

**COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CONSOLIDATED CIVIL ACTION NOS. 26-CI-00885;
26-CI-01010; 26-CI-01017**

RAMSI A. WOODCOCK

PLAINTIFF

v.

ORDER GRANTING MOTION TO QUASH

UNIVERSITY OF KENTUCKY, et al.

DEFENDANTS

This action is before the Court on the motion of Defendants Dean Gregory Van Tatenhove, President Eli Capilouto, and Provost Robert DiPaola, under CR 45.04 and CR 26.03, to quash the subpoenas served on them by the Plaintiff, Professor Ramsi Woodcock, to compel their testimony at the hearing set for Wednesday, September 30, 2026, at 10:00 a.m. in Franklin Circuit Court. For the reasons stated below, the motion is **GRANTED**. The Court notes that it will also hear arguments on the Defendants' motion to dismiss at this hearing, prior to consideration of the motion for a temporary injunction. The Court has previously noted its serious questions as to whether it is the appropriate forum to adjudicate a dispute as to the academic appointment process for a dean at a public university. The dispute over the testimony of these witnesses only underscores the Court's concerns. While Professor Woodcock vigorously argues that these witnesses have personal knowledge of disputed facts, a review of the record demonstrates that the disputed issues asserted by Professor Woodcock regarding the testimony of these witnesses revolve around broader issues of university governance that are not appropriately adjudicated on a motion for temporary injunction. The issues that must be addressed on the motion for a temporary injunction must be focused on the alleged irreparable injury to Professor Woodcock and the necessity of the Court's intervention prior to a final judgment.

The hearing scheduled for September 30 is to consider Professor Woodcock's motion for a temporary injunction arising out of his claims that Defendant Van Tatenhove was improperly appointed to the position of the Dean of the College of Law at the Defendant University of Kentucky, and the allegation that his appointment as Dean inflicts irreparable injury on Professor Woodcock. Professor Woodcock has alleged that Dean Van Tatenhove's appointment violates various University policies and procedures. Professor Woodcock alleges that the search process that culminated in the appointment of Dean Van Tatenhove was flawed and that the failure of President Capilouto and Provost DiPaola to heed the evaluation of the College of Law faculty as to the qualifications of the candidates violates UK policies and potentially places the law school's accreditation in jeopardy.

In prior hearings and status conferences, this Court has repeatedly voiced its concern and skepticism that it has jurisdiction to interfere with the appointment of a dean of any academic program in a public university. The Court is unfamiliar with any statute or case law that would authorize such an action. However, the Court believes it has a duty to provide Professor Woodcock with a full and fair opportunity to make his case that he is entitled to injunctive relief. Such a determination can only be made after a hearing at which Professor Woodcock is given the opportunity to present relevant proof. In Kentucky, a plaintiff must show the following factors to obtain a temporary injunction: 1) a substantial legal question on the merits; 2) immediate and irreparable injury pending trial on the merits; 3) a balancing of the equities that weighs in favor of injunctive relief; and 4) the public interest supports injunctive relief. *Maupin v. Stansbury*, 575 S.W.2d 695, 698-99 (Ky. App. 1978).

In this case, the Court is hesitant to require the attendance and testimony of these senior University officials for a hearing that is held prior to the time that Professor Woodcock has

established the Court's jurisdiction to interfere with the University's process for appointing the Dean of the law school. Professor Woodcock must present a substantial legal question regarding the Dean's appointment and the violation of a "concrete personal right." While their testimony may be relevant at some point, the Court reiterates that is unsure what statute or case law would support judicial intervention in the appointment process for a dean of an academic program of a public university. The *Maupin* case counsels that "doubtful cases should await trial on the merits." *Id.* at 698.

The parties have already compiled a copious written record to document their respective claims and defenses on the issue of injunctive relief and the process that is required to approve the appointment of the Dean. That appears to the Court to be a strictly legal question that Dean Van Tatenhove, President Capilouto and Provost DiPaola, can shed little, if any, light on, at least for purposes of temporary injunctive relief. Rather, the Court believes that Professor Woodcock's proof regarding the concrete personal injury he claims, and counsel's arguments identifying the substantial legal issue for trial on the merits, must necessarily be the focus of the hearing on September 30. The testimony of Dean Van Tatenhove, President Capilouto, and Provost DiPaola is not necessary or appropriate for an evidentiary hearing on these issues related to temporary injunctive relief.

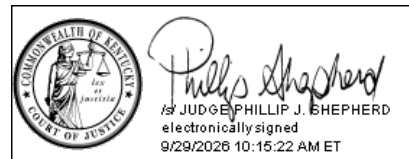
Professor Woodcock relies on *Beshear v. Goodwood Brewing Company*, 635 S.W.3d 788 (Ky. 2021), for the proposition that an evidentiary hearing is required on a motion for temporary injunction if there are disputed issues of fact. The Court recognizes this requirement, but it rejects the application of it to the motion to quash. Here, the Court will conduct an evidentiary hearing on the issues directly involved in the motion for a temporary injunction, but it will not allow the hearing to become a substitute for a trial on the merits of the broader issues of university

governance that may be involved in this case. The Court fails to see how the testimony of these senior University officials can shed light on issues that are in dispute concerning Professor Woodcock's claims of irreparable injury arising from the appointment process employed by the University in hiring Dean Van Tatenhove.

While the Court will not allow the Defendants to rely on out-of-court statements by these witnesses, who will not be subject to cross examination on this motion, that is a risk that the Defendants have assumed in seeking to quash the subpoenas. If Professor Woodcock carries his burden to establish irreparable injury on any factual basis that could be disputed by these witnesses, the testimony of these witnesses will not be available to counter Professor Woodcock's assertions. Nevertheless, the Court finds that based on the record before it, it is unlikely that these witnesses have personal knowledge of any matter that goes to the existence of irreparable injury to Professor Woodcock. To the extent that they may have knowledge of matters related to balancing the equities, there are many other witnesses who can provide such testimony and several have been identified as witnesses for this hearing. Accordingly, the testimony of these three witnesses on those points would be cumulative.

Accordingly, for the reasons stated above, the Court **GRANTS the motion to quash.** Dean Van Tatenhove, President Capilouto, and Provost DiPaola are relieved of the obligation to appear and give testimony at the hearing on September 30, 2026. This ruling is without prejudice for Professor Woodcock to seek and obtain their testimony during discovery or at a trial on the merits if warranted.

SO ORDERED this 29th day of September 2026.



PHILLIP J. SHEPHERD, JUDGE
Franklin Circuit Court, Division I

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