



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
COURT OF CIVIL APPEALS
STATE OF OKLAHOMA

MICHAEL O'KEEFE, an Individual,)
)
 Plaintiff/Appellee,)
)
 SCOTT HALE, an Individual)
)
 Plaintiff)
)
 v.)
)
 OKLAHOMA CHRISTIAN)
 UNIVERSITY, a domestic not-for-profit)
 corporation, and)
)
 STEPHEN ECK, individually,)
)
 Defendants/Appellants.)

FEB 15 2024

JOHN D. HADDEN
CLERK

Supreme Court No. 121,405

Oklahoma County
District Court Case No. CJ-2022-6234

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PLAINTIFF/APPELLEE'S RESPONSE AND OBJECTION TO DEFENDANTS' MOTION TO PARTIALLY LIFT STAY

Plaintiff/Appellee Michael O'Keefe ("Plaintiff O'Keefe"), respectfully submits the following Response to request that this Court deny Defendants' Motion to Partially Lift the Stay in the District Court. In support of this Response, Plaintiff O'Keefe¹ shows the Court as follows:

STATEMENT OF THE CASE

1. On December 28, 2022, Plaintiff O'Keefe filed his Petition in the District Court of Oklahoma County to pursue his claims of (1) breach of employment contract ("Breach of Contract Claim") and (2) defamation, false light and intentional infliction of emotional distress ("Tort Claims"). Plaintiff O'Keefe's Breach of Contract claims arose from a dispute concerning the termination of the parties' Employment Contract. Plaintiff O'Keefe's Tort Claims arose from a post-termination email that set forth to defame

¹ Plaintiff Hale is not a party to this appeal.

Plaintiff O'Keefe (a then non-employee) and Plaintiff Scott Hale (a guest lecturer). R. at 1-8.

2. For their response to Plaintiff O'Keefe's Petition, on January 10, 2023, Defendants filed their Motion to Stay and Compel Arbitration in the District Court. R. 23-51.
3. In their Motion to Stay and Compel Arbitration, Defendants requested that *all* claims of Plaintiff O'Keefe be compelled to arbitration. *Id.* Plaintiff O'Keefe responded in objection to Defendants' Motion, claiming that a conflict of arbitration provisions and the Defendants ability to unilaterally change the scope of those provisions rendered the alleged arbitration agreement unenforceable under Oklahoma law. R. at 66-88.
4. The District Court Order found the Tort Claims were not subject to the cited arbitration provision but compelled the Breach of Contract to arbitration ("Arbitration Order"). R. at 125-128.
5. The Arbitration Order is the subject of Defendants' appeal. Specifically, Defendants filed their appeal requesting this Court compel *all* of Plaintiff O'Keefe's claim to arbitration. Petition in Error; Appellants' Brief in Chief. Plaintiff requests this Court find the parties lacked an enforceable arbitration agreement and/or if any arbitration agreement was enforceable that it compels only the Breach of Contract claim to arbitration. Appellee's Answer Brief.
6. Later, Defendants filed a Motion to Stay the District Court Proceedings pending resolution of the appeal by this Court, citing to *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 143 S.Ct. 1915 (2023). Defendants' Motion to Stay District Court Proceedings. In *Coinbase*, the United States Supreme Court found a trial court is *divested of jurisdiction* in the underlying action while it the action is pending appeal on the issue of arbitrability. 599 U.S. 736, 740-41.

jurisdiction), then the claims that are subject to the present appeal may or may not be remaining at the time this Court enters its order on the issue of arbitrability; or, the District Court may find it has subject matter jurisdiction over certain claims (and proceed with overseeing them) only to be told that it does not in fact have jurisdiction because of the Court's resolution on the issue of arbitrability.

Finally, this Court's opinions in *Oklahoma Annual Conference of the United Methodist Church v. Timmons*, 2023 OK 101, 538 P.3d 163 and *Oklahoma Annual Conference of the United Methodist Church v. Timmons*, 2023 OK 102, 538 P.3d 170 do not provide any special circumstances for lifting the stay in contravention to the Supreme Court's decision in *Coinbase*. While these decisions provided this Court's application of the Church Autonomy decision to an Oklahoma case, the Church Autonomy Doctrine has been an available defense for decades. *See e.g., Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C.*, 565 U.S. 171, 132 S.Ct. 694 (2012); *Bryce v. Episcopal Church in the Diocese of Colo.*, 289 F.3d 648 (10th Cir. 2002).

CONCLUSION

Based on the foregoing premises and authority, Plaintiff O'Keefe respectfully requests this Court deny Defendants' Motion to Lift Stay in the District Court Proceedings. The appeal of Judge Ogden's Arbitration Order remains pending for this Court's resolution. Plaintiff O'Keefe respectfully requests this Court maintain the present stay so that consistent rulings may be made concerning the jurisdiction of the District Court.

Respectfully submitted,

By:



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CERTIFICATE OF SERVICE

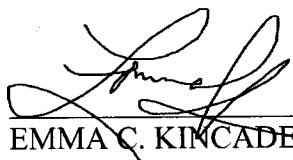
I, hereby certify that on this 15th day of February, 2024, a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid, facsimile, and/or e-mail to the following:

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