UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON
CASE NO. 5:25-cv-00424-DCR

RAMSI A. WOODCOCK **PLAINTIFF**

v. **RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION**

UNIVERSITY OF KENTUCKY, *et al.* **DEFENDANTS**

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The University of Kentucky and its Officials—President Eli Capilouto, Provost Robert DiPaola, General Counsel William Thro, and Dean of the College of Law James Duff—ask this Court to deny Professor Woodcock's motion for preliminary injunction.

INTRODUCTION

Professor Woodcock's request is remarkable. First, he asks this Court to halt an ongoing University investigation. Second, although the University is still investigating the content and context of his conduct, he wants a declaration that all his actions are protected by the First Amendment. Third, he seeks an order directing the Dean to let him teach while the investigation remains unfinished. This is not preservation of the status quo—it is adjudication on an undeveloped record. Courts do not grant such extraordinary relief.

Professor Woodcock asks this Court to employ "one of the most drastic tools in the arsenal of judicial remedies."[1] Yet his motion fails for two independent reasons: (1) abstention is required; and (2) he cannot satisfy any preliminary-injunction factor.

[1] *Doe v. Transylvania Univ.*, 2020 WL 1860696, at *5 (E.D. Ky. Apr. 13, 2020) (Reeves, J.).

RELEVANT BACKGROUND

Ramsi Woodcock is an anti-trust scholar and the Wyatt Tarrant Combs Professor of Law at the University of Kentucky's Rosenberg College of Law. Professor Woodcock publicly rejects the foundational idea of Israel—"the right of the Jewish people to national rebirth in its own country" and "to be masters of their own fate, like all other nations, in their own sovereign State."[2] Professor Woodcock goes beyond this to "explicitly argue for the violent destruction of Israel and laying out a plan for a global war against the Jewish State."[3] In essence, he publicly urges for the annihilation of a sovereign nation and the Jewish people who constitute it.[4] Calling for a second holocaust is antisemitic under the definition used by both the federal government and the Commonwealth of Kentucky.[5]

Professor Woodcock created a website to promote his Petition for Military Action Against Israel,[6] interjected his off-topic opinions at academic conferences,[7]

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2 DECLARATION OF ISRAEL'S INDEPENDENCE (May 14, 1948), archived at THE AVALON PROJECT, Yale Law School, https://perma.cc/US4D-5PMN.

3 Luke Tress, *US Professor Sues University for Probing His Call for Global War to "End Israel"* THE TIMES OF ISRAEL (Nov. 15, 2025) (citation modified), (https://perma.cc/9Z45-G5GE).

4 Ramsi Woodcock, *We Need An International Coalition to Declare War on Israel Right Now*, Antizionist Legal Studies Movement (Dec. 10, 2024), https://perma.cc/44KH-9SVC ("The lesson is clear: to stop the Palestinian Genocide, the world must go to war against Isreal."); Ramsi Woodcock (@RamsiWoodcock), X (Sept. 27, 2024), https://perma.cc/SYH6-BKHL ("The destruction of Isreal is a global moral imperative for our age. . . . Anyone not calling for it is a racist."); *Petition for Military Action Against Israel*, Antizionist Legal Studies Movement, https://perma.cc/YWV3-WSCD ("We demand that every country in the world make war on Israel immediately and until such time as Israel has submitted permanently and unconditionally to the government of Palestine everywhere from the Jordan River to the Mediterranean Sea.").

5 Senate Joint Resolution 55, 2025 Ky. Acts Ch. 157.

6 To review the Petition, see Ramsi Woodcock, Petition for Military Action Against Israel, https://perma.cc/M4FL-PLYY.

7 The Global Antitrust Institute, 27th Annual George Mason Law Review Antitrust Symposium: Panel Three, at 0:12:42, YouTube, https://www.youtube.com/watch?v=zujnq8IWEKk (last visited Dec. 18, 2025).

posted to the American Association of Law Schools and internal faculty listservs, and addressed all Israelis as pro-genocide at a public event while serving as Chair of the law school's Committee on Community Engagement.

The University of Kentucky is "deeply committed to safeguarding academic freedom."[8] Yet, academic freedom is not a license to pursue one's personal agenda at taxpayer expense. Moreover, the University also has obligations under state and federal law, and not all speech is protected. Because antisemitic conduct can violate Title VI,[9] and because the University cannot ignore a possible Title VI violation,[10] the University began to investigate Professor Woodcock's actions following complaints it received.[11] Yet Professor Woodcock has sought, at nearly every turn, to delay and disrupt the University's investigation.

On July 22, 2025, the University informed Professor Woodcock of the investigation, and emphasized that it "is not investigating any viewpoints or speech expressed in [his] personal capacity."[12] The University assured Professor Woodcock that it "reviews reports objectively and does not advocate for either party," and that

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8 *See* Exhibit 1 - July 22, 2025, Notice of Investigation.

9 Exec. Order No. 13,899 (Combating Anti-Semitism), 84 Fed. 68,679 (Dec. 11, 2019).

10 Like all recipients of federal funds, when the University becomes aware of a possible violation of Title VI, it must respond with something other than deliberate indifference. *See Malick v. Croswell-Lexington District Schools*, 148 F.4th 855, 862 (6th Cir. 2025) ("[w]e thus assume without deciding that deliberate indifference claims are cognizable for racial discrimination under Title VI"); *Doe v. Diocese of Covington, et al.*, CV 2:23-151-DCR, 2025 WL 1691188 (E.D. Ky. June 16, 2025).

11 As individuals who are "accessing university libraries or other resources, or attending campus tours, sporting events, or other activities" can bring a Title IX claim, *Snyder-Hill v. Ohio State Univ.*, 48 F.4th 686, 708, (6th Cir. 2022), and Title IX and Title VI are interpreted in the same way, *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 258–59 (2009), so it follows that anyone who interacts with the University or its employees can sue under Title VI. Moreover, in recent months, the federal government has investigated many institutions for alleged Title VI violations.

12 *See* Exhibit 1 - July 22, 2025, Notice of Investigation.

he "could submit statements, information, or supporting evidence through the course of this investigation."[13] The University Notice of Investigation[14] and subsequent Amended Notice of Investigation,[15] which define the scope of the University's inquiry, have focused on whether: (1) he used university resources to develop and promote his Petition for Military Action Against Israel; (2) seizing control of a panel discussion at two academic conferences unrelated to the Israeli-Palestinian conflict to present his views; (3) used his university email address to send spam to the American Association of Law Schools listserv and internal faculty listserv setting out antisemitic views; (4) while serving as Chair of the law school's Committee on Community Engagement, made antisemitic comments at a public event; and (5) violated various university policies.[16]

As it routinely does, the University reassigned Professor Woodcock to other duties while the investigation is pending, but continues to pay him his full salary.[17]

For a variety of reasons, the initial meeting with the investigator did not take place until August 22.[18] That meeting did not go well. Hours before that meeting, Professor Woodcock's attorney accused the University's investigator of bias due, in part, to her Christian beliefs, and demanded that she disclose "whether [she]

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13 *Id.*
14 *Id.*
15 *See* Exhibit 2 - Amended Notice of Investigation.
16 *See* Exhibit 1 - July 22, 2025, Notice of Investigation; *see also* Exhibit 2 - Amended Notice of Investigation.
17 The Sixth Circuit held the University's practice of reassigning a professor while an investigation is pending does not violate a professor's rights. *Cunningham v. Blackwell*, 41 F.4th 530, 536–39 (6th Cir. 2022).
18 *Id.*

support[s] the existence of Israel."[19] At the meeting, Professor Woodcock and his attorney objected to participating on the basis of Mr. Childers' letter sent that day, refused to address the return of the University's property—the laptop issued to him for his professional use—because separate counsel had been retained for that purpose, and repeatedly demanded a timeline for the investigation.

The University is conducting a multi-stage fact-gathering investigation that will include multiple opportunities for Professor Woodcock to respond to the allegations and the evidence being gathered. This multi-stage fact-gathering process addressed Professor Woodcock's concerns regarding due process at the August 22 meeting.[20] The process was detailed in an August 25, 2025, letter to Professor Woodcock and his attorney, in which the University acknowledged and reiterated Professor Woodcock's statement that "this investigation may raise unique First Amendment issues."[21] As explained in that correspondence, the University first intended to gather evidence by interviewing witnesses and gathering relevant records, and then to make that evidence available to Professor Woodcock for a first review and second review before the investigator made a final report to the University.[22] The University—*not the investigator*—is the decision-maker, which adds yet another layer of due process and objectivity.[23]

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19 *See* Joe Childers' August, 22, 2025, correspondence, attached as Exhibit 3. Although sent mere hours before the August 22 meeting, the meeting had been set at least ten days earlier. *See* Exhibit 4 - Declaration of Farnaz Farkish Thompson.

20 *Id.*

21 Exhibit 5 – Farnaz Farkish Thompson correspondence to Joe Childers, August 25, 2025.

22 *Id.*

23 *Farhat v. Jopke*, 370 F.3d 580, 595 (6th Cir. 2004) ("We also have held that in the pretermination stage, the employee does not have a right to, and the Constitution does not require, a neutral and

At the conclusion of the investigation, the University may conclude that Professor Woodcock's speech is fully protected and that he has not violated any university policies. If so, the Dean of the law school likely will return him to teaching duties.[24] Alternatively, it may conclude his speech is not protected and he has violated university policies. If the University concludes the latter, then Professor Woodcock will receive due process in accordance with the University's Administrative Regulations[25] and Kentucky law.[26]

Yet, Professor Woodcock does not want to participate in the investigation, allow it to conclude, or for the possible initiation of due process proceedings.[27] He has repeatedly delayed the process.[28] For example, the University asked him to return the University's property—the laptop issued to him for his professional use—as part of the investigation. He refused that request, and ultimately retained a separate attorney (Mr. Richard Getty) to address that matter.[29] Subject to several demands

impartial decisionmaker. The "right of reply" before the official responsible for the discharge is sufficient.").

24 The Dean of a College has discretion to determine who will teach and what they will teach.

25 *University of Kentucky Administrative Regulation-Due Process (Interim)*, https://perma.cc/B3BS-VR7B.

26 KRS § 164.230.

27 The investigation is in its final stages. For now, the investigator is waiting on Professor Woodcock to provide written answers to questions.

28 *See* Exhibit 4 - Declaration of Farnaz Farkish Thompson.

29 *See* Exhibit 6 - correspondence dated August 20, 2025, from Richard A. Getty to William Thro; correspondence dated August 25, 2025, from William Thro to Joe Childers; correspondence dated August 27, 2025, from Bryan H. Beauman to Richard A. Getty; correspondence dated August 27, 2025, from Richard A. Getty to Bryan H. Beauman; correspondence dated August 29, 2025, from Richard A. Getty to Bryan H. Beauman; and, correspondence dated August 29, 2025, from Bryan H. Beauman to Richard A. Getty, collectively attached; *See also* correspondence dated August 22, 2025, from Joe Childers to Farnaz Thompson, attached as Exhibit 3.

and following multiple rounds of emails and correspondence among counsel,[30] Woodcock did not return the University's property until September 2, 2025.

On September 29, 2025, the University's investigator sent Professor Woodcock's new counsel, Rima Kapitan, a letter reiterating her request for Professor Woodcock's list of potential witnesses and any evidence he would like McGuireWoods LLP to consider as part of its investigation. On October 14, 2025, the University's investigator again advised that she had, "asked and continue to ask for any witnesses or evidence [that] Professor Woodcock would like me to consider. You have not yet responded to this request. I look forward to your response."[31] On October 22, 2025, Ms. Kapitan responded to say: "Just to update you about where we are, I got delayed with some post-trial briefing and other time-sensitive litigation matters but we still plan to supply you some additional supplementary information, hopefully by early next week," and then on October 29, 2025, Ms. Kapitan provided two witness declarations and messages on the material posted to the law faculty listserv, which she asked to be considered. She also proceeded to send additional information including certain witness declarations and other materials for consideration during the investigation, including on October 30, October 31, November 1, and November 8, 2025.[32]

Between July 24 and the commencement of this lawsuit, the University's investigator contacted approximately fifty individuals for interviews to address the

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30 *Id.*
31 *See* Exhibit 4 - Declaration of Farnaz Farkish Thompson.
32 *Id.*

complaints against Professor Woodock, including students, professors and other individuals who attended the conferences at which Professor Woodcock was alleged to have made his statements.[33] Ms. Kapitan confirmed to the University's investigator on November 11, 2025, that she did not have additional information to provide on behalf of Professor Woodcock, but then filed a lawsuit on November 13, 2025, with information that was not previously provided to the University's investigator about the allegations. Then on December 1, 2025, the University's investigator asked Professor Woodcock to respond to a series of questions so that she may bring the investigation to a close.[34] Professor Woodcock does not plan to respond to the University's questions until *after* this Court rules on his motion for preliminary injunction.[35]

Now, he has filed this suit—*and this motion for preliminary injunction*—seeking to stop the investigation in its entirety, challenge the constitutionality of a federal executive order and a state legislative act, and recover damages from the University and University Officials. Moreover, rather than cooperating with the investigation, Professor Woodcock has attacked the investigator,[36] delayed for several weeks the return of the University's property,[37] delayed in providing supporting

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33 *See* Exhibit 4 - Declaration of Farnaz Farkish Thompson.

34 *See* Exhibit 7 - Farnaz Farkish Thompson's December 1, 2025, email and *Written Questions* correspondence.

35 *See* Exhibit 8 - Rima Kapitan's December 3, 2025, email.

36 The University's investigator is a partner in a law firm with an education practice and a former Deputy General Counsel at the U.S. Department of Education. Professor Woodcock objects to the fact she is a Christian, a Republican, and played a minor role in the Heritage Foundation's Project 2025. *See* Exhibit 3 - Joe Childers Aug. 22, 2025, correspondence to Farnaz Thompson.

37 *See* Exhibit 6 - correspondence dated August 20, 2025, from Richard A. Getty to William Thro; correspondence dated August 25, 2025, from William Thro to Joe Childers; correspondence dated August 27, 2025, from Bryan H. Beauman to Richard A. Getty; correspondence dated August 27,

information to the investigator, and declined answering any questions from the investigator until after this Court rules on his Motion for a Preliminary Injunction.[38] For the reasons below, in the Motion for Abstention, and in the Motion to Dismiss, none of his claims have merit. This Court should deny the Motion for Preliminary Injunction.

ARGUMENT

A preliminary injunction is an extraordinary remedy—used only to preserve the status quo pending trial,[39] and not to adjudicate disputed facts or short-circuit the merits. In deciding whether such relief is warranted, the Court must weigh four well-established factors: (1) whether the movant has demonstrated a strong likelihood of success on the merits; (2) whether he faces irreparable harm absent injunctive relief; (3) whether an injunction would substantially harm others; and (4)whether the public interest would be served.[40] The burden rests squarely on Professor Woodcock,[41] and it is a heavy one—exceeding even the showing required to survive summary judgment.[42] He does not meet it. Because he cannot satisfy any of the governing factors, his request for a preliminary injunction must be denied.

I. Under *Younger v. Harris*, this Court should abstain until completion of the University's investigation and any subsequent administrative proceeding.

2025, from Richard A. Getty to Bryan H. Beauman; correspondence dated August 29, 2025, from Richard A. Getty to Bryan H. Beauman; and, correspondence dated August 29, 2025, from Bryan H. Beauman to Richard A. Getty, collectively attached

38 *See* Exhibit 8 - Rima Kapitan's December 3, 2025, email.

39 *Doe v. Transylvania Univ.*, 2020 WL 1860696, at *5 (E.D. Ky. Apr. 13, 2020) (Reeves, J.) (quoting *Univ. of Texas, et al. v. Camenisch*, 451 U.S. 390, 395 (1981)).

40 *McPherson v. Michigan High Sch. Athletic Ass'n*, 119 F.3d 453, 459 (6th Cir. 1997) (en banc) (quoting *Sandison v. Michigan High Sch. Athletic Ass'n*, 64 F.3d 1026, 1030 (6th Cir. 1995)).

41 *Overstreet v. Lexington-Fayette Urban Cty. Gov't*, 305 F.3d 566, 573 (6th Cir. 2002).

42 *Leary v. Daeschner*, 228 F.3d 729, 739 (6th Cir. 2000).

First, this Court should abstain from this matter. Because "public education in America is committed to the control of local and state authorities, the courts cannot intervene to resolve educational conflicts that do not 'sharply implicate basic constitutional values.'"[43] "Judicial interposition," the Supreme Court has warned, "require[s] care and restraint."[44] The University asks this Court to exercise "care and restraint," and thus to abstain from this matter.[45] Professor Woodcock has not shown a conflict that "sharply implicates basic constitutional values" because the University has not violated his rights. Instead, it has temporarily reassigned him while it investigates complaints against him under Title VI, which it may do according to the Sixth Circuit.[46]

Regardless, even if *Younger* abstention does not apply, that conclusion should "not prevent the Court from utilizing its general authority to stay the case for a limited period" while the administrative matter "run[s] its course."[47] Professor Woodcock has made it clear: he has no intention of engaging in the University's administrative investigation. Having exhausted his attempts to slow the investigation, he now asks for this Court's help to end it. He would prefer to use this litigation to "interfere with or chill the administrative matter from running its course."[48] This Court should reject Professor Woodcock's invitation.

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43 *Parate v. Isibor*, 868 F.2d 821, 830 (6th Cir. 1989).
44 *Epperson v. State of Ark.*, 393 U.S. 97, 104 (1968).
45 *See* Motion to Abstain filed by the University and its Officials on December 18, 2025 [DE 25].
46 *Kaplan v. University of Louisville*, 10 F.4th 569, 581–84 (6th Cir. 2021).
47 *Doe v. Transylvania Univ.*, 2020 WL 1860696, at *5 (E.D. Ky. Apr. 13, 2020) (Reeves, J.).
48 *Id.*

For these reasons, the reasons below, and the reasons stated in the University's motion to abstain, the Court should abstain from this matter until the completion of the University's investigation of Professor Ramsi Woodcock and any subsequent disciplinary proceedings.

II. Because there is no on-going violation of federal law, sovereign immunity bars any request for injunctive relief.

For the reasons stated in their motion to dismiss, the University and its officials sued in their official capacities are entitled to sovereign immunity.[49] Under the doctrine of *Ex parte Young*,[50] "when a federal court commands a state official to do nothing more than refrain from violating federal law, he is not the State for sovereign-immunity purposes. The doctrine is limited to that precise situation, and does not apply when 'the state is the real, substantial party in interest."[51] "In determining whether the doctrine of *Ex parte Young* avoids an Eleventh Amendment bar to suit, a court need only conduct a straightforward inquiry into whether [the] complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective."[52]

Yet, Professor Woodcock's complaint fails to meet even this minimal standard.[53] There is no on-going violation of federal law. Quite simply, federal law does not require the University to refrain from an investigation of alleged misconduct.

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49 *See* Motion to Dismiss filed by University and its Officials on December 17, 2025 [DE 23].
50 *Ex parte Young*, 209 U.S. 123 (1908).
51 *Virginia Off. for Prot. & Advoc. v. Stewart*, 563 U.S. 247, 255, (2011).
52 *Verizon Maryland, Inc. v. Pub. Serv. Comm'n of Maryland*, 535 U.S. 635, 645, (2002).
53 Because the University of Kentucky is not a state official, *Kaplan v. University of Louisville*, 10 F.4th 569, 577 (6th Cir. 2021), Professor Woodcock can only invoke the *Ex parte Young* doctrine against the University Officials in their official capacities.

To the contrary, federal law *requires* the University to investigate possible Title VI violations. Similarly, federal law does not preclude the University from suspending or reassigning a faculty member while it investigates.

III. Professor Woodcock is unlikely to prevail on the merits.

Professor Woodcock's motion fails for yet another, more fundamental reason: he has not shown—*nor can he show*—a "*strong*" likelihood of success on the merits. The University has detailed the reasons why in its motion to dismiss.[54] "When a party seeks a preliminary injunction on the basis of a potential constitutional violation, the likelihood of success on the merits often will be the determinative factor."[55] Yet Professor Woodcock presents questionable constitutional claims built on speculation and seeks to prevent the University from reaching *any* conclusions. Put another way: Professor Woodcock has not made the *required strong showing of a likelihood of success* on the merits of his claim (1) that *all* of his speech and conduct is protected; (2) that he so decisively wins on *Pickering* balancing; and (3) that a temporary reassignment of duties is an adverse action or that he has not been given sufficient due process.

A. The University has not yet reached any conclusions about whether Professor Woodcock's speech is protected or whether to discipline him, and he has not shown a strong likelihood of success on his First Amendment retaliation claim.

To show a strong likelihood of success on the merits, Professor Woodcock must show "more than a mere possibility of success."[56] To do this, Professor Woodcock

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54 *See* Motion to Dismiss filed by University and its Officials on December 17, 2025 [DE 23].
55 *City of Pontiac Retired Employees Ass'n v. Schimmel*, 751 F.3d 427, 430 (6th Cir. 2014).
56 *Six Clinics Holding Corp., II v. Cafcomp Sys., Inc.*, 119 F.3d 393, 402 (6th Cir. 1997).

proclaims that speech as a teacher, scholar, or private citizen about a matter of public concern is protected.[57] That *may* be true, but it is not clear the Sixth Circuit has gone so far. While the Sixth Circuit has said that "a professor's rights to academic freedom and freedom of expression are *paramount* in the academic setting," it has not called them absolute.[58]

Professor Woodcock proclaims those circumstances in which his speech is protected. Yet he must take the bitter with the sweet. If there are circumstances in which his speech *may* be protected, the University has articulated three alternative scenarios in which his speech would *not* be protected.[59] First, if Professor Woodcock is speaking as a University of Kentucky employee or using the University's resources to advance his speech, it is not constitutionally protected.[60] Second, if his expression amounts to harassment, as defined by the Supreme Court,[61] then it is not constitutionally protected.[62] Third, even if Professor Woodcock was speaking as a private citizen and even if his speech did not constitute harassment, it is necessary to strike a "balance between the interests of" Professor Woodcock "as a citizen, in commenting upon matters of public concern" and the interest of the University, as an employer, "in promoting the efficiency of the public services it performs through its employees."[63]

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57 Mem. of Law in Support of Mot. for Preliminary Injunction and Expedited Consideration [DE 19-1], at p. 9.

58 *Bonnell v. Lorenzo*, 241 F.3d 800, 823 (6th Cir. 2001) (emphasis added).

59 *See* Motion to Dismiss filed by University and its Officials on December 17, 2025 [DE 23].

60 *Garcetti v. Cabellos,* 547 U.S. 410, 417 (2006).

61 *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 650 (1999).

62 *See DeJohn v. Temple Univ.*, 537 F,3d 301, 317–18 (3rd Cir. 2008).

63 *Pickering v. Bd. of Educ. of Twp. High Sch. Dist. 205, Will Cnty.*, 391 U.S. 563, 568 (1968) (citation modified).

So which is it? Professor Woodcock insists that "barring a factual dispute about what specific words were used," this Court should make the *legal* call at this *preliminary* stage with *limited* factual information – and to do so by stopping the University's investigation and conducting one of its own, presumably under Federal Rule of Civil Procedure 65. Yet, at this point, factual uncertainties abound, and Woodcock admits as much. In his motion, he questions the allegations in the University's notices of investigation—contesting what he said and the audience's response, and makes conclusory statements about the nature of the listservs to which he has posted.[64] He insists that "context" matters, even as he has deprived the University of receiving the fuller understanding of that context. Nevertheless, his is one perspective among others. In fact, the University's independent investigator is tasked with interviewing witnesses to Professor Woodcock's conduct, and has already completed interviews or obtained statements from more than twenty students, professors, and other witnesses.[65] With that many witnesses, it is not surprising there may be factual uncertainties for the *investigator* to assess, and for the University to consider.

Yet, even as he attempts to state a due process claim, Professor Woodcock refuses to engage in his opportunity to be heard—that is, he refuses to respond to the University's written inquiries.[66] Instead, he apparently wishes to testify before this Court and, in essence, he asks this Court to step in as investigator, displace the

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64 *See*, *e.g.*, Mem. of Law in Support of Mot. for Preliminary Injunction and Expedited Consideration [DE 19-1], at Page. Id 194–201.

65 *See* Declaration of Farnaz Farkish Thompson, attached as Exhibit 4.

66 *See* Exhibit 8 - Rima Kapitan's December 3, 2025, email.

University's role, and conclude that the University has likely violated his constitutional rights before the University has taken any final action. That is not the purpose of a preliminary injunction, and such demand risks turning this Court into a clearinghouse for investigations.

Finally, *Pickering* balancing shows why a preliminary injunction is *not* warranted here. Professor Woodcock tries to make the *Pickering* balancing look easy. It is not.[67] If it were so easy, he could point to a case. Yet judges routinely acknowledge that the "Solomonic weighing of interests" is "difficult."[68] So too here. Professor Woodcock embraces the scale analogy, which is "not really appropriate, since the interests on both sides are incommensurate. It is more like judging whether a particular line is longer than a particular rock is heavy."[69] Nevertheless, the task seems easy to Professor Woodcock because he argues the "University has no legally cognizable interest in restricting" his speech.[70] Of course, that is because Professor Woodcock ignores the University's interests in complying with federal law, including Title VI, and responding to complaints against its employees. His speech is not protected simply because he invokes the First Amendment or academic freedom. The "First Amendment does not require a public employer to tolerate an embarrassing,

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67 Of course, this is also one of the reasons why the University's officials are entitled to qualified immunity. *See* Motion to Dismiss filed by University and its Officials on December 17, 2025 [DE 23].

68 *Bennett v. Metro. Gov't of Nashville & Davidson Cnty., Tennessee*, 977 F.3d 530, 553 (6th Cir. 2020) (Murphy, J. concurring).

69 *Bendix Autolite Corp. v. Midwesco Enters., Inc.*, 486 U.S. 888, 897 (1988) (Scalia, J., concurring in the judgment) (analogizing to the hopeless task of assessing "whether a particular line is longer than a particular rock is heavy").

70 Mem. of Law in Support of Mot. for Preliminary Injunction and Expedited Consideration [DE 19-1], at PageId 203.

vulgar, vituperative, ad hominem attack, even if such an attack touches on a matter of public concern."[71] For example, when "the manner and content of an employee's speech is disrespectful, demeaning, rude, and insulting, and is perceived that way in the workplace, the government employer is within its discretion to take disciplinary action."[72] Professor Woodcock tells this Court his speech was none of those things, but the University must also consider witnesses to that conduct, and that is why it is investigating.

Until it completes its investigation—that is, the proverbial measuring of lines and weighing of rocks[73]—the University may reassign Professor Woodcock for the reasons below. The power to reassign is vital to an academic institution's functioning, and here, it gives the University needed space and time to complete its analysis under *Pickering* as it contemplates what action, if any, to take, and if that action passes the balancing test. An injunction *now* would cut off the University's ability to get it right.

B. Professor Woodcock has failed to show a substantial likelihood of success on his due process claim.

To be entitled to an injunction, Professor Woodcock must show "more than a mere possibility of success" on his due process claim.[74] To do so, he "must plead a property interest protected by the Due Process Clause, a deprivation of this property interest, and that the State did not give him adequate procedural rights to protect

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71 *Patterson v. Kent State Univ.*, 155 F.4th 635, 650 (6th Cir. 2025).

72 *Id.* at 650–51.

73 *Bendix Autolite Corp. v. Midwesco Enters., Inc.*, 486 U.S. at 897 (Scalia, J., concurring in the judgment) (analogizing to the hopeless task of assessing "whether a particular line is longer than a particular rock is heavy").

74 *Six Clinics Holding Corp., II v. Cafcomp Sys., Inc.*, 119 F.3d 393, 402 (6th Cir. 1997).

against an erroneous deprivation."[75] Courts focus on two issues: (1) is there a constitutionally protected property interest; and (2) if so, the procedures necessary to protect that interest.[76] He fails on both questions.

1. Professor Woodcock has no property interest in teaching.

While tenured professors at the University of Kentucky have a constitutionally protected property interest in their faculty position,[77] that interest does not extend to teaching classes.[78] The University retains the discretion to determine the nature of a faculty member's assignments, including whether a faculty member will teach, and if so, what courses. Moreover, when there are allegations of misconduct, the Sixth Circuit has permitted suspension or reassignment of faculty members during investigations.[79]

Although Professor Woodcock is unhappy that he is not teaching, his property interest in being a tenured professor does not allow him to choose his work assignments. Were it otherwise, the University could never direct faculty members to teach a particular class if they did not wish to do so. Moreover, Professor Woodcock is receiving his full salary, has access to his university email account, and can pursue his scholarship.

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75 *Kaplan v. Univ. of Louisville*, 10 F.4th 569, 577, (6th Cir. 2021).
76 *Crosby v. Univ. of Ky.*, 863 F.3d 545, 552 (6th Cir. 2017).
77 *Roth*, 408 U.S. at 576–77; *Sindermann*, 408 U.S. at 601–03.
78 *Parate v. Isibor*, 868 F.2d 821, 832 (6th Cir. 1989); *see also Kaplan v. University of Louisville*, 10 F.4th 569, 581, 586 (6th Cir. 2021) (observing similarities between *Kaplan* and *Parate*).
79 *Kaplan v. University of Louisville*, 10 F.4th at 581, 583–84.

2. Professor Woodcock has received due process.

Even if Professor Woodcock has a constitutionally protected property interest in teaching, "the question becomes whether the state actors provided adequate process."[80] That answer requires evaluation of the government's interest, the individual's stake in the matter, and the suitability of the procedures.[81] "Different circumstances call for different processes. While notice and an opportunity to be heard remain the hallmarks of due process, they need not necessarily arrive before the deprivation does."[82] Although a hearing of some sort is required before a tenured professor is fired,[83] a hearing is not required before each and every intermediate action.[84] When the University "imposes a lighter penalty, such as a suspension, a post-deprivation hearing or a combination of pre- and post-deprivation safeguards may suffice."[85]

That is one lesson from *Levy v. Bd. of Supervisors of Louisiana State Univ. & A&M College*, a strikingly similar case.[86] There, a tenured professor challenged the university's "investigation into an anonymous student complaint of inappropriate, vulgar, and threatening statements that he allegedly made in one of his classes on the first day of the 2025 spring semester."[87] Although "Prof. Levy argue[d] that he

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80 *Cunningham v. Blackwell*, 41 F.4th 530, 536 (6th Cir. 2022).
81 *Gilbert v. Homar*, 520 U.S. 924, 931–32 (1997).
82 *Cunningham*, 41 F.4th at 536.
83 *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 & n.7 (1985).
84 *Cunningham*, 41 F.4th at 536; *Nguyen v. Univ. of Louisville*, 2006 WL 1005152, at *4 (W.D. Ky. Apr. 14, 2006) (Heyburn, J.) (noting that three-month interim suspension pending a formal disciplinary hearing required fewer procedural protections than a final disciplinary decision).
85 *Cunningham*, 41 F.4th at 536–37.
86 — So.3d —, 2025 WL 3124859 (La. Ct. App. Nov. 7, 2025).
87 *Levy v. Bd. of Supervisors of La. State Univ. & A&M Coll.*, 2025 WL 3124859, at *2.

was not notified of any policy violation before he was punitively removed from his teaching responsibilities, which he describe[d] as an 'adverse employment action in retaliation for protected political speech, without due process of law,'" the Court found that he had received a suspension letter that "served as notice that [he] was being immediately removed from his teaching responsibilities."[88] Moreover, the Court relied on the "well established" principle "that placement on paid administrative leave does not constitute deprivation of a property interest."[89]

The same is true here. Professor Woodcock *has not been fired*. Instead, he has simply been reassigned—at full salary—while the University investigates. Because antisemitic conduct can violate Title VI, the University cannot ignore allegations of a Title VI violation, and the consequences of a Title VI violation are significant, the University had to investigate. However, rather than initiating tenure revocation proceedings, the University "customized" the reassignment "to the problem at hand," preventing a possible Title VI violation while it investigates.[90]

Professor Woodcock has delayed his response to the University's request to provide witnesses and information he deems relevant and now refuses to provide his version of the facts,[91] but he still has numerous opportunities to influence the Investigator's conclusions.[92] Although the University generally requires those under investigation submit to an in-person interview, the University is allowing Professor

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88 *Id.* at *3.
89 *Id.* at *4.
90 *Cunningham*, 41 F.4th at 537.
91 *See* Exhibit 7 - Farnaz Farkish Thompson's December 1, 2025, email and *Written Questions* correspondence.
92 *See* Exhibit 2 - Amended Notice of Investigation.

Woodcock to respond to written questions.[93] After he submits his response,[94] Professor Woodcock will have an opportunity to review all evidence—including transcripts of witness interviews—and submit a written response.[95] Upon receiving Professor Woodcock's written response to this *first* evidence review, the Investigator may ask any follow up questions of the witnesses.[96] Professor Woodcock will then have a *second* opportunity to review all evidence and submit a written response.[97] After receiving all the evidence and Professor Woodcock's first and second responses, the Investigator will issue a detailed letter of findings.[98] This process meets any hallmark of due process.

After the investigation is complete, if there is a basis for the University to conclude that a violation occurred, and if the University determines tenure revocation or a lengthy suspension without pay is appropriate, then Professor Woodcock will receive an even more formal hearing and, if found responsible, the opportunity to appeal.[99] Following that process, the President will determine whether to initiate tenure revocation proceedings.[100] If the President initiates tenure revocation proceedings, Professor Woodcock will receive a full hearing before the Board of Trustees.[101]

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93 *Id.*

94 Professor Woodcock is refusing to answer the questions until after this Court rules on his Motion for a Preliminary Injunction.

95 *See* Exhibit 2 - Amended Notice of Investigation.

96 *Id.*

97 *Id.*

98 *Id.*

99 University of Kentucky Administrative Regulation—Due Process (Interim), https://perma.cc/JH4T-F477.

100 *Id.* at § F.

101 KRS § 164.230.

IV. Professor Woodcock will not suffer irreparable harm.

Professor Woodcock must next show that he "will suffer actual and imminent harm rather than harm that is speculative or unsubstantiated."[102] The "existence of an irreparable injury is mandatory."[103] Although Professor Woodcock claims that his constitutional rights have been "threatened or impaired," that "irreparable injury is present," and that the "public interest is always in preventing the violation of a party's constitutional rights,"[104] the University has shown that it has not violated Professor Woodcock's constitutional rights.

Stated another way, "[w]hile a plaintiff is entitled to presumption of irreparable harm if he or she demonstrates a likelihood of success on his constitutional claims, [Woodcock] has failed to identify a constitutional claim that has been violated (due process or otherwise)."[105] As this Court has concluded in a similar circumstance, "the harm identified is speculative as the [University] has made no findings on [Woodcock's] case."[106]

A. The investigation will soon be complete.

Professor Woodcock does not want to participate in the investigation, allow it to conclude, or for the possible initiation of due process proceedings. Yet his participation is the key to a prompt resolution of the University's investigation.

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102 *Abney v. Amgen, Inc.*, 443 F.3d 540, 552 (6th Cir. 2006).
103 *EOG Res., Inc. v. Lucky Land Mgmt., LLC*, 134 F.4th 868, 883 (6th Cir. 2025).
104 Mem. of Law in Support of Mot. for Preliminary Injunction and Expedited Consideration [DE 19-1], at PageId 214.
105 *Doe v. Transylvania Univ.*, 2020 WL 1860696, at *12 (E.D. Ky. Apr. 13, 2020) (Reeves, J.).
106 *Id.*

Rather than complete the investigation, Professor Woodcock has instead filed this suit seeking to stop the investigation, challenge the constitutionality of a federal executive order and a state legislative act, and recover damages from the University and University Officials. Any delay in resolution is because of Professor Woodcock. He cannot refuse to participate in an investigation and then claim irreparable harm.

B. Professor Woodcock continues to be paid.

Moreover, Professor Woodcock continues to be paid. That matters. According to the Sixth Circuit, the fact that "an individual may lose his income for some extended period of time does not result in irreparable harm, as income wrongly withheld may be recovered through monetary damages in the form of back pay."[107] If the "loss of a job is quintessentially reparable by money damages,"[108] Professor Woodcock fails to explain how his *paid* reassignment is irreparable.

V. The balance of the equities and the public interest favor the University.

The third and fourth factors of the preliminary-injunction analysis—harm to others and the public interest—"merge when the Government is the opposing party."[109] Professor Woodcock asks this Court to stop an investigation he refuses to participate in, to override federal compliance obligations, and to substitute judicial judgment for academic governance—on an incomplete record. Equity does not favor that result and there are several reasons why the equities balance in the University's favor.

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107 *Overstreet v. Lexington-Fayette Urb. Cnty. Gov't*, 305 F.3d 566, 579 (6th Cir. 2002).
108 *Id.* at 579.
109 *Nken v. Holder*, 556 U.S. 418, 435 (2009).

First, the University has a strong interest in the oversight and discipline of its employees. The Sixth Circuit agrees. As a government employer, the University must "enjoy wide latitude in managing [its] offices, without intrusive oversight by the judiciary in the name of the First Amendment."[110] That concern is more pronounced in the academic context, where the Supreme Court has cautioned to the judiciary to exercise "care and restraint."[111]

Second, the University has a legitimate interest in ensuring the enforcement of federal law. As the Sixth Circuit has recognized, it "is in the public interest to enforce legitimate laws and regulations that implicate a matter of public importance."[112] So it is here. Title VI bars racial discrimination, and the University cannot ignore a possible Title VI violation. Because the public has an "interest in the enforcement of Title [VI],"[113] the University must be permitted to conduct its investigation and this factor thus favors the University.

Third, the University also has "a substantial interest in the fair, prompt, and accurate resolutions of disciplinary matters without undue interference from courts."[114] In essence, "this is an attempt to convert the administrative proceeding into federal litigation so the plaintiff can then leverage" these proceedings in an attempt to shut down the University's investigation.[115]

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110 *Patterson v. Kent State Univ.*, 155 F.4th 635, 649 (6th Cir. 2025).
111 *Epperson v. State of Ark.*, 393 U.S. 97, 104 (1968).
112 *Tennessee v. United States Dep't of Health & Hum. Servs.*, 720 F. Supp. 3d 564, 595 (E.D. Tenn.).
113 *Doe v. Univ. of Cincinnati*, 872 F.3d 393, 407 (6th Cir. 2017).
114 *Doe v. Transylvania Univ.*, 2020 WL 1860696, at *12.
115 *Cf. Doe v. Transylvania Univ.*, 2020 WL 1860696, at *13; *see also, e.g., Marshall v. Ohio Univ.*, 2015 WL 1179955, at *10 (S.D. Ohio Mar. 13, 2015) ("Issuing a temporary restraining order in this case, and in others similar to it, would likely interfere with OU's ability to enforce its disciplinary standards.").

Fourth, the University should not be denied the opportunity to finish the investigation so that it may first determine what happened and then to decide how to react. Unanswered questions remain: did Professor Woodcock use state funds to travel and express his viewpoint? What did he say? How did others react to it? Based on the answers to those questions, the University may then be able to answer other questions such as: did his conduct impact its efficient operation and its missions, and how? Does that important interest of the University outweigh any conduct that may be constitutionally protected? What reaction or measures—if any—will the University take in response? In short, the *Pickering* balancing test should not be completed by the Court until the University has had the chance to get the answers it needs to make the evaluation it must. It can't do that until the investigation is completed, which won't happen until Professor Woodcock finishes his part of the process—unless he wants to waive any further participation in the investigation.

Finally, "without a showing of likelihood of success on the merits, Plaintiff has not demonstrated that he suffered a violation of his constitutional rights and thus injunctive relief is not in the public interest."[116]

One last point. Professor Woodcock does not meaningfully engage with—much less rebut and balance—the University's interests at this stage of the analysis. The University, by contrast, fully acknowledges his interest in a prompt resolution. But that interest has been undermined by Professor Woodcock's own conduct, which

[116] *Doe v. Univ. of Cincinnati*, 2015 WL 5729328, at *3.

frustrates the University's good-faith efforts to complete its investigation and bring this matter to a timely conclusion.

When the equities are properly weighed, the balance tips decisively in the University's favor. Even so, the University remains willing—and indeed encourages Professor Woodcock—to participate in the investigative process for his benefit and the benefit of the University community and its many stakeholders.

CONCLUSION

For all these reasons, the Court should deny the Plaintiff's motion for preliminary injunction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2025, I filed this document electronically using the Court's CM/ECF system, which will send notification of filing to all parties registered to receive electronic filings.

/s/Bryan H. Beauman

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