

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

DR. RACHEL TUDOR et al.,	§	
	§	
Plaintiff-Appellant.	§	
v.	§	
	§	
SOUTHEASTERN OKLAHOMA	§	No. 18-6102
STATE UNIVERSITY	§	(D.C. No. 5:15-CV-00324-C)
	§	(W.D. Okla.)
and	§	
	§	
REGIONAL UNIVERSITY SYSTEM	§	
OF OKLAHOMA	§	
	§	
Defendants-Appellees.	§	
	§	

**DR. TUDOR'S REPORT REGARDING
DISTRICT COURT PROCEEDINGS**

To the Court:

On July 18, 2018, this Court entered a *sua sponte* order vacating merits briefing deadlines in the above captioned appeal. On July 19, 2018, Dr. Tudor moved to vacate that order, arguing that the filings below did not trigger the automatic tolling provision of Fed. R. App. P. 4. On August 7, 2018, this Court denied Tudor's motion, and further directed Tudor to file a report no later than September 4, 2018, regarding the status of three post-trial motions then pending in the Western District of Oklahoma—Doc. Nos. 311, 314, and 316.

Tudor's Motions to Alter Judgment (Doc. Nos. 311 and 314). Both motions are still pending before the District Court and briefing is complete. On July 20, 2018, Defendants-Appellees noted in their brief in opposition to both motions (Doc. No. 321)

that Doc. No. 311 should be struck as moot (*id.* at 1) and announced agreement with Tudor’s construction of Doc. No. 314, claiming that motion could not be resolved until “all pending motions and appeals are concluded” (*id.* at 2). Given the foregoing, both parties now agree that neither Doc. Nos. 311 nor 314 should toll this appeal.

Defendants’ Motion for JNOV/New Trial (Doc. No. 316). This motion is still pending before the District Court and briefing is incomplete. On August 8, 2018, the District Court granted scheduling relief to Tudor necessary to finally resolve this matter (see Doc. No. 332). Specifically, the District Court directed the parties to complete briefing on Tudor’s Motion to Strike and, if that Motion is not ultimately granted, gave Tudor 14-days from entry of the order denying relief to respond in opposition Defendants’ Motion (*id.* at 2). On August 8, 2018, Defendants filed their Opposition to Tudor’s Motion to Strike (Doc. No. 331). On August 15, 2018, Tudor filed her reply (Doc. No. 333). At present, briefing on Tudor’s Motion to Strike is complete and briefing on Defendants’ Motion is incomplete.

Dated: September 4, 2018

Respectfully submitted,

/s/ Ezra Young
Ezra Ishmael Young
Law Office of Ezra Young
30 Devoe Street #1A
Brooklyn, NY 11211
(949) 291-3185
F: (917) 398-1849
ezra@ezrayoung.com

Attorney for Rachel Tudor

CERTIFICATE OF SERVICE

I, Ezra Young, hereby certify that on September 4, 2018, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will automatically serve all counsel of record.

/s/ Ezra Young
Ezra Ishmael Young
Law Office of Ezra Young
30 Devoe Street #1A
Brooklyn, NY 11211
(949) 291-3185
F: (917) 398-1849
ezra@ezrayoung.com

Attorney for Rachel Tudor