

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

UNITED STATES OF AMERICA and	)	
DR. RACHEL TUDOR,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-15-324-C
	)	
SOUTHEASTERN OKLAHOMA	)	
STATE UNIVERSITY and	)	
THE REGIONAL UNIVERSITY	)	
SYSTEM OF OKLAHOMA,	)	
	)	
Defendants.	)	

ORDER

Plaintiff United States brought the present action to enforce Title VII claims against Defendants based on Defendants’ actions towards Plaintiff Dr. Tudor, alleging sex discrimination and retaliation in violation of Title VII. Dr. Tudor then filed a Complaint in Intervention adding a claim for hostile work environment. The premise for each Plaintiff’s claims are the alleged actions by Defendants directed at Dr. Tudor following her transition from male to female. During the course of discovery, Defendants served subpoenas seeking depositions of employees of the EEOC. Defendants filed notice of the depositions on April 1, 2016, with the depositions scheduled for April 28 and 29. On April 27, 2016 Non-party EEOC filed the present Motion to Quash.

Fed. R. Civ. P. 45(d)(3)(A) states: “On timely motion, the court for the district where compliance is required must quash or modify a subpoena that . . . .” Without regard to the merit the Motion to Quash may have, it will be denied as untimely. As noted above, the

EEOC has been aware of the subpoenas for several weeks. The Motion to Quash states that by April 21, 2016 at the latest, the EEOC was aware that Defendants would not agree to cancel the depositions. The time for seeking Court intervention was then, not on the eve of the depositions. To be timely, a motion must at a minimum provide time for response and consideration by the Court. The present Motion satisfies neither requirement.

The Court acknowledges that the EEOC also argues certain topics are privileged. Nothing in this Order shall be construed as ruling on those arguments. To the extent those issues arise during the deposition they shall be addressed in the manner provided in the Federal Rules of Procedure.

For the reasons set forth herein, EEOC's Motion to Quash Subpoenas and for Protective Order to Prohibit Depositions of James Habas and Former EEOC Investigator Kathy Nusz (Dkt. No. 56) is DENIED.

IT IS SO ORDERED this 28th day of April, 2016.

  
ROBIN J. CAUTHRON  
United States District Judge