

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

UNITED STATES OF AMERICA,

Plaintiff,

RACHEL TUDOR,

Plaintiff-Intervenor,

v.

**Case No. 15-cv-324-C**

SOUTHEASTERN OKLAHOMA STATE  
UNIVERSITY, and

THE REGIONAL UNIVERSITY SYSTEM  
OF OKLAHOMA,

Defendants.

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFF-INTERVENOR'S PROPOSED VOIR DIRE**

Defendants, Southeastern Oklahoma State University, ("SEOSU"), and The Regional University System of Oklahoma ("RUSO"), ("Defendants"), object to Plaintiff/Intervenor's Proposed Voir Dire [Doc. 193] as follows:

The purpose of the *voir dire* examination is to determine whether the jurors are qualified, whether they have prejudged the case, and whether their minds are free from prejudice or bias so as to enable the parties to ascertain whether a cause for challenge exists and to ascertain whether it is expedient to exercise the right of peremptory challenge. 50 C.J.S. Juries § 273, p. 1036. The extent of the inquiry must be left to the sound discretion of the trial court. *Maguire v. United States*, 358 F.2d 442 (10th Cir. 1966). The exercise of that discretion should not be interfered with unless it is clearly abused. *Kreuter v. United*

*States*, 376 F.2d 654 at 656-657 (10th Cir. 1967) citing *United States v. Lebron*, 222 F.2d 531, 2d Cir., *cert. denied*, 350 U.S. 876, 76 S.Ct. 121.

1. Questions 7 and 8 improperly suggest to the jurors that transgender is a protected class under Title VII. Further, the only protected class at issue in this case is female.

2. Questions 25-28 are duplicative, and therefore it would be inappropriate to ask more than one of these questions.

3. Question 29 is inappropriate to ask prospective jurors because jurors will not be allowed to award reinstatement or other prospective injunctive relief.

4. Questions 54, 64, 74, 75, 76, 122-124 improperly elicit hypothetical information from jurors, are inaccurate recitations of the law, and are an attempt to prejudice the jurors against Defendants.

5. Questions 77-79 are duplicative and improper. These questions will not serve the proper purpose of finding out if jurors can be fair and impartial.

6. Questions 83-88 are not propounded to find out if jurors can be fair and impartial but instead, to precondition the jury to a particular result.

7. Questions 99, 100, 105-108 seek duplicative information, are unnecessary, and improper.

8. Questions 109-121, specific inquiries regarding transgender persons, are improper and irrelevant. These questions will not serve the proper purpose of finding out if jurors can be fair and impartial. Further, the only protected class at issue in this case is female.

Fed. R. Civ. P. 47(a) allows the Court to conduct *voir dire* for the express purpose of determining bias so the parties can meaningfully exercise their challenges. The well settled rule in the Tenth Circuit is that the trial judge has wide discretion to conduct *voir dire*. *U.S. v. Chalan*, 812 F.2d 1302 (10th Cir. 1987). The proposed *voir dire* questions set forth above will not fulfill the proper purpose of *voir dire*, and therefore should not be permitted.

Respectfully submitted,

/s/ Dixie L. Coffey

**DIXIE L. COFFEY, OBA #11876**

**JEB E. JOSEPH, OBA #19137**

**KINDANNE JONES, OBA #11374**

**TIMOTHY M. BUNSON, OBA #31004**

Assistant Attorneys General

Oklahoma Attorney General's Office

Litigation Division

313 NE 21st Street

Oklahoma City, OK 73105

Telephone: 405.521.3921

Facsimile: 405.521.4518

Email: dixie.coffey@oag.ok.gov

Email: jeb.joseph@oag.ok.gov

Email: kindanne.jones@oag.ok.gov

Email: tim.bunson@oag.ok.gov

*Attorneys for Defendants Southeastern Oklahoma  
State University and The Regional University  
System of Oklahoma*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of October 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:

Ezra Young  
Law Office of Ezra Young  
30 Devoe, 1a  
Brooklyn, NY 1121  
Email: ezraiyoung@gmail.com  
*Attorney for Intervenor Plaintiff*

Brittany Novotny  
NATIONAL LITIGATION LAW  
GROUP, PLLC  
42 Shepherd Center  
2401 NW 23rd Street  
Oklahoma City, OK 73107  
Email:bnovotny@nationlit.com  
*Attorney for Intervenor  
Plaintiff*

Marie Galindo (TX Bar No. 00796592)  
Admitted *Pro Hac Vice*  
Law Office of Marie Galindo  
1500 Broadway, Suite 1200  
Wells Fargo Building  
Lubbock, TX 79401  
megalindo@thegalindofirm.com  
*Attorney for Intervenor Plaintiff*

/s/ Dixie L. Coffey

Dixie L. Coffey