

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 TO FILE SUPPLEMENTAL APPENDIX**

Defendants Southeastern Oklahoma State University and the Regional University System of Oklahoma respectfully move for permission to file a supplemental appendix with their final reply brief, which is due on March 4, 2019.

On November 19, 2018, Plaintiff filed the opening brief in this appeal; Plaintiff raised three primary issues and included a lengthy appendix. On January 9, 2019, Defendants filed their response and a cross-appeal, raising three key issues of their own; Defendants also included a lengthy appendix that contained documents relating to their cross-appeal as well as documents relevant to Plaintiff's original appeal that were omitted from Plaintiff's appendix. On February 11, in responding to Defendants' cross-appeal, Plaintiff pointed out that Defendants had omitted documents from Defendants' appendix, relating to the cross-appeal, that are arguably required under the Tenth

Circuit rules and potentially relevant to the arguments being made. For instance, Defendants omitted the underlying response brief in opposition to Defendants' pretrial motion to dismiss Plaintiff's expert, along with its accompanying exhibits, as well as the exhibits Plaintiff filed in opposition to Defendants' motion for summary judgment.

Defendants regret these omissions. This case involves a voluminous record and half a dozen issues or more. (Even absent the documents in question, Defendants' original appendix contained five volumes and over 1,000 pages.) Thus, it is not surprising that both parties inadvertently excluded relevant and required documents from their respective appendices. Once notified of their omissions, Defendants alerted Plaintiff of their intent to file a supplemental appendix with the missing documents, at no cost to Plaintiff. Plaintiff does not object to this proposed supplemental appendix and plans on filing a short surreply by March 11 solely to discuss the added documents.

Defendants respectfully request that this Court grant Defendants' unopposed motion and permit Defendants to file a supplemental appendix with its reply brief on March 4, 2019. *Cf.* Fed. R. App. P. 30(c) & 10th Cir. Rule 30.1(A)(3) (permitting the filing of a deferred appendix with leave of the court).

Date: February 21, 2019

Respectfully submitted,

*/s/ Zach West*

---

ZACH WEST, OBA #30768

*Assistant Solicitor General*

OFFICE OF ATTORNEY GENERAL

STATE OF OKLAHOMA

313 N.E. 21st Street

Oklahoma City, OK 73105

Phone: (405) 522-4798

[zach.west@oag.ok.gov](mailto:zach.west@oag.ok.gov)

*Attorney for the State of Oklahoma*

**CERTIFICATE OF COMPLIANCE**

This document complies with the word limit of Fed. R. App. P. 27(d) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 335 words. This document also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this document was prepared in a proportionally spaced serif typeface using Microsoft Word 2016 in 14-point Garamond. This document was scanned for viruses using Symantec Endpoint Protection version 14.2. Any required paper copies to be submitted to the court are exact copies of the version submitted electronically. Additionally, all required privacy redactions have been made in accordance with Fed. R. App. P. 25(a)(5) and 10th Cir. 25.5.

*/s/ Zach West*

---

ZACH WEST, OBA #30768

*Assistant Solicitor General*

OFFICE OF ATTORNEY GENERAL

STATE OF OKLAHOMA

313 N.E. 21st Street

Oklahoma City, OK 73105

Phone: (405) 522-4798

zach.west@oag.ok.gov

*Attorney for the State of Oklahoma*

**CERTIFICATE OF SERVICE**

I certify that on February 22, 2019, I caused the foregoing Unopposed Motion to File Supplemental Appendix to be filed with this Court and served on all parties via the Court's CM/ECF filing system.

*/s/ Zach West*

---

ZACH WEST, OBA #30768

*Assistant Solicitor General*

OFFICE OF ATTORNEY GENERAL

STATE OF OKLAHOMA

313 N.E. 21st Street

Oklahoma City, OK 73105

Phone: (405) 522-4798

[zach.west@oag.ok.gov](mailto:zach.west@oag.ok.gov)

*Attorney for the State of Oklahoma*