

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

UNITED STATES OF AMERICA,

Plaintiff,

RACHEL TUDOR,

Plaintiff-Intervenor,

v.

SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY, and

THE REGIONAL UNIVERSITY SYSTEM
OF OKLAHOMA,

Defendants.

Case No. 15-cv-324-C

**UNOPPOSED JOINT MOTION TO STAY DEADLINES
PENDING THE COURT'S RULING ON PLAINTIFF'S
AND DEFENDANTS' JOINT MOTION TO DISMISS**

Defendants, Southeastern Oklahoma State University, ("SEOSU"), and The Regional University System of Oklahoma ("RUSO"), ("Defendants"), and Plaintiff United States ("United States") respectfully request this Court stay the deadline for Defendants' response to Plaintiff's Motion to Compel Production of ESI Withheld on the Basis of Privilege [Doc. 146] and the deadline for the United States' response to Defendants' Motion to Partially Quash Plaintiff's Second Amended Notice of Oral Deposition Under Fed. R. Civ. P. 30(b)(6) [Doc. 149] pending the Court's ruling on Plaintiff's and Defendants' Joint Motion for Dismissal with Prejudice of Plaintiff

United States' Complaint. [Doc 164]. In support of the Motion, the Parties submit the following:

1. Plaintiff filed a Motion to Compel Production of ESI Withheld on the Basis of Privilege on August 14, 2017. [Doc. 146].

2. Defendants filed a Motion to Partially Quash Plaintiff's Second Amended Notice of Oral Deposition Under Fed. R. Civ. P. 30(b)(6) on August 18, 2017. [Doc. 149].

3. Defendants executed a settlement agreement ("Agreement") with the United States on August 30, 2017.

4. Defendants filed an Unopposed Motion for Extension of Time to File Response Brief in Opposition to Plaintiff's Motion to Compel Production of ESI Withheld on the Basis of Privilege on September 1, 2017 [Doc. 159], requesting the extension in the interest of conservation of taxpayer and judicial resources as it was anticipated the Motion to Compel would be made moot by Plaintiff's Motion to Dismiss and exit from the litigation.

5. The Court entered an order granting Defendants' requested Extension on September 5, 2017 making the responsive pleading due on September 11, 2017. [Doc. 160].

6. Plaintiff and Defendants filed a Joint Motion for Dismissal with Prejudice of Plaintiff United States' Complaint on September 7, 2017 ("Joint Motion to Dismiss"). [Doc. 164].

7. Defendants' response to the Motion to Compel and the United States' response to the Motion to Partially Quash are now due prior to the conclusion of the briefing schedule for Plaintiff's and Defendants' Joint Motion to Dismiss.

8. Staying the deadlines for these two responsive pleadings pending the Court's ruling on Plaintiff's and Defendants' Joint Motion for Dismissal with Prejudice of Plaintiff United States' Complaint would conserve judicial resources and time.

ARGUMENT AND AUTHORITY

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (U.S. 1936) (citations omitted); see *Adams Respiratory Therapeutics, Inc. v. Perrigo Co.*, 2007 WL 4284877, *1 (W.D. Mich. 2007) (reciting same standard). The decision to stay proceedings "ordinarily rests with the sound discretion of the District Court." *Ohio Env'tl. Council v. U.S. Dist. Court, S. Dist. of Ohio, E. Div.*, 565 F.2d 393, 396 (6th Cir.1977).

Here, briefly staying the deadlines for Defendants' response to Plaintiff's Motion to Compel Production of ESI Withheld on the Basis of Privilege and Plaintiff's Response to Defendants' Motion to Partially Quash pending the Court's ruling on Plaintiff's and Defendants' Joint Motion for Dismissal with Prejudice of Plaintiff United States' Complaint will promote judicial economy and preserve the parties' respective resources. Without a stay, the parties will need to prepare simultaneously their respective response briefs to, and replies to, the pending motions. Due to the nature of the parties' motions, this briefing will be substantial and, consequently, expend resources of the parties that could be preserved until the Court determines whether Plaintiff's Complaint should ultimately be dismissed, as requested, which may render Plaintiff's Motion to Compel and Defendants' Motion to Partially Quash moot.

Accordingly, Plaintiff and Defendants move this Court to stay the deadline for Defendants' response to Plaintiff's Motion to Compel Production of ESI Withheld on the Basis of Privilege and Plaintiff's Response to Defendants' Motion to Partially Quash pending the Court's ruling on Plaintiff's and Defendants' Joint Motion for Dismissal with Prejudice of Plaintiff United States' Complaint.

Defendants have conferred with Plaintiff/Intervenor regarding this Motion and Plaintiff/Intervenor has no objection to this motion.

CONCLUSION

WHEREFORE, Defendants and Plaintiff, respectfully request the Court enter an order staying Defendants' response to Plaintiff's Motion to Compel Production of ESI Withheld on the Basis of Privilege and Plaintiff's response to Defendants' Motion to Partially Quash the Second Amended Notice of Deposition Under Fed. R. Civ. P. 30(b)(6) pending the Court's ruling on Plaintiff's and Defendants' Joint Motion for Dismissal with Prejudice of Plaintiff United States' Complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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