



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

AUG 15 2024

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

ROBERT J. MILLER, JR., individually,

Plaintiff,

v.

RYAN WALTERS individually and in
his personal capacity,

Defendant.

CJ-2024-03052

Jury Trial Demanded
Attorney Lien Claimed

TRACY L. PRIDDY

PETITION

COMES NOW Plaintiff, Robert J. Miller, Jr. (hereinafter "Plaintiff" or "Superintendent Miller"), individually, and for his causes of action against Defendant, Ryan Walters (hereinafter "Defendant Walters" or "Walters"), individually and in his personal capacity, alleges and states as follows:

The Parties and Jurisdiction

1. Superintendent Miller is a citizen of the State of Oklahoma and a resident of Tulsa County, Oklahoma. He is and at all relevant times was the Superintendent of Schools for the Bixby Public School District in Bixby, Tulsa County, Oklahoma.

2. Upon information and belief, Defendant Walters is a citizen of the State of Oklahoma and a resident of Oklahoma County, Oklahoma. Walters is and at all relevant times was the state superintendent of public instruction for the Oklahoma State Department of Education ("The Department").

3. The events giving rise to this litigation first occurred during a public press conference on July 31, 2024 wherein Defendant Walters maliciously uttered slanderous and defamatory statements against Superintendent Miller which were foreseeably broadcast and

disseminated state and nationwide, including to residents of Tulsa County, Oklahoma where Superintendent Miller lives and works.

4. Venue is proper in this District Court.

Factual Background

5. Plaintiff incorporates the foregoing paragraphs as though fully set forth herein.

6. Superintendent Miller is a 1979 graduate of Charles Page High School in Sand Springs, Oklahoma. He has over 30 years of experience in public education. Before becoming an educator, he attended and graduated from Oregon State University on a full ROTC scholarship, earning a geology degree. From there, Superintendent Miller was commissioned as a Second Lieutenant in the United States Marines.

7. Over the next decade, Superintendent Miller served the United States as an artillery officer, with tours in Quantico, Virginia; 29 Palms, California; Birmingham, Alabama; Ft. Sill, Oklahoma; and Camp Pendleton, California. From Camp Pendleton, he deployed with the First Marine Division as a Captain to the Middle East in August 1990 as part of Operations Desert Shield and Desert Storm during the first Gulf War campaign. During the war, Superintendent Miller served as a Division Fire Support Officer and was involved in planning and executing the successful ground operations in Kuwait in February 1991. In recognition of his service in the Gulf War, Superintendent Miller was awarded a Navy Commendation Medal, the Liberation of Kuwait Medal, the Desert Shield/Storm Medal, and the Combat Action Ribbon.

8. Upon returning to Camp Pendleton in April 1991, Superintendent Miller served for the next 18 months as Commanding Officer of Golf Battery, 2nd Battalion, 11th Marine Regiment. He then returned to Oklahoma in 1993, finished his Marine Corps career in 1996 as a reservist at the rank of Major, and began to pursue a career in public education.

9. Superintendent Miller accepted his first teaching assignment as a science teacher at Jenks Central Middle School. In his fifth year at Jenks his peers selected him as the site Teacher of the Year. After moving to Jenks East Middle School in 1999, he was again chosen as a site Teacher of the Year and advanced to being named the Jenks District Teacher of the Year in 2000.

10. At this point in time, Superintendent Miller resumed his education and earned his Master's Degree in Educational Leadership. Upon completion of his Master's, Superintendent Miller returned to Jenks Middle School, where he served for two years as an assistant principal, and then 11 more years as principal. In 2014, he was named the Oklahoma Middle School Principal of the Year and selected as a finalist for National Principal of the Year that Fall. At the end of the 2015 school year, he returned to Sand Springs and served as an assistant superintendent where, in 2018, he was recognized as the Oklahoma Assistant Superintendent of the Year.

11. In 2018, Superintendent Miller was hired as the Superintendent of Bixby Public Schools. In 2020, Superintendent Miller was awarded the District 5 Superintendent of the Year and as the Bixby Metro Chamber's Community Champion. Superintendent Miller serves on multiple boards and executive committees, including the Bixby Outreach Center, the Bixby Education Endowment Foundation, the Bixby Metro Chamber, and the Oklahoma Association of School Administrators. Superintendent Miller has also served as an Elder and Sunday School teacher with his church. He is married with three sons, two daughters, and six grandchildren.

12. The Bixby School District is one of the state's largest and fastest growing school districts. It serves over 7,000 students within approximately 100 square miles of school boundaries. Its 12 school sites are organized into three categories: elementary schools (Grades PK-3), intermediate schools (Grades 4-6), and secondary schools (Grades 7-12).

13. Superintendent Miller and Bixby Public Schools are deeply committed to being good stewards of taxpayer dollars, and this unwavering commitment to financial transparency is evident in the district's diligent efforts to ensure its fiscal operations are easily accessible to all community members. Superintendent Miller, as the leader of the district, must secure, cultivate, and maintain the public's trust as it relates to the district's finances.

14. Bixby Public Schools' required financial information, including the district's annual audits and bond ratings, reflects the district's high degree of financial stability and security. This information was and is readily available to Defendant Walters who knew or should have known this information before and at the time he made his slanderous and defamatory statements about Superintendent Miller as discussed in greater detail below.

15. One of the most important and vital issues for public schools is federal Title I funding. Title I is a section of the Elementary and Secondary Education Act (ESEA) that provides federal funds to local school districts and schools with high numbers or high percentages of children from low-income families. Title I is meant to ensure that all children receive a high-quality education and reach proficiency on State academic achievement standards assessments. Federal funds are split up based on Census poverty estimates and the cost of education in each state. To be eligible, districts must have a poverty level of at least 35 percent or be at or above the statewide average district poverty level. In addition to funds to support basic school services, there are several targeted categories of Title I funding, including for students in foster care, the education of migratory children, and prevention and intervention programs for children and youth. Currently, Bixby Public Schools has three (3) Title I sites, the third of which is scheduled to begin operation at the start of the 2024-25 school year.

16. As a rapidly growing district, it is critical that Bixby Public Schools receive all projected and preliminary budgets as soon as possible to plan for the year ahead. Before Defendant Walters took control of the Department, Bixby Public Schools received an annual preliminary estimate and projection of the amount of money the district could expect to receive in federal Title I allocations for the following school year. Indeed, before Defendant Walters, such estimates would come from the Department in early May each year, the last of which was on May 5, 2022. This estimate was then followed by the more exact allocation notice in July of that year. This information was vital in planning for and hiring and/or retaining staff and supplies for the education of low-income students and their families.

17. Since Defendant Walters took control of the Department, however, Bixby Public Schools has not received any Title I estimates or projections from the Department. No projections or estimates for Fiscal Year 2025 were provided in May of 2024 and, as of the time of this filing, Bixby Public Schools has still not been provided its allocation figures, which in years past have come in July.

18. Not having these dollars accounted for in any school district can lead to a number of significant financial issues, particularly as the start of the school year approaches. In Bixby Public Schools' particular case, Defendant Walters' failure and/or refusal to provide preliminary Title I projections and exact allocation figures has already caused significant problems. For example, Title I funds are utilized to hire aides and teachers to meet the Title I students' different needs. Attempting to make these key hires in August is severely impeded because, by that time, many teachers are already under contract somewhere else.

19. With the school year less than a month away, Bixby Public Schools was kept in the dark by Defendant Walters on its Title I allocation. Accordingly, Superintendent Miller inquired

of Defendant Walters about when Oklahoma school districts could expect to receive their Title I allocation projections but received no response.

20. At a press conference on July 31, 2024, a member of the media reiterated Superintendent Miller's inquiry to Defendant Walters about Title I allocation projections for the 2024-2025 school year.

21. In response to Superintendent Miller's legitimate inquiry, Defendant Walters maliciously attacked, slandered, and defamed Superintendent Miller in his individual capacity and occupation as the Superintendent of Bixby Public Schools by calling him a "liar," an "embarrassment," a "clown," and an untrustworthy steward of his school district's taxpayer funding. Walters specifically stated in reference to Superintendent Miller:

He's a liar. I mean, he's really a true embarrassment. He knows every year when he gets the Title I funds, and we're dealing with all kinds of financial problems with his district that we're hoping to address right now. So you know, Rob — Rob's a clown and a liar. So he knows that. Same time every year — at least late August. It's the same way it's been every year for, my team tells me, over a decade. So he knows that has been communicated to districts. Rob's never reached out, never indicated there's an issue. There's not an issue. He made it up. So he wants his name in the press.

22. Defendant Walters' false, defamatory, and malicious utterances regarding Superintendent Miller went viral and continue to do so - foreseeably spreading Defendant Walter's slanderous, defamatory, and malicious untruths about Superintendent Miller to the public at large both state and nationwide.

23. On August 2, 2024, Superintendent Miller issued a statement demanding Defendant Walters immediately and publicly apologize and retract his comments. To date, Defendant Walters has ignored this demand.

24. Instead of apologizing and retracting his malicious, slanderous, and defamatory statements, Defendant Walters has continued his pattern and practice of uttering and publishing false and malicious statements, whether directly or indirectly, concerning Superintendent Miller.

25. For example, since making his original slanderous and defamatory statements, Defendant Walters has, whether by implication or direct accusation, publicly and maliciously accused Superintendent Miller of being “rogue,” in support of “pornography” in schools, an advocate of “pedophilia,” and against the teachings of the Bible. All these malicious statements are false.

26. Further, Defendant Walters, under the apparent guise of an unnamed department “spokesperson,” again uttered and published a malicious, false, written statement to Tulsa news media outlet KOTV-Channel 6 on August 12, 2024, which was then broadcast over that station’s airwaves. In that statement, Defendant Walters repeated his false, defamatory, and malicious attack that Superintendent Miller is a liar and an untrustworthy steward of his district’s taxpayer funding:

It's unfortunate the Bixby superintendent continues to lie about Supt. Walters and more people are falling for it. He should be more concerned with getting his finances in order than avoiding accountability.

27. As Defendant Walters has repeatedly demonstrated in the past, it is likely that he will continue to falsely and maliciously attack Superintendent Miller and Bixby Public Schools. Accordingly, Superintendent Miller reserves the right to amend this Petition to add additional causes of action against Defendant Walters and/or other parties acting in concert with or on behalf of Defendant Walters.

Count 1:

Defamation (Libel, Libel *Per Se*, Slander, and Slander *Per Se*)

28. Superintendent Millier reincorporates the foregoing paragraphs as though fully set forth herein, and further alleges as follows:

29. Superintendent Miller is a public official as the Superintendent of Bixby Public Schools.

30. On July 31, 2024, Defendant Walters, with actual malice, uttered and published false and defamatory statements about Superintendent Miller.

31. These false, defamatory, and malicious statements and accusations exposed Superintendent Miller to public hatred, contempt, ridicule, and/or disgrace.

32. Walters communicated the malicious, defamatory, and false statements and accusations to persons other than Superintendent Miller.

33. Those persons reasonably understood the statements and accusations to be about Superintendent Miller.

34. The July 31, 2024 false, defamatory, and malicious statements caused Superintendent Miller to suffer damage to his reputation, emotional injury, and other financial loss. The damage to his reputation caused by Defendant Walters has undermined the confidence of Superintendent Miller's constituents, teachers, parents, and students, and has a negative impact on the vital public perception that Superintendent Miller is a good steward of public funds and/or otherwise fit to oversee the education of the students in the Bixby Public School system.

35. Walters knew the statements were false, should have known they were false, had serious doubt whether the statements were true or false, and/or should have had serious doubts whether the statements were true or false.

36. The false and defamatory statements were foreseeably republished locally, nationwide, and worldwide by third parties and members of the media and *via* social media, which

was reasonably foreseeable to Defendant Walters but also the outcome he desired and pursued for his own personal benefit and self-promotion.

37. Defendant Walters' statements tend to, and were intended to, directly injure Superintendent Miller in respect to his office, profession, trade, or business, by imputing to him general disqualification in those respects which the office peculiarly requires, or by imputing something with reference to his office, profession, trade, or business that has a natural tendency to lessen it. The statements, therefore, constitute slander *per se* and are defamatory on their face without resort to additional facts.

38. Defendant Walters uttered and published his false and defamatory statements against Superintendent Miller with actual malice as defined under the law of the State of Oklahoma.

39. As a direct result of Defendant Walters' actions, Superintendent Miller is entitled to compensatory damages in excess of \$75,000.00, in addition to exemplary/punitive damages as permitted by law.

Count 2:

False Light

40. Superintendent Miller incorporates the foregoing paragraphs as though fully set forth herein, and further alleges as follows:

41. As demonstrated herein, Defendant Walters made and continues to make false statements regarding Superintendent Miller's fitness, veracity, and stewardship of his district's finances which directly impugned Superintendent Miller's qualifications for his chosen profession. These public statements place and continue to place Superintendent Miller in a false light before the public including but not limited to the families of his students and the students themselves.

42. The false light cast by these remarks was and is highly offensive to a reasonable person, including to Superintendent Miller himself, and invaded his privacy.

43. Defendant Walters knew, should have known, knows, and should know his public statements were and are false and would and place Superintendent Miller in a false light, thereby invading his privacy.

44. Additionally, Defendant Walters has and should have had serious doubt about the truthfulness of the public statements and publications that place Superintendent Miller in a false light since the financial status of Bixby Public Schools was and is easily ascertainable and known to Defendant Walters.

45. Defendant Walters' past, present, and likely future malicious statements and conduct has injured and continues to injure Superintendent Miller's reputation and standing in the community, his occupation and profession, and the public's perception of his fitness and trustworthiness to lead the Bixby Public Schools as its Superintendent.

46. As the direct consequence of Defendant Walter's conduct, Superintendent Miller is entitled to a damages in excess of \$75,000.00, as well as exemplary/punitive damages as permitted by law.

Conclusion

WHEREFORE, Plaintiff Robert J. Miller, Jr., prays for judgment in his favor and against Defendant Ryan Walters, in an amount in excess of \$75,000.00, plus punitive/exemplary damages in an amount to be proven at jury trial, attorney fees, costs, interest, and any other relief that is just and equitable and proper.

Respectfully submitted,



SMITH BARKETT LAW GROUP, PLLC

Michael L. Barkett, OBA #16171

Rusty Smith, OBA #19575

Stephen L. McClellan, OBA #15695

1202 E. 33rd Street

Tulsa, Oklahoma

Telephone: (918) 582-6900

Fax: (918) 582-6907

Email: mbarkett@smithbarkett.com

rsmith@smithbarkett.com

smcclellan@smithbarkett.com