

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Martina O. Olupitan, MHA v. State of Oklahoma ex rel. The Board
of Regents of the University of Oklahoma et al.

Olupitan · No. CIV-24-349-G · Decided February 26, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma denied Plaintiff Martina O. Olupitan’s motion for relief under Federal Rule of Civil Procedure 60(b)(3). The Court held that Plaintiff did not provide clear and convincing evidence of fraud, misrepresentation, or misconduct warranting relief from the prior order denying her motion to disqualify defense counsel.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Charles B. Goodwin
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	February 26, 2026
DOCKET	CIV-24-349-G
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(3) for relief from the Court's prior denial of her motion to disqualify defense counsel.
STANDARD OF REVIEW	Relief under Rule 60(b) is extraordinary and available only in exceptional circumstances. A Rule 60(b)(3) movant must establish by clear and convincing evidence fraud, misrepresentation, or misconduct that substantially interfered with the party's ability to fully and fairly prepare for and proceed at trial.
PRECEDENTIAL VALUE	unpublished

TOPICS

- motion for reconsideration
- civil procedure
- remedies
- equitable relief

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff established grounds under Federal Rule of Civil Procedure 60(b)(3) for relief from the Court's prior order denying her motion to disqualify defendants' counsel.
2. Whether the alleged misconduct by defendants' counsel constituted fraud, misrepresentation, or misconduct warranting relief under Rule 60(b)(3).

HOLDINGS

1. A party seeking relief under Rule 60(b)(3) must prove by clear and convincing evidence fraud, misrepresentation, or misconduct by an opposing party, and must show that the conduct substantially interfered with the party's ability to fully and fairly prepare for and proceed at trial. Plaintiff failed to satisfy that burden.
2. Rule 60(b)(3) relief is not available merely to relitigate issues previously considered or to correct alleged factual errors; the rule targets judgments unfairly obtained through qualifying misconduct.

KEY QUOTATIONS

“Rule 60(b) allows a court to ‘relieve a party or its legal representative from a final judgment, order, or proceeding,’ for certain enumerated reasons.”

“[R]elief under Rule 60(b) is extraordinary and may only be granted in exceptional circumstances.”

“Rule 60(b)(3) ‘is aimed at judgments which were unfairly obtained, not at those which are factually incorrect.’”

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, alleged that defendants' counsel engaged in repeated unlawful misconduct in dealings with her before and during the litigation. Much of the alleged conduct had already been considered and rejected when the Court denied Plaintiff's motion to disqualify defense counsel. Plaintiff did not provide clear and convincing evidence that the alleged conduct constituted fraud on the Court or substantially impaired the judicial process.

PROCEDURAL HISTORY

Plaintiff filed federal and state-law claims against nine defendants in April 2024. After the Court denied her motion to disqualify defense counsel, the Court dismissed her federal claims, declined supplemental jurisdiction over the state-law claims, and dismissed the action without prejudice. Plaintiff then sought relief from the denial of her disqualification motion under Rule 60(b)(3), alleging fraud, misrepresentation, and misconduct by defendants' counsel.

DISPOSITION

other

CASES CITED

- Olupitan v. Okla. ex rel. Bd. of Regents of Univ. of Okla., No. CIV-24-349-G, 2025 WL 978167 (W.D. Okla. Mar. 31, 2025)
- Waetzig v. Halliburton Energy Servs., Inc., 145 F.4th 1279, 1282 (10th Cir. 2025)
- Allender v. Raytheon Aircraft Co., 439 F.3d 1236, 1242 (10th Cir. 2006)
- Zurich N. Am. v. Matrix Serv., Inc., 426 F.3d 1281, 1290 (10th Cir. 2005)
- Wilkin v. Sunbeam Corp., 466 F.2d 714, 717 (10th Cir. 1972)

OPINION

Martina O. Olupitan, MHA v. State of Oklahoma ex rel. The Board of Regents of the University of Oklahoma et al.

PER CURIAM.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

MARTINA O. OLUPITAN, MHA,)

) Plaintiff,)) v.) Case No. CIV-24-349-G) STATE OF OKLAHOMA ex rel.)

THE BOARD OF REGENTS OF THE)

UNIVERSITY OF OKLAHOMA)

et al.,)) Defendants.)

ORDER

Now before the Court is Plaintiff Martina O. Olupitan's Rule 60(b)(3) Motion for Relief (Doc. No. 63). Defendants¹ have responded in opposition (Doc. No. 64) and Plaintiff has replied (Doc. No. 66). I. Background Plaintiff, appearing pro se, commenced this action in April 2024, bringing federal and state-law claims against nine defendants. See Compl. (Doc. No. 1). Defendants moved to dismiss Plaintiff's claims. See Doc. No. 25. On July 5, 2024, Plaintiff filed a Motion to Disqualify (Doc. No. 21) seeking to have certain of the defendants' counsel disqualified and removed from the case. Following briefing, the Court denied Plaintiff's request. See *Olupitan v. Okla. ex rel. Bd. of Regents of Univ. of Okla.*, No. CIV-24-349-G, 2025 WL 1 Defendants are: State of Oklahoma ex rel. The Board of Regents of the University of Oklahoma; Michael J. Smith, PharmD; Gary Raskob, PhD; Valerie Williams, PhD; Laura Stuemky, MD; Ashley Cheyney, PhD; Andrei Belousov, PhD; Katherine O'Neal, PharmD; and Lori Klimkowski. 978167 (W.D. Okla. Mar. 31, 2025). The Court thereafter granted Defendants' motion to dismiss as to Plaintiff's federal claims, declined to exercise supplemental jurisdiction over Plaintiff's state-law claims, and dismissed this matter without prejudice. See Order of Apr. 1, 2025 (Doc. No. 49); J. (Doc. No. 51). II. Discussion Plaintiff's Motion seeks relief from the Court's denial of her Motion to Disqualify

pursuant to Rule 60(b)(3) of the Federal Rules of Civil Procedure. “Rule 60(b) allows a court to ‘relieve a party or its legal representative from a final judgment, order, or proceeding,’ for certain enumerated reasons.” *Waetzig v. Halliburton Energy Servs., Inc.*, 145 F.4th 1279, 1282 (10th Cir. 2025) (quoting Fed. R. Civ. P. 60(b)). “[R]elief under Rule 60(b) is extraordinary and may only be granted in exceptional circumstances.” *Allender v. Raytheon Aircraft Co.*, 439 F.3d 1236, 1242 (10th Cir. 2006) (internal quotation marks omitted). Rule 60(b)(3) authorizes relief from a final judgment or order “for . . . fraud . . . , misrepresentation, or misconduct by an opposing party.” Fed. R. Civ. P. 60(b)(3). A party relying on Rule 60(b)(3) “must, by adequate proof,” “show clear and convincing proof of fraud, misrepresentation, or misconduct.” *Zurich N. Am. v. Matrix Serv., Inc.*, 426 F.3d 1281, 1290 (10th Cir. 2005) (internal quotation marks omitted). “Moreover, the challenged behavior must substantially have interfered with the aggrieved party’s ability fully and fairly to prepare for and proceed at trial.” *Id.* (internal quotation marks omitted). As support for her request, Plaintiff alleges that Defendants’ counsel engaged in “repeat unlawful misconduct” with respect to counsel’s dealings with Plaintiff both prior to and during this litigation. Pl.’s R. 60(b)(3) Mot. Relief at 2-12; see also Pl.’s Reply at 2-5. The alleged improper acts cited by Plaintiff as fraud between the parties, however, were already largely considered by the Court and rejected as a basis to disqualify Defendants’ counsel. See *Olupitan*, 2025 WL 978167, at *2-4; see also 11 Federal Practice and Procedure (Wright & Miller) § 2860 (3d ed.) (explaining that a Rule 60(b)(3) motion “will be denied if it is merely an attempt to relitigate the case”). Further, even liberally construed, Plaintiff fails to provide clear and convincing evidence that any such acts by Defendants constitute fraud on the Court or “show[] a defilement of the judicial process” such that “the judicial machinery c[ould] not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication.” *Wilkin v. Sunbeam Corp.*, 466 F.2d 714, 717 (10th Cir. 1972) (alteration and internal quotation marks omitted). Rule 60(b)(3) “is aimed at judgments which were unfairly obtained, not at those which are factually incorrect.” *Zurich N. Am.*, 426 F.3d at 1290 (internal quotation marks omitted). For all these reasons, Plaintiff has not met her burden to establish the requisite fraud, misrepresentation, or misconduct by Defendants to be entitled to relief under Federal Rule of Civil Procedure 60(b)(3).

CONCLUSION

As outlined herein, Plaintiff’s Rule 60(b)(3) Motion for Relief (Doc. No. 63) is DENIED. Plaintiff’s previous motion (Doc. No. 61) and Motion for Immediate Judicial Action (Doc. Nos. 73) are DENIED AS MOOT. IT IS SO ORDERED this 26th day of February, 2026.

CHARLES B. GOODWIN

United States District Judge