

**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

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

Plaintiff, United States of America, Plaintiff-Intervenor, Rachel Tudor, and Defendants, Southeastern Oklahoma State University, ("SEOSU"), and The Regional University System of Oklahoma ("RUSO"), ("Defendants"), respectfully request this Court stay all remaining deadlines applicable to Plaintiff, with the exception of those deadlines related to the Motion for Protective Order, and Stipulation and Joint Motion for Dismissal of Plaintiff's Complaint. In support of the Motion, the Parties submit the following:

1. The deadline for dispositive and *Daubert* motions, as well as the discovery cut-off, is September 22, 2017. [Doc. 142].¹

2. The deadline for Plaintiff to file any objection to Defendants' final witnesses and exhibit lists is September 22, 2017. [Doc. 142].

3. The deadline for pretrial filings (motions in limine, voir dire, jury instructions and trial briefs) is October 10, 2017, with any objections and/or responses being due October 24, 2017. [Doc. 142].²

4. The Agreed Final Pretrial Report is due to be filed October 17, 2017.

5. The deadline for deposition designations is October 25, 2017, with objections and counter designations being due October 31, 2017. [Doc. 142].

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

7. 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]. The briefing period for the Joint Motion for Dismissal will conclude on or about October 5, 2017.

¹ The dispositive motion deadline would be stayed only as to Plaintiff's claims against Defendant. The deadline for dispositive motions regarding Plaintiff-Intervenor's claims would not be stayed. The deadline to file *Daubert* motions regarding Plaintiff's experts would be stayed.

² The pretrial deadlines set forth in Paragraphs 3, 4 and 5 would remain in place for Plaintiff-Intervenor and Defendants.

8. On September 11, 2017, the Court granted Plaintiff and Defendants' Unopposed Joint Motion to Stay Defendants' response to Plaintiff's Motion to Compel Production of ESI [Doc. 146], and Plaintiff's response to Defendants' Motion to Partially Quash Plaintiff's Second Amended Notice of 30(b)(6) Oral Deposition [Doc. 49] pending the Court's ruling on the Joint Motion to Dismiss. [Doc. 167]

9. Staying the remaining pretrial deadlines relating to litigation between the United States and Defendants pending the Court's ruling on the parties' 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, staying the remaining pretrial deadlines as they relate to litigation between the United States and Defendants pending the Court's ruling on the parties' 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 prospective pretrial filings and any summary judgment papers, which would 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 moot those filings and papers.

Accordingly, Defendants and Plaintiff move this Court to stay the remaining deadlines as they relate to litigation between the United States and the Defendants pending the Court's ruling on Plaintiff's and Defendants' Joint Motion for Dismissal with Prejudice of Plaintiff United States' Complaint.

CONCLUSION

WHEREFORE, Defendants and Plaintiff respectfully request the Court enter an order staying all remaining pretrial deadlines as they relate to litigation between the United States and Defendants, with exception to deadlines relating to Defendants' Motion for Protective Order [Doc. 156] and the parties' Joint Motion for Dismissal of Plaintiff United States' Complaint with Prejudice [Doc. 164]. All

pretrial deadlines as they relate to litigation between Plaintiff-Intervenor and Defendants will remain in place as set forth in [Doc. 142].

Respectfully submitted,

/s/ Dixie L. Coffey

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th 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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