

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

IN THE VANDERBURGH CIRCUIT COURT

JOHN DOE)
 Plaintiff)
)
 v.) CAUSE NO.
)
UNIVERSITY OF SOUTHERN INDIANA)
 Defendant)

ATTORNEY’S AFFIDAVIT

Keith W. Vonderahe, being first duly sworn upon his oath, states:

1. Since 1999, I have been an attorney duly licensed and authorized to practice law in the State of Indiana.

2. I am one of the attorneys of record for Plaintiff, John Doe, in the within cause of action, wherein John Doe has filed a Complaint, a Verified Application for T.R. 65(B) Temporary Restraining Order (with accompanying proposed order) and Motion to Proceed Under Pseudonym (and accompanying proposed order).

3. I present this Affidavit pursuant to Trial Rule 65(B) and its subparts (1) and (2)

4. With respect to Trial Rule 65(B)(2), herein I “certify[y] to the court in writing the efforts, if any, which have been made to give notice and the reasons supporting [my] claim that notice should not be required.” *Id.*

5. “The requirements of this rule may be met by certifying to the court that it is not possible to give notice within the time required to avoid injury, or by certifying facts that establish that notice should not be given. The former justification is typically used when the opposing party cannot be located within the time necessary to avoid injury. The latter is usually

relied upon in situations where the opposing party can be found, but notice creates a substantial risk that immediate harm will result. In either case, the party seeking emergency relief must certify facts supporting the claim of impossibility of notice or the contention that giving notice would risk harm.” *In re Ettl*, 851 N.E.2d 1258, 1260 (Ind. 2006).

6. Defendant, the University of Southern Indiana (“USI”), can be found and providing notice to USI does not create a substantial risk that immediate harm will result to John Doe. Rather, since USI’s sanctions against John Doe – as are more fully described in the Complaint, which I incorporate within this affidavit without further repetition – take effect at Noon tomorrow, September 25, 2021, it is not possible to give USI timely notice and avoid injury to John Doe. To the contrary, providing USI with timely notice of the papers heretofore identified and filed with this Court will cause injury to John Doe as it is impossible to provide notice and then conduct a hearing, even one to determine preliminary injunctive relief, prior to Noon tomorrow.

7. I have, however, made the following efforts to give notice to USI of the papers filed by and thus the requests for relief of John Doe, and did so immediately after e-filing the materials stated below:

- I emailed copies of John Doe’s Complaint, Verified Application for T.R. 65(B) Temporary Restraining Order (and accompanying proposed order), Motion to Proceed Under Pseudonym (and accompanying proposed order) and this Attorney’s Affidavit to Aaron C. Trump, Chief Government and Legal Affairs Officer for USI (aaron.trump@usi.edu).
- I called Mr. Trump on his work telephone number (812-464-1849) to advise of the filing of such matters.

- I called Mr. Trump on his mobile telephone number (812-XXX-9342) to advise of the filing of such matters.
- I texted Mr. Trump on his mobile telephone number to advise of the filing of such matters.
- I emailed copies of John Doe’s Complaint, Verified Application for T.R. 65(B) Temporary Restraining Order (and accompanying proposed order), Motion to Proceed Under Pseudonym (and accompanying proposed order) and this Attorney’s Affidavit to Ms. Beth Devonshire, Interim Title IX Coordinator for USI (beth.devonshire@usi.edu) (I did not call Ms. Devonshire as the September 22, 2021, notice from USI to John Doe stated: “If you have any questions, please contact University of Southern Indiana Title IX Coordinator Beth Devonshire at beth.devonshire@usi.edu.”).
- My emails to both USI representatives indicated that I would be personally appearing before this Court this morning, September 24, 2021, to ascertain if John Doe’s Verified Application for T.R. 65(B) Temporary Restraining Order was, in fact, entered by the Court.

8. With respect to Trial Rule 65(B)(1), I attest and verify that I have first-hand knowledge of the facts set forth in John Doe’s Complaint related to the Title IX Complaint, the investigation, the communications with USI, the Policy and Regulations and USI application thereof as to the Title IX Complaint and John Doe and Jane Doe, the Hearing, the Decision-Makers, the Decision of the Decision-Makers, the administrative appeal process for the Title IX Complaint, the Appeal Officer and the Appeal Decision are true and accurate.

FURTHER, Affiant says not.

I affirm, under the penalties of perjury, that the foregoing representations are true.

A handwritten signature in blue ink, appearing to read 'KW Vonderahe', written over a horizontal line.

Keith W. Vonderahe, 21908-82