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IN THE DISTRICT COURT OF THE STATE OF OKLAHOMA
IN AND FOR THE COUNTY OF TULSA

KIRK OF THE HILLS CORPORATION,)
Plaintiff,
vs.
PRESBYTERIAN CHURCH, USA,
et al.,
Defendant.

CASE NO. CJ-06-5063

COPY

TRANSCRIPT OF DECISION
HEARD OCTOBER 26, 2006
BEFORE THE HONORABLE JEFFERSON D. SELLERS,
DISTRICT JUDGE
TULSA, OKLAHOMA

APPEARANCES:

SEAN MCKEE and JOHN O'CONNOR, Attorneys at Law,
Tulsa, Oklahoma, appear on behalf of the Plaintiff.

CRAIG W. HOSTER, Attorney at Law, appears on
behalf of the Defendants.

LYNETTE QUETONE, CSR, RPR, CM
Official Court Reporter
Tulsa County Courthouse
Tulsa, Oklahoma 74103

P R O C E E D I N G S

1
2 THE COURT: We'll be on the record, please,
3 in Kirk of the Hills Corporation, Plaintiff, versus
4 Eastern Oklahoma Presbytery, and others, Case Number
5 CJ-2006-5063. We're here on the Defendant's-- for
6 decision on the Defendant's motion for stay, and also
7 the Defendant's motion to compel disclosure or
8 production of the membership rolls of the local
9 church.

10 The Court determines, from my review of the-
11 authorities and the arguments that counsel have
12 provided to the Court, that in fact the Cimarron
13 case, Presbytery of Cimarron vs. Westminster
14 Presbyterian Church of Enid, 515 P.2d 211, has
15 neither been modified or overruled or repudiated in
16 any other way by the Supreme Court or any other
17 appellate court in this state, and, accordingly, I
18 believe it is the law which this Court has to follow.

19 Having said that, I do not find in that
20 case a requirement that this Court stay this
21 proceeding, and I decline to stay it. As far as I
22 know, there's no reason why this case and the review
23 that's being done by the-- Doug Dodd's commission
24 cannot proceed simultaneously as far as this Court's
25 concerned. In any event, I deny the stay.

1 I believe that pursuant to the discovery
2 code, which I-- I will enforce in this case, not the
3 Book of Order but the discovery code, specifically
4 section 3237 of Title 12, I will at this time compel
5 the Plaintiff to produce the membership rolls within
6 21 days to the Defendant, Eastern Oklahoma
7 Presbytery. The letters of counsel are sufficient
8 unto the Court for demand for production of documents
9 under the-- under the discovery code, and the
10 response back is-- is sufficient, I think, to give me
11 jurisdiction of the matter.

12 So, the motion to stay-- to stay having
13 been denied, the Defendant, Eastern Oklahoma
14 Presbytery, will be required to enter an answer or
15 otherwise plead within 20 days.

16 Are there further matters that the Court
17 needs to take up, Mr. O'Connor?

18 MR. O'CONNOR: Yes, Your Honor, perhaps a
19 clarification, that-- with respect to the records
20 that we are to produce. It would be the-- limited to
21 the member names and mailing addresses? For contact
22 purposes. That was the gravamen of their request,
23 was that they be authorized to contact our people.

24 THE COURT: That's my understanding of all
25 that's been requested. Mr. Hoster?

1 MR. HOSTER: Yeah, I would amend that, Your
2 Honor, to contact information, which would be-- if
3 they've got e-mail addresses, telephone numbers, that
4 sort of thing, as opposed to just mailing addresses.

5 THE COURT: Contact information, names,
6 address, phone number, e-mail, would be appropriate.

7 Mr. Hoster, anything further?

8 MR. HOSTER: Nothing further, Your Honor.

9 THE COURT: Thank you all. Court will be
10 in recess.

11 END OF PROCEEDINGS

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STATE OF OKLAHOMA)
)
COUNTY OF TULSA) ss.

C-E-R-T-I-F-I-C-A-T-E

I, Lynette Quetone, Certified Shorthand Reporter, in and for the County of Tulsa, State of Oklahoma, do hereby certify that the foregoing transcript is a true and correct transcript of my stenographic notes, taken of the foregoing hearing, Case No. CJ-06-5063, held October 26, 2006, before the Honorable Jefferson D. Sellers.

I further certify that I am neither related to nor attorney for any interested party, nor otherwise interested in said action.

WITNESS my hand and seal this _____ day of _____, 2006.

LYNETTE QUETONE, CSR, CM

*Lynette Quetone
Oklahoma Certified Shorthand Reporter
Certificate No. 0407
Exp. Date: December 31, 2006*