

CJ-2026-3198
Andrews



IN THE DISTRICT COURT OF OKLAHOMA COUNTY,
STATE OF OKLAHOMA

REGAN KILLACKEY,)
)
Plaintiff,)
)
vs.)
)
STATE OF OKLAHOMA, ex rel.)
STATE DEPARTMENT OF EDUCATION;)
STATE BOARD OF EDUCATION;)
RYAN WALTERS, in his official and)
individual capacity.)
)
Defendant.)

CJ - 2026 - 3198

FILED IN DISTRICT COURT
Case No. OKLAHOMA COUNTY

APR 27 2026

RICK WARREN
COURT CLERK
109 _____

PETITION

COMES NOW the Plaintiff, Regan Killackey, and, for his causes of action against the Defendants, the State of Oklahoma, State Department of Education, State Board of Education, and Ryan Walters, in his official and individual capacity, would allege and state as follows:

1. The Plaintiff, Regan Killackey, resides in Edmond, Oklahoma County, State of Oklahoma.
2. Plaintiff Regan Killackey is a certified teacher in the State of Oklahoma. Plaintiff Regan Killackey's teaching certificate is valid through June 30, 2029.
3. Defendant State of Oklahoma, ex rel., Oklahoma State Department of Education ("SDE") is that department of the state government in which the agencies created or authorized by the Constitution and Legislature are placed and charged with the responsibility of determining the policies and directing the administration and supervision of the public school system of the state. These agencies are the State Board of Education, the State Superintendent of Public Instruction, and any divisions and positions as may be established by law by the State Board of Education or by the State Superintendent of Public Instruction pursuant to 70 O.S. §1-105 (A).

4. The State Board of Education is that agency in the State Department of Education which shall be the governing board of the public school system of the state pursuant to 70 O.S. §1-105(B).
5. The State Superintendent of Public Instruction is the official provided for in Section 1 of Article VI of the Oklahoma Constitution who shall be the executive officer of the State Board of Education and have control of and direct the State Department of Education pursuant to 70 O.S. §1-105 (C). Ryan Walters, at all times herein, was the State Superintendent of Public Instruction and, upon information and belief, a resident of Oklahoma County, Oklahoma.
6. Defendant State of Oklahoma, ex rel., Oklahoma State Department of Education (“SDE”) is vested with authority to implement rules related to the licensure and certification and the revocation or suspension thereof, pursuant to 70 O.S. §1-104(6).
7. In compliance with the Oklahoma Governmental Tort Claim Act 51 O.S. §151, *et seq.*, Plaintiff submitted a Tort Claim Notice to the State of Oklahoma, Risk Management Office, on July 31, 2025. Plaintiff’s claim was denied on October 29, 2025.
8. Plaintiff has exhausted any and all administrative procedures and/or complied with all prerequisite tort claim requirements.
9. The matter sued upon herein occurred while Plaintiff was a certified teacher, employed as a career teacher at Edmond Public Schools, which is located in Oklahoma County.
10. That at all times the matter sued on herein occurred in Oklahoma County, State of Oklahoma.
11. That the amount in controversy is in excess of Seventy-Five Thousand Dollars (\$75,000.00).

FACTS

12. Plaintiff adopts and incorporates paragraphs 1 through 11 above as if more fully stated out herein and would further allege and state as follows:
13. At all times herein, Plaintiff was a certified and career teacher as defined under the laws and statutes of the State of Oklahoma.
14. At all times herein, Plaintiff held a Teaching Certificate from the Oklahoma State Department of Education.
15. At all times herein, Plaintiff held a valid career teaching contract with Edmond Public Schools.
16. On or about July 31, 2024, a Board Meeting was held, and Defendant SBE considered the Application for Emergency Order to Summarily Suspend Teaching Certification and Application to Revoke Teaching Certification which was filed by the Defendant SDE. At the time, Plaintiff did not receive a copy of this Application.
17. On August 12, 2024, Plaintiff received a Notice of Investigation from Senior Investigator Bradley DeLozier. The Notice of Investigation included, in part, a criminal allegation that Plaintiff was being investigated for making a “comment, request, suggestion, or proposal, which is obscene, lewd, lascivious, filthy, or indecent. Upon information and belief, this same Notice was sent to Plaintiff’s employer.
18. On or about August 15, 2024, Plaintiff’s counsel notified Investigator DeLozier of their representation and requested “a copy of any complaint or report regarding my client, specifically “AWAREITY Report# 24-0757” and “any information or documentation related to the Oklahoma State Board of Education’s action on my client’s Teaching Certificate[.]”

19. On or about August 22, 2024, a Board Meeting was held, and the Oklahoma Board of Education considered the Amended Application for Emergency Order to Summarily Suspend Teaching Certification and Application to Revoke Teaching Certification which was filed by the SDE. The Board voted to replace the original Application with the Amended Application and refer the matter to a hearing officer.
20. On September 16, 2024, the Plaintiff filed his Response and Objection to the Amended Application for Emergency Order to Summarily Suspend Teaching Certification and Application to Revoke Teaching Certification.
21. On or about September 18, 2024, Defendant Walters re-posted on social media a social media post by “Libs of TikTok” alleging that Plaintiff was acting out stabbing President Trump. Defendant Walters stated “There is never a time that threatening a former president is appropriate. We will not tolerate it in Oklahoma schools.”
22. On or about January 24, 2025, the Application to Revoke Teaching Certification was set for hearing and was scheduled for Wednesday, March 26, 2025, at 10:00 a.m.
23. On February 21, 2025, counsel for Plaintiff requested the Subpoena Duces Tecum (hereafter “SDT”) be issued.
24. On March 4, 2025, SDE filed a Motion to Quash the SDT.
25. On March 6, 2025, the assigned Hearing Officer, Liz Stevens, held a telephone hearing concerning, among other things, Defendant SDE’s Motion to Quash Plaintiff Killackey’s SDT. Hearing Officer Stevens issued a Summary Order requiring, among other things, 1) the Secretary of SBE issue the SDT by end of the business day, 2) that SDE is ordered to comply with the subpoena issued in this matter by 5:00 p.m. on March 12, 2025, and,

- thereafter, 3) Respondent¹ could supplement his exhibit list until 5:00 p.m. on March 17, 2025.
26. On March 6, 2025, the Secretary of SBE issued the Subpoena Duces Tecum. The Subpoena Duces Tecum was served on March 20, 2025.
27. On March 11, 2025, the parties exchanged Witness Lists, Exhibit Lists, and Exhibits.
28. On March 12, 2025, Plaintiff received 42 items from SDE.
29. On March 17, 2025, Plaintiff filed a Supplemental Witness List and Exhibit List with supplemental exhibits.
30. On March 19, 2025, Plaintiff filed a Motion to Compel in the Administrative Action. ALJ Stevens requested a status telephone hearing. Defendant SDE requested time to file its response. ALJ Stevens ordered Defendant SDE to file its response by 8:00 a.m. March 24, 2025, and a status conference would be held the same day at 11:00 a.m.
31. On March 21, 2025, Defendant SDE filed its Objection and Response to the Motion to Compel.
32. On March 24, 2025, a hearing was held on Plaintiff's Motion to Compel before ALJ Stevens. ALJ Stevens Ordered:
- SDE's request for Reconsideration of the Motion to Quash is denied as untimely.
 - SDE is ordered to search the records and emails of Mr. Delozier and hand over anything responsive to the subpoena by close of business today.
 - SDE is ordered to reach out to OMES and get a timeline for a search of all Department of Education records, including those of the Board of Education, that are responsive to the subpoena. SDE is ordered to report to the ALJ and all parties by 2:00 pm today via email.
33. Defendant SDE filed a Motion to Stay requesting 45-60 days within which to produce the requested information.²

¹ In the underlying administrative action, Mr. Killackey is designated the "Respondent."

34. On March 28, 2025, ALJ Stevens entered an Order continuing the hearing until May 21, 2025, at 10:00 a.m. ALJ Stevens also ordered:

Applicant was ordered to fully comply with Respondent's Subpoena Duces Tecum by having OMES search of all Department of Education records, including those of the Board of Education, for documents responsive to the subpoena. Applicant represented that the search would take OMES at least a week to complete. Once OMES has provided Applicant with the documents, Applicant is ordered to turn over all responsive documents in full compliance with the subpoena.

Respondent has until five (5) days before the hearing to supplement his witness and exhibit list with anything produced from the subpoena.

35. On April 10, 2025, ALJ Stevens, in an unrelated matter, notified counsel that:

The Department has objected to my jurisdiction to hear cases because there is no signed contract between the Department and the Attorney General's Office. Until that is sorted, I am unable to address anything in this matter. If you have any questions, please direct them to the Department.

36. On April 11, 2025, Attorney Timothy E. Houchin notified counsel for Plaintiff that ALJ Stevens was no longer the assigned ALJ for the Board of Education and he has been assigned all of the filed SDE case moving forward. Counsel for Plaintiff immediately raised the issue with ALJ Houchin of their concerns, including SDE's refusal to acknowledge and follow the Orders of ALJ Stevens in Plaintiff's matter.

37. On May 6, 2025, counsel for Plaintiff inquired of new ALJ Houchin and SDE Attorney Niku Bayatfar as to the status of the May 21, 2025, hearing and the status of the March 24, 2025, Order, which was attached to the inquiry for reference. Plaintiff also re-submitted the Witness List and Exhibit List with Exhibits per ALJ Stevens' March 24, 2025, Order.

38. ALJ Houchin was never notified of a May 21, 2025, hearing by Defendants SDE/SBE. The hearing was stricken to be reset.

² 45 days after March 24, 2025, is May 8, 2025; 60 days after March 24, 2025, is May 23, 2025. An Order to Stay was never entered in the administrative action.

39. On October 9, 2025, current State Superintendent Lindel Fields executed an Order dismissing the Amended Application to Revoke Teaching Certification.

FIRST CAUSE OF ACTION
Oklahoma Constitutional Claim

40. Plaintiff adopts and incorporates paragraphs 1 through 39 above as if more fully stated out herein and would further allege and state as follows:

41. Plaintiff has a right to due process of law as provided by Okla. Const. Art. 2 §7.

42. Upon information and belief, Plaintiff has a property and liberty interest in his teaching certification.

43. Further, upon information and belief, Plaintiff's property and liberty interests in his teaching certificate cannot be taken away without due process as provided under law.

44. Plaintiff has a property interest related to his teaching certificate, which is a requirement to be a certified teacher at a school district and is, therefore tied to his salary, benefits, and retirement benefits. Further, Plaintiff has a liberty interest in his good name and reputation.

45. Plaintiff has been deprived of his property and his liberty interests by the actions of Defendants in denying him a timely-requested due process hearing before the Defendant Board of Education to challenge the actions of the Defendants and clear his good name and reputation.

WHEREFORE, premises considered, Plaintiff, on his First Cause of Action, prays for actual and punitive damages against each of the Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), attorney fees, costs, and any other relief this Court deems just and appropriate.

SECOND CAUSE OF ACTION
Tortious Interference of Contract

46. Plaintiff adopts and incorporates paragraphs 1 through 45 above, as if more fully stated out herein, and would further allege and state as follows:

47. Defendants' actions toward Plaintiff were an attempt to interfere with Plaintiff's contract of employment.

48. Upon information and belief, Plaintiff's contract of employment required a valid teaching certificate.

49. Upon information and belief, Defendants relied upon Oklahoma Administrative Rule 210: 35-3-85 to attempt to force Plaintiff's employer to suspend Plaintiff from his teaching position.

50. The actions of Defendants were intentional, malicious, and done in bad faith.

51. The intentional actions of the Defendants adversely impacted Plaintiff's employment for reasons that are arbitrary and capricious and in bad faith, and Plaintiff has been damaged by these actions.

WHEREFORE, premises considered, Plaintiff, on his Second Cause of Action, prays for actual and punitive damages against each of the Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), attorney fees, costs, and any other relief this Court deems just and appropriate.

THIRD CAUSE OF ACTION
ABUSE OF PROCESS

52. Plaintiff adopts and incorporates paragraphs 1 through 51 above and further alleges and states as follows:

53. Defendants improperly used their position as described above, which amounts to an abuse of the legal system. This resulted in harm to, among other things, Plaintiff's reputation and employment.

54. The elements of an abuse of process claim are “(1) the improper use of the court’s process (2) primarily for an ulterior or improper purpose (3) with resulting damage to the plaintiff asserting the misuse.” *Greenberg v. Wolfberg*, 1994 OK 147, ¶22, 890 P.2d 895, 905. “The party who asserts the abuse-of-process claim is *not required* to prove (1) the underlying action was brought *without probable cause* or (2) that he/she prevailed in that proceeding. Neither is it necessary that the action, in which the abuse is alleged to have occurred, be concluded.” *Id.*

55. The Defendants abused the licensure revocation process in the following ways, which include, but are not limited to:

- a. Failure to provide proper notice to Plaintiff prior to attempting to take emergency action on his teaching certificate.
- b. Posting on social media accusations against Plaintiff without due process for the improper purpose of damaging Plaintiff’s professional career.
- c. Willfully failing to issue a Subpoena requested by Plaintiff.
- d. Willfully refusing to comply with a duly executed Subpoena and Administrative Order(s).
- e. Terminating the assigned hearing officer without notice to Plaintiff causing delay in the due process hearing.
- f. Upon information and belief, terminating the assigned hearing officer after receiving adverse rulings.

56. As a result of the Defendants’ willful, intentional and improper use of the Board’s process, Plaintiff has been damaged.

57. In addition, the above-described conduct of Defendants rises to the level of willful, wanton, heinous, grossly negligent, or reckless conduct.

WHEREFORE, premises considered, Plaintiff, on his Third Cause of Action, prays for actual and punitive damages against each of the Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), attorney fees, costs, and any other relief this Court deems just and appropriate.

FOURTH CAUSE OF ACTION
DEFAMATION (SLANDER AND/OR SLANDER *PER SE*)

58. Plaintiff adopts and incorporates paragraphs 1 through 57 above and further alleges and states as follows:

59. Slander is defined, at 12 O.S. §1442, as “a false and unprivileged publication, other than libel,” that imputes criminal activity to a person; “[t]ends directly to injure him” in his business or profession; or that “by natural consequences, causes actual damage.” Slander involves publication of defamatory matter by means of spoken words, gestures, or communication by means other than written or printed words. *See Sturgeon v. Retherford Publications, Inc.*, 1999 OK CIV APP 78, ¶13, 987 P.2d 1218 citing Restatement (Second) of Torts, §568(2) (1977).

60. The Defendants have defamed and/or slandered Plaintiff in the following ways, which include, but are not limited to:

- a. On or about July 31, 2024, Defendant SDE, or an agent/employee thereof, caused to be published Plaintiff “factitious stabbing of fake presidential candidate Trump.”
- b. On or about July 31, 2024, Defendants Walters and SBE, or an agent/employee thereof, placed the Application for Emergency Order to Summarily Suspended Teaching Certification and Application to Revoke Teaching Certification on the public SBE Board Agenda.
- c. On or about July 31, 2024, Defendants Walters and SBE, or an agent/employee thereof, considered the Application for Emergency Order to Summarily Suspended

Teaching Certification and Application to Revoke Teaching Certification and took action at a public hearing.

- d. On or about August 12, 2024, Defendants Walters and SDE caused to be issued a Notice of Investigation to Plaintiff and, upon information and belief, Plaintiff's employer. Said Notice accused Plaintiff of a crime.
 - e. On or about August 21, 2024, Defendants Walters and SBE, or an agent/employee thereof, placed the Amended Application for Emergency Order to Summarily Suspended Teaching Certification and Application to Revoke Teaching Certification on the public SBE Board Agenda.
 - f. On or about August 22, 2024 Defendants Walters and SBE, or an agent/employee thereof, considered the Amended Application for Emergency Order to Summarily Suspended Teaching Certification and Application to Revoke Teaching Certification and took action at a public hearing.
 - g. On or about September 18, 2024, Defendant Walters posted on social media: "There is never a time that threatening a former president is appropriate. We will not tolerate it in Oklahoma schools."
61. Upon information and belief, the Defendants, both individually and collectively, have communicated and continue to communicate false and/or malicious materials and statements that have directly injured Plaintiff, and he reserves the right to conduct discovery and seek the admissibility of said evidence and/or further plead allegations.
62. The published or verbal communications and/or statements by Defendants contained materially false allegations against Plaintiff.
63. These false allegations were made in bad faith, with malice, and with an ulterior and illicit purpose.

WHEREFORE, premises considered, Plaintiff, on his Fourth Cause of Action, prays for actual and punitive damages against each of the Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), attorney fees, costs, and any other relief this Court deems just and appropriate.

FIFTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

64. Plaintiff adopts and incorporates paragraphs 1 through 63 above, as if more fully stated out herein, and would further allege and state as follows:

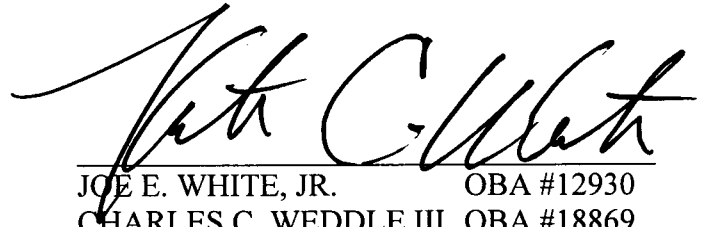
65. Defendants' intentional and reckless conduct, individually and while in the course and scope of employment and/or while acting as an agent of the Oklahoma State Board of Education and/or Oklahoma State Department of Education, caused, among other things, severe emotional distress, including, but not limited to, anguish, worry, stress, embarrassment, anxiety, physical discomfort, grief, anger, disappointment, and humiliation.

66. For the aforesaid reasons, Defendants' actions, individually and while in the course and scope of employment and/or while acting as an agent of Oklahoma State Board of Education and/or Oklahoma State Department of Education, were so extreme, outrageous, and offensive as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized society.

WHEREFORE, premises considered, Plaintiff, on his Fifth Cause of Action, prays for actual damages against each Defendant in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), punitive damages against each Defendant in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), attorney fees, costs, and any other relief this Court deems just and appropriate.

WHEREFORE, Plaintiff would pray for: (1) actual damages against each Defendant in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00); (2) punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00); and (3) prejudgment and post-judgment interests, costs, attorney fees, and any other relief that may be accorded to Plaintiff pursuant to Oklahoma law.

Respectfully submitted,



JOE E. WHITE, JR. OBA #12930

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JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED

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