

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

OKLAHOMA FARM BUREAU LEGAL )  
FOUNDATION, et al., )  
 )  
 Petitioners, )  
 )  
 v. )  
 )  
 OKLAHOMA WATER RESOURCES BOARD, )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 TISHOMINGO NATIONAL FISH )  
 HATCHERY, et al., )  
 )  
 Other Parties of Record. )

Case No. CV-2013-2414

District Judge Barbara Swinton

**CPASA'S MOTION TO STRIKE PETITIONERS' BRIEF-IN-CHIEF**

COMES NOW, Party of Record Citizens for the Protection of the Arbuckle-Simpson Aquifer (herein "CPASA") and, pursuant to Local Rule Number 37(E), requests this Court strike Petitioners' brief-in-chief (herein "Petitioners' Brief") for violations of Local Rule Number 37(B). Alternatively, CPASA requests equitable relief, as set forth more fully within. In support of its Motion, CPASA states:

1. This case is governed by the Official Court Rules of the Seventh Judicial and Twenty-Sixth Administrative Districts (herein "Local Rules" or "LR"), which is comprised of Oklahoma and Canadian Counties. See Local Rule No. 1 (requiring compliance with all rules for district courts of Oklahoma and stating the local rules are in addition to and supplemental to district court rules).

2. Petitioners appeal a final agency order issued by the Oklahoma Water Resources Board (herein “OWRB”). While the posture of the case may differ from other cases filed in this Court, the parties—including Petitioners—must nonetheless abide by the articulated local rules.

3. LR 37(B) limits all motions, applications and responses, *including briefs*, to twenty (20) pages in length, unless the assigned judge grants prior permission to exceed the page limits.

4. Petitioners did not request, and this Court did not grant, permission to file oversized briefs.

5. Nonetheless, on June 26, 2015, Petitioners filed a fifty (50) page brief. In other words, Petitioners’ brief was *more than double* the length allowed by LR 37(B).

6. Reply briefs are limited to five (5) pages in length. *See* LR 37(B).

7. Motions and/or briefs filed in violation of LR 37 “*shall not be considered by the assigned judge and shall be stricken from the record.*” LR 37(E) (emphasis added).

8. Respondent Oklahoma Water Resources Board does not object to CPASA’s request.

9. Petitioners object to CPASA’s request.

10. CPASA will be severely prejudiced by complying with the well-established local rules when Petitioners blithely disregarded same. The issue of the Maximum Annual Yield for the Arbuckle-Simpson Aquifer, from which Petitioners appeal, is of utmost importance to CPASA and its members, the majority of which own property over the Aquifer and depend upon the Aquifer for drinking water, recreation, agricultural endeavors, and economic development. The Oklahoma Water Resources Board’s (“OWRB’s”) final order ensures CPASA and its members are allowed to sustainably develop the area. Petitioners seek to undo the certainty and

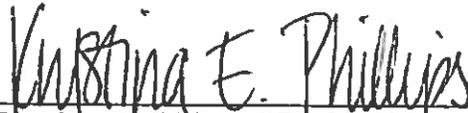
stability that the final order provides and are willing to submit a brief that is more than double the allowed length in order to do so. Allowing Petitioners to file thirty (30) additional pages of argument, in violation of the local rules, severely prejudices CPASA's ability to rebut and/or discredit Petitioners' arguments.

11. CPASA believes its motion may be decided by this Court without a hearing, as authorized by Rule 4(h) of the Rules for District Courts of Oklahoma.

### CONCLUSION

WHEREFORE, CPASA respectfully requests this Court (1) strike Petitioners' Brief, which was filed in blatant violation of Local Rule 37(B), (2) require Petitioners to submit a brief conforming with the page limitations set by Local Rule 37(B) within ten days, (3) extend the deadline to file Answer Briefs such that CPASA is allowed forty (40) days to respond after the filing of the revised Brief-In-Chief; and (4) order Petitioners' reply brief comply with the page limitations set forth in Local Rule Number 37(B). Alternatively, CPASA requests permission to file an Answer Brief of 50 pages and for Petitioners to be prohibited from filing a Reply Brief (since their Brief-In-Chief is twice the page limit allowed for briefs and replies combined), and any other relief this Court deems just and proper.

Respectfully submitted this 8th day of July, 2015.



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ATTORNEYS FOR CPASA

## CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of July, 2015, a true and correct copy of the foregoing instrument was deposited in the United States mail, to the following persons, postage prepaid, first class:

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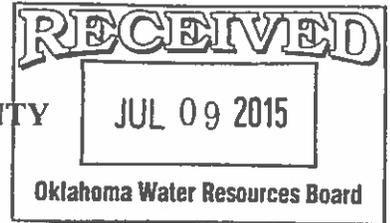
  
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## LIST OF AUTHORITIES

Rules for District Courts of Oklahoma  
Rule 4

Official Court Rules of the Seventh Judicial and Twenty-Sixth Administrative Districts  
Comprised of Oklahoma and Canadian Counties  
Rule 1  
Rule 37

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**[CPASA’S PROPOSED] ORDER**

Before this Court is CPASA’s Motion to Strike Petitioners’ Brief-In-Chief. Upon review of the Motion, and for good cause shown, the Court GRANTS CPASA’s Motion to Strike Petitioners’ Brief-In-Chief and hereby ORDERS Petitioners to file a brief complying with the twenty (20) page limit set by Local Rule 37(B) within ten (10) days from the date of this order, EXTENDS the deadline for Answer Briefs to forty (40) days from the date Petitioners file their revised Brief-In-Chief, and ORDERS Petitioners’ reply brief to comply with the five (5) page limit set by Local Rule 37(B).

IT IS SO ORDERED this \_\_\_\_\_ day of July, 2015.

\_\_\_\_\_  
BARBARA SWINTON