

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

MAY 24 2023

DAVID BALLARD,

Plaintiff,

v.

AUSTIN BALL, Norman Councilman, Ward 1,
LAUREN SCHUELER, Norman Councilman,
Ward 2,
HELEN GRANT, Norman Councilman, Ward 4
RARCHAR TORTORELLO, Norman
Councilman, Ward 5,
ELIZABETH FOREMAN, Norman Councilman,
Ward 6,
STEPHEN TYLER HOLMAN, Norman
Councilman, Ward 7
MATTHEW PEACOCK, Norman Councilman,
Ward 8
LARRY HEIKKILA, Norman Mayor.

Defendants.

In the office of the
Court Clerk MARILYN WILLIAMS

Case No.: CV-2023-1869

**DEFENDANT AUSTIN BALL'S ANSWER PLAINTIFF'S PETITION AND REQUEST
FOR JUDICIAL CRIMINAL REFERRAL**

COMES NOW, Austin Ball, Defendant, *pro se*, and submits his Answer to Plaintiff's Petition. In support, Defendant Ball, alleges and states as follows:

ANSWER

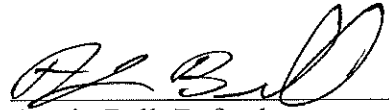
1. Defendant Ball admits the allegations contained in Paragraphs 1-15 of Plaintiff's Petition.

REQUEST FOR JUDICIAL REFERRAL TO FOR CRIMINAL CHARGES

1. Pursuant to 26 O.S. § 16-109 and/or 26 O.S. § 16-113 it is my belief that Katheryn Walker and Rick Knighton, City Attorneys for the City of Norman, together with members of the City Council and City Manager conspired and attempted to influence the vote of another and or interfered with the orderly and lawful conduct of the February, 2023 election. Specifically, the

City did the foregoing and violated said statutes by attempting to remove Kelly Lynn from his office under an alleged dual office holding as a front to remove Mr. Lynn based on a political disagreement with Mr. Lynn's political ideology. This is further evidenced by The Honorable Judge Lynn's sworn affidavit attached hereto. I am requesting that the Court refer this matter for criminal investigation to the appropriate State law enforcement agency for prosecution.

Wherefore, Defendant Austin Ball prays this Court keep the injunction in place against Defendants and refer these allegations for criminal investigation.


Austin Ball, Defendant *pro se*

CERTIFICATE OF MAILING TO PARTIES

I certify that a true and correct copy of the aforementioned document was mailed this 24th day of May, 2023, by depositing it in the U.S. Mail, postage prepaid or by electronic mail to:

Michael J. Amend, OBA #31466
AMEND LAW FIRM, PLLC
2845 Broce Dr, Ste A
Norman, OK 73072

SWORN AFFIDAVIT

I, Kelly Lynn, do swear and affirm the following:

I was elected to the Norman City Council in April of 2021. I was sworn into the position in July of 2021. As expected, I was met with much resistance from the Council at the time, due to my opposing political ideology.

After taking office, I was inundated with stories about corruption and abuse in the Norman Fire Department. I brought these concerns to Mr. Pyle, the City Manager, hoping that the allegations would be addressed. With the work of Chief King and City Attorney Rick Knighton, the allegations seemed to be swept under the rug. After this, even more allegations poured my way, which included alleged criminal fraud against insurance companies through the manipulation of reporting data for the Insurance Services Office, or ISO. These ratings were allegedly artificially lowered through fraud, which would have cost the insurance company millions of dollars in lost revenue for discounted rates, based upon the fraudulent ISO ratings obtained by the Norman Fire Department.

I did not come forward politically, because I did not want this to seem like a political issue during the Mayoral election. But the next meeting after Mayor Heikkila was elected, I brought forth the allegations of abuse and corruption in the City Council meeting dated April 12, 2022. After this public announcement, even more stories came to surface. I tried to bring forth the further allegations at the next Regular meeting but was shut down by the Mayor. Soon after, we had an executive session regarding the City Manager's investigation into the fire department. This was a complete sham of an investigation that did not address one issue raised nor did the outside investigator even talk to one of the witnesses listed. This investigator was later hired by the city to negotiate the union contracts with the fire and police departments.

We later had a public meeting that was a conference or study session which was based on my removal for interference with employee relations. It was evident that the council and staff were conspiring to remove me in any manner possible.

Seeing that the city was doing nothing, the press seemed like the only outlet to get something done. Reporter Mindy Wood from the Norman Transcript began a deep dive investigation which included numerous interviews with current and former employees. The stories were heartbreaking and concerning to say the least. Pure abuse of power and criminal fraud were the themes throughout each individual's story.

I was told by Mindy Wood, that the story would eventually come out, but they were pulled from it during the hoopla with the turnpike business that was facing Norman and the surrounding communities. Still yet, I was silent and hopeful that the story would come out.

On January 19th of 2023, I received a text from Mindy Wood, that the story was back on with the Norman Transcript, and that it should be out within 6-8 weeks. That same day, I attended the City of Norman Finance Meeting. In that meeting, Chief King stood up and bragged about the ISO rating of 1, the only department in the state with that rating, and reported the fastest response times in the state. That is easy to do when you manipulate data. Later that evening, at around 9pm, I had a meeting with Mr. Pyle at Braum's on Robinson Ave. in Norman.

During that meeting, I disclosed that I had been in contact with the FBI, and they were very interested in the matter. I gave Mr. Pyle an opportunity to get ahead of the situation and contact law enforcement himself. I was unaware if Mr. Pyle fully knew about the situation or not. I had that interview with the FBI the following Monday, with a former Fire Department employee participating as well.

On Friday the 20th of January, Mr. Pyle called me and told me that I should be hearing from the FBI or OSBI by Monday, the 23rd of January. I heard nothing from law enforcement. However, I did receive an email from Kathryn Walker stating that I was in conflict of holding office after being sworn in as Judge of Wewoka. I did not see the email that day. Curiously enough, I had received permission to work in this capacity for another city from Mr. Pyle and Kathryn Walker back on May 11th, 2022.

On the 24th of January, I went to City Hall for a City Council Meeting. I was in the “green room” or lounge of the City Council area where we are served meals before meetings. Mr. Pyle approached me and told me, “I have an update for you, come see me when you finish your meal.” Thinking Mr. Pyle was going to give me an update on the Fire Department situation, I followed him into the City Attorneys office. It was there that I was met by Kathryn Walker with a Legal Memo from Rick Knighton that exclaimed that I had vacated my seat and was no longer a council member. I found this quite curious since this came after I had already asked permission from the city manager and relied on the legal advice of Kathryn Walker before ever taking such a position. I could only come to one conclusion, and it was easier to get rid of me than to deal with the problem.

I did find out eventually, Mr. Pyle did initiate a call to law enforcement, but only after the meeting where they tried to get me to vacate my seat. This was all during my election and weeks away from the date of the vote. The memo magically made it into the press, misleading the public that I had already vacated my seat and was ineligible for the office. From my own experience on the doorsteps, it was unmistakable that many in the public had that perception, that I was ineligible and already vacated my position. I was told this from numerous voters I visited with. That makes one wonder how many had that perception and simply did not vote? They accomplished their mission to keep me out of office one way or another and were grossly spiteful that they even filed their action with outside council, on the day of election.

I believe in light of all these facts, that a criminal investigation should be sought in this matter.

STATE OF OKLAHOMA)
) ss.
COUNTY OF CLEVELAND)

Kelly Lynn of lawful age, being first duly sworn, states that he has read the foregoing affidavit, that he is familiar with the contents thereof, and that the allegations set forth therein are true and correct.



THE HONORABLE JUDGE KELLY LYNN

Subscribed and sworn to before me this 24th day of May, 2023.

Notary Public: _____

[SEAL]

My Commission Expires:

