

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

RACHEL TUDOR,

Plaintiff-Appellant/Cross-Appellee,

v.

SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY and the REGIONAL
UNIVERSITY SYSTEM OF OKLAHOMA,

Defendants-Appellees/Cross-Appellants.

No. 18-6102 / 18-6165

**Unopposed Motion for Extension of Time
to File Appellees/Cross-Appellants' Brief**

Pursuant to Federal Rule of Appellate Procedure 27 and Tenth Circuit Rule 27.5, Defendants Southeastern Oklahoma State University and the Regional University System of Oklahoma respectfully move for an extension of time to file their brief as Appellees/Cross-Appellants. Plaintiff Rachel Tudor, the Appellant/Cross-Appellee, does not object to this motion. Defendants' opening brief is presently due on Dec. 19, 2018. Defendants seek a 21-day extension, such that their brief will be due on January 9, 2019. This is Defendants' first request for an extension of time.

This requested extension is necessary for three reasons. *First*, Defendants' appeal is being litigated by the Solicitor General Unit of the Oklahoma Attorney General's Office, and this unit's counsel have several matters that have hampered and will hamper

their ability to file by Dec. 19. Most significantly, the unit has been overwhelmingly focused on preparing for the State's U.S. Supreme Court argument in *Murphy v. Carpenter*, No. 17-1107, a case on writ of certiorari to the Tenth Circuit that presents the critical question of whether nearly half of Oklahoma is an Indian reservation. Oral argument was held Tuesday, November 27, eight days after Plaintiff filed the opening brief in the present case. Needless to say, counsel for Defendants could not ask the Supreme Court to postpone that argument to accommodate the briefing cycle in this case. In addition, lead counsel for Defendants was required to file a separate brief in state court on November 26—seven days after Plaintiff's opening brief was filed—and an oral argument for that brief is scheduled for December 7. *See Tulsa Women's Reproductive Clinic v. Hunter et al*, CV-2015-1838 (Okla. County). That hearing cannot realistically be postponed, either. Indeed, it is the final hearing on a particular claim—in a case that has been with the trial court for over three years and seen numerous delays already—and the presiding judge is retiring at year's end, so time is of the essence.

Second, the proposed extension would move the briefing schedule away from the upcoming holidays. Without the extension, Defendants' counsel would face a deadline less than a week before Christmas, and nearly half of Plaintiff's own allotted time to respond to Defendants' brief would occur during the Christmas-New Year window. An extension, on the other hand, would comfortably place Defendants' deadline about a week past New Year's Day (Jan. 9) and Plaintiff's deadline well beyond these holidays.

CERTIFICATE OF SERVICE

I certify that on November 29, 2018, I caused the foregoing Unopposed Motion For Extension Of Time To File Appellees/Cross-Appellants' Brief to be filed with this Court and served on all parties via the Court's CM/ECF filing system.

/s/ Zach West

Zach West

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