

**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' MOTION FOR EXTENSION OF TIME TO RESPOND TO  
MOTIONS FOR ATTORNEY FEES, COSTS AND EXPENSES**

Defendants, Southeastern Oklahoma State University, ("SEOSU"), and The Regional University System of Oklahoma ("RUSO"), ("Defendants"), pursuant to LCvR 7.1(h), respectfully request a sixty-day (60) extension of time to respond to the three motions for attorney fees, costs and expenses filed by Plaintiff [Doc. 303], Law Office of Jillian T. Weiss [Doc. 301], and the Transgender Legal Defense and Education Fund ("TLDEF")[Doc.306]. In support of their motion, Defendants show the Court as follows:

1. Plaintiff's Motion was filed on June 20, 2018, seeking fees, costs and expenses incurred by the Law Firm of Ezra Young, National Litigation Law Group, Law Office of Marie E. Galindo, and the Lewis Feinberg Lee and Jackson Law firm,

a firm with no involvement in this federal court litigation, and no longer in existence. In total, Plaintiff's motion is seeking \$1,085,870.25 for attorney fees and \$21,453 for additional expenses not included in Plaintiff's Bill of Costs. [Doc. 303].

2. The Law Office of Jillian T. Weiss for Attorney Fees and Costs also filed its motion on June 20, 2018, seeking \$211,325 in attorney fees and \$10,219 in expenses, for the period April 2014 through May 24, 2017. [Docs. 301 and 302].

3. Transgender Legal Defense and Education Fund filed its Application to join in Plaintiff's Fee Request on June 21, 2018, seeking \$119,770 in attorney fees and \$3,236.68 in expenses for the period of August 31, 2016 through May 24, 2017. TLDEF contends Plaintiff's counsel erroneously and intentionally excluded these fees and expenses from Plaintiff's motion. [Doc. 306].

4. After a previously granted extension, Defendants' responses to these motions are currently due on October 3, 2018. [Doc. 312].

5. These motions, each filed by attorneys that claim to have represented Dr. Tudor at some point following her departure from SEOSU, raise numerous arguments asserting rights to fees, and are accompanied by hundreds of entries with minimal or no supporting documentation.

6. The three (3) motions for attorney fees and costs reveal the acrimonious relationship among the firms and/or counsel seeking fees – i.e. animosity and lack of cooperation among the three (3) entities, Ezra Young, PC, Jillian Weiss & Assoc, and TLDF, each of which contend they performed significant work to assist Dr. Tudor. In addition, these motions raise significant questions regarding the great disparity in

hourly rates sought, the excessive number of hours billed, and the reasonableness of tasks performed.

7. Defendants are entitled to the contemporaneous notes of billing entries, supporting documentation for all requested expenses, and justification for fee requests for six (6) law firms, and multiple attorneys, some of which worked for a firm no longer in existence.

8. Defendants have requested the supporting documentation, but to date, have only recently received documentation from one source, Jillian Weiss & Assoc. In addition, some of Ms. Weiss' supporting documentation has been withheld based upon a privilege assertion.

9. TLDEF contends Mr. Young is in possession of all of its documentation regarding Plaintiff, and therefore cannot produce documents or a privilege log, but has requested Mr. Young respond to Defendants' requests on its behalf.

10. Mr. Young contends Defendants have no right to seek such discovery, and further, due to DOJ's then-pending motion for protective order (which has now been granted, on September 25, 2018, [Doc. 341]), he was unable to respond.

11. Defendants seek additional time to properly review, research, and develop responses to these requests, including potentially conducting additional discovery if Plaintiff's multiple attorneys are uncooperative in providing necessary information.

12. Defendants also have engaged in discussions with counsel regarding settlement of the various fee requests, and believe at least some resolutions can be reached if given additional time.

13. The requested extension will allow Defendants to incorporate into their responses relevant and necessary information regarding the currently unsubstantiated requested fees and expenses.

14. Counsel for Plaintiff, Jillian Weiss, Ezra Young and counsel for TLDEF do not object to the requested extension.

15. In addition to the need for supporting documentation, Defendants anticipate some discovery will be needed regarding the necessity and role of out-of-state counsel, counsels' involvement during the administrative process, the effect of DOJ's representation, and the contractual agreements/obligations among counsel. Plaintiff's counsel is currently objecting to any such discovery, but the parties are attempting to resolve any disputes without court intervention.

16. There will be no impact on any scheduled deadlines if the extension is granted.

For the reasons set forth above, Defendants respectfully request this Court grant Defendants a sixty (60) day extension, until December 3, 2018, to respond to the Motions for Attorney Fees and Expenses filed by Plaintiff, the Law Office of Jillian T. Weiss, and the Transgender Legal Defense and Education Fund.

Respectfully submitted,

/s/ Dixie L. Coffey

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of September 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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