

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

KENNETH BUCKLEY, on behalf of )  
D.D.B., a minor child, PHILLIP and )  
ANDREA CONNELLY, on behalf of )  
E.J.D.C., a minor child, CLINT and )  
CATHY STAPLETON, on behalf of )  
K.N.S., a minor child, BOBBY and )  
RUTH SWEET, on behalf of M.N.S., a )  
minor child, MICHELLE SUMTER, )  
on behalf of M.N.S., a minor child, )  
FRANCIS SHOEMAKER, on behalf of )  
D.W.S, )

Plaintiffs, )

vs. )

INDEPENDENT SCHOOL DISTRICT )  
NO. 4 of ROGERS COUNTY, )  
OKLAHOMA, a/k/a OOLOGAH )  
TALALA PUBLIC SCHOOLS, CARA )  
JONES, individually, MELISSA )  
GIBSON, individually, KENNETH )  
KINZER, individually, RICK )  
THOMAS, individually, BOBBY )  
SORDO, individually, CITY OF )  
OWASSO, a political subdivision, )  
jointly and severally, )

Defendants.

Case No. 10-CV-240-GKF-PJC

**DEFENDANTS CITY OF OWASSO AND BOBBY SORDO’S RESPONSE  
TO PLAINTIFFS’ MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO  
DEFENDANT BOBBY SORDO’S MOTION TO DISMISS**

Defendants City of Owasso (“Owasso”) and Bobby Sordo (“Officer Sordo”) hereby  
Respond to Plaintiffs’ untimely Motion for Extension of Time [Dkt. #34] to file their responsive  
pleading to Officer Sordo’s pending Motion to Dismiss [Dkt. #27], which is set on an expedited

briefing schedule, and request the Court to deny the relief requested by Plaintiffs based upon the following:

1. The Court set an expedited briefing schedule on the issue of qualified immunity, requiring motions to be filed by Monday, May 17, 2010; response briefs by Thursday, May 27, 2010; reply briefs by Thursday, June 3, 2010; and, a hearing on the same scheduled for Monday June 7, 2010. *See* Scheduling Order [Dkt. #21].

2. Officer Sordo timely filed his dispositive motion on qualified immunity on May 17, 2010 [Dkt. #27].

3. Today, Friday, May 28, 2010, counsel for Plaintiffs inquired whether counsel for Officer Sordo and Owasso objected to Plaintiffs requesting a one (1) day extension on yesterday's deadline of May 27, 2010.<sup>1</sup>

4. Ordinarily, a request for such an extension would be quickly met with no objection as a professional courtesy to counsel. However, because of the late request, expedited briefing schedule, holiday weekend, and scheduled hearing on this matter, Plaintiffs' request is unreasonable and unfairly prejudices Officer Sordo.

5. If Plaintiffs' relief is granted, Plaintiffs will file their responsive pleading on the virtual eve of a three-day holiday weekend, thereby prejudicing Officer Sordo by shortening his time to file a Reply, which is due on Thursday, June 3, 2010. Any extension of the reply deadline would, in-turn, likely compromise the Court's scheduled hearing on this matter.

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<sup>1</sup>Plaintiffs filed their response to the individual school defendants' Motion for Summary Judgment on qualified immunity, which was due to be filed on May 27, 2010, at "00:14" hours on May 28, 2010. *See* ECF Notice for Dkt No. 33.

6. Owasso and Officer Sordo object to the relief requested. Officer Sordo requests the Court rule on the pleadings submitted and dismiss Officer Sordo from this lawsuit.

Respectfully submitted,

**NEWTON, O'CONNOR, TURNER & KETCHUM,  
A PROFESSIONAL CORPORATION**

By: /s/ Keith A. Wilkes

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**ATTORNEYS FOR DEFENDANTS CITY OF  
OWASSO AND BOBBY SORDO**

### CERTIFICATE OF SERVICE

- I hereby certify that on May 28, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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- I hereby certify that on May \_\_, 2010, I served the foregoing document by mail on the following, who are not registered participants of the ECF System:

None

/s/ Keith A. Wilkes  
Keith A. Wilkes