

IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

DR. RACHEL TUDOR et al.,	§	
	§	
<i>Plaintiff-Appellant/ Cross-Appellee,</i>	§	
	§	
v.	§	
	§	
SOUTHEASTERN OKLAHOMA	§	Case Nos. 18-6102/ 18-6165
STATE UNIVERSITY	§	
	§	
and	§	
	§	
REGIONAL UNIVERSITY SYSTEM	§	
OF OKLAHOMA	§	
	§	
<i>Defendants-Appellees/ Cross-Appellants.</i>	§	
	§	

**JOINT RESPONSE OF  
MR. EZRA YOUNG AND MS. BRITTANY NOVOTNY  
TO DR. TUDOR’S MOTION FOR SUBSTITUTION OF COUNSEL**

The undersigned respectfully wish to correct the record of these proceedings. Dr. Tudor has recently retained new counsel in this matter. On January 15, 2020, new counsel filed a “Motion for Substitution of Counsel” (Doc. 010110289451) advising this Court that the undersigned “have declined to consent to this filing” (*id.* at 1). This is not true.

Some context is necessary. In Summer 2019, the undersigned notified Dr. Tudor of their desire to withdraw as counsel in this matter

due to a total breakdown in the attorney-client relationship. At that time, Dr. Tudor was advised to retain new counsel.

On January 13, 2020, Mr. Young received a communication from Dr. Tudor that appeared to claim Jillian Weiss and Jerry Colclazier would serve as her new counsel and attached forms which she instructed Young and Novotny to sign and return to her directly. Later that day, after reviewing the forms, which contained odd errors and otherwise appeared to be procedurally infirm, the undersigned reached out to Weiss and Colclazier to confirm the change in representation and to advise they would submit alternative, corrected withdrawal forms which they agreed to first run by new counsel.

On January 14, 2020, the undersigned emailed Weiss and Colclazier draft withdrawal motions. In turn, Weiss and Colclazier directed the undersigned to make edits to the same and asked questions about the motions' substance. The requested edits were agreed to and substantive responses provided.

On January 15, 2020, the undersigned checked in via email with Weiss and Colclazier to confirm the substance of the draft withdrawal motions were otherwise agreeable. Separately, Weiss and Colclazier

accused the undersigned of violating unspecified ethics rules if the undersigned filed any motions to withdraw and declined to sign the error-ridden filings supplied by Weiss and Colclazier vis-à-vis Dr. Tudor. The undersigned sought clarification from Weiss and Colclazier, renewed their concerns that the provided forms contained errors and appeared procedurally infirm, and asked for clarification about new counsel's position but received no response.

Hours later, Weiss and Colclazier filed notices of appearance (Doc. 10710171) and shortly thereafter, Weiss filed the aforementioned "Motion for Substitution of Counsel," indicating that the undersigned "have declined to consent to this filing" (*id.* at 1). That representation is untrue—the undersigned do not oppose withdrawing in this matter but did raise concerns about signing papers that contained errors and otherwise did not appear to meet the procedural requirements for withdrawal.

Shortly after reading the Motion, the undersigned contacted Weiss and Colclazier via email to ask that the Motion be corrected so that representations made about the undersigned's position were accurately communicated to the Court. In response, Weiss insisted she would not

correct the Motion and directed the undersigned that they were barred from seeking to correct the record let alone filing corrected motions to withdraw.

With the record corrected to accurately reflect that the undersigned do not oppose withdrawing from this matter, we leave it to the Court to determine whether the Motion as filed by Weiss should be granted.

Dated: January 15, 2019

Respectfully submitted,

/s/ Ezra Young

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## CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. App. P. 27(d) because, excluding parts of the document exempted by Fed. R. App. P. 32(f), this document contains 520 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 365 in 14-point Century. This document was scanned for viruses. Additionally, all required privacy redactions have been made in accordance with Fed. R. App. P. 25(a)(5) and 10th Cir. R. 25.5.

/s/ Ezra Young  
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**CERTIFICATE OF SERVICE**

I certify that on January 15, 2020, I electronically filed the foregoing JOINT RESPONSE OF MR. EZRA YOUNG AND MS. BRITTANY NOVOTNY TO DR. TUDOR'S MOTION FOR SUBSTITUTION OF COUNSEL with the Clerk of Court for the United States Court of Appeals for the Tenth Circuit by using the appellate CM/ECF system. All participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

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