



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
**FILED**

APR 16 2012

INDEPENDENT SCHOOL DISTRICT )  
NO. 5 OF TULSA COUNTY, OKLAHOMA, )  
a/k/a JENKS PUBIC SCHOOLS, )  
*et al.*, )

Plaintiffs, )

vs. )

RUSSELL SPRY, STEPHANIE SPRY, )  
*et al.*, )

Defendants. )

SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLAHOMA, TULSA COUNTY

Case No. CV 2011-00890

Judge Rebecca B. Nightingale

JOURNAL ENTRY OF JUDGMENT

This matter comes on for decision on the motion for summary judgment filed by the Defendants, Russell Spry, Stephanie Spry, Tim Tylicki, Kimberly Tylicki, Tim Fisher, Kristin Fisher, Stefan Hipskind, Stephanie Hipskind, Jerry Sneed, and Shanna Sneed, and the cross-motion for summary judgment filed by the Plaintiffs, Independent School District No. 5 of Tulsa County, Oklahoma, a/k/a Jenks Public Schools, and Independent School District No. 9 of Tulsa County, Oklahoma, a/k/a Union Public Schools.

The Plaintiffs seek a declaratory judgment that the "Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act," OKLA. STAT. tit. 70, §§ 13-101.1 and 13-101.2 (2011) violates the Oklahoma Constitution and is unconstitutional.

SALLY HOWE SMITH  
COURT CLERK  
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The Plaintiffs were represented by Jerry A. Richardson, Karen L. Long, and Frederick J. Hegenbart of Rosenstein, Fist, and Ringold. The Defendants were represented by Eric Baxter of the Becket Fund for Religious Liberty and Lance Freije of Latham, Wagner, Steele, & Lehman, P.C. The Oklahoma Attorney General appeared through Patrick R. Wyrick, Solicitor General, in support of the Defendants' position.

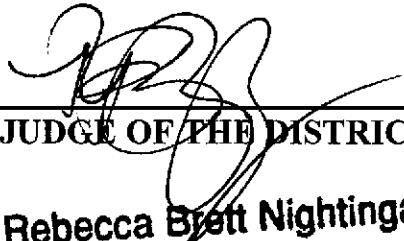
After reviewing the opening briefs in support of the parties' respective motions for summary judgment, the responses and reply briefs filed by the parties, and the Attorney General's brief on the merits of the constitutional claims and the Plaintiffs' reply thereto, and after having heard argument from counsel for the parties and the Solicitor General, and being fully advised as to the facts relevant to this dispute and the governing law, the Court found as follows:

1. The Plaintiffs have standing to bring this action seeking a declaratory judgment.
2. The Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act violates the Oklahoma Constitution.
3. The Defendants' motion for summary judgment should be denied, and the Plaintiffs' motion for summary judgment should be granted.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Defendants' motion for summary judgment is denied, and

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Plaintiffs' motion for summary judgment is granted, and the Lindsey Nicole Henry

Scholarships for Students with Disabilities Program Act is determined to be unconstitutional.

  
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JUDGE OF THE DISTRICT COURT  
**Rebecca Brett Nightingale**

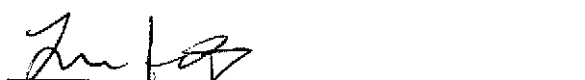
Dated: 4-13-12

Approved as to Form:



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