Hac Vice <i>Ramya Sundaram</i> Filing fee \$ 50, receipt number AOKWDC-3783895 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 10/20/2021) |
| 10/21/2021 | <u>15</u> | ORDER granting <u>9</u> Motion to Appear Pro Hac Vice and permitting attorney Gary Stein to appear as counsel of record in this matter for Plaintiffs, subject to attorney Gary Stein filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>16</u> | ORDER granting <u>5</u> Motion to Appear Pro Hac Vice and permitting attorney Sarah Hinger to appear as counsel of record in this matter for Plaintiffs, subject to attorney Sarah Hinger filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |

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| 10/21/2021 | <u>17</u> | ORDER granting <u>10</u> Motion to Appear Pro Hac Vice and permitting attorney Michael Cutini to appear as counsel of record in this matter for Plaintiffs, subject to attorney Michael Cutini filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>18</u> | ORDER granting <u>7</u> Motion to Appear Pro Hac Vice and permitting attorney Genevieve Bonadies Torres to appear as counsel of record in this matter for Plaintiffs, subject to attorney Genevieve Bonadies Torres filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>19</u> | ORDER granting <u>6</u> Motion to Appear Pro Hac Vice and permitting attorney Leah Watson to appear as counsel of record in this matter for Plaintiffs, subject to attorney Leah Watson filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>20</u> | ORDER granting <u>14</u> Motion to Appear Pro Hac Vice and permitting attorney Ramya Sundaram to appear as counsel of record in this matter for Plaintiffs, subject to attorney Ramya Sundaram filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>21</u> | ORDER granting <u>4</u> Motion to Appear Pro Hac Vice and permitting attorney Emerson Sykes to appear as counsel of record in this matter for Plaintiffs, subject to attorney Emerson Sykes filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>22</u> | ORDER granting <u>11</u> Motion to Appear Pro Hac Vice and permitting attorney Sara Solfanelli to appear as counsel of record in this matter for Plaintiffs, subject to attorney Sara Solfanelli filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>23</u> | ORDER granting <u>13</u> Motion to Appear Pro Hac Vice and permitting attorney Amir Shakoorian Tabrizi to appear as counsel of record in this matter for Plaintiffs, subject to attorney Amir Shakoorian Tabrizi filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>24</u> | ORDER granting <u>12</u> Motion to Appear Pro Hac Vice and permitting attorney Elahe Hosseini to appear as counsel of record in this matter for Plaintiffs, subject to attorney Elahe Hosseini filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/21/2021 | <u>25</u> | ORDER granting <u>8</u> Motion to Appear Pro Hac Vice and permitting attorney David Hinojosa to appear as counsel of record in this matter for Plaintiffs, subject to attorney David Hinojosa filing an entry of appearance, see LCvR 83.4, by November 4, 2021 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/21/2021. (jb) (Entered: 10/21/2021) |
| 10/26/2021 | <u>26</u> | |

| | | |
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| | | SUMMONS Returned Executed by American Indian Movement Indian Territory, Black Emergency Response Team, Anthony Crawford, Regan Killackey, University of Oklahoma Chapter of the American Association of University Professors, Precious Lloyd, Oklahoma State Conference of the National Association for the Advancement of Colored People. All Defendants. (Lambert, Megan) (Entered: 10/26/2021) |
| 10/29/2021 | <u>27</u> | MOTION for Preliminary Injunction by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – H.B. 1775, # <u>2</u> Exhibit 2 – HB 1775 Emergency Rules, # <u>3</u> Exhibit 3 – BERT Declaration, # <u>4</u> Exhibit 4 – OU–AAUP Declaration, # <u>5</u> Exhibit 5 – NAACP–Oklahoma Declaration, # <u>6</u> Exhibit 6 – AIM Indian Territory Declaration, # <u>7</u> Exhibit 7 – S.L. Declaration, # <u>8</u> Exhibit 8 – Anthony Crawford Declaration, # <u>9</u> Exhibit 9 – Regan Killackey Declaration, # <u>10</u> Exhibit 10 – Dr. Marvin Lynn Declaration)(Lambert, Megan) (Entered: 10/29/2021) |
| 11/03/2021 | <u>28</u> | ENTRY of Appearance by Gary Stein on behalf of Black Emergency Response Team (Stein, Gary) (Entered: 11/03/2021) |
| 11/03/2021 | <u>29</u> | ENTRY of Appearance by Michael G Cutini on behalf of Black Emergency Response Team (Cutini, Michael) (Entered: 11/03/2021) |
| 11/03/2021 | <u>30</u> | ENTRY of Appearance by Gary Stein on behalf of All Plaintiffs (Stein, Gary) (Entered: 11/03/2021) |
| 11/03/2021 | <u>31</u> | ENTRY of Appearance by Michael G. Cutini on behalf of All Plaintiffs (Cutini, Michael) (Entered: 11/03/2021) |
| 11/03/2021 | <u>32</u> | ENTRY of Appearance by Sara Solfanelli on behalf of All Plaintiffs (Solfanelli, Sara) (Entered: 11/03/2021) |
| 11/03/2021 | <u>33</u> | ENTRY of Appearance by Ramya A Sundaram on behalf of All Plaintiffs (Sundaram, Ramya) (Entered: 11/03/2021) |
| 11/03/2021 | <u>34</u> | ENTRY of Appearance by Elahe Hosseini on behalf of All Plaintiffs (Hosseini, Elahe) (Entered: 11/03/2021) |
| 11/03/2021 | <u>35</u> | ENTRY of Appearance by Amir A Shakoorian Tabrizi on behalf of All Plaintiffs (Shakoorian Tabrizi, Amir) (Entered: 11/03/2021) |
| 11/03/2021 | <u>36</u> | ENTRY of Appearance by Genevieve Bonadies Torres on behalf of All Plaintiffs (Torres, Genevieve) (Entered: 11/03/2021) |
| 11/04/2021 | <u>37</u> | ENTRY of Appearance by Leah Watson on behalf of All Plaintiffs (Watson, Leah) (Entered: 11/04/2021) |
| 11/04/2021 | <u>38</u> | ENTRY of Appearance by Sarah A Hinger on behalf of All Plaintiffs (Hinger, Sarah) (Entered: 11/04/2021) |
| 11/04/2021 | <u>39</u> | ENTRY of Appearance by Genevieve Bonadies Torres on behalf of All Plaintiffs (Torres, Genevieve) (Entered: 11/04/2021) |
| 11/04/2021 | <u>40</u> | ENTRY of Appearance by Emerson Sykes on behalf of All Plaintiffs (Sykes, Emerson) (Entered: 11/04/2021) |
| 11/08/2021 | <u>41</u> | RETURN OF SERVICE – NON SUMMONS for Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction, including attachments Exhibits #1 to 10 (Exhibit #1 – H.B. 1775, Exhibit #2 – HB 1775 Emergency Rules, Exhibit #3 – BERT Declaration, Exhibit #4 – OU–AAUP Declaration, Exhibit #5 – |

| | | |
|------------|-----------|---|
| | | NAACP–Oklahoma Declaration, Exhibit #6 – AIM Indian Territory Declaration, Exhibit #7 – S.L. Declaration, Exhibit #8 – Anthony Crawford Declaration, Exhibit #9 – Regan Killackey Declaration, Exhibit #10 – Dr. Marvin Lynn Declaration) by American Indian Movement Indian Territory, Black Emergency Response Team, Anthony Crawford, Regan Killackey, Precious Lloyd, Oklahoma State Conference of the National Association for the Advancement of Colored People, University of Oklahoma Chapter of the American Association of University Professors (Sykes, Emerson) (Entered: 11/08/2021) |
| 11/08/2021 | <u>42</u> | ENTRY of Appearance by M Daniel Weitman on behalf of Phil Albert, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Natalie Shirley, Eric Stevenson (Weitman, M) (Entered: 11/08/2021) |
| 11/08/2021 | <u>43</u> | ENTRY of Appearance by Tina S Ikpa on behalf of Phil Albert, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Natalie Shirley, Eric Stevenson (Ikpa, Tina) (Entered: 11/08/2021) |
| 11/09/2021 | <u>44</u> | ENTRY of Appearance by F Andrew Fugitt on behalf of Cynthia Benson, Kathleen Duncan, Angela Grunewald, Lee Ann Kuhlman, Jamie Underwood (Fugitt, F) (Entered: 11/09/2021) |
| 11/09/2021 | <u>45</u> | ENTRY of Appearance by Justin C Cliburn on behalf of Cynthia Benson, Kathleen Duncan, Angela Grunewald, Lee Ann Kuhlman, Jamie Underwood (Cliburn, Justin) (Entered: 11/09/2021) |
| 11/09/2021 | <u>46</u> | ENTRY of Appearance by Zachary P West on behalf of Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington (West, Zachary) (Entered: 11/09/2021) |
| 11/09/2021 | <u>47</u> | UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Preliminary Injunction by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (West, Zachary) (Entered: 11/09/2021) |
| 11/09/2021 | <u>48</u> | ENTRY of Appearance by Andy N Ferguson on behalf of Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington (Ferguson, Andy) (Entered: 11/09/2021) |
| 11/09/2021 | <u>49</u> | ORDER granting <u>47</u> UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Preliminary Injunction. Defendants shall file their response on or before December 10, 2021. Signed by Judge Charles Goodwin on 11/09/2021. (jb) (Entered: 11/09/2021) |
| 11/09/2021 | <u>50</u> | AMENDED COMPLAINT against All Defendants filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Guidance from Edmond Written, # <u>2</u> Exhibit 2 – ELA 12 Align. re 1775)(Lambert, Megan) (Entered: 11/09/2021) |
| 11/23/2021 | <u>51</u> | MOTION to Dismiss by Phil Albert, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Natalie Shirley, Eric Stevenson. (Attachments: # <u>1</u> Exhibit HB |

| | | |
|------------|-----------|--|
| | | 1775)(Weitman, M) (Entered: 11/23/2021) |
| 11/23/2021 | <u>52</u> | MOTION to Dismiss <i>Amended Complaint</i> by Cynthia Benson, Kathleen Duncan, Angela Grunewald, Lee Ann Kuhlman, Jamie Underwood. (Cliburn, Justin) (Entered: 11/23/2021) |
| 11/23/2021 | <u>53</u> | ANSWER to <u>50</u> Amended Complaint by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington.(Ferguson, Andy) (Entered: 11/23/2021) |
| 12/06/2021 | <u>54</u> | UNOPPOSED MOTION for Extension of Time by All Plaintiffs. (Lambert, Megan) (Entered: 12/06/2021) |
| 12/07/2021 | <u>55</u> | ORDER granting <u>54</u> Motion for Extension of Time. Plaintiffs shall file their response briefs on or before January 13, 2022. Signed by Judge Charles Goodwin on 12/07/2021. (jb) (Entered: 12/07/2021) |
| 12/08/2021 | <u>56</u> | UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Preliminary Injunction by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (West, Zachary) (Entered: 12/08/2021) |
| 12/09/2021 | <u>57</u> | ORDER granting <u>56</u> UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Preliminary Injunction . Defendants shall file their response on or before December 16, 2021. Signed by Judge Charles Goodwin on 12/09/2021. (jb) (Entered: 12/09/2021) |
| 12/16/2021 | <u>58</u> | RESPONSE in Opposition re <u>27</u> MOTION for Preliminary Injunction filed by Phil Albert, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Natalie Shirley, Eric Stevenson. (Weitman, M) (Entered: 12/16/2021) |
| 12/16/2021 | <u>59</u> | MOTION to Strike <i>Affidavits</i> by Phil Albert, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Natalie Shirley, Eric Stevenson. (Ikpa, Tina) (Entered: 12/16/2021) |
| 12/16/2021 | <u>60</u> | RESPONSE to Motion re <u>27</u> MOTION for Preliminary Injunction filed by Cynthia Benson, Kathleen Duncan, Angela Grunewald, Lee Ann Kuhlman, Jamie Underwood. (Attachments: # <u>1</u> Exhibit Ex. 1–Aff. of Emily Steele, # <u>2</u> Exhibit Ex. 2–Aff. of Jacqueline Rasnic)(Cliburn, Justin) (Entered: 12/16/2021) |
| 12/16/2021 | <u>61</u> | RESPONSE in Opposition re <u>27</u> MOTION for Preliminary Injunction filed by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (Attachments: # <u>1</u> Exhibit 1– Ark AG Op, # <u>2</u> Exhibit 2– Mont AG Op, # <u>3</u> Exhibit 3– Taylor Affidavit, # <u>4</u> Exhibit 4– Barresi Affidavit, # <u>5</u> Exhibit 5– HB 1775 Vote Record, # <u>6</u> Exhibit 6– Jones Affidavit, # <u>7</u> Exhibit 7– NEA Guide)(Ferguson, Andy) (Entered: 12/16/2021) |
| 12/20/2021 | <u>62</u> | UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>59</u> MOTION to Strike <i>Affidavits</i> , <u>61</u> Response in Opposition to Motion,, <u>58</u> Response in Opposition to Motion, <u>60</u> Response to Motion, by All Plaintiffs. (Lambert, Megan) |

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| | | (Entered: 12/20/2021) |
| 12/21/2021 | <u>63</u> | ORDER granting <u>62</u> UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>59</u> MOTION to Strike <i>Affidavits</i> , <u>61</u> Response in Opposition to Motion,, <u>58</u> Response in Opposition to Motion, <u>60</u> Response to Motion, . Plaintiffs shall file their replies in support of their motion for preliminary injunction (Doc. No. <u>27</u>) and their response in opposition to the motion to strike (Doc. No. <u>59</u>) on or before January 13, 2022. Signed by Judge Charles Goodwin on 12/21/2021. (jb) (Entered: 12/21/2021) |
| 01/12/2022 | <u>64</u> | UNOPPOSED MOTION for Leave to File Excess Pages by All Plaintiffs. (Lambert, Megan) (Entered: 01/12/2022) |
| 01/12/2022 | <u>65</u> | ORDER granting <u>64</u> Motion for Leave to File Excess Pages. Plaintiffs may file a combined reply brief in support of their Motion for Preliminary Injunction of 25 pages or less. Signed by Judge Charles Goodwin on 01/12/2022. (jb) (Entered: 01/12/2022) |
| 01/13/2022 | <u>66</u> | REPLY to Response to Motion re <u>27</u> MOTION for Preliminary Injunction filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Second BERT Declaration, # <u>2</u> Exhibit 2 – John Doe Declaration, # <u>3</u> Exhibit 3 – EPS English 2019 Curriculum)(Lambert, Megan) (Entered: 01/13/2022) |
| 01/13/2022 | <u>67</u> | RESPONSE in Opposition re <u>51</u> MOTION to Dismiss by <i>Phil Albert, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Natalie Shirley, and Eric Stevenson</i> filed by All Plaintiffs. (Lambert, Megan) (Entered: 01/13/2022) |
| 01/13/2022 | <u>68</u> | RESPONSE in Opposition re <u>52</u> MOTION to Dismiss <i>Amended Complaint Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, and Courtney Warmington</i> filed by All Plaintiffs. (Lambert, Megan) (Entered: 01/13/2022) |
| 01/13/2022 | <u>69</u> | RESPONSE in Opposition re <u>59</u> MOTION to Strike <i>Affidavits</i> by <i>Phil Albert, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Natalie Shirley, and Eric Stevenson</i> filed by All Plaintiffs. (Lambert, Megan) (Entered: 01/13/2022) |
| 01/19/2022 | <u>70</u> | ORDER. A status conference will be held in this matter on January 25, 2022, at 02:00 p.m. Signed by Judge Charles Goodwin on 01/19/2022. (jb) (Entered: 01/19/2022) |
| 01/20/2022 | <u>71</u> | REPLY to Response to Motion re <u>51</u> MOTION to Dismiss filed by Phil Albert, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Natalie Shirley, Eric Stevenson. (Weitman, M) (Entered: 01/20/2022) |
| 01/20/2022 | <u>72</u> | MOTION to Strike <u>66</u> Reply to Response to Motion, <i>New Evidence</i> by All Defendants. (West, Zachary) (Entered: 01/20/2022) |
| 01/20/2022 | <u>73</u> | REPLY to Response to Motion re <u>52</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Cynthia Benson, Kathleen Duncan, Angela Grunewald, Lee Ann Kuhlman, Jamie Underwood. (Cliburn, Justin) (Entered: 01/20/2022) |
| 02/01/2022 | <u>74</u> | RESPONSE to Motion re <u>72</u> MOTION to Strike <u>66</u> Reply to Response to Motion, <i>New Evidence</i> filed by All Plaintiffs. (Lambert, Megan) (Entered: 02/01/2022) |
| 02/02/2022 | <u>75</u> | |

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| | | NOTICE (other) by All Plaintiffs of <i>State Board of Education Rulemaking Process</i> (Lambert, Megan) (Entered: 02/02/2022) |
| 03/08/2022 | <u>76</u> | JOINT MOTION to Substitute Party by All Plaintiffs. (Lambert, Megan) (Entered: 03/08/2022) |
| 08/08/2022 | <u>77</u> | MOTION for Leave to <i>File Supplemental Papers</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Plaintiffs' Proposed Supplemental Submission, # <u>2</u> Exhibit 1a – OSDE Letter, # <u>3</u> Exhibit 1b – Aug. 6, 2022 Tulsa World Article, # <u>4</u> Exhibit 1c Tulsa Public Schools Letter)(Lambert, Megan) (Entered: 08/08/2022) |
| 08/16/2022 | <u>78</u> | ENTRY of Appearance by Johanna F Roberts on behalf of All Plaintiffs (Roberts, Johanna) (Entered: 08/16/2022) |
| 08/24/2022 | <u>79</u> | NOTICE (other) by All Plaintiffs re <u>27</u> MOTION for Preliminary Injunction of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit 1 – Honeyfund PI Order)(Lambert, Megan) (Entered: 08/24/2022) |
| 08/24/2022 | <u>80</u> | ORDER granting <u>76</u> Motion to Substitute Party as set forth herein. Counsel for Independent School District No. 12, Oklahoma County, Oklahoma shall enter their appearances within 10 days from the date of this Order. Signed by Judge Charles Goodwin on 08/24/2022. (jb) (Entered: 08/24/2022) |
| 08/24/2022 | <u>81</u> | ORDER granting <u>77</u> Motion for Leave. Plaintiffs may file the Supplemental Submission attached to their Motion as Exhibit 1 (Doc. No. 77–1) and the exhibits thereto (Doc. Nos. 77–1, 77–2, 77–3) on or before August 26, 2022. In addition, Defendants may file a supplemental response limited to the new information and argument raised in Plaintiffs' Supplemental Submission on or before September 2, 2022. Signed by Judge Charles Goodwin on 08/24/2022. (jb) (Entered: 08/24/2022) |
| 08/25/2022 | <u>82</u> | ENTRY of Appearance by Justin C Cliburn on behalf of Independent School District No 12 of Oklahoma County Oklahoma (Cliburn, Justin) (Entered: 08/25/2022) |
| 08/25/2022 | <u>83</u> | SUPPLEMENT re <u>27</u> MOTION for Preliminary Injunction by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – OSDE Letter, # <u>2</u> Exhibit 2 – Aug. 6, 2022 Tulsa World Article, # <u>3</u> Exhibit 3 – TPS Letter)(Lambert, Megan) (Entered: 08/25/2022) |
| 08/25/2022 | <u>84</u> | ENTRY of Appearance by F Andrew Fugitt on behalf of Independent School District No 12 of Oklahoma County Oklahoma (Fugitt, F) (Entered: 08/25/2022) |
| 09/01/2022 | <u>85</u> | MOTION for Extension of Time to File Response/Reply as to <u>83</u> Supplement by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (West, Zachary) (Entered: 09/01/2022) |
| 09/01/2022 | <u>86</u> | ORDER granting <u>85</u> MOTION for Extension of Time to File Response/Reply as to <u>83</u> Supplement . Defendants 1–18 may file their response on or before September 7, 2022. Signed by Judge Charles Goodwin on 09/01/2022. (jb) (Entered: 09/01/2022) |
| 09/06/2022 | <u>87</u> | MOTION for Leave to Appear Pro Hac Vice for <i>Taylor Dumpson</i> Filing fee \$ 50, receipt number AOKWDC–3985813 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Dumpson PHV)(Lambert, Megan) (Entered: 09/06/2022) |
| 09/07/2022 | <u>88</u> | MOTION to Seal <i>Exhibit</i> by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann |

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| | | Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (West, Zachary) (Entered: 09/07/2022) |
| 09/07/2022 | <u>89</u> | ORDER granting <u>88</u> Motion to Seal. Signed by Judge Charles Goodwin on 09/07/2022. (jb) (Entered: 09/07/2022) |
| 09/07/2022 | <u>90</u> | RESPONSE re <u>83</u> Supplement filed by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (Attachments: # <u>1</u> Mustange Privilege Walk)(West, Zachary) (Entered: 09/07/2022) |
| 09/07/2022 | <u>91</u> | SEALED EXHIBIT by Defendants Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington Re: <u>83</u> Supplement (West, Zachary) (Entered: 09/07/2022) |
| 09/08/2022 | <u>92</u> | ORDER granting <u>87</u> Motion to Appear Pro Hac Vice. On or before September 21, 2022, Attorney Taylor Alexis Dumpson shall electronically file an entry of appearance on the form prescribed by the Clerk of Court. Signed by Judge Charles Goodwin on 09/08/2022. (jb) (Entered: 09/08/2022) |
| 09/12/2022 | <u>93</u> | ENTRY of Appearance by Taylor Alexis Dumpson on behalf of All Plaintiffs (Dumpson, Taylor) (Entered: 09/12/2022) |
| 09/14/2022 | <u>94</u> | MOTION to Seal <i>Exhibit</i> by All Plaintiffs. (Lambert, Megan) (Entered: 09/14/2022) |
| 09/14/2022 | <u>95</u> | ORDER granting <u>94</u> Motion to Seal. Plaintiffs may file Exhibit A to their reply submission under seal. Signed by Judge Charles Goodwin on 09/14/2022. (jb) (Entered: 09/14/2022) |
| 09/14/2022 | <u>96</u> | REPLY by Plaintiffs American Indian Movement Indian Territory, Black Emergency Response Team, Anthony Crawford, Regan Killackey, Precious Lloyd, Oklahoma State Conference of the National Association for the Advancement of Colored People, University of Oklahoma Chapter of the American Association of University Professors re <u>83</u> Supplement filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 2 – Teacher Statement)(Lambert, Megan) (Entered: 09/14/2022) |
| 09/14/2022 | <u>97</u> | SEALED EXHIBIT by Plaintiffs American Indian Movement Indian Territory, Black Emergency Response Team, Anthony Crawford, Regan Killackey, Precious Lloyd, Oklahoma State Conference of the National Association for the Advancement of Colored People, University of Oklahoma Chapter of the American Association of University Professors Re: <u>96</u> Reply, (Lambert, Megan) (Entered: 09/14/2022) |
| 09/21/2022 | <u>98</u> | MOTION for Leave to <i>File a Surreply</i> by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (West, Zachary) (Entered: 09/21/2022) |
| 09/21/2022 | <u>99</u> | MOTION for Leave to <i>File a Surreply</i> by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney |

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| | | Warmington. (Attachments: # <u>1</u> Attachment Defendants' Surreply)(West, Zachary) (Entered: 09/21/2022) |
| 11/21/2022 | <u>100</u> | NOTICE (other) by All Plaintiffs re <u>27</u> MOTION for Preliminary Injunction of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit 1 – Pernell PI Order)(Lambert, Megan) (Entered: 11/21/2022) |
| 12/06/2022 | <u>101</u> | ENTRY of Appearance by William P Flanagan on behalf of Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington (Flanagan, William) (Entered: 12/06/2022) |
| 01/04/2023 | <u>102</u> | MOTION for Leave to <i>Conduct Limited Discovery</i> by All Plaintiffs. (Lambert, Megan) (Entered: 01/04/2023) |
| 01/11/2023 | <u>103</u> | MOTION to Withdraw as Attorney by All Plaintiffs. (Roberts, Johanna) (Entered: 01/11/2023) |
| 01/25/2023 | <u>104</u> | NOTICE (other) by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington (Flanagan, William) (Entered: 01/25/2023) |
| 01/25/2023 | <u>105</u> | ENTRY of Appearance by Garry M Gaskins, II on behalf of Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington (Gaskins, Garry) (Entered: 01/25/2023) |
| 01/25/2023 | <u>106</u> | MOTION for Judgment on the Pleadings by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (Flanagan, William) (Entered: 01/25/2023) |
| 01/25/2023 | <u>107</u> | RESPONSE to Motion re <u>102</u> MOTION for Leave to <i>Conduct Limited Discovery</i> filed by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (Flanagan, William) (Entered: 01/25/2023) |
| 02/01/2023 | <u>108</u> | REPLY to Response to Motion re <u>102</u> MOTION for Leave to <i>Conduct Limited Discovery</i> filed by All Plaintiffs. (Lambert, Megan) (Entered: 02/01/2023) |
| 02/08/2023 | <u>109</u> | UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>106</u> MOTION for Judgment on the Pleadings by All Plaintiffs. (Lambert, Megan) (Entered: 02/08/2023) |
| 02/24/2023 | <u>110</u> | RESPONSE to Motion re <u>106</u> MOTION for Judgment on the Pleadings filed by All Plaintiffs. (Lambert, Megan) (Entered: 02/24/2023) |
| 02/28/2023 | <u>111</u> | MOTION for Leave to Appear Pro Hac Vice for <i>Kevin Scot Johns</i> Filing fee \$ 50, receipt number AOKWDC-4101236 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – |

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| | | PHV Application)(Lambert, Megan) (Entered: 02/28/2023) |
| 03/03/2023 | <u>112</u> | REPLY to Response to Motion re <u>106</u> MOTION for Judgment on the Pleadings filed by Brian Bobek, Carlisha Bradley, Dennis Casey, William Flanagan, Jay Helm, Estela Hernandez, Jeffrey Hickman, Joy Hofmeister, Ann Holloway, Jennifer Monies, John OConnor, Joseph Parker, Jr, Jack Sherry, Trent Smith, Kevin Stitt, Steven Taylor, Michael Turpen, Courtney Warmington. (Flanagan, William) (Entered: 03/03/2023) |
| 03/07/2023 | <u>113</u> | MOTION for Leave to Appear Pro Hac Vice <i>for Elizabeth Curran</i> Filing fee \$ 50, receipt number AOKWDC-4107244 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 03/07/2023) |
| 03/14/2023 | <u>114</u> | ORDER granting <u>103</u> Motion to Withdraw as Attorney. Attorney Johanna F Roberts terminated. Signed by Judge Charles Goodwin on 03/14/2023. (jb) (Entered: 03/14/2023) |
| 03/14/2023 | <u>115</u> | ORDER granting <u>113</u> Motion to Appear Pro Hac Vice, subject to attorney Curran filing an entry of appearance, see LCvR 83.4, by March 27, 2023 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 03/14/2023. (jb) (Entered: 03/14/2023) |
| 03/14/2023 | <u>116</u> | ORDER granting <u>111</u> Motion to Appear Pro Hac Vice, subject to attorney Johns filing an entry of appearance, see LCvR 83.4, by March 27, 2023 on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 03/14/2023. (jb) (Entered: 03/14/2023) |
| 03/14/2023 | <u>117</u> | ORDER. The Defendants herein are hereby automatically substituted pursuant to Federal Rule of Civil Procedure 25(d). Signed by Judge Charles Goodwin on 03/14/2023. (jb) (Entered: 03/14/2023) |
| 03/23/2023 | <u>118</u> | ENTRY of Appearance by Elizabeth V Curran on behalf of All Plaintiffs (Curran, Elizabeth) (Entered: 03/23/2023) |
| 03/23/2023 | <u>119</u> | ENTRY of Appearance by Kevin S. Johns on behalf of All Plaintiffs (Johns, Kevin) (Entered: 03/23/2023) |
| 03/30/2023 | <u>120</u> | MOTION to Withdraw as Attorney <i>for Amir Shakoorian</i> by All Plaintiffs. (Lambert, Megan) (Entered: 03/30/2023) |
| 03/30/2023 | <u>121</u> | MOTION to Withdraw as Attorney <i>for Michael Cutini</i> by All Plaintiffs. (Lambert, Megan) (Entered: 03/30/2023) |
| 03/30/2023 | <u>122</u> | MOTION to Withdraw as Attorney <i>for Elahe Hosseini</i> by All Plaintiffs. (Lambert, Megan) (Entered: 03/30/2023) |
| 04/05/2023 | <u>123</u> | ORDER granting <u>122</u> Motion to Withdraw as Attorney. Attorney Elahe Hosseini terminated. Signed by Judge Charles Goodwin on 04/05/2023. (jb) (Entered: 04/05/2023) |
| 04/05/2023 | <u>124</u> | ORDER granting <u>121</u> Motion to Withdraw as Attorney. Attorney Michael G. Cutini terminated. Signed by Judge Charles Goodwin on 04/05/2023. (jb) (Entered: 04/05/2023) |
| 04/05/2023 | <u>125</u> | ORDER granting <u>120</u> Motion to Withdraw as Attorney. Attorney Amir A Shakoorian Tabrizi terminated. Signed by Judge Charles Goodwin on 04/05/2023. (jb) (Entered: 04/05/2023) |

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| 07/06/2023 | <u>126</u> | MOTION to Withdraw <i>Genevieve Bonadies Torres</i> by All Plaintiffs. (Torres, Genevieve) (Entered: 07/06/2023) |
| 07/06/2023 | <u>127</u> | MOTION to Withdraw as Attorney for <i>Gary Stein</i> by All Plaintiffs. (Lambert, Megan) (Entered: 07/06/2023) |
| 07/14/2023 | <u>128</u> | MOTION for Leave to Appear Pro Hac Vice for <i>Maya Brodziak</i> Filing fee \$ 100, receipt number AOKWDC-4206417 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 07/14/2023) |
| 07/24/2023 | <u>129</u> | ORDER granting <u>126</u> Motion to Withdraw. Signed by Judge Charles Goodwin on 07/24/23. (rr) (Entered: 07/24/2023) |
| 07/24/2023 | <u>130</u> | ORDER granting <u>127</u> Motion to Withdraw as Attorney. Attorney Gary Stein terminated. Signed by Judge Charles Goodwin on 07/24/23. (rr) (Entered: 07/24/2023) |
| 07/24/2023 | <u>131</u> | ORDER granting <u>128</u> Motion to Appear Pro Hac Vice. Signed by Judge Charles Goodwin on 07/24/23. (rr) (Entered: 07/24/2023) |
| 08/04/2023 | <u>132</u> | ENTRY of Appearance by Maya Brodziak on behalf of All Plaintiffs (Brodziak, Maya) (Entered: 08/04/2023) |
| 08/28/2023 | <u>133</u> | UNOPPOSED MOTION for Hearing by All Plaintiffs. (Lambert, Megan) (Entered: 08/28/2023) |
| 08/30/2023 | <u>134</u> | MOTION to Withdraw as Attorney by All Plaintiffs. (Dumpson, Taylor) (Entered: 08/30/2023) |
| 09/26/2023 | <u>135</u> | ORDER granting <u>134</u> Motion to Withdraw as Attorney. Attorney Taylor Alexis Dumpson terminated. Signed by Judge Charles Goodwin on 09/26/2023. (jb) (Entered: 09/26/2023) |
| 09/26/2023 | <u>136</u> | ORDER denying as moot <u>109</u> UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>106</u> MOTION for Judgment on the Pleadings. Signed by Judge Charles Goodwin on 09/26/2023. (jb) (Entered: 09/26/2023) |
| 09/27/2023 | <u>137</u> | MOTION for Leave to Appear Pro Hac Vice of <i>Julia Beskin</i> Filing fee \$ 100, receipt number AOKWDC-4260219 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 09/27/2023) |
| 09/27/2023 | <u>138</u> | MOTION for Leave to Appear Pro Hac Vice of <i>Douglas Koff</i> Filing fee \$ 100, receipt number AOKWDC-4260235 by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – PHV Application)(Lambert, Megan) (Entered: 09/27/2023) |
| 09/28/2023 | <u>139</u> | MOTION to Expedite <i>Consideration</i> by All Plaintiffs. (Lambert, Megan) (Entered: 09/28/2023) |
| 09/28/2023 | <u>140</u> | MOTION to Withdraw as Attorney of <i>Elizabeth V. Curran</i> by All Plaintiffs. (Lambert, Megan) (Entered: 09/28/2023) |
| 10/11/2023 | <u>141</u> | ORDER granting <u>140</u> Motion to Withdraw as Attorney. Attorney Elizabeth V Curran terminated. Signed by Judge Charles Goodwin on 10/11/2023. (jb) (Entered: 10/11/2023) |
| 10/11/2023 | <u>142</u> | ORDER granting <u>137</u> Motion to Appear Pro Hac Vice subject to Attorney Beskin filing an entry of appearance, see LCvR 83.4, by October 25, 2023, on the form |

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| | | prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/11/2023. (jb) (Entered: 10/11/2023) |
| 10/11/2023 | <u>143</u> | ORDER granting <u>138</u> Motion to Appear Pro Hac Vice subject to Attorney Koff filing an entry of appearance, see LCvR 83.4, by October 25, 2023, on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 10/11/2023. (jb) (Entered: 10/11/2023) |
| 10/11/2023 | <u>144</u> | ORDER. The training materials filed in Plaintiffs' Sealed Exhibit 1 (Doc. No. <u>97</u>) in support of the Reply to Defendants' Response to Plaintiffs' Supplemental Submission (Doc. No. <u>96</u>) are not accessible using the credentials provided by Plaintiff. Plaintiffs to file an amended sealed exhibit with updated credentials within seven (7) days of the issuance of this Order. Signed by Judge Charles Goodwin on 10/11/2023. (jb) (Entered: 10/11/2023) |
| 10/11/2023 | <u>145</u> | ORDER granting <u>98</u> Motion for Leave and <u>99</u> Motion for Leave. The State Defendants are ORDERED to file their surreply (currently attached as an exhibit to the Motion) within seven (7) days of the date of this Order. Signed by Judge Charles Goodwin on 10/11/2023. (jb) (Entered: 10/11/2023) |
| 10/12/2023 | <u>146</u> | SEALED EXHIBIT by Plaintiff Black Emergency Response Team Re: <u>97</u> Sealed Exhibit, <u>144</u> Order, (Sykes, Emerson) (Entered: 10/12/2023) |
| 10/12/2023 | <u>147</u> | ORDER granting <u>133</u> UNOPPOSED MOTION for Hearing filed by Precious Lloyd, University of Oklahoma Chapter of the American Association of University Professors, American Indian Movement Indian Territory, Regan Killackey, Anthony Crawford, Oklahoma State Conference of the National Association for the Advancement of Colored People, Black Emergency Response Team. The parties are ADVISED that a status conference will be held in this matter on Tuesday, October 24, 2023, at 10:30 a.m. Signed by Judge Charles Goodwin on 10/12/2023. (jb) (Entered: 10/12/2023) |
| 10/13/2023 | <u>148</u> | SURREPLY re <u>96</u> Reply, filed by Donald Burdick, Dennis Casey, Gentner Drummond, Jeffrey Hickman, Marla Hill, Dustin Hilliary, Ann Holloway, Frank Keating, Sarah Lepak, Rick Nagel, Joseph Parker, Jr, Suzanne Reynolds, Jack Sherry, Trent Smith, Eric Stevenson, Kevin Stitt, Steven Taylor, Michael Turpen, Ryan Walters, Courtney Warmington, Kendra Wesson. (West, Zachary) (Entered: 10/13/2023) |
| 10/16/2023 | <u>149</u> | ENTRY of Appearance by Julia Beskin on behalf of All Plaintiffs (Beskin, Julia) (Entered: 10/16/2023) |
| 10/16/2023 | <u>150</u> | ENTRY of Appearance by Douglas Koff on behalf of All Plaintiffs (Koff, Douglas) (Entered: 10/16/2023) |
| 10/16/2023 | <u>151</u> | ORDER denying <u>59</u> MOTION to Strike <i>Affidavits</i> . Signed by Judge Charles Goodwin on 10/16/2023. (jb) (Entered: 10/16/2023) |
| 10/17/2023 | <u>152</u> | ENTRY of Appearance by David Hinojosa on behalf of All Plaintiffs (Hinojosa, David) (Entered: 10/17/2023) |
| 10/19/2023 | <u>153</u> | ORDER denying <u>72</u> MOTION to Strike <i>New Evidence</i> . Within seven days of the date of this Order, any Defendant or group of Defendants may file a limited surreply responding to the new information contained in the affidavits of Reed and Doe, i.e., Exhibit 1 and Exhibit 2 to Document No. <u>66</u> . Any such brief shall not exceed five pages in length. Signed by Judge Charles Goodwin on 10/19/2023. (jb) (Entered: 10/19/2023) |

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| | | 10/19/2023) |
| 10/20/2023 | <u>154</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 1/25/2022 before Judge Charles B. Goodwin. Court Reporter: Emily Cripe, Telephone number 4056095094. Transcript of: Status Conference Volume: I of I Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/13/2023. Redacted Transcript Deadline set for 11/20/2023. Release of Transcript Restriction set for 1/18/2024. (ec) (Entered: 10/20/2023) |
| 10/24/2023 | <u>155</u> | ORDER denying <u>102</u> Motion for Leave to Conduct Limited Discovery. Signed by Judge Charles Goodwin on 10/24/2023. (jb) (Entered: 10/24/2023) |
| 10/24/2023 | <u>156</u> | Minute Entry for proceedings held before Judge Charles Goodwin: Status Conference held on 10/24/2023. (Court Reporter Susan Fenimore.) (jb) (Entered: 10/24/2023) |
| 10/24/2023 | <u>157</u> | ORDER. The Court ORDERS oral argument on the outstanding Motion for Preliminary Injunction (Doc. No. <u>27</u>), Motions to Dismiss (Doc. Nos. <u>51</u> , <u>52</u>), and Motion for Judgment on the Pleadings (Doc. No. <u>106</u>) on Monday, December 4, 2023, at 10:00 a.m. in Courtroom 305 of the William J. Holloway, Jr. United States Courthouse. Plaintiffs Motion to Expedite Consideration (Doc. No. <u>139</u>) is DENIED as moot. Signed by Judge Charles Goodwin on 10/24/2023. (jb) (Entered: 10/24/2023) |
| 10/25/2023 | <u>158</u> | SURREPLY re <u>66</u> Reply to Response to Motion, <i>for Preliminary Injunction</i> filed by P Mitchell Adwon, Jr, Rick Braught, Donald Burdick, Dennis Casey, Gentner Drummond, Jeffrey Hickman, Marla Hill, Dustin Hilliary, Anita Holloway, Ann Holloway, Frank Keating, Sarah Lepak, Rick Nagel, Katie Quebedeaux, Suzanne Reynolds, Robert Ross, Jack Sherry, Natalie Shirley, Trent Smith, Eric Stevenson, Kevin Stitt, Steven Taylor, Michael Turpen, Ryan Walters, Courtney Warmington, Kendra Wesson. (Attachments: # <u>1</u> Exhibit Affidavit of David Wrobel)(Weitman, M) (Entered: 10/25/2023) |
| 12/01/2023 | <u>159</u> | ORDER. The Court ADVISES counsel to be prepared to address the issues set forth herein. Signed by Judge Charles Goodwin on 12/01/2023. (jb) (Entered: 12/01/2023) |
| 12/04/2023 | <u>160</u> | Minute Entry for proceedings held before Judge Charles Goodwin: Motion Hearing held on 12/4/2023 re <u>106</u> MOTION for Judgment on the Pleadings filed by Sarah Lepak, Jack Sherry, Dennis Casey, Ann Holloway, Jeffrey Hickman, Suzanne Reynolds, Courtney Warmington, Kendra Wesson, Ryan Walters, Michael Turpen, P Mitchell Adwon, Jr, Donald Burdick, Steven Taylor, Trent Smith, Marla Hill, Gentner Drummond, Dustin Hilliary, Kevin Stitt; <u>52</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Jamie Underwood, Kathleen Duncan, Lee Ann Kuhlman, Angela Grunewald, Cynthia Benson; <u>27</u> MOTION for Preliminary Injunction filed by Precious Lloyd, Anthony Crawford, Oklahoma State Conference of the National Association for the Advancement of Colored People, Black Emergency Response Team, University of Oklahoma Chapter of the American Association of University Professors, American Indian Movement Indian Territory, Regan Killackey; and <u>51</u> MOTION to Dismiss filed by Robert Ross, Rick Nagel, Anita Holloway, Rick Braught, Eric Stevenson, Natalie Shirley, Frank Keating. (Court Reporter Emily Cripe.) (jb) (Entered: 12/04/2023) |
| 12/06/2023 | <u>161</u> | ENTRY of Appearance by Adam Hines on behalf of All Plaintiffs (Hines, Adam) . (Entered: 12/06/2023) |

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| 12/19/2023 | <u>162</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 12/4/2023 before Judge Charles B. Goodwin. Court Reporter: Emily Cripe, Telephone number 4056095094. Transcript of: Motion hearing Volume: I of I Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/9/2024. Redacted Transcript Deadline set for 1/19/2024. Release of Transcript Restriction set for 3/18/2024. (ec) (Entered: 12/19/2023) |
| 01/09/2024 | <u>163</u> | MOTION to Withdraw as Attorney of <i>Ramya Sundaram</i> by All Plaintiffs. (Lambert, Megan) (Entered: 01/09/2024) |
| 01/16/2024 | <u>164</u> | ORDER granting <u>163</u> Motion to Withdraw as Attorney. Attorney Ramya A Sundaram terminated. Signed by Judge Charles Goodwin on 01/16/2024. (jb) (Entered: 01/16/2024) |
| 05/03/2024 | <u>165</u> | NOTICE OF PENDING MOTIONS by All Plaintiffs (Lambert, Megan) (Entered: 05/03/2024) |
| 05/17/2024 | <u>166</u> | MOTION for Hearing by All Plaintiffs. (Hines, Adam) (Entered: 05/17/2024) |
| 05/17/2024 | <u>167</u> | ORDER granting <u>166</u> MOTION for Status Conference filed by Precious Lloyd, University of Oklahoma Chapter of the American Association of University Professors, American Indian Movement Indian Territory, Regan Killackey, Anthony Crawford, Oklahoma State Conference of the National Association for the Advancement of Colored People, Black Emergency Response Team. The parties are ADVISED that a status conference will be held in this matter on Friday, June 7, 2024 at 10:30 a.m. The conference will be conducted telephonically. Signed by Judge Charles Goodwin on 05/17/2024. (jb) (Entered: 05/17/2024) |
| 05/22/2024 | <u>168</u> | NOTICE (other) by All Plaintiffs re <u>68</u> Response in Opposition to Motion, <u>67</u> Response in Opposition to Motion, <u>27</u> MOTION for Preliminary Injunction , <u>66</u> Reply to Response to Motion, <u>110</u> Response to Motion (Attachments: # <u>1</u> Exhibit 1 – TEA v. Reynolds)(Hines, Adam) (Entered: 05/22/2024) |
| 05/31/2024 | <u>169</u> | NOTICE (other) by All Plaintiffs re <u>68</u> Response in Opposition to Motion, <u>67</u> Response in Opposition to Motion, <u>27</u> MOTION for Preliminary Injunction , <u>110</u> Response to Motion (Attachments: # <u>1</u> 1 – Local 8027, AFT–N.H., AFL–CIO, et al. v. Edelblut, et al.)(Lambert, Megan) (Entered: 05/31/2024) |
| 06/07/2024 | <u>171</u> | Minute Entry for proceedings held before Judge Charles Goodwin: Status Conference held on 6/7/2024. (Court Reporter Sherri Grubbs.) (jb) (Entered: 06/14/2024) |
| 06/10/2024 | <u>170</u> | MOTION for Leave to Appear Pro Hac Vice of <i>Zakiya Lewis</i> Filing fee \$ 100, receipt number BOKWDC–4451196 by All Plaintiffs. (Attachments: # <u>1</u> 1 – Request for Admission PHV of Zakiya Lewis)(Lambert, Megan) (Entered: 06/10/2024) |
| 06/14/2024 | <u>172</u> | ORDER. The Court GRANTS IN PART, DENIES IN PART, and RESERVES RULING IN PART as to the University Defendants' Motion to Dismiss (Doc. No. <u>51</u>) as set forth herein. The Court GRANTS IN PART, DENIES IN PART, and RESERVES RULING IN PART as to the State Defendants' Motion for Judgment on the Pleadings (Doc. No. <u>106</u>) as set forth herein. The Motion to Dismiss (Doc. No. <u>52</u>) filed by Defendant Independent School District No. 12, Oklahoma County, Oklahoma, is GRANTED IN PART and DENIED AS MOOT IN PART, as set forth herein. The Court shall separately direct the parties to submit proposed questions of |

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| | | state law relating to article XIII, section 8 of the Oklahoma Constitution for certification to the Oklahoma Supreme Court. Signed by Judge Charles Goodwin on 06/14/2024. (jb) (Entered: 06/14/2024) |
| 06/14/2024 | <u>173</u> | ORDER granting in part and denying in part <u>27</u> Motion for Preliminary Injunction as set forth herein. Signed by Judge Charles Goodwin on 06/14/2024. (jb) (Entered: 06/14/2024) |
| 06/14/2024 | <u>174</u> | ORDER. The Court ORDERS that the parties submit, on or before June 28, 2024, the following: an agreed proposed schedule for discovery and pretrial litigation, an agreed list of questions to be certified to the Oklahoma Supreme Court, and an agreed statement of facts relevant to the certified questions, showing fully the nature of the controversy out of which the questions arose. If the parties are unable to agree on any of the above matters, each party (or group of parties) shall submit the required items individually, again no later than June 28, 2024. Any objection or response to any individual submission shall be filed no later than July 9, 2024. Signed by Judge Charles Goodwin on 06/14/2024. (jb) (Entered: 06/14/2024) |
| 06/14/2024 | <u>175</u> | ORDER granting <u>170</u> Motion to Appear Pro Hac Vice subject to Attorney Lewis filing an entry of appearance, see LCvR 83.4, by June, 28, 2024, on the form prescribed by the Clerk of the Court. Signed by Judge Charles Goodwin on 06/14/2024. (jb) (Entered: 06/14/2024) |
| 06/18/2024 | <u>176</u> | MOTION to Extend Deadlines or Hearings by P Mitchell Adwon, Jr, Rick Braught, Donald Burdick, Dennis Casey, Gentner Drummond, Jeffrey Hickman, Dustin Hilliary, Anita Holloway, Sarah Lepak, Rick Nagel, Katie Quebedeaux, Robert Ross, Jack Sherry, Natalie Shirley, Eric Stevenson, Kevin Stitt, Steven Taylor, Michael Turpen, Ryan Walters, Courtney Warmington. (Ikpa, Tina) (Entered: 06/18/2024) |
| 06/18/2024 | <u>177</u> | NOTICE (other) by Phil Albert, Rick Braught, Michael Cawley, Anita Holloway, Frank Keating, Rick Nagel, Robert Ross, Natalie Shirley, Eric Stevenson, University of Oklahoma Board of Regents (Ikpa, Tina) (Entered: 06/18/2024) |
| 06/18/2024 | <u>178</u> | ORDER granting <u>176</u> Motion to Extend Deadlines or Hearings as set forth herein. Signed by Judge Charles Goodwin on 06/18/2024. (jb) (Entered: 06/18/2024) |
| 06/25/2024 | <u>179</u> | ENTRY of Appearance by Zakiya Shani Lewis on behalf of All Plaintiffs (Lewis, Zakiya) (Entered: 06/25/2024) |
| 07/08/2024 | <u>180</u> | MOTION for Extension of Time to File Answer re <u>50</u> Amended Complaint <i>Out of Time</i> by Anita Holloway, Rick Nagel, Robert Ross, Natalie Shirley, Eric Stevenson, University of Oklahoma Board of Regents. (Ikpa, Tina) (Entered: 07/08/2024) |
| 07/11/2024 | <u>181</u> | ORDER granting <u>180</u> MOTION for Extension of Time to File Answer re <u>50</u> Amended Complaint <i>Out of Time</i> . John R. Rick Braught, Robert Ross, Natalie Shirley, Eric Stevenson, Kenneth Waits, Anita Holloway, and Rick Nagel shall file their answer to Plaintiffs' Amended Complaint no later than July 12, 2024. Signed by Judge Charles Goodwin on 07/11/2024. (jb) (Entered: 07/11/2024) |
| 07/12/2024 | <u>182</u> | ANSWER to <u>50</u> Amended Complaint by Rick Braught, Anita Holloway, Rick Nagel, Robert Ross, Natalie Shirley, Eric Stevenson, University of Oklahoma Board of Regents.(Ikpa, Tina) (Entered: 07/12/2024) |
| 07/12/2024 | <u>183</u> | RESPONSE re <u>178</u> Order on Motion to Extend Deadlines or Hearings filed by P Mitchell Adwon, Jr, Rick Braught, Donald Burdick, Dennis Casey, Gentner Drummond, Jeffrey Hickman, Marla Hill, Dustin Hilliary, Anita Holloway, Sarah |

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| | | Lepak, Rick Nagel, Katie Quebedeaux, Robert Ross, Jack Sherry, Natalie Shirley, Eric Stevenson, Kevin Stitt, Steven Taylor, Michael Turpen, Ryan Walters, Courtney Warmington. (Gaskins, Garry) (Entered: 07/12/2024) |
| 07/12/2024 | <u>184</u> | RESPONSE re <u>178</u> Order on Motion to Extend Deadlines or Hearings filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Plaintiffs' Proposed Scheduling Order)(Lambert, Megan) (Entered: 07/12/2024) |
| 07/15/2024 | <u>185</u> | NOTICE OF APPEAL by Rick Braught, Anita Holloway, Rick Nagel, Robert Ross, Natalie Shirley, Eric Stevenson, University of Oklahoma Board of Regents. (Ikpa, Tina) (Entered: 07/15/2024) |
| 07/15/2024 | <u>186</u> | NOTICE OF APPEAL as to <u>173</u> Order on Motion for Preliminary Injunction, <u>172</u> Order on Motion to Dismiss,, Order on Motion for Judgment on the Pleadings,,,,,, by P Mitchell Adwon, Jr, Donald Burdick, Dennis Casey, Gentner Drummond, Jeffrey Hickman, Dustin Hilliary, Sarah Lepak, Katie Quebedeaux, Jack Sherry, Kevin Stitt, Steven Taylor, Michael Turpen, Ryan Walters, Courtney Warmington, Kendra Wesson. (West, Zachary) (Entered: 07/15/2024) |
| 07/15/2024 | <u>187</u> | NOTICE OF APPEAL as to <u>173</u> Order on Motion for Preliminary Injunction by All Plaintiffs. (Hines, Adam) (Entered: 07/15/2024) |
| 07/16/2024 | <u>188</u> | USCA Appeal Fee received in the amount of \$ 605, receipt number 500007779, re <u>185</u> Notice of Appeal filed by Rick Braught, Anita Holloway, Rick Nagel, Robert Ross, Natalie Shirley, Eric Stevenson, University of Oklahoma Board of Regents (naa) (Entered: 07/16/2024) |

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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| BLACK EMERGENCY RESPONSE |) | |
| TEAM et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. CIV-21-1022-G |
| |) | |
| GENTNER DRUMMOND, in his official |) | |
| capacity as Oklahoma Attorney |) | |
| General, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER OF PRELIMINARY INJUNCTION

Before the Court is Plaintiffs’ Motion for Preliminary Injunction (Doc. No. 27) and Supplements thereto (Doc. Nos. 79, 83, 100, 168, 169),¹ asking the Court to enjoin officials of the State of Oklahoma and the University of Oklahoma² from enforcing Oklahoma

¹ Plaintiffs are: Black Emergency Response Team; University of Oklahoma Chapter of the American Association of University Professors; Oklahoma State Conference of the National Association for the Advancement of Colored People; American Indian Movement Indian Territory; Precious Lloyd *ex rel.* S.L.; Anthony Crawford; and Regan Killackey.

² Defendants are: Genter Drummond, in his official capacity as Oklahoma Attorney General; Ryan Walters, in his official capacity as Oklahoma Superintendent of Public Education; Zachary Archer, Donald Burdick, Sarah Lepak, Katie Quebedeaux, and Kendra Wesson, in their official capacities as members of the Oklahoma State Board of Education; Kevin Stitt, in his official capacity as Governor of Oklahoma; Jack Sherry, Dennis Casey, Steven Taylor, Courtney Warmington, P. Mitchell Adwon, Jeffrey Hickman, Dustin Hilliary, Ken Levit, and Michael Turpen, in their official capacities as the Oklahoma State Regents for Higher Education (collectively, the “State Defendants”); and John R. “Rick” Braught, Anita Holloway, Rick Nagel, Robert Ross, Natalie Shirley, and Eric Stevenson in their official capacities as members of the Board of Regents of the University of Oklahoma (collectively, the “University Defendants”). All claims against Defendants University of Oklahoma Board of Regents and Independent School District No. 12 of Oklahoma County, Oklahoma, have been dismissed pursuant to a separate order of the Court.

House Bill 1775 (“H.B. 1775” or “the Act”) and its implementing regulations. The parties have submitted additional responses and briefing on the Motion. *See* Doc. Nos. 58, 60, 61, 66, 90, 91, 96, 97, 146, 148, 158. In addition, on December 4, 2023, the Court heard argument from counsel. *See* Doc. No. 160.³

I. BACKGROUND

Governor Kevin Stitt signed Oklahoma House Bill 1775 (“H.B. 1775” or “the Act”) into law on May 7, 2021. The Act, codified in title 70, section 24-157 of the Oklahoma Statutes, and its implementing regulations, codified in Oklahoma Administrative Code § 210:10-1-23 (the “Implementing Rules”),⁴ prohibit the training or teaching of specified subjects in Oklahoma schools.

With respect to public colleges and universities, the Act directs:

No enrolled student of an institution of higher education within The Oklahoma State System of Higher Education shall be required to engage in any form of mandatory gender or sexual diversity training or counseling; provided, voluntary counseling shall not be prohibited. Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex shall be prohibited.

Okla. Stat. tit. 70, § 24-157(A)(1). The Act directs the Oklahoma State Regents for Higher Education (the “State Regents”) to promulgate rules to implement the provisions of section

³ Both Plaintiffs and Defendants declined to present any testimony or evidence beyond the affidavits and documents attached to their various filings.

⁴ Unless stated otherwise, references herein to the Act encompass the Implementing Rules, as such rules are authorized in and required by the Act to implement the provisions of the Act. *See* Okla. Stat. tit. 70, § 24-157(A)(2), (B)(2).

24-157(A), but they have not yet done so. *See id.* § 24-157(A)(2); Univ. Defs.’ Mot. to Dismiss (Doc. No. 51) at 19.

With respect to school districts, charter schools, and virtual charter schools (collectively, “K-12 Schools”), the Act directs:

No teacher, administrator or other employee of a school district, charter school or virtual charter school shall require or make part of a course the following concepts:

- a. one race or sex is inherently superior to another race or sex,
- b. an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,
- c. an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,
- d. members of one race or sex cannot and should not attempt to treat others without respect to race or sex,
- e. an individual’s moral character is necessarily determined by his or her race or sex,
- f. an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex,
- g. any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex, or
- h. meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.

Okla. Stat. tit. 70, § 24-157(B)(1). This prohibition is limited by a clause providing that “[t]he provisions of this subsection shall not prohibit the teaching of concepts that align to the Oklahoma Academic Standards.” *Id.* § 24-157(B). The Oklahoma Academic Standards (“Academic Standards”) are educational objectives developed by the State Board of Education and approved by the Oklahoma Legislature reflecting subject matter standards for public school students in Oklahoma. *See id.* § 11-103.6(A). Public school

districts are required to develop and implement curriculum based on the Academic Standards. *See id.* The Act's Implementing Rules authorize the State Department of Education to suspend or revoke the license or certificate of K-12 School employees found to have violated the Act. *See* Okla. Admin. Code § 210:10-1-23(j).

II. PLAINTIFFS' CLAIMS

Plaintiffs bring suit under 42 U.S.C. § 1983, requesting preliminary and permanent injunctive relief, as well as a declaratory judgment that the Act is unconstitutional facially and as applied under the First and Fourteenth Amendments to the United States Constitution. *See* Am. Compl. (Doc. No. 50) at 76.

Specifically, Plaintiffs contend that:

1. The Act is unconstitutionally vague, facially and as applied by Defendants, in violation of the Fourteenth Amendment;
2. The Act infringes on the right of students to receive information, facially and as applied by Defendants, in violation of the First Amendment;
3. The Act is overbroad and imposes impermissible viewpoint-based restrictions, facially and as applied by Defendants, in violation of the First Amendment; and
4. The Act violates the Equal Protection Clause of the Fourteenth Amendment.

See id. ¶¶ 156-189.

III. ANALYSIS

Federal Rule of Civil Procedure 65 sets forth requirements for a district court to issue a preliminary injunction. *See* Fed. R. Civ. P. 65(a). “Because a preliminary injunction is an extraordinary remedy never awarded as of right, the movant must make a clear and unequivocal showing it is entitled to such relief.” *Colorado v. U.S. Env’t Prot. Agency*, 989 F.3d 874, 883 (10th Cir. 2021) (citation and internal quotation marks omitted). As explained by the Tenth Circuit,

Ordinarily, a movant seeking a preliminary injunction must establish (1) a substantial likelihood of success on the merits; (2) irreparable injury to the movant if the injunction is denied; (3) the threatened injury to the movant outweighs the injury to the party opposing the preliminary injunction; and (4) the injunction would not be adverse to the public interest.

Dominion Video Satellite, Inc. v. Echostar Satellite Corp., 269 F.3d 1149, 1154 (10th Cir. 2001).

“[C]ourts disfavor some preliminary injunctions and so require more of the parties who request them.” *Mrs. Fields Franchising, LLC v. MFGPC*, 941 F.3d 1221, 1232 (10th Cir. 2019) (internal quotation marks omitted).

Disfavored preliminary injunctions don’t merely preserve the parties’ relative positions pending trial. Instead, a disfavored injunction may exhibit any of three characteristics: (1) it mandates action (rather than prohibiting it), (2) it changes the status quo, or (3) it grants all the relief that the moving party could expect from a trial win. To get a disfavored injunction, the moving party faces a heavier burden on the likelihood-of-success-on-the-

merits and the balance-of-harms factors: She must make a strong showing that these tilt in her favor.

Id. (citations and internal quotation marks omitted).

Here, the Court finds that the preliminary relief sought by Plaintiffs is not a disfavored injunction. First, a preliminary injunction would not disturb the status quo. The status quo is the last “uncontested” and “peaceable” status between the parties “before the dispute developed.” *Schrier v. Univ. of Colo.*, 427 F.3d 1253, 1260 (10th Cir. 2005) (internal quotation marks omitted). In the context of a newly enacted statute challenged on constitutional grounds, the status quo is the period prior to the statute’s enactment. *See BNSF Ry. Co. v. City of Edmond*, No. CIV-19-769-G, 2019 WL 5608680, at *2 n.1 (W.D. Okla. Oct. 30, 2019). Second, injunctive relief would be prohibitory, rather than mandatory, because such relief would not “affirmatively require [Defendants] to act in a particular way.” *Schrier*, 427 F.3d at 1261 (internal quotation marks omitted). It instead would only enjoin Defendants from taking action to enforce the Act. Finally, a preliminary injunction would not irreversibly afford Plaintiffs all the relief they could recover at trial, because a prohibition on enforcing the Act could be undone at the conclusion of a determination on the merits. *See Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1247-48 (10th Cir. 2001).

A. Likelihood of Success on the Merits

Plaintiffs’ request for preliminary injunctive relief relies upon two arguments. First, Plaintiffs contend that the Act is impermissibly vague and thereby violates the Fourteenth Amendment’s guarantee of due process. Second, Plaintiffs contend that the Act infringes

upon the First Amendment rights of educators to speak on certain subjects and the corollary right of students to hear that speech. *See* Pls.’ Mot. Prelim. Inj. at 18-28.

1. Plaintiffs’ Fourteenth Amendment Challenge

A vague law violates the Fourteenth Amendment’s guarantee of due process, as citizens are entitled to know what the law is so they can conform their conduct to it. *See Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). And citizens are entitled to laws of sufficient clarity that they leave no room for capricious enforcement by judges, police, or other officials. *See Sessions v. Dimaya*, 584 U.S. 148, 175 (2018) (Gorsuch, J., concurring in part) (noting that vague laws “can invite the exercise of arbitrary power . . . by leaving the people in the dark about what the law demands and allowing prosecutors and courts to make it up”). This due process guarantee is compromised when a statute “fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits” or “authorizes or even encourages arbitrary and discriminatory enforcement.” *StreetMediaGroup, LLC v. Stockinger*, 79 F.4th 1243, 1253 (10th Cir. 2023) (internal quotation marks omitted).

Courts recognize that “we can never expect mathematical certainty from our language” and, so, some level of inexactness will not offend the guarantee of due process. *Grayned*, 408 U.S. at 110; *see also Draper v. Healey*, 827 F.3d 1, 4 (1st Cir. 2016) (Souter, J.) (“Because words are rough-hewn tools, not surgically precise instruments, some degree of inexactitude is acceptable in statutory language.” (alteration, omission, and internal quotation marks omitted)). “The degree of vagueness that the Constitution tolerates—as well as the relative importance of fair notice and fair enforcement—depends in part on the

nature of the enactment.” *Vill. of Hoffman Ests. v. Flipside, Hoffman Ests., Inc.*, 455 U.S. 489, 498 (1982). Factors considered in “deciding whether a challenged statute provides fair notice” include “the enactment’s purpose, the harm it attempts to prevent, whether there is a scienter requirement, and the interpretations of individuals charged with enforcement.” *Jordan v. Pugh*, 425 F.3d 820, 825 (10th Cir. 2005).

Importantly here, a law that “threatens to inhibit the exercise of constitutionally protected rights,” like the right to free speech, will prompt a “stringent vagueness test.” *Vill. of Hoffman Ests.*, 455 U.S. at 499; *see also NAACP v. Button*, 371 U.S. 415, 432 (1963) (“[S]tandards of permissible statutory vagueness are strict in the area of free expression.”). And, while as a general matter “enactments with civil rather than criminal penalties” have been given “greater tolerance,” civil statutes that impose severe penalties—such as “strip[ping] persons of their professional licenses and livelihoods”—may warrant the same high expectation of clarity. *Vill. of Hoffman Ests.*, 455 U.S. at 498-99; *Dimaya*, 584 U.S. at 184-85 (Gorsuch, J., concurring in part).

To properly evaluate the contention that the Act is unconstitutionally vague, the Court must consider the meaning of the challenged provisions of the Act. In construing a state statute, a federal court must remain mindful that “state courts are the final arbiters of state law.” *United States v. DeGasso*, 369 F.3d 1139, 1145 (10th Cir. 2004). “Where no controlling state decision exists, the federal court must attempt to predict what the state’s highest court would do.” *Id.* (alteration and internal quotation marks omitted). “[A] state statute should not be deemed facially invalid unless it is not readily subject to a narrowing construction by the state courts and its deterrent effect on legitimate expression is both real

and substantial.” *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 216 (1975) (citation omitted). A federal court, however, is “without power to adopt a narrowing construction of a state statute unless such a construction is reasonable and readily apparent.” *Stenberg v. Carhart*, 530 U.S. 914, 944 (2000) (internal quotation marks omitted); *see also Okla. State Conf. of NAACP v. O’Connor*, 569 F. Supp. 3d 1145, 1153 (W.D. Okla. 2021) (declining to “apply[] limitations to the [state] statute that simply do not exist in the text”). Because Oklahoma laws are severable by default, the Court may strike words from the statute to save it. *See Okla. Stat. tit. 75, § 11a(1); Okla. Corr. Pro. Ass’n, Inc. v. Doerflinger*, 468 F. App’x 916, 917 (10th Cir. 2012). But inserting words in order to achieve a particular construction “would exceed the power and function of the court, and would fail to bind state prosecutors, leaving the citizens of [Oklahoma] vulnerable to prosecutions under the actual language of the statute.” *Citizens for Responsible Gov’t State Pol. Action Comm. v. Davidson*, 236 F.3d 1174, 1194-95 (10th Cir. 2000). Stated differently, the Court “will not rewrite a state law to conform it to constitutional requirements.” *Virginia v. Am. Booksellers Ass’n, Inc.*, 484 U.S. 383, 397 (1988).

Because section 24-157(A) and section 24-157(B) impose different restrictions at different educational levels, the Court considers these provisions separately.⁵

a. Section 24-157(A)(1): Colleges and Universities

Section 24-157(A)(1) of the Act provides, in relevant part: “No enrolled student . . . shall be required to engage in any form of mandatory gender or sexual diversity training

⁵ The Supreme Court has clarified that in a facial challenge for vagueness the plaintiff is not required to show that the challenged statute is vague in all of its applications. *See*

or counseling Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex shall be prohibited.” Okla. Stat. tit. 70, § 24-157(A)(1).

1) Prohibition of Mandatory Gender or Sexual Diversity Training and Counseling

As set forth by separate Order, the Court has determined that Plaintiffs lack standing to challenge the first sentence of section 24-157(A)(1), which provides that “gender or sexual diversity training or counseling” must be voluntary rather than mandatory. Plaintiffs’ claims challenging this provision have been dismissed without prejudice for lack of subject-matter jurisdiction. Accordingly, no injunctive relief is warranted as to enforcement of the first sentence of section 24-157(A)(1).

2) Prohibition of Any Requirement or Orientation That Presents Race or Sex Stereotyping or Bias on the Basis of Race or Sex

Plaintiffs claim that the second sentence of section 24-157(A)(1), which prohibits “[a]ny orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex,” is impermissibly vague under the Fourteenth Amendment and, therefore, enforcement of that provision should be enjoined. Defendants respond that the language of section 24-157(A)(1) is sufficiently clear. Because this aspect of the Act

Johnson v. United States, 576 U.S. 591, 602-03 (2015) (explaining that the Supreme Court’s holdings “squarely contradict the theory that a vague provision is constitutional merely because there is some conduct that clearly falls within the provision’s grasp”). Under Tenth Circuit precedent, such a plaintiff “must show, at a minimum, that the challenged law would be vague in the vast majority of its applications; that is, that ‘vagueness permeates the text of the law.’” *Dr. John’s, Inc. v. City of Roy*, 465 F.3d 1150, 1157 (10th Cir. 2006) (alteration an internal quotation marks omitted).

implicates the First Amendment rights of the university level instructor-Plaintiffs, the Court applies a “stringent vagueness test.” *Vill. of Hoffman Estates*, 455 U.S. at 499.

When interpreting a statute, “[i]f the words of the statute have a plain and ordinary meaning, [the Court] appl[ies] the text as written.” *Conrad v. Phone Directories Co.*, 585 F.3d 1376, 1381 (10th Cir. 2009); *accord Day v. Great Nw. Ins. Co.*, 623 F. Supp. 3d 1252, 1255 (W.D. Okla. 2022) (citing *Hamilton v. Northfield Ins. Co.*, 473 P.3d 22, 26 (Okla. 2020)). As discussed in the Court’s Order on Defendants’ motions to dismiss and for judgment on the pleadings, entered contemporaneously with this Order, the Court construes the principal terms in the second sentence of section 24-157(A)(1) as follows. Although the Act does not expressly define “orientation,” the plain and ordinarily understood meaning of that term is, in this context, a program or course offered by universities and colleges to provide introductory information to new students.⁶ The text of the Act includes no definition or limiting modifier for the term “requirement.” The plain and ordinarily understood meaning of that term encompasses a broad range of activity⁷ and would include, in context, everything from the courses demanded by a university for a degree to the assignments and readings demanded by a professor for a course. The text of the Act also includes no definition or limiting modifier for the term “presents.” The plain and ordinarily

⁶ See *Oxford English Dictionary*, s.v. “orientation (n.), sense 1.4,” accessible at <https://doi.org/10.1093/OED/5986710372> (2024) (“The process of familiarizing a new or prospective student, recruit, etc., with the content of a course, the basics of a subject, the nature of college life, etc. Also: a course intended to provide such familiarization.”).

⁷ See *Oxford English Dictionary*, s.v. “requirement (n.), sense 3.b,” accessible at <https://doi.org/10.1093/OED/9723059198> (2024) (“Something called for or demanded; a condition which must be complied with.”).

understood meaning of that term likewise encompasses a broad range of activity⁸ and would include, in context, any situation in which race or sex stereotyping or bias is deliberately introduced or otherwise discussed. Thus, again as discussed in the contemporaneous Order, the Court has concluded that an Oklahoma court would construe section 24-157(A)(1)'s prohibition of “[a]ny orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex” to be a restriction on curricular speech, specifically here the information a university level instructor-Plaintiff teaches in any orientation, required course, or course assignment.

Applying these definitions together, the Court further determines that the second sentence of section 24-157(A)(1) would prohibit a professor from endorsing discriminatory beliefs during an orientation or course. The ambiguity of the term “presents” means, however, that the provision also could reasonably be construed to mean that a professor is prohibited from describing or identifying discriminatory beliefs in an orientation or course. Likewise, the provision also could reasonably be construed to mean that a professor is prohibited from discussing or assigning the reading of a work in which the author describes or identifies discriminatory beliefs—for example, an analysis of how historic beliefs about race led to the enslavement and subjugation of Black men and women as depicted in Mark

⁸ See *Oxford English Dictionary*, s.v. “present (v.), sense 1.7.a,” accessible at <https://doi.org/10.1093/OED/5912943123> (2024) (“To make clear to the mind or thought; to convey, suggest, or exhibit to mental perception; to put forward for reflection, consideration, or scrutiny; to set forth, describe.”).

Twain's *Huckleberry Finn* or an analysis of how current stereotypes about gender affect the employment opportunities of women.

Implicitly recognizing this ambiguity, Defendants have differing interpretations of how to interpret “requirement” in the second sentence of section 24-157(A)(1). The State Defendants insert the word “similar” to modify “requirement,” so as for the prohibition to extend to “orientation[s]” “or similar requirements.” State Defs.’ Resp. (Doc. No. 61) at 22. The University Defendants merge “requirement” with “orientation” to create a prohibition on “required orientations.” Univ. Defs.’ Resp. (Doc. No. 58) at 7-8. The Court rejects Defendants’ invitation to add limiting modifiers that would implement their preferred interpretations of section 24-157(A)(1), whether it be to recast the statute as applying only to a “required orientation” or to orientations and “similar requirements” that endorse racial or sexual stereotyping or bias. As noted above, a federal court is not empowered to rewrite a state statute in this manner. *See Stenberg*, 530 U.S. at 944; *see also Okla. State Conf. of NAACP*, 569 F. Supp. 3d at 1153.

The Court concludes that Plaintiffs have made a strong showing that section 24-157(A)(1)’s prohibition of “[a]ny orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex,” Okla. Stat. tit. 70, § 24-157(A)(1), is so indefinite “that persons of common intelligence must necessarily guess at its meaning and differ as to its application.” *Kleinsmith v. Shurtleff*, 571 F.3d 1033, 1038 (10th Cir. 2009) (alteration and internal quotation marks omitted).

b. Section 24-157(B)(1): K-12 Schools

Plaintiffs likewise claim that section 24-157(B)(1) is void for vagueness in violation of the Fourteenth Amendment and, therefore, enforcement of that provision should be enjoined. Defendants respond that the prohibitions of section 24-157(B)(1) are clearly defined.

As set forth by separate Order, the Court has determined that Plaintiffs' assertion of First Amendment protection for the speech regulated by section 24-157(B)(1) is unavailing because state and local authorities are permitted to regulate the curricular speech of K-12 teachers. While the absence of a free speech interest, and the fact that section 24-157(B)(1) is a civil statute, might suggest that a greater latitude for vagueness should be allowed, the Court is not convinced that is so. Considering the relevant factors, *see Jordan*, 425 F.3d at 825, what is most notable here is that the Act's Implementing Rules authorize the State Department of Education to suspend or revoke the license or certificate of K-12 School employees found to have violated the Act. *See Okla. Admin. Code* § 210:10-1-23(j).⁹ Given the severity of potential consequences for K-12 teachers upon a violation of section 24-157(B)(1), the Court applies a stringent vagueness test.¹⁰

⁹ The Implementing Rules impose a scienter requirement for the revocation of teacher licenses but not for the suspension of teacher licenses. *Compare Okla. Admin. Code* 210:10-1-23(j)(1) (stating "State Department of Education shall make a determination of whether to initiate proceedings to suspend the license or certificate of any school employee who is found to have violated" section 24-157(B)(1)), *with id.* at 210:10-1-23(j)(2) (stating "State Board of Education shall initiate proceedings to revoke the license or certificate of any school employee for 'willful violation' of" section 24-157(B)(1)).

¹⁰ The Court would reach the same result if a less stringent vagueness test were applied.

1) *To Require the Prohibited Concepts*

Each prohibition in section 24-157(B)(1) begins with the same introductory verb clause: “No [school personnel] *shall require or make part of a course* the following concepts” Okla. Stat. tit. 70, § 24-157(B)(1) (emphasis added). Plaintiffs criticize this introductory directive as, among other things, lacking clarity as to whether it prohibits personnel from merely addressing the cited concepts. *See* Pls.’ Mot. Prelim. Inj. at 19.

There are two aspects of section 24-157(B)(1)’s introductory verb clause: to “require” a prohibited concept and to “make part of a course” a prohibited concept. The Court agrees with Defendants that when the phrase “make part of a course” is read in conjunction with the eight prohibited concepts themselves, the plain and ordinarily understood meaning of section 24-157(B)(1) is to prohibit school personnel from directly endorsing, promoting, or inculcating any concept as a normative value.

The same cannot be said of the term “require” as used in section 24-157(B)(1). As a threshold matter, the phrase presents an illogical mismatch between verb and object. It would be logical and fall within normal usage to say that a *concept*—that is, an idea or a notion—may be *taught*, or for that matter to say that a *concept* may not be *required*—i.e., ordered or made compulsory—to *be taught*. But to generally direct that a *concept* may not be *required* opens the statute to a variety of interpretations.

The State Defendants urge the Court to fix this mismatch by interpreting section 24-157(B)(1)’s “require . . . the . . . concepts” to mean that no school personnel shall “teach the specified concepts as being true.” Okla. Stat. tit. 70, § 24-157(B)(1); Tr. Mot. Hr’g 47:14-16 (Doc. No. 162); *see also* State Defs.’ Resp. at 24-25. But, again, a federal court

is not empowered to rewrite a state statute by adding such modifiers. *See Stenberg*, 530 U.S. at 944; *Okla. State Conf. of NAACP*, 569 F. Supp. 3d at 1153. Considering the plain text of the statute, and giving each word its ordinary meaning, the Court concludes that Plaintiffs have sufficiently shown that section 24-157(B)(1) is unconstitutionally vague as to the term “require” in the introductory verb clause.

2) *To Make the Prohibited Concepts Part of a Course*

As to the second aspect of the introductory verb clause, and the eight prohibited concepts in subsections 24-157(B)(1)(a) through (h), the Court finds that the resulting directives are—with two exceptions—sufficiently clear to give ordinary people fair notice of the conduct prohibited thereby and, further, are not so standardless as to invite arbitrary enforcement. The Court emphasizes that, in so finding, it has construed the directives in subsections 24-157(B)(1)(a) through (h) as narrow in scope in light of both the plain text of the statute itself and the statute’s express incorporation of the Academic Standards as a “safe harbor” such that teaching any concepts that “align with” an Academic Standard is permitted under the Act.

a. *“No [school personnel] shall . . . make part of a course the . . . concept[]: . . . one race or sex is inherently superior to another race or sex”*

The directive in subsection (a) is sufficiently clear to satisfy the due process requirement of the Fourteenth Amendment. The text prohibits teaching that any single race

is of higher value than another race or that any sex is of higher value than another sex.¹¹ Contrary to Plaintiffs' arguments, this provision does not reasonably prohibit teaching about how mistaken beliefs about the superiority of one race or sex have existed in history, how such beliefs exist now, or how those beliefs have affected or currently affect the actions of people or institutions.

b. *“No [school personnel] shall . . . make part of a course the . . . concept[]: . . . an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously”*

The directive in subsection (b) is likewise sufficiently clear to satisfy the due process requirement of the Fourteenth Amendment. The text prohibits teaching that a person, simply as a result of belonging to any particular race or sex, has the characteristic of being prejudiced against other persons because of their belonging to a different race or sex, or the characteristic of keeping others in subjection or hardship because of their belonging to a different race or sex.¹² Contrary to Plaintiffs' arguments, this text does not reasonably

¹¹ See Oxford English Dictionary, s.v. “superior (adj.), sense II.7.a,” *accessible at* <https://doi.org/10.1093/OED/3488245575> (2024) (“Higher in notional or abstract rank, or in a scale or series; of a higher or better nature or character.”).

¹² See Oxford English Dictionary, s.v. “racist (adj.),” *accessible at* <https://doi.org/10.1093/OED/1166463562> (2024) (“Prejudiced, antagonistic, or discriminatory towards a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalized; expressing or characterized by racism.”); *id.*, s.v. “sexist (adj.),” *accessible at* <https://doi.org/10.1093/OED/3045936212> (2024) (“Of, relating to, or characteristic of sexism or sexists; that advocates or practi[c]es sexism, esp. against women.”); *id.*, s.v. “sexism (n.2),” *accessible at* <https://doi.org/10.1093/OED/3048626588> (2024) (“[P]rejudice, stereotyping, or discrimination, typically against women, on the basis of sex”); *id.*, s.v. “oppressive (adj.), sense 2.b,” *accessible at* <https://doi.org/10.1093/OED/6548577607> (2024) (“Of a person, social group, government, etc.: that oppresses (oppress v. 3a); characterized by or disposed to such oppression;

prohibit teaching that an action by a person or an institution is racist or sexist or results in undue oppression, or that inaction by a person or an institution in the face of racism or sexism is itself racist or sexist. And the text does not prohibit teaching that an institution or a policy that contributes to or perpetuates a preference for one race over another is racist, or that an institution or a policy that contributes to or perpetuates a preference for one sex over another is sexist.

c. *“No [school personnel] shall . . . make part of a course the . . . concept[]: . . . an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex”*

-and-

d. *“No [school personnel] shall . . . make part of a course the . . . concept[]: . . . members of one race or sex cannot and should not attempt to treat others without respect to race or sex”*

The Court will discuss subsections (c) and (d) together. Subsection (c) prohibits making part of a course that it is acceptable for a person to “receive adverse treatment” due to that person’s race or sex. Okla. Stat. tit. 70, § 24-157(B)(1)(c). Subsection (d) prohibits making part of a course that it is unacceptable for a person to “attempt to treat others without respect to race or sex.” *Id.* § 24-157(B)(1)(d). Thus, the construction of both provisions depends in part on the meaning of the words “treat” and relatedly “treatment.”

tyrannical.”); *id.*, s.v. “oppress (v.), sense 3.a,” *accessible at* <https://doi.org/10.1093/OED/1037181714> (2024) (“To keep (a person or group of people, esp. a minority or other subordinate group) in subjection and hardship by the unjust exercise of authority, power, or strength; to exploit; to tyrannize over.”).

The term “treat” is not defined in the Act and the use of that term has not been addressed by any Oklahoma court, either as to the Act generally or as to subsections (c) and (d) specifically. As used, “treat” is not subject to any modifier beyond subsection (c)’s—but not subsection (d)’s—specification that the treatment be “adverse.”

Mindful of a federal court’s limited capacity in construing a state statute, the Court must evaluate subsections (c) and (d) based on the ordinary meaning of the word “treat,” which is expansive in scope.¹³ The prohibitions in these subsections are not limited to the subjects of employment and admissions; indeed, the plain language of the prohibitions extends across every social, political, historical, and religious context. Accordingly, the text of subsection (c) would prohibit teaching that it is ever proper to draw distinctions based on race or sex if they favor one group over another. So, subsection (c) would prohibit a teacher from endorsing widely rejected ideas (e.g., that it is acceptable to restrict access to public accommodations based on race), which appears likely to have been the intended result. But subsection (c) would also—on its face—prohibit a teacher from making part of a course ideas that are subjects of current political debate (e.g., whether it is permissible to consider race or sex in college admissions or through an affirmative action hiring plan) or ideas that are accepted by a significant number of people and are reflected in current law (e.g., that men but not women should be subject to military conscription). In some instances, that type of broad scope might be merely broad and not also ambiguous, but here

¹³ See Oxford English Dictionary, s.v. “treat (v.), sense 7.a,” *accessible at* <https://doi.org/10.1093/OED/5300748815> (2024) (“To deal with, behave or act towards (a person, animal, etc.) in some specified way; to ‘use’ (well, ill, properly, reverently, etc.).”).

the totality of the Act reflects that these provisions are simply unclear. Considering the relevant factors, the Court finds that there is a strong likelihood that Plaintiffs will be able to show that the text of subsection (c) does not provide fair notice to school administrators and teachers as to what is prohibited by that subsection and what is not and, therefore, that subsection (c) is impermissibly vague in violation of the Fourteenth Amendment. *See Jordan*, 425 F.3d at 825.

Subsection (d) suffers from similar ambiguity. The wording of this prohibition is cumbersome. *Cf. Honeyfund.com, Inc. v. DeSantis*, 622 F. Supp. 3d 1159, 1182 (N.D. Fla. 2022) (describing such a directive as “a rarely seen triple negative, resulting in a cacophony of confusion”), *aff’d sub nom. Honeyfund.com Inc. v. Governor, State of Fla.*, 94 F.4th 1272 (11th Cir. 2024). The text of subsection (d) would prohibit teaching that it is impossible or undesirable to “treat” a person of one race in the same way as a person of another race, or to “treat” a person of one sex in the same way as a person of another sex. And so, like subsection (c), subsection (d) extends across various contexts and would prohibit making as part of a course the proposition that it is proper in any circumstance to draw distinctions based on race or sex. The statute would appear to prohibit a teacher from endorsing widely rejected ideas (e.g., teaching that children *should* be judged by the color of their skin and *not* the content of their character), endorsing ideas that are subjects of current political debate (e.g., that facially neutral policies may, due to historical racial or sexual discrimination, result in disparate impact among races or sexes), and endorsing ideas that are widely accepted and are reflected in current law (e.g., that separate sports divisions may be established for boys and girls). Again, upon considering the relevant factors, the

Court finds that there is a strong likelihood that Plaintiffs will be able to show that the text of subsection (d) does not provide fair notice to school administrators and teachers as to what is prohibited by that subsection and what is not and, therefore, that subsection (d) is impermissibly vague in violation of the Fourteenth Amendment. *See Jordan*, 425 F.3d at 825.

At this preliminary stage, the Court finds that subsections (c) and (d) of section 24-157(B)(1) are unconstitutionally vague because their scope is so indefinite “that persons of common intelligence must necessarily guess at [their] meaning and differ as to [their] application.” *Kleinsmith*, 571 F.3d at 1038 (alteration and internal quotation marks omitted).

e. “No [school personnel] shall . . . make part of a course the . . . concept[]: . . . an individual’s moral character is necessarily determined by his or her race or sex”

The directive in subsection (e) is sufficiently clear to satisfy the due process requirement of the Fourteenth Amendment. The text prohibits teaching that a person is of a certain moral character due to the person’s race or sex.¹⁴ As with subsection (b), the text does not prohibit teaching that a particular action by a person or institution—including a failure to recognize racism or sexism and to act to rectify it—is morally wrong.

f. “No [school personnel] shall . . . make part of a course the . . . concept[]: . . . an individual, by virtue of his or her race or

¹⁴ *See Oxford English Dictionary*, s.v. “character (n.), sense II.9.a,” *accessible at* <https://doi.org/10.1093/OED/4055170406> (2024) (“The sum of the moral and mental qualities which distinguish an individual or a people, viewed as a homogeneous whole; a person’s or group’s individuality deriving from environment, culture, experience, etc.; mental or moral constitution, personality.”).

sex, bears responsibility for actions committed in the past by other members of the same race or sex”

The directive in subsection (f) is sufficiently clear to satisfy the due process requirement of the Fourteenth Amendment. The text prohibits teaching that a person is responsible for the past actions of another person simply because they share a common race or sex. *See* Okla. Stat. tit. 70, § 24-157(B)(1)(f). Contrary to Plaintiffs’ arguments, the text does not prohibit teaching about historical or current events in which members of one race or sex acted criminally, maliciously, or discriminatorily toward members of another race or sex. Nor does it reasonably preclude teaching that past actions of racism or sexism have resulted in present advantages for members of a certain race or sex or have resulted in present disadvantages for members of a certain race or sex.

g. “No [school personnel] shall . . . make part of a course the . . . concept[]: . . . any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex”

The directive in subsection (g) is sufficiently clear to satisfy the due process requirement of the Fourteenth Amendment. The text prohibits making part of a course the concept that a person should feel discomfort, guilt, anguish, or distress because of the person’s race or sex.¹⁵ As with subsection (f), the text of subsection (g) does not prohibit teaching about historical or current events in which members of one race or sex acted

¹⁵ *See* Oxford English Dictionary, s.v. “on account of” in account (n.), sense P.1.d.iii.i,” *accessible at* <https://doi.org/10.1093/OED/1255070184> (2024) (“For the sake of, in consideration of; by reason of, because of.”).

criminally, maliciously, or discriminatorily—or that past actions of racism or sexism have resulted in present advantages or disadvantages for members of a certain race or sex.

Notably, contrary to Plaintiffs’ concerns, the text of subsection (g) does not prohibit the teaching of subjects involving race or sex merely because they might cause a student to feel discomfort or distress. Take as an example a student who is discomfited upon learning about a historical event in which persons of her race harmed persons of another race. That student’s reaction to the facts of the event would not, absent more, mean that a teacher impermissibly taught that the student “*should* feel discomfort . . . *on account of* . . . her race.” *Id.* § 24-157(B)(1)(g) (emphasis added). Any reaction by the student would instead be due to historical fact: e.g., the cruelty of the acts at issue and the harm that was experienced because of those acts. In other words, while a teacher may and should teach about events that make students uncomfortable, such coursework is distinct from teaching students that their race or sex should *itself* be a cause for discomfort or shame. The Court construes the text of subsection (g) as prohibiting the latter conduct, not the former.

h. “No [school personnel] shall . . . make part of a course the . . . concept[]: . . . meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.”

The directive in subsection (h) prohibits teaching that a meritocratic system or characteristics such as a strong work ethic are in and of themselves racist or sexist or were devised to keep members of another race or sex in subjection or hardship.¹⁶ Whatever

¹⁶ See Oxford English Dictionary, s.v. “oppress (v.), sense 3.a,” accessible at <https://doi.org/10.1093/OED/1037181714> (2024) (“To keep (a person or group of people,

might be said about the necessity of this prohibition, the Court finds that the text is sufficiently clear to satisfy the due process requirement of the Fourteenth Amendment.

i. The Oklahoma Academic Standards as a Safe Harbor

Further, the safe harbor of the Academic Standards limits the scope of each of the directives set forth above, expressly protecting the teaching of “concepts that align to” listed topics that include, and reasonably require discussion of, past and present race and sex discrimination. *See id.* § 24-157(B) (prescribing that “[t]he provisions of this subsection shall not prohibit the teaching of concepts that align to the Oklahoma Academic Standards”). These subjects include historical events and ideas: slavery in America and its political and economic consequences;¹⁷ the ratification of the Constitution and the founders’ treatment of enslaved persons and all women;¹⁸ the colonization of tribal lands and the United States’ subsequent interactions with American Indians,¹⁹ including policies of conquest and forcible removal of tribes and attempted assimilation;²⁰ the women’s suffrage movement;²¹ the role of slavery “as the principal cause of increased sectional

esp. a minority or other subordinate group) in subjection and hardship by the unjust exercise of authority, power, or strength; to exploit; to tyrannize over.”).

¹⁷ *See 2019 Oklahoma Academic Standards for Social Studies* at 5.1.5, 5.2.8, 5.4.2, 8.3.3, 8.9, WH.2.4, available at <https://sde.ok.gov/oklahoma-academic-standards> (last updated Oct. 11, 2023).

¹⁸ *See id.* at 8.3.3, 8.12.2.

¹⁹ *See id.* at 3.2.2, 3.3.8, 4.3.1, 5.2.6, 8.3.4, 8.8.4, OKH.2.3, OKH.2.4, OKH.3.1.

²⁰ *See id.* at 3.2.2, 3.3.8, 8.4.2, 8.7.3, 8.12.5, OKH.2.3, OKH.2.4, OKH.3, OKH.5.1, USH.1.3.

²¹ *See id.* at 8.2.2, 8.9.5, USH.2.1, USH.2.3.

polarization leading to the Civil War”;²² the Reconstruction Era and adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution;²³ civil rights struggles in America, including Black Codes and Jim Crow Laws;²⁴ the founding of Oklahoma and the effect of federal policies on American Indians during early statehood;²⁵ the disenfranchisement of minorities and racial tensions in twentieth-century America (expressly including the “Tulsa Race Riot”²⁶ and the internment of Japanese-Americans during World War II²⁷);²⁸ and the “major events, personalities, tactics[,] and effects of the Civil Rights Movement.”²⁹ The protected topics also include the effects of past bias and discrimination on current behavior³⁰ and “ongoing issues including immigration, criminal justice reform, employment, environmental issues, race relations, civic engagement, and education.”³¹

These standards largely if not entirely embrace the topics identified by Plaintiffs as potentially affected by subsections (a), (b), (e), (f), (g), and (h) of the Act. As to subsections

²² *Id.* at 8.10, 8.11.

²³ *See id.* at 8.12.

²⁴ *See id.* at 8.9.3, 8.12.2, 8.12.3, 8.12.4, USH.1.2.

²⁵ *See id.* at OKH.4, OKH.5.1.

²⁶ *See id.* at OKH.5.2, USH.4.1.

²⁷ *See id.* at USH.5.1.

²⁸ *See id.* at USH.2.1.G, USH.4.1.B.

²⁹ *Id.* at OKH.6.1, USH.7.1.

³⁰ *See id.* at PS.7.2 (“Explain how bias, discrimination and use of stereotypes influence behavior with regard to gender, race, sexual orientation and ethnicity . . .”).

³¹ *Id.* at OKH.6.9; *see also id.* at OKH.6.5, USH.7.2, USH.9.3.

(c) and (d) of the Act, however, the Court finds that even the broad reach of the Academic Standards does not fully mitigate the vagueness of those directives. The broad scope of the terms “treat” and “treatment” in subsections (c) and (d) implicates concepts beyond those listed in, or that reasonably “align to,” the Academic Standards.

c. Conclusion

The Court’s role here is not to assess whether the Act is needed or wise but to evaluate whether its language is so vague that the Act “fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits” or “authorizes or even encourages arbitrary and discriminatory enforcement.” *StreetMediaGroup*, 79 F.4th at 1253 (internal quotation marks omitted). As set forth above, the Court finds that Plaintiffs have established a substantial likelihood of success on the merits insofar as (1) their claim that section 24-157(A)(1)’s prohibition of “[a]ny orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex” is impermissibly vague in violation of the Fourteenth Amendment; and (2) their claim that section 24-157(B)(1) is impermissibly vague in violation of the Fourteenth Amendment, as to the use of the introductory verb clause term “require,” and with respect to subsections (c) and (d) in their entirety. Okla. Stat. tit. 70, § 24-157(A)(1), (B)(1).³²

³²Although the Act lacks a severability clause, Oklahoma law presumes statutes are severable absent a finding that the valid provisions “are so essentially and inseparably connected with” the void provisions that “the court cannot presume the Legislature would have enacted the remaining valid provisions without the void one[s]” or that the remaining valid provisions “standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.” Okla. Stat. tit. 75, § 11a(1). The Court finds that

2. *Plaintiffs' First Amendment Challenge*

Plaintiffs also contend that a preliminary injunction should issue because the Act infringes upon the rights of educators to teach certain information and the corollary right of students to hear that information. *See* Pls.' Mot. Prelim. Inj. at 22-28.

With respect to section 24-157(A)(1) of the Act, which applies to public universities and colleges, the Court has determined—as set forth by separate Order—that Plaintiffs lack standing to challenge the first sentence of that provision, and—as set forth above—that Plaintiffs have made a strong showing that the second sentence of that provision is unconstitutionally vague. Therefore, the Court need not reach Plaintiffs' First Amendment challenge to section 24-157(A)(1).

With respect to section 24-157(B)(1) of the Act, which restricts what K-12 School personnel in Oklahoma may make part of a course, the Court has determined—as set forth by separate Order—that Plaintiffs' claims based on the First Amendment should be dismissed because Plaintiffs have not shown that section 24-157(B)(1) infringes on their First Amendment rights. Therefore, no injunction would be appropriate based on Plaintiffs' claims challenging section 24-157(B)(1) as violative of the First Amendment.

excising the second sentence from section 24-157(A)(1), “require or” from section 24-157(B)(1), and subsections (c) and (d) of section 24-157(B)(1) in their entirety, does not impair the validity of the remainder of those sections or preclude a presumption that the Legislature would have enacted the remaining provisions without those terms.

B. Irreparable Harm

“A plaintiff suffers irreparable injury when the court would be unable to grant an effective monetary remedy after a full trial because such damages would be inadequate or difficult to ascertain.” *Dominion Video Satellite*, 269 F.3d at 1156. “Any deprivation of any constitutional right fits that bill.” *Free the Nipple-Fort Collins v. City of Fort Collins*, 916 F.3d 792, 806 (10th Cir. 2019). Because Plaintiffs have made a strong showing of likelihood of success on the merits of their Fourteenth Amendment claims to the extent set forth above, “no further showing of irreparable injury” is required. *Id.* at 805.

C. Balance of Equities and the Public Interest

The third and fourth preliminary injunction standards—whether “the threatened injury to the movant outweighs the injury to the party opposing the preliminary injunction” and whether “the injunction would not be adverse to the public interest,” *Dominion Video Satellite*, 269 F.3d at 1154—merge when, as here, the government is opposing the preliminary injunction. *Aposhian v. Barr*, 958 F.3d 969, 978 (10th Cir. 2020) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). The State Defendants contend that a preliminary injunction would deprive Oklahomans of a law prescribing a public education “crafted out of the state’s democratic process and policy judgments.” State Defs.’ Resp. at 30. But the State has no legitimate interest in enforcing a law determined to be unconstitutionally vague. *See Free the Nipple-Fort Collins*, 916 F.3d at 807 (“[I]t’s always in the public interest to prevent the violation of a party’s constitutional rights.” (internal quotation marks omitted)); *Planned Parenthood of Ark. & E. Okla. v. Cline*, 910 F. Supp. 2d 1300, 1308 (W.D. Okla. 2012) (“The public has an interest in constitutional rights being upheld and in

unconstitutional decisions by the government being remedied.”). These considerations weigh in favor of imposition of an injunction.

D. Security

Although no party has addressed the provision of a bond, Federal Rule of Civil Procedure 65(c) requires the giving of security as a condition precedent to the granting of a preliminary injunction. “However, the Court has discretion to require only a nominal bond, or no bond at all,” where, as here, “issues of overriding public concern or important federal rights are involved.” *Entm’t Merchants Ass’n v. Henry*, No. CIV-06-675-C, 2006 WL 2927884, at *4 (W.D. Okla. Oct. 11, 2006) (citing *Cont’l Oil Co. v. Frontier Ref. Co.*, 338 F.2d 780, 782 (10th Cir. 1964)). Defendants will suffer no financial harm from an imposition of preliminary injunctive relief. The security requirement of Rule 65(c) shall be waived.

CONCLUSION

For the foregoing reasons, Plaintiffs’ Motion for Preliminary Injunction (Doc. No. 27) is GRANTED IN PART and DENIED IN PART, as follows:

Defendants herein, their officers, agents, servants, employees, and attorneys, and persons who are in active concert or participation with those individuals, are hereby ENJOINED from enforcing, until such time as a final decision is issued on the merits of this case:

- the provision: “Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex is prohibited.” Okla. Stat. tit. 70, § 24-157(A)(1);

- the word “require” in the introductory verb clause in title 70, section 24-157(B)(1) of the Oklahoma Statutes;
- subsections (c) and (d) of title 70, section 24-157(B)(1) of the Oklahoma Statutes, in their entireties; or
- the Implementing Rules, to the extent they are inconsistent with this Order.

IT IS SO ORDERED this 14th day of June, 2024.



CHARLES B. GOODWIN
United States District Judge

**NOTICE OF APPEAL TO A COURT OF APPEALS FROM A JUDGMENT OR
ORDER OF A DISTRICT COURT**

*United States District Court for the Western District of Oklahoma
File Number Civ-21-1022-G*

[1] BLACK EMERGENCY RESPONSE TEAM, et al.)
)
Plaintiffs,)
v.)
) **Notice of Appeal**
)
[1] GENTNER DRUMMOND, in his official capacity)
as Oklahoma Attorney General, et al.)
)
Defendants.)

Notice is hereby given that John R. Braught, Robert Ross, Kenneth S. Waits, Natalie Shirley, Anita Holloway, Eric Stevenson and Rick Nagel, in their official capacities as members of the Board of Regents of the University of Oklahoma, defendants in the above named case, hereby appeal to the United States Court of Appeals for the 10th Circuit from an Order of Preliminary Injunction, entered in this action on the Fourteenth day of June, 2024.

(s) Tina S. Ikpa

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UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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July 16, 2024

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Zachary Paul West
Office of the Attorney General for the State of Oklahoma
Litigation Department
313 NE 21st Street
Oklahoma City, OK 73105

RE: 24-6140, Black Emergency Response Team, et al v. Braught, et al
Dist/Ag docket: 5:21-CV-01022-G

Dear Counsel:

Your appeal has been docketed, and the appeal number is above.

Within 14 days from the date of this letter, Appellant's counsel must electronically file:

- **An entry of appearance and certificate of interested parties** per 10th Cir. R. 46.1(A) and (D).
- **A docketing statement** per 10th Cir. R. 3.4.
- **A transcript order form or notice that no transcript is necessary** per 10th Cir. R. 10.2. This form must be filed in **both** the district court and this court.

In addition, all counselled entities that are required to file a Federal Rule of Appellate Procedure 26.1 disclosure statement must do so **within 14 days of the date of this letter**. All parties must refer to Federal Rule of Appellate Procedure 26.1 and Tenth Circuit Rule 26.1 for applicable disclosure requirements. All parties required to file a disclosure statement must do so even if there is nothing to disclose. Rule 26.1 disclosure statements must be promptly updated as necessary to keep them current.

Also within 14 days, Appellee’s counsel must electronically file an entry of appearance and certificate of interested parties. **Attorneys that do not enter an appearance within the specified time frame will be removed from the service list.**

The [Federal Rules of Appellate Procedure](#), the [Tenth Circuit Rules](#), and [forms](#) for the aforementioned filings are on the court’s [website](#). The Clerk’s Office has also created a set of [quick reference guides](#) and [checklists](#) that highlight procedural requirements for appeals filed in this court.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of Court

- cc: Julia Beskin
Maya Brodziak
Justin C Cliburn
Andy N. Ferguson
William Patrick Flanagan
Fred Andrew Fugitt
Garry Michael Gaskins II
Adam Hines
Sarah A. Hinger
David Hinojosa
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