

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV, et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. **24-CV-00980-J**

DECLARATION OF DYLAN BROWN

I, Dylan Brown, declare the following based on my personal knowledge:

1. I am employed as a Weekend Anchor and Reporter for KFOR-TV, Oklahoma's oldest and top-rated local news station.
2. I have been employed as an Anchor and Reporter at KFOR-TV since April of 2023. Prior to that, I served as an Anchor, Reporter and Producer at KRCRTV in Redding, California. Before that, I was an Anchor and Reporter at KAEF in Eureka, California.
3. As part of my job at KFOR-TV, I am a "Capitol Bureau" reporter. This means that I regularly attend legislative meetings and press conferences held at the state capitol complex in Oklahoma City, Oklahoma. I track legislation, budgeting of grants and spending of taxpayer dollars throughout state government.

4. As part of my work as a Capitol Bureau reporter, I report on the Oklahoma State Department of Education (OSDE), the State Board of Education and Superintendent Walters. To do so, I need to attend the State Board of Education's monthly board meetings. These board meetings are run by the five State Board Members and Defendant Walters.

5. Following the board meetings, Walters will hold press conferences in which he will discuss recent OSDE actions and take questions from reporters. My reporting duties also require me to attend those so I can ask questions and provide complete news coverage of OSDE events.

6. These board meetings and press conferences occur in various buildings throughout the state capitol complex in Oklahoma City.

7. The Legislative Services Bureau is responsible for receiving press credential applications and choosing which news media to provide press credentials to. The press credentials permit news media into numerous areas of the Capitol Complex, including where Oklahoma State Board of Education board meetings and Walters' press conferences take place.

8. This credentialing system began in 2022, and the Legislative Services Bureau has granted KFOR-TV press credentials each year since, including this past year.

9. The Legislative Services Bureau provides two passes to KFOR-TV directly. Then, the credentials are shared by any KFOR-TV employees who

cover stories within the Capitol complex.

10. Thus, as a KFOR-TV “Capitol Bureau” reporter, I have credentials that grant me access to the Capitol complex, including where State Board of Education board meetings and Walters’ press conferences take place. Despite this, however, I have recently been unable to attend either.

11. When I attempted to attend the in-person board meetings on March 28th, June 27th, July 31st, and August 22nd, Defendants diverted me to the overflow room where a livestream of the meeting was taking place. Defendants allowed other news media to report from the room where the board meeting was taking place, however.

12. When I attempted to attend Walters’ press conferences on March 28th, June 27th, July 31st, and August 22nd, I was prohibited from entering the room where the conferences take place by Dan Isett, the OSDE Press Secretary.

13. The most recent interactions between myself and Defendants in which I was denied the ability to newsgather and access news areas afforded to other members of the media have been captured on video and in photograph.

14. On July 31, 2024, I, along with photojournalist, Kevin Josefy, attempted to enter the room where the board meeting was being held. Other members of the media were permitted into the room where the board meeting was being held. Josefy and I, however, were denied entry at the door and sent

to the overflow room to watch a livestream of the meeting. There was enough room in the board meeting room that Defendants would have been able to allow Josefy and me to report on the meeting in person.

15. No other members of the media were placed in the overflow room for that board meeting.

16. Walters held a press conference after the board meeting had taken place. Josefy and I also attempted to attend the press conference but, prior to reaching the doorway to where the press conference was being held, were stopped by Isett.

17. As soon as Isett approached me, he unexpectedly placed both of his hands on me, applying pressure to prohibit my movement, and make me turn away from the door.

18. Isett, Josefy and I had the following exchange of words:

Brown: "So we can't ask questions?"
Isett: "No"
Brown: "We can't ask him questions?"
Isett: "No....that's a privilege for press."
Brown: "We are press."
Isett: "You're not...your station isn't."
Josefy: "You're saying we aren't a legitimate news organization? Is that what you are trying to say?"
Isett: "Yes."
Josefy: "You're saying that KFOR, that's been here for 75 years..."
Isett: "That's exactly what I'm saying."
Josefy: "...serving the public..."
Isett: "Dylan already knows this."
Brown: "Can I..."

Josefy: "...helping people..."
Isett: "...you can ask him from outside."
Josefy: "We're not legitimate news?"
Brown: "We're not?"
Isett: "I didn't say you weren't legitimate news. I didn't say you had a credential for this."
Isett's Assistant: "I have an urgent thing I need you for."
Josefy: "So you are showing favoritism to all of the other news stations and denying us access to a public official? Is that what you are doing? You are denying us access to a public official? For public business?"
Isett: "You are in all the public spaces."
Josefy: "Then we can go down there in a public space."
Brown: "Isn't that...is that not a public space?"
Josefy: "That room is a public space."

19. Following this exchange, Josefy and I were not allowed to attend or participate in Walters' press conference alongside other members of the media.

20. The interaction between Isett, Josefy and myself was accurately captured on video, a true and correct copy of which is attached as **Exhibit A**. A copy of the video is also located at: <https://bit.ly/4guiK65>.

21. On August 16, 2024, I attempted to approach Superintendent Walters and Isett so I could ask Superintendent Walters some questions about the OSDE's recent actions. I was accompanied by KFOR-TV photojournalist, Gage Shaw.

22. I approached Walters while holding my KFOR-TV microphone and identifying myself as "Dylan Brown with KFOR." As soon as I identified myself, Walters responded, "Oh no, no, no, no, no" and walked away.

23. As Walters retreated, Isett approached Shaw and me. While forcefully stating “No,” Isett, again, placed his hands on me, with one hand pushing my arm back and the other hand quickly knocking me in my chest. Isett then followed Walters.

24. I attempted to finish the question I had approached Walters with, stating “You guys have left us out [of the press conferences]?” To which Isett immediately turned and, while pointing his finger at me, responded “There’s a reason for that.” I persisted: “We have valid reports, why are you leaving KFOR out of everything?”

25. Again, Isett placed his hands on me, applying pressure to prevent me from following Walters down the hallway any further. As he did so, Isett stated “We’re done. You got your answers, you asked three questions, you’re good.” Having been denied another opportunity at press access, Shaw and I turned and left.

26. The interaction between myself, Isett and Walters was accurately captured on video, a true and correct copy of which is attached as **Exhibit B**. A copy of the video is also located at: <https://bit.ly/4d8pjbN>.

27. On August 22, 2024, Josefy and I attempted to attend the next monthly board meeting. Defendants allowed other news media into the room where the board meeting was being held. Josefy and I, however, were again sent to the overflow room to watch a livestream of the meeting.

28. Josefy and I also made another attempt to attend Walters' press conference following the board meeting. As soon as Josefy and I attempted to enter the room where the press conference was being held, Isett, again, approached us. Isett, once again, physically impeded my entry into the room by standing in the doorway and then placing his hands on me. We had the following exchange:

Isett: "No."

Brown: "Can you give me a reason why?"

Isett: "No."

Brown: "I want a good solid reason why. I want a good solid reason why, sir. I want you to give me a reason why."

Isett: "We'll see you later."

Isett begins to close the door.

Brown: "I'm asking you a legitimate question. If you close that door on me you're restricting my First Amendment rights of access to a public official, sir. That's what you're doing. Oh you're going to leave it open? So can I come in? I can't come in."

Door closes.

29. With Isett closing the door I was, once again, not allowed to attend Walters' press conference alongside other members of the media.

30. The interaction between myself and Isett was accurately captured on video, a true and correct copy of which is attached as **Exhibit C**. A copy of the video is also located at: <https://bit.ly/4e5Xv94>.

31. Other than Isett telling me that KFOR-TV is not "legitimate" news, he has never given me a specific reason why I or any other KFOR-TV employees are being excluded from board meetings and Walters' press conferences.

32. The State Board of Education meets once a month and, typically, Superintendent Walters always holds a press conference immediately thereafter. There are four board meetings remaining in 2024, with the next meeting set to occur on September 26, 2024. *2024 Regular Meeting Calendar*, Oklahoma State Board of Education, <https://perma.cc/GS6A-AQNC>.

33. I am sure that, without immediate Court intervention, Superintendent Walters or Isett will not permit myself or my KFOR-TV colleagues to attend these events alongside other credentialled members of the media.

34. Every day that KFOR-TV and I are denied access to the board meetings and Walters' press conferences is another day that the KFOR-TV audience is being deprived of the ability to be informed and receive comprehensive news coverage.

35. Access to the Capitol complex, including board meetings and Walters's press conferences, is a very valuable commodity. I have invested years of my professional career building the knowledge, credibility, and sources to serve in this role as a Capitol Bureau reporter, and to deliver critical news stories to the public. I have developed the experience and expertise that enhances my effectiveness in that role. My marketability as a journalist, as well as the marketability of KFOR-TV and Nexstar Media, Inc., depends on KFOR-TV's continued ability to cover the board meetings and Walters' press conferences.

36. If KFOR-TV cannot provide reporting on the events that occur at board

meetings or Walters' press conferences, I believe that our audience will inevitably seek out that information from other media sources whose reporters *are* allowed to attend those events. This loss of viewership would be an additional harm to KFOR-TV and myself as a reporter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 22, 2024.

Dylan Brown

Dylan Brown
Anchor/Reporter
KFOR-TV