

**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' EXPEDITED RESPONSE TO PLAINTIFF'S OPPOSED
MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS'
MOTION FOR JUDGMENT AS A MATTER OF LAW,
OR IN THE ALTERNATIVE, NEW TRIAL**

Defendants, Southeastern Oklahoma State University, ("SEOSU"), and The Regional University System of Oklahoma ("RUSO"), ("Defendants"), present this expedited response, (pursuant to the Court's Order of July 25, 2018, [Doc. 323], regarding Plaintiff's Opposed Motion For Extension of Time to Respond to Defendants' Motion For Judgment As a Matter of Law, Or In the Alternative, New Trial [Doc. 322], (hereinafter "Plaintiff's Motion for Extension"). It appears that Plaintiff's filing of "Plaintiff Dr. Rachel Tudor's Preliminary Response In Opposition To Defendants' Motion For Judgment As a Matter of Law, Or In the Alternative, New Trial," [Doc. 324], makes Plaintiff's Motion for Extension of Time now moot.

ARGUMENT

Local Civil Rule 7.1(g) clearly states, “[e]ach party opposing a motion **shall** file a response within 21 days after the motion was filed.” [Emphasis added.] Rather than filing a response brief as provided for by LCvR 7.1, Plaintiff elected to file a Motion to Strike. Plaintiff’s Motion for Extension requested the Court first “rule on Tudor’s Motion to Strike,” or “in the event that this Court denies [Plaintiff’s] Motion to Strike, she asks that she be given 14-days from that denial to respond to Defendants’ Motion (ECF No. 316).” [Doc. 322 at p.5, ¶14(a-b). However, on July 26, 2018, Plaintiff filed her response to [Doc. 316], thereby mooting the previously requested extension.

Defendants object to Plaintiff’s Motion to Strike [Doc. 318] as it is wholly without merit, which Defendants will address in a response, and this extension would cause unnecessary delay to any further, appropriate proceedings. Furthermore, Plaintiff’s timely filing of [Doc. 324] unequivocally demonstrates that Plaintiff did not need the requested additional time to respond and that Plaintiff’s Motion for Extension was disingenuous and patently unnecessary.

Furthermore, Defendants object to Plaintiff’s request that “[i]n the event that [Plaintiff’s] Motion to Strike [Doc. 318] is not granted, [Plaintiff] requests leave to Amend this Brief as necessary.” [Doc. 324 at p.1, fn. 1]. Plaintiff filed a response in opposition containing twenty-five (25) pages of argument citing fifty-seven (57) cases, five (5) rules, and one (1) MTVNews.com report, wherein Plaintiff’s counsel quotes himself. Plaintiff’s response has now been fully briefed, and has used the full allotment of pages allowed by the rules.

CONCLUSION

Plaintiff's requested relief is moot based on the filing of Plaintiff's response [Doc. 324]. Plaintiff's filing of [Doc. 324] also demonstrates that the initial request was unnecessary. Therefore, Defendants respectfully request this Court deny Plaintiff's Opposed Motion for Extension [Doc. 322] as moot, and grant no further relief as related to Plaintiff's Response [Doc. 324].

Respectfully submitted,

/s/ Timothy M. Bunson

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August 2018, 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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