



Rather than attack the Oklahoma Litigation plaintiffs' victories head-on before the Honorable Judge Cauthron, the State of Oklahoma has sought to use this Court to re-litigate the threshold issue of the Oklahoma Litigation—whether Title VII's sex discrimination proscription reaches sex discrimination alleged by transgender persons. As a result of Plaintiff Oklahoma's stratagem, delay has been sowed in the Oklahoma Litigation and the resources of this Court are being squandered. To add insult to injury, Plaintiffs oppose Tudor's intervention in the Texas Litigation. Plaintiff Oklahoma's machinations should not be rewarded.

**A. Dr. Tudor's motion to intervene is timely.**

Plaintiffs argue in part that Tudor's intervention is untimely because she moved to intervene three and a half months after Plaintiffs filed their first complaint. ECF Doc. 82 at 3–4. Plaintiffs are mistaken as to the appropriate measure for timeliness analysis. The date a complaint is filed does not demarcate the time at which a party has notice that her interests are at issue in a suit. Depending on a variety of circumstances, a potential intervenor may not know that her interests are actually impinged by another litigation until long after a complaint is filed. Indeed, the Fifth Circuit has expressly rejected the timeliness rule Plaintiffs advocate. *Stallworth v. Monsanto Co.*, 558 F.2d 257, 264–65 (5th Cir. 1977) (setting forth three reasons to reject date complaint is filed rule); *id.* at 265 (“Therefore, the time that the would-be intervenor first became aware of the pendency of the case is not relevant to the issue of whether his application was timely.”).

Dr. Tudor did not have actual notice that her interests were at issue in the Texas Litigation until late August 2016, when this Court denied Defendants' invitation to deem the Oklahoma Litigation outside the scope of the Preliminary Injunction. Defendants' Notice of Pending Litigation, ECF Doc. 61 (filed Aug. 30, 2016); Order, ECF Doc. 62 (filed Aug. 31,

2016). Prior to this Court's August 30 Order, the State of Oklahoma proceeded in the Oklahoma Litigation as if the Texas Litigation had no impact and Dr. Tudor reasonably assumed as much. Depositions were conducted both after the first complaint in the Texas Litigation was filed and after Plaintiffs sought a preliminary injunction. Other discovery, including several discovery motions, went forward in the Western District of Oklahoma without any indication from the State of Oklahoma that they believed the Texas Litigation affected the Oklahoma Litigation.<sup>1</sup> Moreover, the State of Oklahoma never filed a notice of related case with the Western District of Oklahoma, which would have at least given notice to Dr. Tudor prior to late August 2016 that the State of Oklahoma believed the litigations to be related. *See McDaniel v. Ocean Energy, Inc.*, CIV.A. 87-2285, 1988 WL 15556, at \*1 (E.D.La. Feb. 24, 1988) (observing that failure to comply with local rule requiring timely notice of related case is sanctionable).

Once she learned her interests were at stake, Dr. Tudor moved with all deliberate speed to intervene. Pursuant to this Court's local rules, Dr. Tudor requested an opportunity to meet and confer with counsel for Plaintiffs and Defendants prior to filing intervention papers with the Court. Exhibit 1 (Sept. 7, 2016 Ltr. to Counsel Requesting Meet and Confer). Conferences were held on the morning of September 12, 2016. Within hours of completing meet and confer conferences, Tudor moved to intervene. This is not the stuff of delay.

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<sup>1</sup> *See, e.g.*, Okla. (Amended) Deposition Notice to Feleshia Porter, 5:15-cv-00324, ECF Doc. 64 (W.D.Okla. June 6, 2016) (seeking to depose Tudor's therapist); Okla. Motion to Compel, 5:15-cv-00324, ECF Doc. 67 (W.D.Okla. June 23, 2016) (seeking to compel discovery responses and production from the United States); Order, 5:15-cv-00324, ECF Doc. 96 (W.D.Okla. Aug. 11, 2016) (granting the United States' motion to compel the re-deposition of a RUSO employee concerning, *inter alia*, conversations the employee had with others regarding Dr. Tudor's restroom use in 2007); Okla. Response to Motion to Quash Porter Subpoena, 5:15-cv-00324, ECF Doc. 111 (W.D.Okla. Aug. 22, 2016) (claiming Oklahoma should be permitted to depose Feleshia Porter in part to glean information related to questioning of Cathy Conway concerning Tudor's restroom use); Order, 5:15-cv-00324, ECF Doc. 121 (W.D.Okla. Sept. 1, 2016) (granting Tudor's motion to quash Porter subpoena).

Plaintiffs' argument that Dr. Tudor should have been aware of her interest in the Texas Litigation sooner than late August 2016 given media coverage of the Texas Litigation and her counsel's expertise on the subject matter is inapposite. These arguments are, at their core, rehearsed versions of the date a complaint is filed rule. *See, e.g., Stallworth*, 558 F.2d at 265.

Plaintiffs' argument that Tudor could have elected to participate as *amici* earlier on in the Texas Litigation is also inapposite. Though Dr. Tudor's current firm sometimes participates as *amici* in cases of national importance concerning transgender persons,<sup>2</sup> Dr. Tudor does not personally possess the expertise or means to serve in this capacity. Moreover, even if appropriate, participation as *amici* in the Texas Litigation is no substitute for participation as a party. *See, e.g., Newport News Shipbuilding & Drydock Co. v. Peninsula Shipbuilders' Ass'n*, 646 F.2d 117, 121–22 (4th Cir. 1981) (noting that participation as amicus not a substitute for participation as a party because (a) an adverse ruling district court judgment would create a practical disadvantage which warrants intervention in the first instance and (b) putative *amici* would lack standing to challenge decision affecting its substantive interests).

**B. There is no undue prejudice resulting from potential delay.**

There is no undue delay or prejudice that would result if this Court were to rule that the preliminary injunction enjoins any part of the Oklahoma Litigation and Tudor were permitted to intervene in the Texas Litigation.

As Plaintiffs highlight in their opposition, the swift resolution of the preliminary injunction's scope was initially sought with the aim of providing "clarity to education authorities

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<sup>2</sup> It should be noted that the Transgender Legal Defense and Education Fund ("TLDEF") was not Dr. Tudor's original counsel in the Oklahoma Litigation. Prior to July 13, 2016, Tudor was represented by Mr. Ezra Young and Ms. Jillian Weiss through the Law Firm of Jillian T. Weiss, a private New York based law firm. On July 13, both Young and Weiss started at TLDEF and Tudor's case was transferred to TLDEF shortly thereafter.

before the 2016–17 school year commences.” ECF Doc. 82 at 4–5 (citing ECF Doc. 11 at 37). It is now mid-October 2016—however expeditious efforts to reach a resolution may have been up to this point, the animating reason for swiftly moving from the complaint stage to the preliminary injunction is now lost, thus this is no reason to deny Tudor’s participation in the Texas Litigation at this stage.

Even if Tudor’s intervention would result in some delay, “delay in and of itself does not mean that intervention should be denied,” rather, this Court should assess whether any such delay would *unduly* delay adjudication of the merits. *U.S. v. N. Colorado Water Conservancy Dist.*, 251 F.R.D. 590, 599 (D.Colo. 2008). At present, there is no indication that Tudor’s addition to this suit would unduly delay the entire proceedings. Indeed, at the September 30 hearing, this Court observed that for various reasons it might be appropriate to brief all claims pending before it prior to sending the case up on appeal. Transcript of Hearing at 40, *Texas et al. v. United States et al.*, 7:16-cv-00054-O (N.D.Tex. Sept. 30, 2016). If the Court were to pursue this avenue, Tudor’s inclusion would not result in undue delay.

**C. The existing parties’ desire to keep Dr. Tudor out of this litigation should be afforded minimal weight.**

Plaintiffs make much of the fact that both parties oppose Dr. Tudor’s efforts to intervene in the Texas Litigation. However, the parties’ opposition to Dr. Tudor’s intervention is not dispositive. “The central question in examining a motion for permissive intervention is whether or not such intervention would further the interests of justice, the rights of the parties, and efficient judicial administration.” *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 690 F.2d 1203, 1215 (5th Cir. 1982). Moreover, “[f]ederal courts should allow intervention ‘where no one would be hurt and greater justice could be attained’.” *Hill v. Gen. Motors LLC*, 7:14-cv-

00064-O, 2015 WL 11117873, at \*2 (N.D.Tex. Apr. 28, 2015) (O'Connor, J.) (*quoting Sierra Club v. Espy*, 18 F.3d 1202, 1205 (5th Cir. 1994)).

Insofar as this Court decides to enjoin any part of the Oklahoma Litigation, it is in the interests of justice to permit Dr. Tudor to intervene in the Texas Litigation. Dr. Tudor will be substantially harmed if this Court enjoins any part of the Oklahoma Litigation *and* Tudor is not joined to the Texas Litigation since she would be deprived the right to actively participate in proceedings that ultimately affect her merits Title VII case and she would be deprived of standing to appeal judgments enjoining the Oklahoma Litigation.

**D. Special circumstances weigh in favor of joining Dr. Tudor to this case.**

There are also special circumstances that weigh in favor of joining Dr. Tudor to the Texas Litigation. *See Sierra Club v. Espy*, 18 F.3d 1202, 1205 (5th Cir. 1994) (noting that “unusual circumstances” are one of four factors to be assessed in determining whether an application for permissive intervention is timely).

First, Dr. Tudor is uniquely situated. Dr. Tudor is the first transgender person on whose behalf the federal government filed an enforcement action under Title VII. Dr. Tudor and her private counsel have worked closely with DOJ throughout the Oklahoma Litigation, sharing resources and closely coordinated litigation strategy to ensure a successful outcome. Interference of the ilk the Texas Litigation Plaintiffs are seeking from this Court, in the twilight of discovery in the Oklahoma Litigation and on the eve of trial, is more than an inconvenience to Tudor. Litigation of this type is complex, requiring the coordination of private and public counsel and has called for over a dozen witnesses, tens of thousands of documents, and several thoroughly litigated motions including the motion to dismiss decided in July 2015. Dr. Tudor has a right and

colorable interest in ensuring that her coordinated litigation team is afforded the opportunity to continue to proceed in the Oklahoma Litigation unimpeded.

Plaintiffs' bald assertion that Dr. Tudor will be unharmed if she is not joined to the Texas Litigation since "the injunction restrains the Defendants, [but] it will generally not apply to private parties" (ECF Doc. 82 at 6) overlooks Dr. Tudor's unique circumstances. Plaintiffs framing assumes that Tudor is not harmed by DOJ's impairment. Not so. As noted above, it is in Dr. Tudor's best interests to ensure that DOJ proceeds unimpaired in the Oklahoma Litigation given the high-level of coordination between her private counsel and DOJ throughout those proceedings and given the late stage of the same.

Second, Tudor's well-being is inextricably linked to the ultimate adjudication of the issues at the heart of the Texas Litigation. *Citizens for an Orderly Energy Policy, Inc. v. Cnty. of Suffolk*, 101 F.R.D. 497, 501 (E.D.N.Y. 1984). Tudor has a direct and substantial interest in the determination of the issues presented in the Texas Litigation. Among other things, the Texas Plaintiffs seek to use the Texas Litigation as a vehicle to collaterally attack Tudor's victories in the Oklahoma Litigation. For example, if this Court were to enjoin DOJ's discovery of restroom issues in the Oklahoma Litigation, Tudor would likely be deprived the benefit of a August 11, 2016 Order from the Western District granting the United States' motion to compel the re-deposition of a RUSO employee concerning conversations the employee had with others regarding Dr. Tudor's restroom use in 2007. 5:15-cv-00324, ECF Doc. 96 (W.D.Okla. Aug. 11, 2016). Dr. Tudor has an interest in ensuring that these heavily litigated disputes not be collaterally attacked.

Third, Dr. Tudor, as the only real person potentially participating as a party in the Texas Litigation, offers a unique and valuable perspective that will give context to the otherwise overly

abstracted issues of law and fact in this suit. *See, e.g., Nat'l Assoc. for Advancement of Colored People v. New York*, 413 U.S. 345, 368 (1973) (noting that a potential intervenor alleging an injury “personal to him” would present unusual circumstances that warrant intervention); *Johnson v. Mortham*, 915 F.Supp. 1529, 1538–39 (N.D.Fla. 1995) (allowing NAACP to intervene in redistricting case where it offered a unique and valuable perspective). For example, Dr. Tudor’s experiences at Southeastern Oklahoma State University and the defenses raised in the Oklahoma Litigation, shed light on the absurdity undergirding Plaintiffs’ allegations in the instant lawsuit. Though Dr. Tudor alleges that she was denied access to the women’s restroom on the Southeastern campus once she transitioned to female in 2007, the State of Oklahoma’s own witnesses in the Oklahoma Litigation contend that no such rule existed. *See, e.g.,* Exhibit 2 (excerpts from deposition of Cathy Conway, former human resources director of Southeastern Oklahoma University). Indeed, other witnesses in the Oklahoma Litigation attest that there are no rules barring transgender people from using restrooms that match their gender identity on college campuses in Oklahoma. *See, e.g.,* Exhibit 3 (excerpt from deposition of Charles Babb, general counsel for the Regional University System of Oklahoma).

### **CONCLUSION**

For the reasons stated above, if this Court determines that the Oklahoma Litigation is in any way enjoined by this Court’s Preliminary Injunction Dr. Tudor’s intervention should be granted. In the alternative, if this Court determines that the Oklahoma Litigation is not in any way enjoined by this Court’s Preliminary Injunction Dr. Tudor’s motions should be denied as moot.

Dated: October 17, 2016

Respectfully submitted,

/s/ Ezra Young  
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**ATTORNEYS FOR DR. RACHEL TUDOR**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will serve all counsel of record.

/s/ Ezra Young  
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# Exhibit 1



**Ezra Young**  
Staff Attorney

September 7, 2016

**VIA EMAIL**

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*Counsel for Defendants*

**Re: Conferral Request**  
**Dr. Rachel Tudor's Motion to Intervene as Third Party Plaintiff in**  
**Texas et al. v. United States et al., 7:16-cv-00054 (N.D. Tex.)**

Dear Counsel:

I am reaching out to you to request conferral pursuant to Northern District of Texas Local Rule 7.1(a) regarding my client Dr. Rachel Tudor's proposed motion to intervene as a third party plaintiff in *Texas et al. v. United States et al.*, 7:16-cv-00054-O (N.D. Tex.).

Dr. Tudor is the aggrieved employee at the center of and is a party to *United States and Dr. Rachel Tudor v. Southeastern Oklahoma State University and Regional University System of Oklahoma*, 5:15-cv-324 (W.D. Okla. filed Mar. 2015), a case identified by Defendants' Notice to the Northern District of Texas (ECF Doc. 61).

Dr. Tudor desires to intervene in the *Texas* litigation as a third party plaintiff (naming the State of Oklahoma as a third party defendant) for the limited purpose of seeking a declaratory judgment recognizing that an order issued by the Honorable Robin Cauthron of the Western District of Oklahoma in July 2015 finally decided the question of whether Dr. Tudor is a member of a protected class under Title VII.

Dr. Tudor believes in good faith that the Western District of Oklahoma has finally decided the scope of Title VII's coverage as to Dr. Tudor. *See United States et al. v. Southeastern Okla. State Univ. et al.*, civ-15-324-C, 2015 WL 4606079 at \*2 (July 10, 2015) ("Here, it is clear that Defendants' actions as alleged by Dr. Tudor occurred because she was female, yet Defendants regarded her as male. Thus, the actions Dr. Tudor alleges Defendants took against her were based upon their dislike of her presented gender. . . . The factual allegations raised by Dr. Tudor bring her claims squarely within the Sixth Circuit's reasoning as adopted by the Tenth Circuit in *Etsitty*. Consequently, the Court finds that the discrimination occurred because of Dr. Tudor's gender, and she falls within a protected class.").

Given that the July 2015 Order decided the scope of Title VII's protection as to Dr. Tudor, Dr. Tudor believes that the Preliminary Injunction issued by the Honorable Judge O'Connor and any additional declaratory relief issued in *Texas et al. v. United States et al.* cannot disturb the issue already decided as to Dr. Tudor in the Oklahoma Litigation.

My office is located in New York City, so in person conferral is not feasible. If you desire to discuss this matter via phone please feel free to call me on my cell at 949-291-3185. I am also available to discuss this matter via email at [eyoung@transgenderlegal.org](mailto:eyoung@transgenderlegal.org).

Very truly yours,



Ezra Young

Cc:

Ms. Jillian Weiss  
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# Exhibit 2

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
et al. )

Plaintiff, )

VS. ) Civil Action No.  
5:15-CV-00324-C )

SOUTHEASTERN OKLAHOMA STATE )  
UNIVERSITY, et al. )

Defendant. )

\*\*\*\*\*

ORAL DEPOSITION OF  
CATHY CONWAY  
MARCH 10, 2016

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ORAL DEPOSITION OF CATHY CONWAY, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and -numbered cause on the 10th day of March, 2016, from 8:58 a.m. to 4:52 p.m., before Chrissa K. Mansfield-Hollingsworth, CSR in and for the State of Texas, reported by machine shorthand, at the offices of U.S. Attorney's Office, located at 600 East Taylor Street, Suite 2000, Sherman, Texas, pursuant to the Federal Rules of Civil Procedure.

1 June 1st.

2 A. Yes.

3 Q. What do you remember?

4 A. I told Dr. Tudor about the two policies,  
5 reminded her that those were for her and everyone at the  
6 university. I'm sure I told her like I tell -- told  
7 everyone that she should contact me if she had any  
8 concerns or questions, that the sexual harassment  
9 include -- policy included how to report. I advised her  
10 that she should let her department chair know about the  
11 name change and her dean, and that if she had questions  
12 about people's opinions as to gender presentation, which  
13 one to use, that she should discuss that with her  
14 counselor, such as Feleshia Porter.

15 I told her that this was new to all of us  
16 and that there was a restroom available, the handicapped  
17 restroom, on the second -- I believe it was the second  
18 floor of the building where she worked, that it was not  
19 mandatory, that it was her option, and there was another  
20 restroom that was a family restroom in the student  
21 union. She thanked me for my professionalism and I  
22 believe that was the end of the conversation.

23 Q. The two policies that you went over with her  
24 were the nondiscrimination and harassment policies that  
25 you talked to Mr. Babb about?

1 guidance after Dr. Tudor -- Tudor's gender transition on  
2 how to address her with pronouns, he or she pronouns?

3 A. No.

4 Q. Were employees given any guidance as to whether  
5 it was appropriate for Dr. Tudor to use the women's  
6 restroom after her gender transition?

7 A. No, no discussion.

8 Q. Was giving that type of guidance to employees  
9 even discussed as a possibility?

10 A. No. She could use any restroom. She wasn't  
11 monitored. She wasn't -- it wasn't a directive. It was  
12 her choice.

13 Q. I understand that. You said that before. What  
14 I'm getting at, though, is: Was there concern that  
15 there would be a potential for other employees to be  
16 confused about how to treat Dr. Tudor after her gender  
17 transition?

18 MS. COFFEY: Object to form. Asked and  
19 answered.

20 A. After her gender transition?

21 Q. (Moving head up and down)

22 A. In June of 2007?

23 Q. Yes.

24 A. Any -- only what I've -- we've already reviewed  
25 with the department chair, dean and vice-president of

# Exhibit 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff(s),	)	
	)	
RACHEL TUDOR,	)	
	)	
Plaintiff Intervenor,	)	
	)	
-vs-	)	No. 5:15-CV-00324-C
	)	
SOUTHEASTERN OKLAHOMA STATE	)	
UNIVERSITY, and	)	
	)	
THE REGIONAL UNIVERSITY	)	
SYSTEM OF OKLAHOMA,	)	
	)	
Defendant(s).	)	

DEPOSITION OF CHARLES BABB

TAKEN ON BEHALF OF THE PLAINTIFF(S)

IN OKLAHOMA CITY, OKLAHOMA

ON MAY 18, 2016

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REPORTED BY: LESLIE A. FOSTER, CSR

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1 used male pronouns to refer to Dr. Tudor?  
 2 MS. COFFEY: Object to form.  
 3 A. Not to my knowledge.  
 4 Q. (BY MR. YOUNG) At any point in time do you  
 5 recall employees of Southeastern using male pronouns to  
 6 refer to Dr. Tudor?  
 7 MS. COFFEY: Object to form.  
 8 A. After the transition?  
 9 Q. (BY MR. YOUNG) Saying any point in time.  
 10 MS. COFFEY: Object to form.  
 11 A. I don't recall.  
 12 Q. (BY MR. YOUNG) Are you aware -- aware of  
 13 whether Southeastern had a written policy speaking to  
 14 which restrooms transgender persons should use in the  
 15 Southeastern campus in 2007?  
 16 MS. COFFEY: Object to form.  
 17 A. I don't know.  
 18 Q. (BY MR. YOUNG) Are you aware if Southeastern  
 19 currently has a written policy which speaks to which  
 20 restrooms transgender persons should use on its campus?  
 21 MS. COFFEY: Object to form.  
 22 A. I don't know.  
 23 Q. (BY MR. YOUNG) Does RUSO have a written policy  
 24 which speaks to which restrooms transgender persons  
 25 should use on RUSO university campuses?

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1 A. No.  
 2 MS. COFFEY: Object to form.  
 3 Q. (BY MR. YOUNG) To your knowledge, does RUSO  
 4 currently permit transgender persons to use restrooms  
 5 consistent with their gender identity at RUSO  
 6 institutions?  
 7 MS. COFFEY: Object to form.  
 8 A. Yes.  
 9 Q. (BY MR. YOUNG) And what did you -- what  
 10 particular facts are you basing your answer upon?  
 11 A. We don't have a policy -- RUSO does not have a  
 12 policy that specifies one way or the other, and so -- I  
 13 mean, so the person can use whatever restroom they're  
 14 comfortable with.  
 15 Q. Does that complete your answer?  
 16 A. Yes.  
 17 Q. Are you aware of there being any current  
 18 transgender staff, faculty, or students at RUSO  
 19 institutions?  
 20 MS. COFFEY: Object to form.  
 21 A. Not aware of current. Southeastern had a  
 22 student, transgender male, a couple of years ago. But I  
 23 don't know if that student still attends.  
 24 Q. (BY MR. YOUNG) How did you become aware that  
 25 Southeastern had a transgender male student a couple

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1 years ago?  
 2 A. I think that the vice president for student  
 3 affairs, Sharon Robinson, called me.  
 4 Q. Did you speak to Vice President Robinson more  
 5 than one time about the transgender students at  
 6 Southeastern?  
 7 MS. COFFEY: Object to form. Misstates prior  
 8 testimony.  
 9 A. I don't recall.  
 10 Q. (BY MR. YOUNG) Without disclosing the contents  
 11 of your conversation with Vice President Robinson, do  
 12 you, as we're sitting here right now, recall the  
 13 substance of your conversation with Ms. Robinson?  
 14 A. I do not.  
 15 Q. Do you recall if you took notes during that  
 16 conversation with Ms. Robinson?  
 17 A. I don't recall.  
 18 Q. Do you recall if during that conversation you  
 19 gave Ms. Robinson legal advice in your capacity as  
 20 general counsel at RUSO?  
 21 A. Yes.  
 22 Q. Is the transgender student that we just  
 23 mentioned that you said became aware of a couple years  
 24 ago at Southeastern the only transgender faculty, staff  
 25 member, or student that you're aware of other than

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1 Dr. Tudor at a RUSO institution?  
 2 MS. COFFEY: Object to form.  
 3 A. I'm recalling other conversations, but I'm not  
 4 recalling which universities. They weren't -- it wasn't  
 5 Southeastern, and I don't recall whether they were  
 6 students, faculty, or staff.  
 7 Q. (BY MR. YOUNG) But to clarify, these persons  
 8 who you're recalling were persons somehow affiliated with  
 9 RUSO institutions. Is that correct?  
 10 A. Either a student, faculty, or staff, yes.  
 11 Q. Mr. Babb, you're currently licensed to practice  
 12 law in the state of Oklahoma. Is that correct?  
 13 A. Yes, sir.  
 14 Q. And you were licensed to practice law in  
 15 Oklahoma between 2009 and 2011. Is that correct?  
 16 A. Yes, sir.  
 17 Q. In the state of Oklahoma, do licensed attorneys  
 18 have to complete continuing legal education coursework to  
 19 maintain their license to practice law?  
 20 A. Yes, sir.  
 21 Q. And did you take CLE coursework between 2009  
 22 and 2011?  
 23 A. Yes, sir.  
 24 Q. Did you take any courses on professional  
 25 responsibility or legal ethics during that period?