

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JAN - 4 2008 *Ricks*

PATRICIA PRESLEY, COURT CLERK
by *[Signature]*
Deputy

JOHN Q. PORTER,

Plaintiff,

vs.

No.

CJ - 2008 - 113

INDEPENDENT SCHOOL DISTRICT 89,
a/k/a Oklahoma City Schools; and
CLIFF HUDSON, individually and in his
official capacity as Chairman of the Oklahoma
City Schools Board of Education;
JOSEPH L. CLYTUS, individually and in his
official capacity as Vice-Chairman of the
Oklahoma City Schools Board of Education;
ALBERT BASEY, individually and in his
official capacity as a member of the
Oklahoma City Schools Board of Education;
GAYLE VINES, individually and in her
official capacity as a member of the
Oklahoma City Schools Board of Education;
THELMA R. PARKS, individually and in her
official capacity as a member of the Oklahoma
City Schools Board of Education;
DAVID CASTILLO, individually and in his
official capacity as a member of the Oklahoma
City Schools Board of Education;
WILFREDO SANTOS RIVERA, individually
and in his official capacity as a member of the
Oklahoma City Schools Board of Education,

Defendants.

PETITION

COMES NOW John Q. Porter and for his claims against the Independent School
District 89, a/k/a Oklahoma City Schools, Cliff Hudson, individually and in his capacity CLIFF
HUDSON, individually and in his capacity as Chairman of the Oklahoma City Schools Board of

Education; JOSEPH L. CLYTUS, individually and as Vice-Chairman of the Oklahoma City Schools Board of Education; ALBERT BASEY, individually and in his official capacity as a member of the Oklahoma City Schools Board of Education; GAYLE VINES, individually and in her official capacity as a member of the Oklahoma City Schools Board of Education; THELMA R. PARKS, individually and in her official capacity as a member of the Oklahoma City Schools Board of Education; DAVID CASTILLO, individually and in his official capacity as a member of the Oklahoma City Schools Board of Education; WILFREDO SANTOS RIVERA, individually and in his official capacity as a member of the Oklahoma City Schools Board of Education, alleges and states as follows:

1. John Q. Porter is the Superintendent of Schools for Oklahoma City Schools and serves in that capacity under an Employment Agreement that commenced on July 1, 2007, and terminates on July 30, 2010.

2. That Employment Agreement provides for annual evaluations and may only be terminated in accordance with law.

3. Mr. Porter has a property right in his contract of employment.

4. The Oklahoma City School's Board of Education consists of the following members: Cliff Hudson, Board Chairman; Joseph L. Clytus, District 4 Representative and Vice Chairman; Albert Basey, District 1 Representative; Gayle Vines, District 2 Representative; Thelma R. Parks, District 4 Representative; David Castillo, District 6 Representative; and Wilfredo Santos Rivera, District 7 Representative.

5. This Court has both personal and subject matter jurisdiction.

6. During the period of his employment, the Superintendent has been treated with hostility, disrespect, and his authority and ability to operate undermined by Cliff Hudson, the Chairman of the Oklahoma City Schools Board of Education, who has indicated that he would pursue the termination of the Superintendent.

7. Mr. Hudson instigated an investigation of the Superintendent, Dr. Porter, without the authority of the Board.

8. Mr. Hudson has previously discussed the results of the investigation with some or all of the Board members and select members of the public before the Executive Session to be held on January 7, 2008. In those discussions, Mr. Hudson has promoted his view that Mr. Porter be terminated.

9. Those discussions constituted a deliberation and decision by each board member approached. As such, these communications were violative of the Oklahoma Open Meetings Act, 25 O.S. § 301 et seq.

10. Mr. Hudson has been successful in swaying a number of representatives of the Board to his view outside the purview of any noticed and convened meeting of the Board.

11. The Oklahoma City School District has published an agenda which indicates that at 8:00 a.m. on January 7, 2008, it intends to discuss a confidential communication with the District's legal counsel. That communication involves an investigation of John Q. Porter and constitutes a pretext inasmuch as the report and its findings and its conclusions have already been discussed with one or more of the Board members. This attempts to cure a violation of the Open Meeting Act which has already occurred.

12. Mr. Porter has been advised by a letter from Robert G. McCampbell that the Board will consider suspending his employment and consider whether reasons exist to terminate his employment.

13. The 8:00 a.m. meeting is extraordinary in that regular meetings of the Board are historically held at 5:30 p.m. allowing interested citizens to address the Board about matters of concern.

14. The 8:00 a.m. schedule for the meeting deprives and impairs the ability of interested citizens to speak on the issue of the employment of the Superintendent.

15. The Due Process Clause and Fourteenth Amendment of the United States Constitution and Article II, Section 7 of the Oklahoma Constitution guarantee that no state will provide any person of life, liberty or property without the process of law. These guarantees are codified in 70 O.S. § 6-101.13.

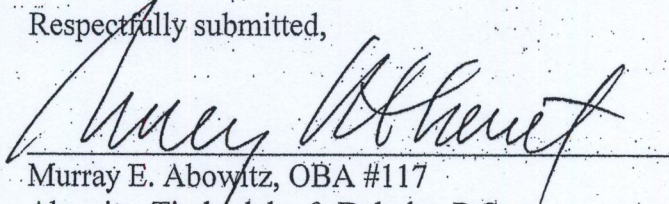
16. The Board as currently constituted is tainted by the actions of its Chairman and certain of its board members, cannot provide the due process guaranteed to Mr. Porter and, indeed, the actions that they have taken to date have violated his life, liberty and property interests without affording him any due process protection.

17. If the Board is permitted to continue to consider, evaluate or decide any matter with respect to Mr. Porter's continued employment, the violations set forth above will be exacerbated and Mr. Porter will suffer irreparable harm.

18. Mr. Porter is an esteemed administrator with impeccable credentials and experience whose reputation will be damaged in that his liberty and property interests will be continually violated.

19. Mr. Porter respectfully requests that this Court enter a Temporary Restraining Order preventing the Board from conducting its executive session currently set for January 7, 2008, at 8:00 a.m., and upon further hearing, enjoin the Board as currently constituted from addressing any aspect of Mr. Porter's employment relationship with the Oklahoma City Schools.

Respectfully submitted,



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