

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

(1) KENNETH BUCKLEY, on behalf of D.D.B.,)
a minor child, (2) PHILLIP and ANDREA)
CONNELLY, on behalf of E.J.D.C., a minor)
child, (3) CLINT and CATHY STAPLETON,)
on behalf of K.N.S., a minor child,)
(4) BOBBY and RUTH SWEET, on behalf)
of M.N.S., a minor child,)
(5) MICHELLE SUMTER, on behalf of M.N.S.,)
a minor child, (6) FRANCIS SHOEMAKER,)
on behalf of D.W.S.,)

Plaintiffs,)

vs.)

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

(1) INDEPENDENT SCHOOL DISTRICT NO. 4)
of ROGERS COUNTY, OKLAHOMA, a/k/a)
OOLOGAH TALALA PUBLIC SCHOOLS,)
(2) CARA JONES, individually, (3) MELISSA)
GIBSON, individually, (4) KENNETH KINZER,)
individually, (5) RICK THOMAS, individually,)
(6) BOBBY SORDO, individually, (7) CITY OF)
OWASSO, a political subdivision,)
jointly and severally,)

Defendants.)

INDIVIDUAL SCHOOL DEFENDANTS’
UNOPPOSED MOTION FOR EXPEDITED BRIEFING AND
RULING ON THEIR MOTION FOR LEAVE TO FILE A SECOND
MOTION FOR SUMMARY JUDGMENT TO ADDRESS THE CLAIMS OF K.N.S.

The defendants, Cara Jones, Melissa Gibson, Kenneth Kinzer, and Rick Thomas (collectively the “Individual School Defendants”), respectfully submit this Unopposed Motion for Expedited Briefing and Ruling on their Motion for Leave to File a Second Motion for Summary Judgment to Address the Claims of K.N.S. (“Unopposed Motion”).

1. Counsel for the School Defendants has conferred with Brendan McHugh, counsel for the Plaintiffs, and Keith Wilkes, counsel for the City of Owasso and Bobby Sordo, and they have **no objection** to the relief sought herein.

2. On June 12, 2010, the Individual School Defendants filed their Motion for Leave to File a Second Motion for Summary Judgment to Address the Claims of K.N.S. [Docket No. 64] (“Motion for Leave”).

3. Under the accelerated Scheduling Order [Docket No. 21], discovery in this case concludes on July 2, 2010, and dispositive motions are due July 9, 2010. The standard deadlines for motions under LCvR 7.2 would result in the Motion for Leave not being at issue until July 19, 2010.

4. In order for the court to review and consider the Motion for Leave prior to the expiration of these deadlines in the Scheduling Order, the Individual School Defendants respectfully request that the court set an expedited briefing schedule so that the Motion for Leave is at issue and ripe for decision at the earliest date deemed appropriate by the court.

5. The court’s inherent power to manage its own docket, *U.S. v. Hardage*, 58 F.3d 569, 574 (10th Cir. 1995), clearly authorizes the relief sought in this Unopposed Motion.

6. A proposed order for the court’s consideration has been submitted contemporaneously with this Unopposed Motion.

WHEREFORE, the Individual School Defendants respectfully request that the court set an expedited briefing schedule on the Motion for Leave [Docket No. 64] so that the Motion for Leave is at issue and ripe for decision at the earliest date deemed appropriate by the court.

Respectfully submitted,

s/ Eric D. Wade
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Eric D. Wade, OBA No. 19249
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ATTORNEYS FOR THE SCHOOL DEFENDANTS

CERTIFICATE OF DELIVERY

I hereby certify that on June 14, 2010, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

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I hereby certify that on June ____, 2010, I served the attached document by United States Certified Mail, Return Receipt Requested on the following, who are not registered participants of the ECF System:

s/ Eric D. Wade
Eric D. Wade