

**FILED**

APR 26 2004  
Carolee M. Weaver  
CAROLEE M. WEAVER  
DELAWARE CO. COURT CLERK

IN THE DISTRICT COURT OF DELAWARE COUNTY  
STATE OF OKLAHOMA

<p>DAVID EARL SHERO, an individual,  Counter-Claimant,  -vs-  CITY OF GROVE, an incorporated Municipality,  Defendant on Counter-Claim.</p>	<p><i>Case No. CV-2004-57</i></p>
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**JOURNAL ENTRY**

**NOW** on this 8th day of April 2004, this matter comes on for consideration upon the *Motion for Summary Judgment* filed by Defendant/Counter-Claimant, David Earl Shero, and upon the request for Summary Judgment set forth in the *City of Grove's Brief in Response to Counterclaimant's Motion for Summary Judgment* , pursuant to its regular setting. The City of Grove (hereinafter referred to as "City") appears by and through its attorney, Dorothy Parker and City Manager, William A. Galletly; David Earl Shero (hereinafter referred to as "Shero") appears in person and by and through his attorneys, Robert C. Jenkins and Gary D. Mallow of the Law Firm of Mallow, Jenkins & Reppart, PLLC. The Court, having reviewed the file and heard the arguments of counsel, **FINDS** that the following are material facts as to which no substantial controversy exists.

1. David Earl Shero made oral requests to the City of Grove on or about January 2, 2004, for City Council Packets pertaining to the City Council meeting of January 6, 2004, and again on or about January 16, 2004, for City Council Packets pertaining to the City Council meeting on January 20, 2004. Both requests were denied.

2. On January 30, 2004, Shero presented a written request to the Grove City Clerk for the City Council Packet prepared for the City Council meeting to be held on February 3, 2004. This request was denied in writing.

3. It is the City's policy to prepare individual City Council Packets for members of the City Council prior to the scheduled City Council meeting.

4. It is the City's policy to deny the general public copies of the individual City Council Packets prior to the City Council meeting.

5. On November 17, 2003, David Earl Shero made a written request to the City of Grove for a copy of the resume of current City Attorney, Dorothy Parker. Said request was denied.

6. The advertisement placed by the City of Grove with the *Grove Sun Daily* directed persons desiring consideration for the City Attorney position to submit a resume to apply for the position.

7. After applying for the position by submitting her resume, Dorothy Parker was hired as City Attorney for the City of Grove. She assumed her duties on or about August 1, 2003, and continues to serve as a public official.

The Court further ***FINDS*** as a matter of law as follows:

8. The requests to the City of Grove for copies of the unsolicited bids received by the City of Grove for the sale of the Grove Civic Center were denied by the City of Grove, but after the *Amended Counter-Claim* was filed, with approval of opposing counsel, the City did furnish said information, and that issue is now moot.


9. The pre-meeting packets are public records and the City cannot consider the entire packet exempt from disclosure under the Oklahoma Open Records Act, 51 O.S. §24A.1 et seq. Only those portions deemed confidential pursuant to Statute may be redacted.

10. The resume of Dorothy Parker was her application for the position of City Attorney and, under the City's current hiring practice, the resume is an open record.

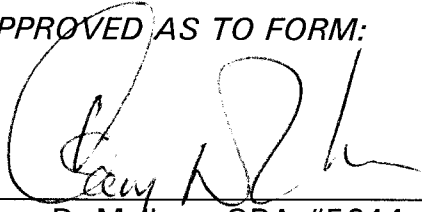
11. The City should be permanently restrained and enjoined from denying requests made for copies of pre-meeting individual City Council Packets and resumes of current public officials.

***IT IS THEREFORE ORDERED, ADJUDGED AND DECREED*** by the Court that the City of Grove be, and it is hereby permanently restrained and enjoined from denying requests made for copies of pre-meeting individual City Council Packets and resumes of current City Officials.

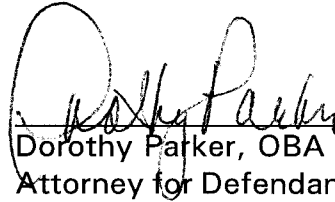
**DATED** this 26 day of April, 2004.

  
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Judge of the District Court

APPROVED AS TO FORM:



Gary D. Mallow, OBA #5644  
Robert C. Jenkins, OBA #4641  
William C. Reppart, Jr., OBA #16718  
Mallow, Jenkins & Reppart, PLLC  
Attorney for Defendant/Counter-Claimant



Dorothy Parker, OBA #13554  
Attorney for Defendant on Counter-Claim

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**CERTIFICATE OF DELIVERY**

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I do hereby certify that on the 26 day of April, 2004, the above and foregoing document was delivered, by depositing the same in the U.S. Mail, postage thereon pre-paid, to:

Dorothy Parker, Esq.  
25201 S 627 Rd  
Grove, OK 74344

