

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH) SS:

IN THE VANDERBURGH CIRCUIT COURT

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

VERIFIED APPLICATION FOR T.R. 65(B) TEMPORARY RESTRAINING ORDER

Comes now the Plaintiff, John Doe, by counsel (who verifies this application below), pursuant to Trial Rule 65(B), and hereby files this Application for a Temporary Restraining Order (“TRO”). In support hereof, John Doe states and alleges the following:

1. This is a request for *ex parte* relief – that is, relief prior to conducting a hearing.
2. John Doe, a nineteen (19) year old black male, is currently a sophomore student at Defendant, the University of Southern Indiana (“USI”). He receives several scholarships from the university and is studying towards a degree in Business Administration.
3. John Doe seeks to immediately and temporarily restrain USI from imposing “sanctions” it intends to impose against him – that being his suspension from USI beginning at 12:00 p.m. Central Time on Saturday, September 25, 2021, and continuing through January 1, 2023. Notice of this sanction came from USI’s representative to John Doe by email during the afternoon of September 22, 2021, less than seventy-two (72) hours before USI intends to impose the sanction.
4. Contemporaneously herewith, John Doe has filed his Complaint, wherein he seeks relief from a flawed, defective and prejudicial proceeding undertaken by USI. Therein, John

Doe seeks redress for Title IX violations, violations of his Constitutional rights under 42 USC §1983, Breach of Contract, Judicial Review and a Preliminary Injunction, all of which he incorporates herein without further repetition.

5. The facts set forth in the Complaint, especially those verified in the Attorney's Affidavit filed contemporaneously herewith, clearly show that immediate and irreparable injury, loss or damage will result to John Doe before USI or its attorney can be heard in opposition to this application.

6. Indeed, no adequate remedy at law exists for the loss of a current and existing education, the disruption and premature cessation of a current education semester, the loss of current and existing scholarships, and the loss of current and existing extracurricular activities in association with the educational experience for a year and one-half. This is *irreparable* injury, loss and damage. When coupled with the fact that the imposition of the sanction is set to begin tomorrow, September 25, 2021, at 12:00 p.m., Central Time, the irreparable injury, loss or damage to John Doe is *immediate*.

7. The undersigned, John Doe's attorney, has supplied to the Court under separate filing the written certification required under T.R. 65(B)(2). *See*, Attorney's Affidavit.

8. Accordingly, John Doe has satisfied the requirements found in T.R. 65(B)(1) and (2), thus allowing this Court to enter a TRO without written or oral notice to USI or its attorney.

9. Consistent with T.R. 65(C), John Doe will post security in such sum as the Court deems proper.

10. A proposed Order is supplied contemporaneously herewith.

WHEREFORE, John Doe respectfully requests this Court to immediately and temporarily restrain USI from suspending John Doe as a USI student beginning at 12:00 p.m.

Central Time on Saturday, September 25, 2021, through January 1, 2023, until such time that USI or its attorney can be heard in opposition to this application, but not longer than the timeframe called for in T.R. 65(B); and, to award John Doe all other relief that is just and proper in the premises.

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



Keith W. Vonderahe

Respectfully submitted,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

BY: /s/ Keith W. Vonderahe

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CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of September, 2021, the foregoing pleading or paper was electronically filed using the Indiana E-filing System (IEFS).

/s/ Keith W. Vonderahe

Keith W. Vonderahe