

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RACHEL TUDOR,

Plaintiff,

v.

SOUTHEASTERN OKLAHOMA STATE  
UNIVERSITY, and

THE REGIONAL UNIVERSITY  
SYSTEM OF OKLAHOMA,

Defendants.

**Case No. 15-cv-324-C**

**DEFENDANTS' MOTION TO STAY ATTORNEYS YOUNG AND NOVOTNY'S  
SUPPLEMENTAL MOTION FOR RECOVERY OF ATTORNEYS' FEES**

Defendants, Southeastern Oklahoma State University, ("SEOSU"), and the Regional University System of Oklahoma ("RUSO"), ("Defendants"), request the Court stay Attorneys Young and Novotny's Supplemental Motion for Recovery of Attorneys' Fees. [Doc. 363]. In support of their motion, Defendants show the Court as follows:

1. On September 27, 2021, former counsel for Plaintiff, Ezra Young and Brittany Novotny, moved to supplement their first motion for attorneys' fees and costs [Doc. 303], seeking additional attorney fees.

2. Defendants' response to Attorneys Young and Novotny's Supplemental Motion for Recovery of Attorneys' Fees is due October 19, 2021.

3. This Court previously stayed the numerous pending Motions for Attorney's Fees, pending resolution of the appellate process:

[T]he Court is persuaded the appropriate action is to stay resolution of the issue pending completion of the appellate process. Given the complexity of the issue,

it is a waste of judicial resources and the parties' resources to parse out who is entitled to what when there is a possibility that an appellate court will render the entire issue moot.

[Doc. 345]

4. The Court's prior rationale for staying the pending motions for attorney fees is applicable to attorneys Young and Novotny's supplemental motion for fees.

5. The appellate process has not yet concluded. Pursuant to U.S. Sup. Ct. Rule 13, a petition for a writ of certiorari in the Supreme Court must be filed within ninety (90) days after entry of the judgment. The Tenth Circuit's judgment was entered on September 13, 2021, and therefore Defendants' petition for writ of certiorari is due on or before December 13, 2021. Thus, the appellate process will conclude either when Defendants decline to file a petition for certiorari, when such a petition is denied, or when such a petition is granted and the case is decided.

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

7. Moreover, Defendants are hopeful that attorney's fees questions can eventually be resolved in a settlement or mediation, rather than through adversarial briefing before this Court. Such a possibility would be enhanced by a stay or a delay of attorney's fees litigation at this juncture.

8. Plaintiff has filed an objection [Doc. 369] to Young's and Novotny's motion for fees, asking the Court to deny their motion as premature.

For the reasons set forth above, Defendants respectfully request this Court stay Attorneys Young and Novotny's Supplemental Motion for Recovery of Attorneys' Fees until the appellate process has been completed.

Respectfully submitted,

/s/ Dixie L. Coffey

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*Attorneys for Defendants Southeastern Oklahoma State*

*University and The Regional University System of*

*Oklahoma*

### **CERTIFICATE OF SERVICE**

I certify that on this 19th day of October 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing; I further certify that a true and correct copy of the foregoing document was sent via the ECF System to all counsel who are registered participants.

/s/Dixie L. Coffey

Dixie L. Coffey