

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

DR. RACHEL TUDOR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:15-CV-00324-C
	)	
SOUTHEASTERN OKLAHOMA	)	
STATE UNIVERSITY,	)	
	)	
and	)	
	)	
THE REGIONAL UNIVERSITY	)	
SYSTEM OF OKLAHOMA,	)	
	)	
	)	
Defendants.	)	

**NOTICE TO THE COURT RE  
FACTUAL MISREPRESENTATIONS IN ECF NO. 405 AND  
SETTLEMENT CONCERNS**

To the Court:

1. Attorneys Young and Novotny previously represented Tudor from 2014 through early 2020 in this proceeding. We filed two sets of petitions for fees on this docket—the first in June 2018 (ECF No. 303) and the second in September 2022 (ECF No. 363).

***Discovery***

2. In Summer 2018 we were personally served with post-judgment discovery requests from Defendants seeking billing records, receipts, and

other materials pertaining to our attorneys' fees petitions filed in June 2018 (Exhibit A).

3. To date, neither Defendants nor Plaintiff's counsel have requested additional discovery for review from us despite multiple emails since January 2022 seeking clarity.
4. The records Defendants seek are responsive to our own billing records, receipts, and other materials in possession of our offices and which do not belong to Dr. Tudor and which her present counsel have no knowledge of let alone stake in.
5. On May 3, 2022, after reading ECF No. 405, we reached out to Defendants via email and phone to try to coordinate production but have yet to hear back. We note that Ms. Weiss has not contacted us about outstanding discovery in this matter let alone requested it from us for her to review in advance of producing it to Defendants. *Contra* Doc. No. 405 ¶ 3 ("Ezra Young, has not yet produced this documentation to Plaintiff's current counsel, and therefore it has not yet been produced to Defendants").

### ***Viability of Settlement***

6. We have reached out to Defendants and Plaintiff multiple times since Fall 2021 to resolve our outstanding bills either directly or in conjunction

with a global settlement with Dr. Tudor. Our efforts to strike a settlement have been rebuffed to date.

7. While we have attempted to negotiate our bills with Plaintiff's current counsel and have submitted a settlement proposal as recently as April 2022, that proposal was not accepted and no counterproposal appears forthcoming from Dr. Tudor at this time.

***Concern Regarding Settlement Stalemate***

8. We have alerted Dr. Tudor that if she cannot privately settle out our fees and costs, we will be forced to pursue a lawsuit against her in state court to recover monies owed under our second application, as is our contractual right (Order, ECF No. 391 at 4–5). We have received no response to date.
9. In the alternative, we have asked that Dr. Tudor simply permit former counsel to directly apply (as to our second motion) and prosecute (as to our first and second motions) our fees petitions in this Court. Her authorization should solve the problems highlighted by this Court in its December 2021 order regarding the necessity of consent from a former client, putting us in the same position Ms. Weiss was in in 2018 (directly applying for fees in her own name). Again, we have not received a response to this request.

10. As this Court recognized last December, because our outstanding fees and costs are payable by Plaintiff, then they should be accounted for in any final settlement with Defendants if she will not permit our direct application to this Court. ECF No. 391 4–5. Given the few exchanges we have had with Ms. Weiss, it does not appear that Plaintiff is making any efforts to reach a global settlement accounting for our bills.

Dated May 3, 2022

/s/ Ezra Young

Ezra Young (NY Bar No. 5283114)

LAW OFFICE OF EZRA YOUNG

210 North Sunset Drive

Ithaca, NY 14850

P: (949) 291-3185

ezra@ezrayoung.com

/s/ Brittany M. (Novotny) Stewart

Brittany M. (Novotny) Stewart

(OK Bar No. 20796)

NATIONAL LITIGATION LAW GROUP, PLLC

2401 NW 23rd St., Ste. 42

Oklahoma City, OK 73107

P: (405) 896-7805

bnovotny@nationlit.com

**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2022, I electronically filed a copy of the foregoing with the Clerk of Court by using the CM/ECF system, which will automatically serve all counsel of record.

/s/ Ezra Young  
Ezra Young (NY Bar No. 5283114)

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

RACHEL TUDOR,

Plaintiff,

v.

Case No. 15-cv-324-C

SOUTHEASTERN OKLAHOMA STATE  
UNIVERSITY, and

THE REGIONAL UNIVERSITY  
SYSTEM OF OKLAHOMA,

Defendants.

**DEFENDANTS' FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS TO DR. RACHEL TUDOR**

TO: Dr. Rachel Tudor  
Ezra Young  
Law Office of Ezra Young  
30 Devoe, 1a  
Brooklyn, NY 11211-6997  
*Attorney for Plaintiff*

Defendants, Southeastern Oklahoma State University ("SEOSU") and The Regional University System of Oklahoma ("RUSO"), serve this Request for Production upon Plaintiff, Dr. Rachel Tudor under the provisions of Federal Rules of Civil Procedure, Rule 45. Responses to this Request for Production must be served on Defendants' counsel no later than thirty (30) days after service.

**INSTRUCTIONS**

1) In answering these discovery requests, you are requested to furnish all information which is in your possession, custody or control, including information in the possession of your attorneys or other persons directly or indirectly employed or

retained by you, or anyone else acting in your behalf or otherwise subject to your control.

2) If any of the following discovery requests cannot be answered in full, please answer it to the fullest extent possible, explaining why you cannot answer the remainder, and stating any information or knowledge which you have concerning the unanswered portion.

3) These discovery requests shall be deemed continuing so as to require further and supplemental answers if you obtain information with respect to the subject matter of any of these discovery requests which renders your answers thereto incomplete, inaccurate or in any way misleading.

4) When any claim of privilege is asserted in responding to any discovery asked for in these requests, identify the nature of the privilege which is being claimed and provide the following information for each item in a "privileged items log" or similar format:

- a. the type of document;
- b. the general subject matter of the document;
- c. the date of the document;
- d. the author(s) of the document, and the author's title;
- e. the addressee(s) and any other recipient(s) of the document, and their titles;
- f. the custodian of the document;
- g. the number of pages of the document; and

h. the type of privilege asserted.

### DEFINITIONS

- 1) When used in these discovery requests, the words "you," "your," "Intervenor," "Plaintiff" or "Plaintiff-Intervenor" include, in addition to the named counsel these discovery requests are directed, its counsel and all of its agents, servants, employees, representatives, affiliates, private investigators, and others who are in possession or may have obtained information for or on behalf of the party to whom these discovery requests are directed.
- 2) The terms "allegation" and "allegations" mean the allegations contained in the Complaint.
- 3) The words "person" and "persons" include, without limitation, individuals, associations, partnerships and corporations.
- 4) The term "document" is used herein in its customary broad sense and means any kind of printed, recorded, written, graphic or photographic matter, including originals, drafts, copies, non-identical copies or reproductions, summaries, reports, data compilations and tabulations, whether stored by mechanical, photographic or electronic means (including data processing of all types). The term "document" includes, but is not limited to, the following: any writing, drawing, graph, chart, plat, map, photograph, motion picture film, phonograph record, tape and video recording, any information contained in any computer although not yet printed out, or any other records or data compilations from which information can be obtained.

5) "Identify" or "Describe" when used with respect to an individual means to state such individual's name, address, telephone number, occupation or profession, job title, and the name, address and telephone number of such individual's employer.

6) "Identify" or "Describe" when used with respect to an organization (e.g., a corporation, partnership or association) means to state the name of such organization, type of such organization, and the address and telephone number of its principal place of business.

7) "Identify" or "Describe" when used with respect to a document means to describe such document with sufficient particularity in order to enable one to describe it adequately in a Request for Production of Documents. Each such document identification shall state the type of document (e.g., letter, memorandum, telegram, etc.), the date such document was signed, prepared, sent and/or received, the identities of the sender and recipient(s) or addressee(s), and the present location and custodian of such document. In lieu of such document identification, you may produce with your answers to these discovery requests a legible copy of the document you are asked to identify, indicating the Interrogatory to which the document is responsive.

8) "Identify" or "Describe" when used with respect to a fact or facts includes, in addition to the recitation of such specific fact or facts, (1) the identification of all documents which substantiate the fact or from which the fact is drawn; and (2) the identification of any other evidence, including the substance of any testimony or statement of any person or party upon which your knowledge of the fact is founded, or which supports the fact.

9) "Identify" or "Describe" when used with respect to a statement or communication means to identify the person making the statement or communication, the date it was made, the identity of the person or persons to whom the communication was made, who witnessed the same, the specific contents of the communication and the place where it was made.

10) "Identify or "Describe" when used in connection with an act mean to provide the identity of the act, the specific nature of the act, the date and place of the act and the identities of the individuals present.

11) "Communication" means any oral, written, mechanical, electronic, or other transmission of words, symbols, numbers or depictions to a person, entity, file or repository as data or information, including, without limitation, correspondence, memoranda, telephone conversations, notes, recordings, transcriptions of meetings or telephone conversations, or any other document that recorded or reflected any such communication.

12) The word "transaction" refers to any agreement, contract, promise, oral communication, exchange of assets, monies, services, labor, equipment, documents, or writings, sale, loan, gift, transfer, note, mortgage, security agreement, the conduction of any business negotiation, management, meeting, conference, function and any interaction between two or more persons by which one person can derive impressions or information from the conduct, condition, or language of the other, and vice versa, which did or did not change the condition, asset or knowledge or any person directly or indirectly involved.

13) "And" and "or" shall be construed both disjunctively and conjunctively.

14) In construing these discovery requests, the singular shall include the plural and the plural shall include the singular. Any pronoun means the masculine, feminine and neuter gender and the singular or plural as in each case may be appropriate. The use of a verb in any tense shall be construed as the use of the verb in all tenses as is necessary to bring within the scope of an Interrogatory all responses that might otherwise be construed to outside its scope.

15) "RUSO" shall refer only to the Regional University System of Oklahoma, its agents, employees, and/or board members.

16) "SEOSU" shall refer only to Southeast Oklahoma State University, its agents, and/or employees.

17) "DOJ" shall refer to the United States of America, the United States Department of Justice together with its individuals, associations, partnerships and corporations

### REQUESTS FOR PRODUCTION

**REQUEST NO. 1:** All documentation which supports your Motion for Attorneys' Fees [Doc. 303] and Brief in Support of Costs [Doc. 300], costs, and/or expenses, including, but not limited to all contracts, contemporaneous and non-contemporaneous time entries, receipts, invoices, correspondence, and all other documentation supporting the requested fees, costs, and expenses.

Respectfully submitted,

/s/ Dixie L. Coffey

**DIXIE L. COFFEY, OBA #11876**

**JEB E. JOSEPH, OBA #19137**

**KINDANNE JONES, OBA #11374**

**TIMOTHY M. BUNSON, OBA#31004**

Assistant Attorneys General Oklahoma

Attorney General's Office

Litigation Division

313 NE 21st Street

Oklahoma City, OK 73105

Telephone: 405.521.3921

Facsimile: 405.521.4518

Email: [dixie.coffey@oag.ok.gov](mailto:dixie.coffey@oag.ok.gov)

Email: [jeb.joseph@oag.ok.gov](mailto:jeb.joseph@oag.ok.gov)

Email: [kindanne.jones@oag.ok.gov](mailto:kindanne.jones@oag.ok.gov)

Email: [tim.bunson@oag.ok.gov](mailto:tim.bunson@oag.ok.gov)

*Attorneys for Defendants Southeastern*

*Oklahoma State University and The Regional*

*University System of Oklahoma*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of August 2018, a true and correct copy of the foregoing document was sent via U.S. Mail, postage prepaid, certified return receipt requested to:

Ezra Young  
Law Office of Ezra Young  
30 Devoe, 1a  
Brooklyn, NY 11211-6997  
Email: ezraiyoung@gmail.com  
*Attorney for Plaintiff*

I further certify that on this date a true and correct copy of the foregoing document was sent via U.S. Mail, postage prepaid to the following:

Brittany Novotny  
NATIONAL LITIGATION LAW GROUP, PLLC  
42 Shepherd Center  
2401 NW 23rd Street  
Oklahoma City, OK 73107  
Email: bnovotny@nationlit.com  
*Attorney for Plaintiff*

Charles J. Watts  
600 N. Walker, Ste. 101  
Oklahoma City, OK 73102  
Email: cjwattslaw@yahoo.com  
*Attorney for Transgender Legal Defense &  
Education Fund*

Marie E. Galindo  
1500 Broadway, Ste. 1120  
Lubbock, TX 79401  
Email:  
megalindo@thegalindolawfirm.com  
*Attorney for Plaintiff*

Jillian Weiss  
527 Hudson Street  
PO Box 20169  
New York, NY 10014  
*Former Attorney for Plaintiff-Intervenor*

/s/Dixie L. Coffey  
Dixie L. Coffey



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA  
313 N. E. 21<sup>ST</sup>  
OKLAHOMA CITY, OK 73105

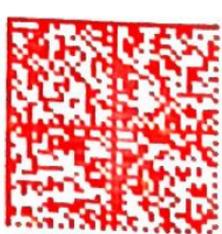
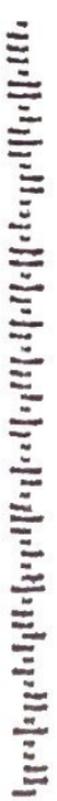
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE  
**CERTIFIED MAIL**



91 7199 9991 7039 1900 3024

Ezra Young  
Law Office of Ezra Young  
30 Devoe, 1a  
Brooklyn, NY 11211-6997

1121136697 0039



U.S. POSTAGE PITNEY BOWES  
ZIP 73105 \$006.88<sup>0</sup>  
02 4M  
0000350897 AUG 03 2018