

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

CITY OF NORMAN, OKLAHOMA,)
A MUNICIPAL CORPORATION,)

Petitioner,)

v.)

Case No. CV-2023-516

KELLY LYNN,)

Respondent.)

**ORDER DENYING RESPONDENT’S MOTION TO STAY THE ENFORCEMENT OF
JUDGMENT ISSUED APRIL 27, 2023**

This matter comes before the Court this 16th day of May, 2023 on Respondent’s Motion to Stay the Enforcement of Judgment Issued April 27, 2023. Petitioner is represented by and through counsel, John E. Dorman and Rickey J. Knighton II, and Respondent is represented by and through counsel, Tracy Schumacher. Both parties agreed to allow the Court to rule on Respondent’s Motion to Stay on the pleadings, without further argument.

The Court now finds that Respondent’s Motion to Stay should be and is hereby denied. In support thereof, the Court finds Petitioner’s Response compelling and adopts the arguments outlined therein. Specifically, the Court finds that pursuant to Oklahoma Supreme Court Rule 1.15, a stay in the above-entitled matter is discretionary.

A Rule 1.15 stay involves several factors, a minimum of four, which are weighed or balanced by the Court. Okla. Sup. Ct. R. Rule 1.15: “No application for a stay, supersedeas, or suspension pending appeal will be considered unless the applicant addresses: (a) The likelihood of success on appeal; (b) The threat of irreparable harm to moving party if relief is not granted; (c) The potential harm to the opposing party; and (d) Any risk of harm to the public interest.”

Oklahoma Ass'n of Broadcasters, Inc. v. City of Norman, Norman Police Dep't, 2016 OK 119, 390 P.3d 689, 705.

Further, the party requesting the stay bears the burden of demonstrating that these factors balance in favor of a stay pending appeal. *Nken v. Holder*, 556 U.S. 418, 433–34, 129 S. Ct. 1749, 1761, 173 L. Ed. 2d 550 (2009). Respondent has failed demonstrate the circumstances of this case justify an exercise of judicial discretion in granting a stay. *See, e.g., Clinton v. Jones*, 520 U.S. 681, 708, 117 S.Ct. 1636, 137 L.Ed.2d 945 (1997); *Landis v. North American Co.*, 299 U.S. 248, 255, 57 S.Ct. 163, 81 L.Ed. 153 (1936).

WHEREFORE, Respondent's Motion to Stay the Enforcement of Judgment Issued April 27, 2023 is hereby denied.

IT IS HEREBY ORDERED!

A handwritten signature in black ink, reading "Leah Edwards". The signature is written in a cursive, flowing style.

LEAH EDWARDS
Judge of the District Court

CERTIFICATE OF MAILING

I, Susan Peters, bailiff of the District Court hereby certify that on the 16th day of May, 2023, I mailed, postage prepaid, a true and correct copy of the foregoing order to the following:

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District Court Bailiff