

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION ____

CASE NO. _____

Ramsi A. Woodcock,

Plaintiff,

v.

Gregory Van Tatenhove,
Eli Capilouto (in his official and individual capacities),
Robert DiPaola (in his official and individual capacities),
University of Kentucky;

Defendants.

**SERVE: RUSSELL COLEMAN
ATTORNEY GENERAL
COMMONWEALTH OF KENTUCKY
CAPITOL, 700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601**

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND DAMAGES**

INTRODUCTION

1. Unique among all professionals, a scholar's professional identity depends entirely on his membership in his professional community and disappears the moment that community shatters. What makes him a scholar as opposed to a researcher is that his professional advancement depends upon the judgment of the quality of his work by other scholars and that his research is therefore influenced by and indeed the collaborative product of a community of scholars—and that community alone. This is called “peer review”.¹ It is this exclusive dependence on the esteem of other scholars that gives his work a claim to credibility and expertise because it signals that his conclusions have not been influenced by special interests but only by the judgment of other people who have dedicated their lives to the search for truth. Ex. 27. The competence of no other professional is derivative of his association with other professionals in this way. A football player may be just as good at tackling whether he has been picked for the team or not. A surgeon may be just as good at surgery whether he is licensed or not. If the football player is cut or the surgeon deprived of his license, he is merely prevented from practicing his art. But a scholar stripped of membership in a community of scholars stops being able to perform at all. His work is no longer subject to peer review and so whatever he writes thereafter will not be the product of the collaborative search for truth that we trust as “scholarship”.² His claim to credibility on the basis of peer review will be nil.

Defendant the University of Kentucky (“University”), through its president, Defendant Eli Capilouto, and provost, Defendant Robert DiPaola, just stripped the faculty of the University’s J.

¹ The phrase “peer review” as used in this Complaint has a meaning distinct from the phrase’s use to describe the process whereby faculty experts in a field decide which academic articles should be published in a scholarly journal in the field. As used in this Complaint, “peer review” means that the faculty of a particular academic unit, such as the faculty of a law school, decide the appointment, promotion, and retention of other faculty within the unit based on a review of their scholarship.

² Independent scholars lay claim to being scholars only to the extent that their research is vetted by other scholars, such as through publication in peer reviewed journals.

David Rosenberg College of Law (“law school”) of their ability to claim credibility for their work on the basis of peer review. On March 6, 2026, DiPaola announced that Defendant Gregory Van Tatenhove would be the law school’s next dean and Van Tatenhove started in the post on July 20, 2026. Exs. 11, 17. Van Tatenhove is a non-scholar whom the faculty had rejected in February as “unacceptable” for the position due to his lack of “the necessary qualifications (including a record of scholarship)” to lead the faculty. Exs. 7, 8. As dean, Van Tatenhove’s job is to rate the performance of faculty based on the quality of their scholarship. AR 3:10 Perf. Rev. § A.1, Ex. 23; Admin. Rev. — Univ. Org. §§ F.2.c, F.2.e, Ex. 22. He has the power to recommend termination of a faculty member for nonperformance regardless of the views of the rest of the faculty and regardless of whether the faculty member has tenure. *Id.* at § F.2.c; Ky. Rev. Stat. § 164.230(5). As a result of his appointment, no member of the faculty, including Plaintiff Ramsi A. Woodcock, can continue to claim that his professional advancement depends in substantial part upon judgments of the quality of his research by those determined by the faculty to be fit to make them. The faculty has been deprived of its ability to claim that it is engaged in scholarship.

2. A faculty is the ultimate expressive association because, as already noted, its members are unable to express themselves as scholars other than through their association with each other in a collaborative search for truth. And the Kentucky Constitution provides robust protection for the right of Americans to associate to express a message, such as the faculty’s message that its work is subject to peer review. The University’s appointment of Van Tatenhove over the objection of the faculty dilutes the faculty’s message of peer review and indeed compels the faculty to send the opposite message—that their research is subject to the judgment of someone whom they have collectively determined to be unfit to review their work. As such, it violates Woodcock’s right to expressive association under Sections 1(4), 1(6), 2, and 8 of the Kentucky Constitution.

3. The appointment of Van Tatenhove is also an arbitrary exercise of government power in violation of Section 2 of the Kentucky Constitution. The University's governing regulations and Employee Code bind the University and its employees, including Capilouto and DiPaola, to comply with accreditation requirements. The American Bar Association (ABA), which accredits the law school, prohibits the appointment of a dean over the objection of the faculty. ABA Standards Interp. 203-1, Ex. 19. The ABA further requires that a dean be a tenured member of the faculty. *Id.* at Standard 203(b). In effective acknowledgment of Van Tatenhove's lack of a scholarly record, the University has said that it will not put Van Tatenhove up for tenure. Ex. 14 at 7. The ABA provides an exception to these rules for "good cause" or in "extraordinary circumstances". Ex. 19. But the faculty approved three other University-selected finalists who, unlike Van Tatenhove, met the qualification for the dean role and on information and belief the University did not make offers to any of them before selecting Van Tatenhove. Ex. 8; Woodcock Decl. ¶ 22. And one of the other finalists has said that she would have accepted an offer. Ex. 28. Neither Capilouto nor DiPaola has attempted to explain why Van Tatenhove was a better candidate relative to the other three finalists. DiPaola and Capilouto also ignored a requirement of the University's accreditor, Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), that the University enforce its rules regarding faculty governance. Ex. 73. And DiPaola ignored another University regulation requiring him to solicit written statements about dean candidates from faculty before making a hiring recommendation. Ex. 74. No dean has been appointed over the objection of the law faculty for at least the past half century. Ausness Decl. ¶ 3.

4. The appointment of Van Tatenhove also breached Woodcock's employment agreement, which states that the University and its employees, including Capilouto and DiPaola, "must comply with . . . accreditation requirements". Exs. 20, 21. As a Judge on the U.S. Court of Appeals for the Eastern District of Kentucky, Van Tatenhove recently presided over a case

involving an alleged violation of the same rule requiring compliance with accreditation requirements that is part of Woodcock’s contract. Ex. 42. And during the application and interview processes, he should have also familiarized himself with the University and law school’s policies and faculty contracts. Despite this, Van Tatenhove forged ahead with his candidacy for dean and then defended his appointment against public outcry. Exs. 13, 43. In doing so, he tortiously interfered with Woodcock’s employment agreement.

PARTIES

5. ***Ramsi A. Woodcock*** is Edward H. Metcalf Jr. Professor of Law at the J. David Rosenberg College of Law (“law school”) of the University of Kentucky (“University”). Woodcock associates with the law faculty in order to send the message that his professional advancement depends upon the judgment of his scholarship by people determined by the faculty to be qualified to render such judgments. He joined the faculty as an Assistant Professor in 2018. Based on a review of his scholarship, teaching, and service, the faculty recommended him for promotion to Associate Professor with tenure in 2022 and to Full Professor in 2025. The University duly granted him tenure and appointed him to those positions.

6. ***Gregory Van Tatenhove*** is a Judge in the United States District Court for the Eastern District of Kentucky. Ex. 7. Prior to his appointment to the bench in 2006, he was United States Attorney for the Eastern District of Kentucky for four years, chief of staff to a U.S. congressman for six years, and a trial attorney for three years in the U.S. Department of Justice. *Id.* He has no experience in academic administration, has never held a full-time job as a law professor, and lists no scholarly publications on his CV. *Id.* On March 6, 2026, the University announced that he would be the next dean of the law school. Ex. 17. He started as dean on July 20, 2026. Ex. 75.

7. ***Eli Capilouto*** is the President of the University of Kentucky. The University of Kentucky Board of Trustees (“board”) has delegated to him “the authority to . . . appoint . . . all

employees”, “promulgate and implement *Administrative Regulations*”, “supervise and administer all phases of the University”, and “take all measures necessary to comply with state and federal law as well as the requirements of all accrediting bodies.” Governing Reg. III —The President § B, Ex. 37. The board has stated that this delegation “is consistent with the University’s accrediting body.” Governing Reg. I — Decl. Princips. § A.3, Ex. 26. Jointly with DiPaola, Capilouto reviews feedback regarding dean candidates and selects deans. Ex. 14, 6–7.

8. **Robert DiPaola** is the Provost of the University of Kentucky. As Provost, DiPaola “is the chief academic officer for the University”, “is responsible for faculty employee functions”, and “has the authority to manage the employment” of “the faculty.” Admin. Reg. 1:1 § IV.F, Ex. 66 (possibly superseded by Admin. Reg. — Univ. Org, Ex. 22.). He “reviews and recommends to the President and the Board of Trustees on faculty appointment, reappointment, and tenure matters.” *Id.* DiPaola “appoint[s]” “[s]earch committees for deans of colleges”. Admin. Reg. — Univ. Appts. (Formerly GR VIII) § A.3. Jointly with Capilouto, DiPaola reviews feedback regarding dean candidates and selects deans.

9. **University of Kentucky** (“University”) is the Commonwealth of Kentucky’s flagship public university and a top-tier research university in the United States. Its mission is to “[e]xpand[] knowledge through . . . scholarship[.]” Ex. 18. It is governed by a Board of Trustees that has delegated its authority to appoint deans to Capilouto in his capacity as president of the University. Governing Reg. III —The President § B, Ex. 37.

JURISDICTION AND VENUE

10. This Court has subject-matter jurisdiction over this action pursuant to Section 112(5) of the Kentucky Constitution, KRS 23A.010, KRS 418.040 (declaratory judgments), and KRS 45A.245(1) (waiving sovereign immunity for written contracts). The matter in controversy exceeds

the minimum jurisdictional limits of the Circuit Court, and Woodcock seeks declaratory relief, temporary, preliminary, and permanent injunctive relief, and monetary damages.

11. This Court has personal jurisdiction over Capilouto, DiPaola, and Van Tatenhove because they are domiciled in the Commonwealth of Kentucky. This Court has personal jurisdiction over the University because it is a Kentucky public university and state agency with administrative offices located within the Commonwealth.

12. Venue is proper in the Franklin Circuit Court pursuant to KRS 45A.245(1), which requires that any action against the Commonwealth arising from a written contract must be brought exclusively in the Franklin Circuit Court. All counts arise out of the same nucleus of operative facts, making joinder of all claims in Franklin Circuit Court proper and efficient.

FACTUAL ALLEGATIONS

A. Capilouto and DiPaola Select “Candidate D” Over the Objection of the Law Faculty

13. As outgoing University board member Hollie Swanson observed in remarks to the board on June 30, 2026, Capilouto has governed the University in a “top-down” fashion. Ex. 76. Until this spring, the most notable example of this approach was his successful 2024 push to dissolve the University’s faculty senate. Exs. 67, 68. In the wake of the senate’s dissolution, the University sought to learn the identity of the faculty senators who had passed a vote of no confidence in Capilouto, forced out the senate’s last president, and, in exchange for settling her employment claims, insisted that she promise not to exercise her right to seek records regarding her ouster. Exs. 67, 68.

14. It is against this backdrop that the University undertook a search for a new dean of the law school over the past academic year. At least for the past half century, the University had never appointed a dean of the law school over the objection of the faculty. Ausness Decl. ¶ 3. And,

with the single exception of the outgoing interim dean, who served from 2025 to 2026, deans of the law school had, at least for the past half century, always pursued a career as a law professor prior to becoming dean. Ausness Decl. ¶¶ 1, 3, 6. That changed this year.

15. In 2025, the University commenced a search for a new law dean. The job announcement that the University posted online stated that any candidate “[m]ust qualify for appointment at the rank of tenured, full professor” and “[r]equired” “academic administrative leadership experience arising from a senior-level administrative role such as department chair, center director, associate dean, or dean”. Ex. 3. Between January 16, 2026 and February 3, DiPaola brought four University-selected finalists for the position of dean of the law school to campus to participate in open fora with the University community. Exs. 1, 2. The final candidate to visit was Van Tatenhove, who was described by the University during the search process as “Candidate D”. Woodcock Decl. ¶ 25. On February 4, after the conclusion of the campus visits, Joshua Douglas and Beau Steenken, acting in their capacity as Associate Deans of the law school, sent an email to DiPaola, copying George Wright, who is “Senior Advisor to the President”. Ex. 8, 10; Woodcock Decl. ¶ 26. The email stated that “[t]he views expressed here are the collective views of the faculty”. The email informed DiPaola that a “substantial majority of the faculty found” three of the finalists to be “acceptable.” Ex. 8. The email stated that these finalists “all possess” “academic [administrative] experience” and “a strong scholarly record.” *Id.* The email further stated, however, that a “substantial majority of the faculty found Candidate D to be unacceptable to be our next Dean.” *Id.* The email explained that

[f]aculty expressed that Candidate D does not exhibit “progressive and broad academic administrative leadership experience arising from a senior-level administrative role such as department chair, center director, associate dean, or dean.” Additionally, a substantial majority of the faculty expressed concern that Candidate D does not possess the necessary qualifications (including a record of scholarship) to be granted tenure under the Rosenberg College of Law’s current rules, such that their appointment would fail to satisfy ABA Rule 203(b), which calls for the Dean of a law school to be appointed as a member of the faculty with tenure.

Id.

16. Capilouto and DiPaola jointly review feedback on dean candidates and jointly select deans. Ex. 14 at 6–7. On information and belief, they did not make an offer to any of the three finalists approved by the faculty. Woodcock Decl. ¶ 22. They also did not solicit individual “written statements from at least the tenured members of the college” regarding the appointment, as required by University regulations. Admin. Reg. — Univ. Appts. (Formerly GR VIII) § A.3, Ex. 74; Woodcock Decl. ¶ 30. Instead, on February 27, they made an offer to Van Tatenhove to become the next dean of the law school. Ex. 11. The offer letter, which was signed by DiPaola, stated that Van Tatenhove would be the “chief academic . . . officer” of the law school. *Id.* It further stated that Van Tatenhove would be required to “[c]reate and implement clear” “research priorities” “agree[d] upon” with DiPaola and that these “priorities” “should be established within [his] first year.” *Id.* In exchange, Van Tatenhove would receive a salary of \$442,000 per year. *Id.* In the event that the University were to remove him “without cause” in the first three years of his six-year contract, he would continue to receive his salary for three years, amounting to a golden parachute of \$1.3 million. *Id.* This appears to be the first time that the University had ever promised a golden parachute to a law school dean. *See* Exs. 63–65. Van Tatenhove’s salary was also \$62,000 higher than the salary of the previous dean. Ex. 65. And it came on top of the \$249,000 annual pension that Van Tatenhove would receive from the federal government upon retiring from the bench.³ Van Tatenhove accepted the offer on or before March 3 and DiPaola publicly announced the appointment on March 6. *Id.*; Ex. 17.

³ A federal judge who retires after his years on the bench and his age sum to eighty receives a pension at a rate equal to his annual salary. 28 U.S.C. § 371(a), (c). Van Tatenhove was born in 1960 and appointed to the bench in 2006. Exs. 7, 50. The current annual salary of a federal district judge is \$249,000. Ex. 49.

B. The Appointment of Van Tatenhove Significantly Affects Woodcock’s Ability to Leverage His Association With the Law Faculty to Send the Message That His Work and Career Depend Upon Peer Review

17. Woodcock associates with the law faculty in order to send the message that his professional advancement depends upon the judgment of his scholarship by people determined by the faculty to be qualified to render such judgments, a process known as “peer review”. Woodcock Decl. ¶¶ 1–8. This message of peer review certifies to the public that his research conclusions have been subject only to the influence of other people who, like him, have dedicated their lives to the search for truth. *Id.*; Ex. 27. Absent that certification, his writing cannot command the special respect and attention directed by the public toward the conclusions of academics. *Id.* It is, in other words, the platform that permits Woodcock to command the attention of the public. *Id.* Without it, his research conclusions are accorded no more value or respect by the public than the conclusions of researchers in industry, thinktanks, or advocacy organizations. *Id.* As the American Association of University Professors (“AAUP”) noted in the 1915 Declaration of Principles on Academic Freedom and Academic Tenure, “[t]he lay public is under no compulsion to accept or to act upon the opinions of the scientific experts whom, through the universities, it employs” except “to the extent” that the “conclusions” of those experts are “motiv[ated]” by “a desire for the respect of their fellow experts”. *Id.* at 294. To the extent that Woodcock’s conclusions are not subject to peer review, but instead are subject to the review of “the individuals who endow or manage universities”, his “proper influence” “upon public opinion is diminished and vitiated[.]” *Id.* at 295–95. The faculty, including Woodcock, send this message of autonomy when the faculty declare their mission to be to “engage in robust exploration and dissemination of ideas” and to “advanc[e]” “legal knowledge” through “scholarship.” Ex. 29; L. Fac. R. & Pol’ys § 13.B, Ex. 30. As the AAUP has noted, whenever a faculty declares that its “purpose is” “to advance knowledge”, it seeks to convey the message to the public that the scholarship and teaching of its members has or will be “tested” by people “trained

for, and dedicated to, the quest for truth” rather than by “the opinions or prejudices of men who have not been set apart or expressly trained for the scholar’s duties.” Ex. 27 at 294–95, 300.

18. The phrase “peer review” as used in this Complaint has a meaning distinct from the phrase’s use to describe the process whereby faculty experts in a field decide which academic articles should be published in a scholarly journal in the field. As used in this Complaint, “peer review” means that the faculty of a particular academic unit, such as the faculty of a law school, decide the appointment, promotion, and retention of other faculty within the unit based on a review of their scholarship. In other words, here it means faculty autonomy or self-regulation within the university. “Peer review,” as used in the context of academic journals, is largely derivative of peer review in the sense of faculty self-regulation within a university, because faculties within a university normally impose a requirement of publication in peer reviewed journals as a condition for professional advancement within the faculty unit. In this regard, faculty outsource quality control to journal reviewers but retain the final say over the quality of a faculty member’s work.

19. DiPaola’s announcement of Van Tatenhove as the next dean immediately impaired Woodcock’s ability to leverage his association with the law faculty to send his message of peer review. Woodcock Decl. ¶¶ 10–13. From that moment onward, he could reasonably expect that in substantial part his professional advancement would depend upon the judgment of his scholarship by someone determined by the faculty to be unqualified to render such judgments. *Id.* The public could have such a reasonable expectation as well. *Id.* Although the public may not have learned that the faculty had rejected Van Tatenhove until April 13, when Woodcock published an opinion piece in the Louisville Courier Journal opposing the appointment, the public knew from the career highlights listed in DiPaola’s March 6 announcement that the University had hired a new dean lacking any academic administrative experience or scholarly record. Exs. 17, 77. From that point on, the public could reasonably expect that Woodcock’s writing and speaking would be influenced by a

desire to please a non-scholar incoming dean. Woodcock Decl. ¶¶ 10–13. Woodcock’s writing and speaking after the announcement have included the uploading of three new or revised papers on the economic analysis of law to the Social Science Research Network (SSRN) public repository of legal research, his remarks as a participant in a scholarly roundtable at the Law and Society Annual meeting in San Francisco, and his interview by a newspaper regarding surge pricing. Woodcock Decl. ¶ 13.

20. Woodcock would have every reason to distort his research conclusions to please Van Tatenhove because a law school dean can destroy a faculty member’s career by making a negative evaluation of his scholarship. According to University regulations, the dean is ipso facto a “member[]” and “chair of the college faculty[,] and an ex officio member of all college committees”, including the Retention, Promotion and Tenure Committee. Admin. Reg. — Univ. Org. §§ E.3.a, F.2.c, Ex. 22; L. Fac. R. & Pol’ys § 14.A, Ex. 30. Because the law school does not have departments, the dean exercises the powers of a department chair in addition to those of dean, which include “the periodic evaluation of” faculty members. Admin. Reg. — Univ. Org. at §§ F.2.c, F.2.e, Ex. 22. Such evaluations include “a qualitative judgment of the faculty employee’s . . . scholarship[.]” AR 3:10 Perf. Rev. § A.1, Ex. 23. Based on this evaluation, the dean is “responsible for recommendations” to Capilouto on “salaries”, “appointments”, “promotions”, and “decisions not to reappoint”. Admin. Reg. — Univ. Org. at § F.2.c, Ex. 22. Under Kentucky law, “[f]ailure to meet performance” “requirements may result in removal of a” “professor regardless of” tenure “status.” Ky. Rev. Stat. § 164.230(5). The dean may “depart from recommendations of [the rest] of the college faculty” and “speaks for the college.” Admin. Reg. — Univ. Org. § F.2.c, Ex. 22.

21. The impairment of Woodcock’s ability to send the message of peer review has inflicted economic loss on Woodcock. He left a job at WilmerHale, a top corporate law firm, to go into academia, taking a 50% pay cut at the time. Woodcock Decl. ¶ 1. And he took another pay cut

to move to University of Kentucky from a position on the tenure track at Georgia State University because the provost at Georgia State at the time had a record of interfering in the promotion decisions of the faculty at that school. Woodcock Decl. ¶ 7–8. These pay cuts were a net gain for Woodcock because the University promised him a number of valuable services in return, one of which was the platform for his scholarly conclusions that the ability to send the message of peer review provides. *Id.* at ¶¶ 7–9. Woodcock requested information regarding the extent of University interference in faculty decisionmaking before he accepted his offer. *Id.* at ¶ 8. The appointment of Van Tatenhove deprived Woodcock of the benefit of that bargain.

22. The loss inflicted on Woodcock was particularly large, and included mental emotional, reputational, and dignitary harm, because Woodcock was already living with the consequences of the appointment of a non-scholar dean. *Id.* at ¶ 23. The University appointed James Duff as interim dean in early July, 2025, on information and belief without consulting the faculty. Ex. 56; Woodcock Decl. ¶ 22. On July 18, 2025, Duff suspended Woodcock from teaching and banned him from the law school building. *Id.* In sworn testimony, Duff later explained that he had made a “judgment call” to suspend Woodcock based on Woodcock’s speech about Palestine because, in Duff’s opinion, the speech “wasn’t” “academic work” and he felt that “the taxpayers of Kentucky should not have to fund someone’s personal viewpoints”. Ex. 52 at 184, 194. Like Van Tatenhove, Duff had no prior academic administrative experience and was not a scholar. Ex. 54. By contrast, the interim dean who immediately preceded Duff was a longtime member of the University faculty. Woodcock Decl. ¶ 22. Like Duff (a pallbearer at Chief Justice Rehnquist’s funeral) and Van Tatenhove (nominated for the bench by U.S. Senator Mitch McConnell, the former Senate Republican Leader), Salamanca was well connected in Republican circles, having served in the first Trump Administration. *Id.* But he did not retaliate against Woodcock’s speech regarding Palestine. *Id.* Instead, he defended Woodcock’s right to speak and allowed Woodcock to speak about Palestine

at faculty meetings. *Id.* The effect of Duff's actions on Woodcock's platform was severe, but the temporary nature of Duff's appointment imposed a limit on the harm. *Id.* at ¶ 23. The appointment of a man with the same lack of scholarly experience as Duff as permanent dean removes that temporal limit. *Id.*

C. The Appointment Violates University Policies and Accreditation Standards, and Breaches the University's Contract with Woodcock

23. In their email to DiPaola, the faculty had noted that his appointment violated accreditation standards of the American Bar Association (ABA). Ex. 8. ABA accreditation plays a key role in the viability of the law school. Students cannot obtain federal student loans to attend law school unless the school is accredited by the ABA. 20 U.S.C §§ 1001(a)(5), 1070(a). And, short of petitioning the Kentucky Board of Bar Examiners for an exemption, a law school graduate cannot obtain a license to practice law in Kentucky without having graduated from an ABA-approved law school. Ky. R. Sup. Ct. 2.014(1), (3).

24. The ABA's Standard 203(b) (contained in the ABA's 2025-2026 Standards and Rules of Procedure for Approval of Law Schools) provides that "[e]xcept in extraordinary circumstances, a dean shall also hold appointment as a member of the faculty with tenure." Ex. 19. In his announcement of the appointment, DiPaola stated that the appointment was "pending approval of the Board of Trustees". Ex. 17. Because such appointments require board approval but the appointment of administrators does not, that implied that Capilouto and DiPaola were planning on granting Van Tatenhove a tenured position on the faculty notwithstanding the faculty's view that Van Tatenhove "does not possess the necessary qualifications (including a record of scholarship) to be granted tenure under the Rosenberg College of Law's current rules". Governing Reg. II — The Board of Trustees § H.2, Ex. 78. But the University later backtracked, stating that Van Tatenhove did not seek a tenured appointment. Ex. 14 at 7.

25. Another provision of the ABA rules, Interpretation 203-1, provides that “[e]xcept for good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty.” Ex. 19. In their email, the faculty had stated that a “substantial majority of the faculty found [Van Tatenhove] to be unacceptable to be our next Dean.” Ex. 8.

26. AAUP statements provide guidance about what counts as “good cause” and “extraordinary circumstances” under ABA rules. The AAUP’s 2006 Statement on Faculty Evaluation of Administrators makes clear that administrators must (1) provide “compelling” reasons why they have chosen to “overrid[e]” “the faculty[’s] judgment” that other candidates should have been chosen and (2) “state[]” those reasons “in detail.” Ex. 32 at 129.

27. The only reasons that DiPaola’s announcement provided for the appointment of Van Tatenhove were that Van Tatenhove had served on “various organizational committees” while a judge, taught a course as an adjunct instructor at the law school, and had “experience advancing strategic goals and engaging with broad groups of internal and external stakeholders”. Ex. 17. These reasons did not appear to Woodcock to describe the “good cause” or “extraordinary circumstances” necessary to set aside ABA Interpretation 203-1 or ABA Standard 203(b). The faculty had approved three other University-selected finalists for the position and on information and belief Capilouto and DiPaola had not made an offer to any of them before selecting Van Tatenhove.⁴ Ex. 8.

28. The University and its employees, including Capilouto and DiPaola, have an incentive to follow ABA rules because noncompliance can lead the ABA to impose sanctions on the

⁴ This was not the first time that Capilouto and DiPaola had placed the law school in violation of ABA rules. After Capilouto and DiPaola imposed what was described as a debt obligation on the law school that effectively diverted large shares of law student tuition away from law school operations, the ABA concluded in early 2023 that the University was “not in compliance with [ABA] Standard 202(a)”, which provides that “anticipated financial resources available to the law school shall be sufficient for it to” “carry out its program of legal education.” Ex. 70. After the University backtracked, the ABA ruled later that year that the University had come back into compliance. Ex. 71.

law school, including the withdrawal of accreditation.⁵ The University’s own governing and administrative regulations also specifically command the University, Capilouto, and DiPaola to follow ABA rules independently of whether the ABA imposes a sanction for their violation. The administrative regulation titled “Employee Code” promulgated by Capilouto and binding on him and DiPaola as University employees states that “employees must comply with . . . accreditation requirements.” Admin. Reg. — Employee Code § D, Ex. 20. The ABA standards and interpretations are “accreditation requirements” for the law school. And the governing regulation issued by the board that directs the president of the University to “develop” “codes of conduct” such as the Employee Code declares that “[t]he decisions and behaviors of members of the University community shall be guided by the core value[] of” “personal and institutional responsibility and accountability”. Governing Reg. I — Decl. Princs. § E, Ex. 26.

29. The University’s accreditor, SACSCOC, also imposes a requirement that is relevant to this case. SACSCOC Requirement 10.4(a) provides that the University must “publish[] and *implement[]* policies on the authority of faculty in academic and governance matters[.]” Ex. 73 at 7 (emphasis added).

30. The governing and administrative regulations, including the accreditation requirements that they incorporate, are part of Woodcock’s employment contract. The offer letter that Woodcock and the law school dean signed when Woodcock joined the faculty in 2018 describes the position to which the University appointed Woodcock using terms that are only defined in University regulations (e.g., it appoints him “Assistant Professor” in “our Regular Title Series”, two terms that are defined only in Administrative Regulation 2.1-1 § V.A. and Administrative Regulation 2.2-1 § III.B.1(a)) and states that his “responsibilities” are “as outlined in the . . . University of

⁵ Rules of Procedure for Approval of Law Schools 2025-2026, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2025-2026/2025-2026-rules.pdf.

Kentucky rules and regulations.” Ex. 21. Both the offer letter and the governing and administrative regulations concern the rights and duties of employees. Woodcock has worked continuously for the University since 2018 while various iterations of the governing and administrative regulations, including Governing Regulation I, with its promise of institutional accountability, and the Employee Code, with its requirement of compliance with accreditation requirements, have remained in effect. The language of the governing and administrative regulations uses phrases such as “shall be” and “must comply”. Moreover, the Faculty Handbook refers to “the contract between the faculty member and the institution” and states that “[s]pecific questions regarding the rights and duties of University employees - including faculty employees - can only be resolved by reference to the appropriate official documents”, which the Faculty Handbook describes as including “the Governing Regulations, and the Administrative Regulations[.]” Ex. 40. And Woodcock was granted tenure under this agreement in 2022.

31. Van Tatenhove was aware that law faculty such as Woodcock had a binding contractual right to the University’s compliance with accreditation requirements. His role as Judge on the U.S. District Court for the Eastern District of Kentucky required him to be aware of it. Starting in 2020, Van Tatenhove presided over a lawsuit filed against the University by a tenured professor who had been charged by the University with violating the section of a predecessor of the University’s current Employee Code that required compliance with accreditations rules. Ex. 42; Governing Regulation XIV § B, Ex. 41. If those rules were not part of the professor’s contract, his violation of the rules could not serve as a basis for terminating him. One of Van Tatenhove’s six separate opinions in the case discussed a University governing regulation and the tenured faculty member’s contract in detail. *Cunningham v. Blackwell*, 568 F. Supp. 3d 799, 813–16 (E.D. Ky. 2021). Van Tatenhove was also aware of the Kentucky legal doctrine recognizing personnel policies, such as the Employee Code, as contracts binding on employers because he had applied the doctrine in

another case. *Fbk Partners, Inc. v. Thomas*, No. Civil No. 09-292-GFVT, slip op. 11-12 (E.D. Ky. Nov. 30, 2010) (discussing *Parts Depot v. Beiswenger*, 170 S.W.3d 354, 362–63 (Ky. 2005)).

D. Defendants Carried Forward the Appointment After Notice Regarding Its Deficiencies

32. Faculty reaction to Van Tatenhove’s appointment was predictably negative. Douglas Michael, who is Thomas P. Lewis Professor of Law and a former Associate Dean of the law school, wrote to DiPaola: “Good people will leave. You have made us a laughingstock among law schools. New candidates – faculty, staff, and students – will be repelled. And who can blame them?” Ex. 36.

33. All University employees have a duty to “report incidents that may constitute a violation of any . . . accreditation requirements.” Admin. Reg. — Employee Code § E.1, Ex. 20. Failure to do so can result in termination. *Id.* at § E.2. Accordingly, on March 11, Woodcock emailed a report of the violations of Standard 203(b) and Interpretation 203-1 to the board. Ex. 61. On March 12, he sent a similar report to Capilouto. Ex. 62. He received no response. On April 3, Woodcock filed a complaint with the ABA but received no immediate response.⁶ Ex. 59. On April 13, Woodcock published an opinion piece in the Louisville Courier Journal stating that Van Tatenhove had been appointed over the objection of the faculty.⁷ He wrote that

[t]he ABA requires that law schools respect the faculty’s views for a reason. Scholars are in the business of producing knowledge. And freedom of thought is an essential input into the production of knowledge. But there’s only one group in a university that is likely to stand up to the incessant demands from pressure groups that professors

⁶ According to the ABA, if the ABA “concludes that the complaint does not raise issues relating to an approved law school’s compliance with the Standards, the matter will be closed.” Ex. 58. In this case, however, the ABA chose to investigate. On June 9, the ABA wrote to Woodcock that “[a]fter a thorough review of your complaint the [ABA] Council [of the Section of Legal Education and Admissions to the Bar] has determined that the complaint may raise issues relating to the Law School’s compliance with the Standards. The Managing Director’s Office will send the complaint to the Law School and request that the school provide a response[.]” Ex. Ex. 60. Woodcock does not know the status of the ABA’s investigation because, according to the letter, “all matters relating to the accreditation of a law school are confidential” and the letter is “the final communication [he] will receive in response to [his] complaint.” *Id.*

⁷ Ramsi A. Woodcock, *UK Law School is Ignoring Faculty, Risking Its Accreditation*, The Courier-Journal, <https://www.courier-journal.com/story/opinion/contributors/2026/04/13/uk-law-school-dean-judge-greg-van-tatenhove-accreditation-faculty-objection-andy-barr/89550365007/>.

adhere to the ideological orthodoxy du jour: the professors themselves. Professors cannot resist outside pressure, however, if they cannot choose their own leaders.

Ex. 77. He also wrote that

Why are University of Kentucky administrators bucking a tradition of faculty governance that stretches back to World War II? The answer is: we don't know. And that's a problem. . . . Against the backdrop of the university's silence, it is hard not to see political influence at work. . . . Without more transparency from the university, the sleep of reason produces monsters, as Goya once remarked. But little transparency appears forthcoming.

Id.

34. On April 21, Kentucky Governor Andy Beshear expressed “concern[]” on Facebook that “the new dean of law was the only candidate not recommended by law school faculty”. Ex. 12. He wrote that “I’ve been told that despite previously saying the dean must be approved by UK’s Board of Trustees, the university has shifted and now states that approval is not needed.” *Id.* He urged the University community to “ask” “tough questions” at the next board meeting. *Id.* After the Kentucky Republican Party and the Republican speaker of the Kentucky House, for whom Van Tatenhove’s wife serves as general counsel, publicly defended the appointment, Beshear followed up the next day on X, writing that “[s]ince yesterday I have received countless calls and messages agreeing that the University of Kentucky needs to reconsider its recent actions.” Ex. 47. He continued: “[t]he fact that a political party defended the law school dean’s appointment is telling. Kentuckians deserve a nonpartisan university[.]” *Id.* In early 2025, former interim dean Paul Salamanca disclosed to Woodcock that U.S. Senator Mitch McConnell and U.S. Congressman Andy Barr had both called the University to lobby for Salamanca to be appointed permanent dean. Woodcock Decl. ¶ 19. (He was ultimately passed over.) On March 6, the day DiPaola announced Van Tatenhove as dean, Barr issued a press release celebrating the appointment of his “friend” Van Tatenhove. Ex. 25.

35. On April 23, DiPaola and Van Tatenhove attended a board committee meeting at which DiPaola introduced Van Tatenhove—to applause—as the “incoming dean” of the law school and dismissed accreditation concerns, arguing that “it would be a number of years before we’re reviewed again by the ABA”. Exs. 13–14. He also identified “financial pressures”, “workforce alignment needs”, “demand for new academic programs”, “artificial intelligence”, and “the need for external fundraising” as “extraordinary circumstances” justifying appointing a dean who would not be a tenured member of the faculty. Ex. 14. He did not attempt to explain why those circumstances precluded selection of any of the other three finalists approved by the faculty, one of whom has said that she would have accepted an offer. Ex. 28.

36. Van Tatenhove defended his appointment to reporters at the meeting. Ex. 13. He said that he had spoken with “faculty” earlier that day, conceded that he faced “strong disagreement” about the “best profile for the university”, and said (in paraphrase) that he “plans to grow the faculty”. *Id.* Despite having been ruled “unacceptable” by the faculty in their email, Van Tatenhove also said that he “could not be more honored and excited to have been accepted as dean and appointed as dean of my alma mater.” *Id.* At the meeting, DiPaola apparently did not address why there might be “good cause” to appoint a dean over the stated objection of the faculty, as required by ABA Interpretation 203-1.

37. On April 24, Capilouto defended the appointment before the full board. Ex. 15. He, too, introduced Van Tatenhove as the “next dean” of the law school. In contravention of the plain language of ABA Interpretation 203-1, he argued that (in paraphrase) “American Bar Association standards” “do not exist to give a group of faculty veto power on decisions[.]” Ex. 79. Echoing DiPaola’s claim that Van Tatenhove was needed “for external fundraising”, Capilouto emphasized that “alumni leaders strongly support” Van Tatenhove. Ex. 15. J. David Rosenberg, for whom the

school is currently named, had earlier told reporters that Van Tatenhove would “engage” “alumni in supporting [the school’s] success”. Ex. 80. He attended the board meeting.

38. Capilouto and DiPaola’s emphasis on Van Tatenhove’s fundraising promise contrasts with Van Tatenhove’s CV, which is devoid of fundraising experience. Ex. 7. Van Tatenhove spent nearly thirty years either as a government lawyer or a federal judge—roles in which fundraising is not appropriate. However, Van Tatenhove has a history of accepting gifts from Joe and Kelly Craft, who are major donors to the University. Ex. 24. In consequence, Van Tatenhove placed them on his “permanent recusal” list as federal judge. *Id.* Joe Craft is a graduate of the law school. And alumni donors appear to have worked very closely with law school deans in the past or to have attempted to influence the intellectual life of the law school. In August 2024, former interim dean Paul Salamanca told to Woodcock that a wealthy family had recently asked Salamanca to invite Thomas Chatterton Williams—a writer known for his criticism of identity politics—to campus in exchange for a potential gift to the school. Woodcock Decl. ¶ 18. Salamanca also told Woodcock that he spoke to alum and major donor J. David Rosenberg on the phone every day. *Id.*

39. At the board meeting on April 24, the board voted to convene a working group to consider whether the University’s governing regulations should be revised to allow the board to vote on dean appointments “going forward” and report back to the board at its next meeting. Ex. 15. At that next meeting, on June 30, the board directed Capilouto to revise the governing regulations to ensure that “all future Dean appointments are approved by the” board. Ex. 16. However, the board did not block the appointment of Van Tatenhove. His contract specified his start date as July 15, 2026, but he started on July 20, 2026. Exs. 11, 75.

E. Van Tatenhove's Appointment Has Created Ongoing Irreparable Harm that Will Increase Once Classes Start on August 24, 2026

40. Because the announcement of Van Tatenhove as dean immediately diluted Woodcock's message that his work is subject to peer review and indeed compelled him to send the opposite message that his work is subject to review by a non-peer, Woodcock has suffered an irreparable deprivation of constitutional rights since the announcement on March 6. Woodcock Decl. ¶¶ 12–13. After Van Tatenhove took office on July 20, 2026, that harm was magnified because Van Tatenhove's power to determine Woodcock's career path graduated from imminence to certainty, further burdening Woodcock's ability to send his message of peer review.

41. Every additional day that Van Tatenhove remains in office inflicts ongoing irreparable harm on Woodcock because Woodcock continually seeks to send his message of peer review and Van Tatenhove's presence continually dilutes that message or compels an opposing message. Woodcock Decl. ¶ 13. Woodcock seeks to send his message of peer review whenever a member of the public learns about his affiliation with the faculty, such as by viewing his faculty biography on the law school website or reading the asterisk footnote listing his faculty affiliation in a paper that he has published or circulated online. *Id.*

42. Every additional day that Van Tatenhove remains in office also inflicts ongoing irreparable harm on Woodcock because Van Tatenhove's effects on the composition of the faculty cannot be unscrambled. As Michael noted, good people will leave or refuse to join the faculty and the Court will be powerless to order them to join or rejoin the faculty in the future. Ex. 36. Moreover, Van Tatenhove's presence as dean will attract non-peer candidates for faculty positions. Woodcock Decl. ¶ 13. In consequence, non-peer faculty will be substituted for peer faculty. Because the dean can seek the counsel of any member of the faculty in evaluating Woodcock's performance, proliferation of non-peer faculty will further burden Woodcock's ability to send his message of peer

review. Admin. Reg. — Univ. Org § F.2.c., Ex. 22 (stating that “the dean shall seek the advice of the faculty of the college” “[i]n connection with” “faculty performance evaluations” “(1) individually, (2) as a whole, (3) through the elected college faculty council or (4) through the faculty advisory committees”). This Court is unlikely to order the termination of faculty hired by Van Tatenhove as part of a permanent injunction in this case. Harm associated with Van Tatenhove’s control over hiring is imminent because faculty candidates apply for positions in late August and September. Ex. 81. The law school plans to hire four faculty members this year. Woodcock Decl. ¶ 32.

43. Van Tatenhove’s start as dean on July 20, 2026, also placed the University in breach of its contract with Woodcock not to violate accreditation standards. Woodcock’s expectation damages are the damage done by the appointment to the peer review platform supplied to him by the University. The value of that platform is a share of the dollar value of the pay cut that Woodcock took in order to join the faculty. But the precise dollar value of that share is difficult to calculate, making that harm irreparable as well. This pecuniary harm will be magnified if additional non-peer faculty are hired because, like the harm associated with deprivation of Woodcock’s associational rights, this harm increases the more that Woodcock’s work is subject to judgment by non-peers on the faculty, as this further erodes Woodcock’s credibility as a scholar and reduces the benefit of the platform supplied to him by the University. Woodcock will also suffer harm to reputation and professional relationships, as well as mental and emotional harm, each of which is irreparable as well.

44. Because removal of Van Tatenhove mid-semester will be disruptive to the law school, irreparable harm can be minimized with minimal collateral disruption to the law school only by removing him on or about the start of classes on August 24, 2026.

F. The Faculty Executive Committee Is the Only Viable Interim Caretaker of the Law School Because Capilouto and DiPaola Once Appointed An Unqualified Interim Dean Without Consulting Faculty

45. Until a permanent dean approved by the faculty can be hired, the Faculty Executive Committee is the only viable caretaker for the law school. That is because Capilouto and DiPaola have appointed an unqualified interim dean without consulting faculty in the past. The Faculty Executive Committee of the law school is a committee of the law school faculty that in the past has advised the dean on matters of faculty performance and salary. L. Fac. R. & Pol'ys § 2.A, Ex. 30. Pursuant to law faculty custom, the committee consists of four members of the law school faculty elected annually, with each member of the committee permitted to serve no more than two consecutive terms. Ex. 69. In 2025, the University appointed James C. Duff as Interim Dean without, on information and belief, consulting with the faculty. Woodcock Decl. ¶ 22. Like Van Tatenhove, Duff had no academic administrative experience and had never held a full-time position as a law professor. His term ended on June 30, 2026. Ex. 63.

G. Procedural History

46. In order to stop ongoing irreparable harm, Woodcock filed suit in the U.S. District Court for the Eastern District of Kentucky on July 13, 2026, less than two weeks after the board omitted to block the appointment at the June 30, 2026, board meeting. *Woodcock v. Van Tatenhove*, No. 26-0262 (E.D. Ky. July 13, 2026). That same day, Woodcock moved for a temporary restraining order, expedited discovery, and a preliminary injunction based on a First Amendment expressive association claim against Capilouto and DiPaola and a Kentucky law tortious interference claim against Van Tatenhove. The District Court denied Woodcock's request for a temporary restraining order on July 20, 2026. Woodcock requested a preliminary injunction hearing on or before August 24, 2026 to minimize disruption to the law school associated with enjoining the appointment mid-

semester and to prevent irreparable harm associated with Van Tatenhove's supervision of the faculty hiring season, which starts in late August and September. The District Court denied Woodcock's request for expedited discovery on July 31, 2026, based tentative consideration exclusively of the First Amendment claim. Woodcock was unable to bring his Kentucky law breach of contract, arbitrary state action, or expressive association claims in the federal case due to *Pennhurst State School and Hospital v. Halderman*, 465 U.S. 89 (1983). There is no exact federal analogue of the Kentucky Constitution's prohibition on arbitrary state action. And the Kentucky Constitution provides broader protection for association than the First Amendment. *Blue Movies, Inc. v. Louisville/Jefferson County*, 317 SW 3d 23, 32 (Ky. 2010). With the clock ticking toward the start of classes on August 24, Woodcock voluntarily dismissed his federal case on August 3, 2026, and filed the instant action seeking relief based on his state rights.

LEGAL CLAIMS

Count I

Violation of Right of Expressive Association—Official Capacity

(Kentucky Constitution Sections 1(4), 1(6), 2, and 8)

Against Capilouto and DiPaola

47. Woodcock incorporates and restates each paragraph of this Complaint.
48. The faculty of the law school, including Woodcock, associate for educational purposes, including to advance knowledge regarding the law, engage in peer review of their scholarship, and train lawyers.
49. The faculty of the law school, including Woodcock, use their association with the faculty to convey their educational messages.
50. The appointment of Van Tatenhove as dean over the objection of the faculty forces the faculty, including Woodcock, to accept a leader of the faculty that the faculty do not want. That

is because the dean of the law school is the leader of the faculty. University regulations automatically make the dean a member of the faculty, chair of the faculty, ex officio member of all law school committees, and chief academic officer of the law school. Furthermore, the dean is empowered to make recommendations to the University's president regarding all law school business, including curricula and the appointment, promotion, performance, and termination of faculty, and may depart from the views of the rest of the faculty in doing so. And the dean is empowered to speak for the law school.

51. The faculty of the law school associate to convey the message that their professional advancement depends on "peer review", which is judgment of the quality of their scholarship by persons whom the faculty determine to be qualified to undertake such a task. The faculty convey this message in numerous ways, including through their decisions regarding whom to make a member of the faculty or their leader as dean, the mission statement that they publish on the law school website and in the law faculty rules, and when they declare their affiliation with the law faculty or the University of Kentucky at conferences or in publications.

52. The appointment of Van Tatenhove as dean over the objection of the faculty significantly affects the ability of the faculty to send their message because, as both a functional and a formal matter, the dean is both a member of the faculty and the leader of the faculty. He hires, promotes, and otherwise evaluates faculty members based on the quality of their scholarship. His negative evaluation can lead to termination of a tenured appointment to the faculty. Accordingly, the hiring of Van Tatenhove as dean dilutes the message that the faculty wish to send or otherwise compels the faculty to send the opposing message that their professional advancement does not depend on the judgment of persons whom the faculty have determined are qualified to evaluate the quality of faculty scholarship.

53. The faculty’s message that their professional advancement depends on peer review is a matter of public concern because it is an element of academic freedom, which, the Supreme Court has noted, “is of transcendent value to all of us, and not merely to the teachers concerned”. *Keyishian v. Board of Regents of Univ. of State of N.Y.*, 385 U.S. 589 (1966). It also operates as a certification that the work of faculty has not been distorted by outside interests, and is therefore information needed for the public to make informed decisions regarding whether their public law school is being operated efficiently.

54. The faculty do not speak for their employer when they send their message because their message is that their professional advancement is not subject to the control of their employer, at least insofar as it depends upon judgment of their scholarship. The faculty also do not speak for their employer because the message that they engage in peer review is a core academic function and specifically part of their scholarship. The certification that their message provides regarding the lack of outside influence over their work and indeed regarding the dependence of their work on the judgment of other scholars is what transforms their work from research into scholarship and is therefore inseparable from their scholarship.

55. Woodcock’s own speech is significantly affected by Van Tatenhove’s appointment because Woodcock uses his affiliation with the faculty to send the message that his scholarship is subject to peer review. Woodcock suffered harm starting the moment that Van Tatenhove’s appointment was announced on March 6, 2026, because, starting from that moment, the probability that his work would not be subject to peer review substantially increased. In consequence, his ability to use his membership on the faculty to send the message that his work would be subject to peer review was significantly affected. This harm further increased once Van Tatenhove took office on July 20, 2026, because that event further increased the probability that Woodcock’s work would not be subject to peer review. The longer Van Tatenhove remains in office, the greater the harm to

Woodcock because the presence of a non-peer on the faculty will tend to attract non-peer faculty candidates and repel peer candidates. Consequently, over time, peer faculty will be replaced by non-peer faculty. Because the dean may seek the counsel of any member of the faculty in evaluating Woodcock's performance, the presence of additional non-peers on the faculty will further increase the probability that Woodcock's work will not be subject to peer review and therefore further burden Woodcock's ability to use his membership in the faculty to send the message that his work is subject to peer review. In particular, the law school is preparing to hire four new faculty members this year. Because law faculty candidates typically apply for jobs in August and September, Van Tatenhove's exercise of control over hiring over the next two months will further increase the probability that Woodcock's work will not be subject to peer review and thereby inflict additional harm on him.

56. Woodcock's ability to send his message of peer review is burdened on an ongoing basis every single day because he seeks to send the message of peer review every single time he advertises his affiliation with the faculty—and that takes place continuously. For example, it takes place whenever a member of the public accesses his faculty profile on the law school website or sees his faculty affiliation noted in the asterisk footnote of one of his papers, and in numerous other circumstances. In addition, Woodcock has uploaded several scholarly papers to public websites, spoken at an academic conference, and spoken about his scholarship to the press since the announcement of Van Tatenhove as dean. As a result of the appointment of Van Tatenhove, he could not use his affiliation with the faculty to append the message that his work would be subject to peer review to those postings, conference statements, and statements to the press.

57. Furthermore, Woodcock has suffered continuous, ongoing harm since the appointment of Van Tatenhove was announced on March 6, 2026 because, since that time, Woodcock and the rest of the faculty have been deprived of the power to choose their own leader.

In consequence, Woodcock and the faculty have been unable to exercise control over an association that they use to send their educational messages. This ongoing deprivation of a constitutional right to associate is irreparable.

58. Because the harm inflicted by the deprivation of a constitutional right cannot be calculated in money terms, this ongoing deprivation of a constitutional right to expressive association is irreparable.

59. Capilouto and DiPaola are both personally responsible for the appointment of Van Tatenhove over the objection of the faculty. DiPaola extended the job offer to Van Tatenhove after the faculty had informed him that they objected to Van Tatenhove's candidacy. DiPaola reviewed feedback on Van Tatenhove with Capilouto and the two men jointly made the decision to extend the offer to Van Tatenhove. Both men later separately defended the appointment to the board.

Count II

Violation of Right of Expressive Association—Individual Capacity

(Kentucky Constitution Sections 1(4), 1(6), 2, and 8)

Against Capilouto and DiPaola

60. Woodcock incorporates and restates each paragraph of this Complaint.

61. In particular, Woodcock incorporates and restates each paragraph of Count I.

62. Woodcock has no means, such as a traditional tort action, of obtaining money damages to compensate for the harm inflicted upon him by Capilouto and DiPaola's violation of his right of expressive association.

63. Ensuring that a dean is not selected over the objection of the law faculty is a ministerial task because it requires only obedience to the orders of others—namely, the orders of the law faculty. This task arises from a fixed fact. The administrator is required to determine whether the

faculty have stated a collective objection to a candidate or not. And the act to be executed in response to this fixed fact is specific. If the faculty have objected, the candidate is to be rejected.

64. Capilouto and DiPaola acted in bad faith. After Woodcock drew attention to the free speech implications of the appointment in an Op-Ed, and there was a public outcry that included criticism from Kentucky's Governor, Capilouto defended the appointment to the Board of Trustees. As part of that defense, he stated that faculty do not have a right to veto the appointment of a dean. This articulates an express intent to do the opposite of what the Kentucky Constitution requires. Similarly, DiPaola defended the appointment to a committee of the Board of Trustees by observing that the ABA would not review the accreditation of the law school for a number of years. This suggests an intent to leverage delayed enforcement to violate accreditation standards that buttress Woodcock's right of expressive association.

65. Moreover, Capilouto and DiPaola's should have known that Woodcock had a clearly established right of expressive association. The free speech protections of the Kentucky Constitution include the free speech protections of the First Amendment of the U.S. Constitution. The authorities upon which Woodcock relies for his right of expressive association, including the authorities for law faculties as expressive associations, are at least two decades old. *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000); *Eu v. San Francisco County Democratic Central Comm.*, 489 U.S. 214 (1988); *Forum for Academic v. Rumsfeld*, 390 F. 3d 219 (3d Cir. 2004). And they should have known that their conduct would violate constitutional speech protections after Woodcock discussed speech implications in an Op-Ed. But they both defended the appointment in response instead of terminating it.

Count III

Arbitrary State Action—Official Capacity

(Kentucky Constitution Section 2)

Against Capilouto and DiPaola

66. Woodcock incorporates and restates each paragraph of this Complaint.

67. Capilouto acted in excess of his powers in deciding to appoint Van Tatenhove as dean. Capilouto exercises powers granted to him by the Board of Trustees. In making that delegation, the Board of Trustee indicated an intention that the delegation be consistent with accreditation requirements. Moreover, the University's Employee Code, which the Board of Trustees expressly tasks the University's president with promulgating, and which binds Capilouto as an employee of the University, expressly requires that Capilouto comply with accreditation requirements.

68. DiPaola, too, acted in excess of his powers in deciding to appoint Van Tatenhove as dean. DiPaola exercises power granted to him by Capilouto. The Employee Code binds Capilouto to comply with accreditation requirements. Accordingly, Capilouto is unable to delegate to DiPaola power to violate accreditation requirements. Moreover, the Employee Code also directly binds DiPaola to comply with accreditation requirements.

69. The appointment of Van Tatenhove violates ABA accreditation requirements. The ABA accredits the law school. ABA rules prohibit the appointment of a dean over the stated objection of the faculty without good cause and further prohibit the appointment of a dean without academic tenure other than in extraordinary circumstances. On February 4, the faculty stated their objection to the appointment of Van Tatenhove to DiPaola. And the University has said that Van Tatenhove will not seek tenure. As AAUP guidance makes clear, in order to meet the good cause and extraordinary circumstances exceptions, the University must provide compelling reasons why the three other finalists chosen by the University and approved by the faculty were not acceptable. In their statements to the board, DiPaola and Capilouto failed to provide any reasons for which the finalists approved by the faculty, one of whom has said that she would have accepted an offer, were

not acceptable. Instead, Capilouto and DiPaola's justifications amount at best to attempts to explain why Van Tatenhove's lack of a scholarly record and academic administrative experience should not immediately disqualify him.

70. The appointment of Van Tatenhove violates SACSCOC accreditation requirements. SACSCOC accredits the University. SACSCOC requires that the University enforce rules regarding faculty governance. The provision of the Employee Code requiring compliance with ABA accreditation standards is such a rule regarding faculty governance because the ABA requirements include provisions relating to faculty governance, including the requirement that a dean not be selected over the objection of the faculty and the provision that a dean must be a tenured member of the faculty. The appointment of Van Tatenhove does not comply with those ABA rules. The provision of the Administration Regulation on University Appointments, which requires that the University's provost obtain letters regarding dean candidates from at least the tenured members of the faculty prior to appointing a dean, is also a rule regarding faculty governance. DiPaola did not, however, solicit such letters before appointing Van Tatenhove.

71. There is a lack of substantial evidence to justify the selection of Van Tatenhove as dean. Capilouto and DiPaola have provided no evidence that would tend to induce conviction in the mind of a reasonable person that Van Tatenhove was a better choice than the three other finalists selected by the University and approved by the faculty. The evidence of participation in judicial committees and experience in adjunct teaching to which Capilouto and DiPaola have pointed does not even meet the explicit requirements listed in the University's own job posting for the position, which required that a candidate qualify for tenure and have academic administrative leadership experience. Much less does the evidence explain why Van Tatenhove was a better choice than three other candidates who met the requirements.

72. The appointment of Van Tatenhove also violates the University's own policies. It violates provisions of the governing regulations and Employee Code that require compliance with ABA accreditation standards and SACSCOC accreditation standards. It also violates the University's policy in its Administrative Regulation regarding University Appointments which requires that the University's provost solicit letters regarding dean candidates from at least the tenured faculty prior to selecting a dean. DiPaola failed to solicit such letters.

73. The appointment of Van Tatenhove also departs from at least fifty years of continuous University practice without explanation. Since at least 1973, the University has not appointed a dean or member of the faculty (a dean is automatically a faculty member under University rules) over the objection of the faculty. Capilouto and DiPaola's argument that Van Tatenhove has administrative experience serving on judicial committees and experience teaching as an adjunct do not explain this radical departure from settled practice.

74. In consequence of the University's arbitrary action, Woodcock has suffered irreparable harm. He and the rest of the faculty have been deprived of control over the principal vehicle through which they are able to make their scholarly voices heard: their association as the faculty of the law school, which is now led by a dean they do not want. Furthermore, they have been forced to admit a person they have judged not to be a peer into the role of judge of their performance as scholars. That has deprived them of the ability to send the message to the public that their voices are credible and worthy of attention. That in turn has destroyed a valuable platform that they leverage to spread their ideas and influence policy. The dollar value of that loss is difficult to calculate because it is one of many benefits that Universities supply to their law faculty in exchange for paying them less than what they could earn in law practice. And the accompanying loss of credibility has inflicted harm to Woodcock's reputation and professional relationships, as well as mental and emotional harm, all of which are irreparable.

75. Capilouto and DiPaola are both personally responsible for the appointment of Van Tatenhove over the objection of the faculty. DiPaola extended the job offer to Van Tatenhove after the faculty had informed him that they objected to Van Tatenhove's candidacy. DiPaola reviewed feedback on Van Tatenhove with Capilouto and the two men jointly made the decision to extend the offer to Van Tatenhove. Both men later separately defended the appointment to the board. DiPaola is also personally responsible for the failure to solicit letters regarding dean candidates from at least the tenured members of the law faculty prior to selecting Van Tatenhove as dean.

Count IV

Violation of Right of Expressive Association—Individual Capacity

(Kentucky Constitution Sections 1(4), 1(6), 2, and 8)

Against Capilouto and DiPaola

76. Woodcock incorporates and restates each paragraph of this Complaint.
77. In particular, Woodcock incorporates and restates each paragraph of Count III.
78. Woodcock has no means, such as a traditional tort action, of obtaining money damages to compensate for the harm inflicted upon him by Capilouto and DiPaola's arbitrary exercise of state power.
79. Ensuring that a dean candidate meets posted job requirements that he have academic administrative experience and be qualified to receive tenure is a ministerial task. Academic administrative experience is a fixed fact ascertainable from a resume. And a single specific act is to be executed in response. Namely, if such experience is lacking, the candidate is to be rejected. Determining whether the candidate is qualified to receive tenure requires only obedience to the orders of others—namely, the order of the law faculty whether to reject the candidate as untenurable. The Supreme Court has acknowledged that decisions regarding faculty qualifications

are the domain of the faculty and the University has long deferred to faculty in this regard. *Regents of Univ. of Mich. v. Ewing*, 474 U.S. 214, 226 n.12 (1985).

80. Ensuring that a dean is not selected over the objection of the law faculty is a ministerial task because it requires only obedience to the orders of others—namely, the orders of the law faculty. This task arises from a fixed fact. The administrator is required to determine whether the faculty have stated a collective objection to a candidate or not. And the act to be executed in response to this fixed fact is specific. If the faculty have objected, the candidate is to be rejected.

81. Ensuring that at least the tenured faculty write letters about dean candidates prior to the selection of a new dean is a ministerial task. It depends on a fixed fact: whether a dean search is under way. And it requires a single, specific action: soliciting letters from at least the tenured members of the faculty.

82. Capilouto and DiPaola acted in bad faith. After Woodcock’s Op-Ed drew attention to the unprecedented and unexplained nature of the choice of Van Tatenhove as dean, and a public outcry and comments from the Kentucky Governor echoed those concerns, Capilouto defended the appointment to the Board of Trustees. As part of that defense, he stated that faculty do not have a right to veto the appointment of a dean. This articulates an express intent to do the opposite of what University regulations, accreditation standards, and longstanding practice required. Similarly, DiPaola defended the appointment to a committee of the Board of Trustees by observing that the ABA would not review the accreditation of the law school for a number of years. This suggests an intent to leverage delayed enforcement to violate University regulations, accreditation standards, and longstanding practice. This intent is reinforced by the failure of both Capilouto and DiPaola to make any attempt to explain why the candidates approved by the faculty were inferior to Van Tatenhove.

83. Moreover, Capilouto and DiPaola should have known that Woodcock had a clearly established right against arbitrary exercise of government power. As recently as 2017, a Kentucky

court held that the University can be held liable for arbitrary action in violation of Section 2 of the Kentucky Constitution. *University of Kentucky v. Davis*, 551 S.W. 3d 443 (Ky. Ct. App. 2017). And they should have known that their conduct would violate Section 2's prohibition on arbitrary action after Woodcock drew attention to the unexplained and unprecedented character of their choice in his Op-Ed. But they both defended the appointment in response instead of terminating it.

Count V

Civil Conspiracy

Against Van Tatenhove, Capilouto, and DiPaola

84. Woodcock incorporates and restates each paragraph of this Complaint.

85. Van Tatenhove, Capilouto, and DiPaola formed a single plan to appoint Van Tatenhove dean of the law school over the objection of the faculty in violation of Woodcock's rights under the Kentucky Constitution to expressive association and to be free of arbitrary state action. After learning of the faculty's objection in early February, DiPaola reviewed feedback with Capilouto and the two men decided to make an offer to Van Tatenhove to enter into an agreement to appoint him dean of the law school. Van Tatenhove accepted the agreement on or before March 3. After the faculty's objection to the appointment became public, the three men each defended Van Tatenhove's appointment at meetings of the Board of Trustees on April 23 and 24. Van Tatenhove also allowed himself to be introduced as the incoming dean at the board committee meeting that he attended. The faculty's objection to the appointment and the consequences of the appointment for compliance with accreditation requirements were subjects of discussion at the meetings attended by Van Tatenhove, Capilouto, and DiPaola.

86. Each of the three men shared in the general conspiratorial objective because, in response to public outcry, each defended Van Tatenhove's appointment at meetings of the board of trustees either to the board itself or to reporters.

87. The three men undertook numerous overt acts in furtherance of the conspiracy. Van Tatenhove signed the offer letter, attended a board meeting at which DiPaola defended his appointment, met with faculty members who were opposed to his appointment, and defended his appointment to reporters at a board committee meeting. DiPaola signed the offer letter to Van Tatenhove and defended the appointment at a board meeting. Capilouto jointly decided with DiPaola to make the offer, invited a member of the law school's visiting committee to speak in defense of the appointment at a board meeting and himself defended the appointment at the board meeting.

Count VI

Breach of Contract

Against the University

88. Woodcock incorporates and restates each paragraph of this Complaint.

89. At all times during his appointment, Woodcock had access to the University's Employee Code and other rules and regulations.

90. Woodcock and the University have entered into a valid written agreement that includes the University's rules and regulations, including its governing regulations, regulation on University Appointments, and Employee Code. Woodcock's offer letter, which he and a law school dean signed, clearly refers to the University's rules and regulations, to which the governing regulations, appointments regulation, and the Code belong, and describes Woodcock's position using terms that are only defined in the regulations. Woodcock asked questions about University respect for faculty governance before signing. And the governing regulations, appointments regulation, Code and Woodcock's employment agreement share mutuality of subject matter because the governing regulations, appointment regulation, and Code govern the behavior of employees and the offer letter describes Woodcock's role and responsibilities as an employee of the University.

91. The University’s rules and regulations also constitute an express personnel policy that the University incorporates into the Faculty Handbook that it distributes, Woodcock has continued to work for the past eight years while the regulations, including the governing regulations, appointments regulation, and Employee Code, have remained in effect, and the language used in the regulations is not precatory. Indeed, the Employee Code states that employees “must comply” with accreditation requirements, the governing regulations state that the University “[m]ust [o]perate” in accordance with the principle of “personal and institutional responsibility and accountability”, and the appointments regulation states that recommendations for the appointment of deans “shall be” accompanied by written statements from at least the tenured members of the faculty. There is also no disclaimer of the legal effect of University regulations. Instead, the Faculty Handbook instructs readers to consult the regulations for information about the “rights and duties of University employees”.

92. Woodcock obtained tenure in 2022 and was promoted to full professor with tenure in 2025, while the regulations, including the governing regulations, appointments regulation, and Employee Code remained in effect.

93. The agreement was authorized by the Board of Trustees. The board delegates authority to hire faculty and to contract to the University’s president. The law school dean recommends appointments to the University’s provost and president and acts as an authorized agent of the University in signing offer letters. The Board of Trustees also approved the University’s grant of tenure to Woodcock in 2022 and its promotion of Woodcock to full professor in 2025 under the agreement.

94. The University’s governing regulations and Employee Code, which are part of Woodcock’s contract, bind the University to ensure that all its employees, including Capilouto and DiPaola, do not violate accreditation rules. The ABA accredits the law school. ABA rules prohibit

the appointment of a dean over the stated objection of the faculty without good cause and further prohibit the appointment of a dean without academic tenure other than in extraordinary circumstances. SACSCOC accredits the University. SACSCOC rules provide that University rules concerning faculty governance must be enforced. ABA accreditations standards, which are incorporated into University regulations through the Employee Code, concern faculty governance because they give the faculty a veto on the selection of deans and require that the dean be a tenure member of the faculty. The requirement of the appointments regulation that recommendations of deans be accompanied by written statements of at least the tenured members of the faculty concern faculty governance.

95. The University's appointments regulation, which is part of Woodcock's contract, binds the University to ensure that written statements of at least the tenured members of the faculty accompany recommendations regarding the appointment of deans.

96. The University breached its contract with Woodcock. Specifically, the University breached ABA accreditation rules requiring that a dean not be appointed over the objection of the faculty and that a dean be a member of the faculty with tenure. On February 4, the faculty stated their objection to the appointment of Van Tatenhove to DiPaola. And the University has said that Van Tatenhove will not seek tenure. As AAUP guidance makes clear, in order to meet the good cause and extraordinary circumstances exceptions to the ABA rules, the University must provide compelling reasons why the three other finalists chosen by the University and approved by the faculty were not acceptable. In their statements to the board, DiPaola and Capilouto failed to provide any reasons for which the finalists approved by the faculty, one of whom has said that she would have accepted an offer, were not acceptable. Instead, Capilouto and DiPaola's justifications amount to no more than attempts to explain why Van Tatenhove's lack of a scholarly record and academic administrative experience should not immediately disqualify him. Accordingly, Van

Tatenhove took office on July 20, 2026, in violation of accreditation requirements and hence in violation of the Employee Code and Woodcock's contract.

97. The University also breached SACSCOC accreditation rules requiring that the University enforce rules regarding faculty governance because the ABA accreditation rules breached by the University concern faculty governance. The University also breached SACSCOC accreditation rules requiring that the University enforce rules regarding faculty governance because the University did not obtain written statements from all of the tenured members of the law faculty to accompany the recommendation of Van Tatenhove as dean. The University's appointments regulation, which requires such statements regarding dean appointments, concerns faculty governance.

98. The University also breached the appointments regulation, which requires that written statements by at least the tenured members of the faculty accompany a recommendation regarding the appointment of a dean. Written statements of at least the tenured members of the faculty did not accompany the recommendation of Van Tatenhove.

99. These breaches of the contract have inflicted a pecuniary loss on Woodcock. Woodcock bargained for the University to abide by accreditation requirements—such as the rules that deans not be appointed over the objection of the faculty, that they be tenured faculty members, and that the University's rules regarding faculty governance be followed—as well as to give faculty the opportunity to provide written input regarding dean selection, that ensure that his professional advancement depends on the judgment of his scholarship by people determined by the faculty to be qualified to render such judgments. Adherence to these requirements, and the certification of lack of outside influence over his scholarship that they constitute, gives Woodcock a valuable public platform for his scholarship. Woodcock bargained for this consideration in exchange for taking a massive pay cut in relation to what he could be earning today in a career as a corporate lawyer in

industry or in relation to the appointment in the business school at Georgia State (where university administrators did not respect faculty judgments regarding scholarship) that he left in order to come to University of Kentucky. Van Tatenhove's appointment diminished the value of the platform provided Woodcock by the University the moment that the appointment was announced, further diminished it when Van Tatenhove took office on July 20, and will continue to diminish it as Van Tatenhove makes his mark on faculty hiring and retention, putting additional non-peers in a position to judge Woodcock's scholarship. Woodcock's scholarship is now subject to the judgment of a dean whom the faculty has determined not to be qualified to judge his work, suggesting the potential for influence by a non-scholar over his conclusions. This deprives Woodcock of the benefit of his bargain and will continue to do so. Because the dollar value of Woodcock's pay cut values a bundle of services provides to Woodcock by the University, of which peer review is but one, measuring the dollar value of the loss of peer review is difficult, making this ongoing pecuniary loss irreparable. The loss of credibility caused by the breach has also inflicted harm to Woodcock's reputation and professional relationships.

Count VII

Tortious Interference with Contract

Against Van Tatenhove

100. Woodcock incorporates and restates each paragraph of this Complaint.

101. At all times during his appointment, Woodcock had access to the University's Employee Code and other rules and regulations.

102. The University's Employee Code binds the University to ensure that all its employees, including Capilouto and DiPaola, do not violate accreditation rules. The Employee Code is part of Woodcock's employment agreement, including for the following reasons. Woodcock's offer letter, which he and a law school dean signed, clearly refers to the University's regulations, to

which the Code belongs, and describes Woodcock’s position using terms that are only defined in the regulations. Woodcock asked questions about University respect for faculty governance before signing. And the Code and Woodcock’s employment agreement share mutuality of subject matter because the Code governs the behavior of employees and the offer letter describes Woodcock’s role and responsibilities as an employee of the University. The University’s rules and regulations also constitute an express personnel policy that the University incorporates into the Faculty Handbook that it distributes, Woodcock has continued to work for the past eight years while the regulations, including the Employee Code, have remained in effect, and the language used in the regulations is not precatory. Indeed, the Employee Code states that employees “must comply” with accreditation requirements. There is also no disclaimer of the legal effect of University regulations. Instead, the Faculty Handbook instructs readers to consult the regulations for information about the “rights and duties of University employees”. Woodcock obtained tenure in 2022 and was promoted to full professor with tenure in 2025 while the Employee Code remained in effect.

103. Van Tatenhove knew or should have known about the contract. As a federal district court judge, Van Tatenhove wrote six opinions in the case of a tenured University of Kentucky professor who had been charged by the University with violating the provision of the Employee Code that mandates compliance with accreditation rules. The University’s statement of charges, which cites to and paraphrases the rule, was entered into evidence in the case and Van Tatenhove wrote an opinion discussing a governing regulation and the professor’s employment agreement in detail. Van Tatenhove also decided another case in which he held that a personnel policy, such as the University regulations at issue in this case, was part of an employee’s contract.

104. Van Tatenhove intended to cause the University to breach Woodcock’s employment agreement. After the faculty’s objection to his appointment became public, he met with faculty who opposed his appointment and attempted to have constructive conversations with them, and then

attended a board meeting at which DiPaola defended the appointment and introduced him as the new dean to applause. He also defended his appointment to reporters at the meeting. He described the appointment as an honor and exciting.

105. Van Tatenhove's conduct caused the University to breach Woodcock's contract by hiring Van Tatenhove as dean. The Employee Code binds the University to ensure that its employees abide by accreditation requirements. The ABA accredits the law school. ABA rules prohibit the appointment of a dean over the stated objection of the faculty without good cause and further prohibit the appointment of a dean without academic tenure other than in extraordinary circumstances. On February 4, the faculty stated their objection to the appointment of Van Tatenhove to DiPaola. And the University has said that Van Tatenhove will not seek tenure. As AAUP guidance makes clear, in order to meet the good cause and extraordinary circumstances exceptions, the University must provide compelling reasons why the three other finalists chosen by the University and approved by the faculty were not acceptable. In their statements to the board, DiPaola and Capilouto failed to provide any reasons for which the finalists approved by the faculty, one of whom has said that she would have accepted an offer, were not acceptable. Instead, Capilouto and DiPaola's justifications amount to no more than attempts to explain why Van Tatenhove's lack of a scholarly record and academic administrative experience should not immediately disqualify him. Accordingly, Van Tatenhove currently holds office in violation of accreditation requirements and hence in violation of the Employee Code and Woodcock's contract.

106. Woodcock bargained for the University to abide by accreditation requirements—such as the rules that deans not be appointed over the objection of the faculty and that they be tenured faculty members—that ensure that his professional advancement depends on the judgment of his scholarship by people determined by the faculty to be qualified to render such judgments. Adherence to these requirements, and the certification of lack of outside influence over his

scholarship that they constitute, gives Woodcock a valuable public platform for his scholarship. Woodcock bargained for this consideration in exchange for taking a massive pay cut in relation to what he could be earning today in a career as a corporate lawyer in industry or in relation to the appointment in the business school at Georgia State (where university administrators did not respect faculty judgments regarding scholarship) that he left in order to come to University of Kentucky. Van Tatenhove's appointment diminished the value of the platform provided Woodcock by the University the moment that the appointment was announced. From that time on, Woodcock's scholarship was subject to the future judgment of a dean whom the faculty had determined not to be qualified to judge his work, suggesting the potential for influence by a non-scholar over his conclusions. This deprived Woodcock of the benefit of his bargain and will continue to do so. The loss of credibility has also harmed Woodcock's reputation and professional relationships and caused him to incur various fees and costs.

107. Van Tatenhove acted without justification. Woodcock's contract does not accord Van Tatenhove the right to waive accreditation requirements and the interference has not taken the form of litigation in which Van Tatenhove was the prevailing party. Van Tatenhove has professed to act out of a desire for honor and excitement. He also stands to gain a \$442,000 annual salary and a \$1.3 million golden parachute in addition to his \$249,000 annual federal pension. The desire for wealth and honor do not justify interference with contract.

PRAYER FOR RELIEF

WHEREFORE, Woodcock respectfully requests:

- An injunction prohibiting the University of Kentucky, Capilouto, and DiPaola from appointing or maintaining Van Tatenhove as dean of the law school or according him any of the rights, privileges, powers, or immunities of dean;

- An injunction prohibiting Van Tatenhove from assuming or continuing in the position of dean of the law school or exercising, accepting, or assuming any of the rights, privileges, powers, or immunities of dean;
- An injunction appointing the Faculty Executive Committee of the law school to the position of dean or otherwise according to the Faculty Executive Committee all of the rights, duties, privileges, powers, liabilities, and immunities of dean and ensuring the enforcement and effectiveness thereof until such time as the University appoints a new permanent (i.e., non-interim) dean of the law school;
- An injunction prohibiting the University of Kentucky, Capilouto, and DiPaola from appointing or reappointing a dean or interim dean of the law school over the objection of a majority of the faculty as defined in Section E.3.a. of the version of the University's Administrative Regulation — University Organization that was in force when this lawsuit was filed;
- A preliminary injunction granting the above relief throughout the pendency of this case and a temporary restraining order granting the above relief until the Court resolves the preliminary injunction;
- An injunction directing the University of Kentucky, Capilouto, and DiPaola to comply with the written rules, regulations, and policies of the University, including the Governing Regulations, Administrative Regulations, Faculty Handbook, and law school Faculty Rules;
- An injunction directing the University of Kentucky, Capilouto, and DiPaola to comply with the University's Employee Code and the rules, standards, and interpretations for the approval of law schools promulgated by the American Bar Association and the Southern Association of Colleges and Schools Commission on Colleges;

- A declaration that the appointment of Van Tatenhove breached the University's contract with Woodcock;
- A declaration that Van Tatenhove tortiously interfered with the University's contract with Woodcock;
- Declarations that the University's appointment of Van Tatenhove as dean of the law school violates Woodcock's rights to expressive association and to be free of arbitrary exercise of government power under the Kentucky Constitution;
- Monetary damages against Van Tatenhove for tortious interference, including but not limited to attorney fees, expert witness fees, and costs associated with the University's breach of its contract with Woodcock, direct and indirect economic losses, lost expectancy, lost profits, expenses, reputational harm, harm to professional relationships, mental anguish, emotional distress, nominal damages, and punitive damages;
- Monetary damages against Van Tatenhove, Capilouto, and DiPaola for violation of Woodcock's rights under the Kentucky Constitution, including attorney fees, expert witness fees, and costs, direct or indirect economic losses, lost expectancy, lost profits, expenses, reputational harm, harm to professional relationships, mental anguish, emotional distress, nominal damages, and punitive damages;
- Pre- and post-judgment interest; and
- Such other relief as law and justice allow.

REQUEST FOR TRIAL BY JURY

Woodcock hereby requests a trial by jury with respect to all issues so triable.

WHEREFORE, Woodcock prays that this Court grant declaratory and injunctive relief against Defendants, and award him damages in an amount commensurate with his damages, punitive damages, interest as allowed by law, and all other relief just and proper in the premises.

Respectfully Submitted,

/s/ Joe F. Childers

/s/ Rima N. Kapitan (to be admitted *pro hac vice*)

Joe F. Childers & Associates

Joe F. Childers
The Lexington Building
201 West Short Street
Suite 300
Lexington, Kentucky 40507
Phone: 859-253-9824
Joe@Jchilderslaw.com

Kapitan Gomaa Law, P.C.

Rima Kapitan (IL Atty No. 6286541)
P.O. Box 46503
Chicago, IL 60646
(312) 566-9590
rima@kapitangomaa.com

Soha Saiyed

Saiyed Law
101 North Seventh Street, Suite 807
Louisville, Kentucky 40202
(502) 557-4010
sts@slawky.com

VERIFICATION

I, Ramsi A Woodcock, verify that I have reviewed the foregoing Complaint and that the factual allegations are true and correct to the best of my personal knowledge and belief. The facts alleged on information and belief I also believe to be true based on investigation and information received to date.

DATED: August 3, 2026

/s/ Ramsi A. Woodcock
Ramsi A. Woodcock

**COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION ____**

Ramsi A. Woodcock,

Plaintiff,

Case No. _____

v.

Gregory Van Tatenhove et al.,

Defendants.

DECLARATION OF RAMSI A. WOODCOCK

I, Ramsi Woodcock, hereby state the following facts, all of which are based on my personal experience and knowledge to the best of my memory, and to which I would testify if called upon:

1. I decided to go into academia in 2011. I left a position as an associate attorney at Wilmer, Cutler, Pickering, Hale & Dorr in Washington DC. My first law teaching job, at Stetson University College of Law, which I started the following year, paid about half of what I was making at WilmerHale at the time. I decided to make the switch because I didn't like speaking for clients instead of according to my own intellectual conscience. I felt that my views about the cases I worked on were basically invisible, even when they made their way into a memo, because they aligned with the interests of the client. I understand that they were invisible because the public rightly views the work of lawyers representing clients as fundamentally untrustworthy. It is distorted by the interests of the client. I wanted a job in which I could publicly share my own convictions about the implications of my legal research and the public would have a reason to trust that I was speaking honestly. Academia was the

obviously place to do that. In academia, I would no longer be under the thumb of the client and bound to advance his interests. In academia, my job would be to advance the cause of knowledge and truth. The only people I would need to please to get ahead would be other scholars who would evaluate me based on the extent to which my work advanced knowledge rather than the private interests of clients. That's why I made the switch.

2. There are other jobs that allow you to spend more time focusing on particular research topics than you do in law practice. Thinktanks, for example. But I viewed them as not being dedicated to the search for truth. At a thinktank, I wouldn't be evaluated by experts interested in the quality of my work but rather by people wanting me to advocate a particular line. I like to think outside of the box. I am always looking for that transformational idea. I knew I would not have the freedom to do that at a thinktank because my ideas might conflict with the political position of the folks who run the thinktank. The only place where I could be sure my work would be judged by experts who would reward me based on the way I supported a particular conclusion as opposed to the substance of that conclusion itself was academia. Years later I was reminded that I had made the right choice when the New America thinktank fired a prominent progressive antitrust researcher in response to donor pressure from Google. That would have been my fate as well if I had been doing the sort of antitrust scholarship I had gone on to do at a thinktank instead of a university.
3. I joined the University of Kentucky College of Law in 2018 because the school had a reputation for serious scholarship. If you told someone you were on the faculty, that sent the message that your work could be trusted because your career depended on the esteem of these good scholars. That's really what you get out of being on a faculty, by the way. You're basically telling the world that the other scholars on the faculty think you have something to offer in terms of research that's worthwhile, that expands knowledge.

4. There were some good signs about the quality of the faculty at the University of Kentucky law school. For example, I had taught property and the author of the major casebook in that field had been a professor at University of Kentucky for much of his career. There was also a scholar on the faculty at the time who had an art degree and was exploring ways to use legal scholarship and legal documents as conceptual art. He had recently obtained tenure. His success on the faculty, despite his iconoclastic work, which was at times highly critical of legal academia itself, sent a signal to me that the law faculty at University of Kentucky were committed to judging scholars based on the quality of their research rather than the substance of the conclusions that they reached. Equally important, the fact that the university administration had not countermanded the decision of the faculty to promote him sent the signal that the university administration understood that it is for the faculty alone to make judgments, based on assessments of scholarship, regarding the hiring and promotion of faculty.
5. I always considered the university bound not to interfere with faculty decision-making regarding appointments (including the appointment of deans) promotion, and the evaluation of faculty performance. The whole point of academia is to enable scholars to speak frankly and pursue truth by insulating them from the influence of special interests. That's only possible if scholars alone judge the work of scholars. And that in turn is impossible if scholars cannot decide who counts as a scholar. That's the whole point of the tenure process—to allow scholars to decide who counts as a scholar and therefore who can go on to judge other scholars in the future. As soon as non-scholars or university administrators who are not experts in the field start to countermand the decision of faculty about who is qualified to be on the faculty, you are no longer working for the cause of truth in your scholarship. Now you are working to please people whose primary mission is not the search

for truth. And the public knows that. It gets the message. And you are powerless to claim otherwise. You can no longer claim that the public should listen to you because your career depends only on the esteem of other scholars devoted to the search for truth. Because your career doesn't depend on them exclusively anymore. It depends on people not expert in the field or trained in the search for truth.

6. Whenever I publish a scholarly article or put a working paper online, I include my affiliation with the faculty of the University of Kentucky law school. I don't do that because I'm speaking for the university when I write scholarship. I do it to send the message that my scholarship is ultimately judged by my colleagues on the faculty, that my work has managed to please this group of scholars so far and is aimed at continuing to please them, and because it has pleased them and is aimed at continuing to please them, you should take it seriously. Indeed, that's the message I try to send whenever I identify myself as a member of the faculty in connection with a discussion of my research or conclusions—such as at conferences. I'm saying that I aim to make this group of scholars—my faculty—happy, and they care about the search for truth, so you should listen to what I have to say. When the faculty is forced to take a leader like Van Tatenhove that the faculty has rejected due to incompetence—in the literally sense of lacking the experience in academic administration and scholarship required for the role—the message that I send when I identify my affiliation with the faculty changes. The message is no longer that I aim to please a group of scholars. It's that I aim to please a dean whom a group of scholars has said is not qualified to judge my scholarship—someone whose mission in life has not been the search for truth. The public is not going to take my work seriously if it's accompanied by the message that my work is subject to judgment not by respected scholars but by an ex federal judge who appears to owe his career to the favor of politicians. And it's a message I don't want to send.

7. I moved to University of Kentucky from the business school at Georgia State in part to escape from precisely this kind of problem. I was in the Department of Risk Management and Insurance at Georgia State. We had a two-year pre-tenure review there for folks on the tenure track. I had a colleague who was junior like me. And he went up for his two-year review and both the department and the college faculty reviewed his file and approved his scholarship. But the university provost, who was a geologist, I believe, and certainly not an economist or scholar of business, risk management, or insurance, decided that she didn't like this young professor's work, reversed the decision of the department and college faculty, and terminated his appointment. His scholarship was so good that he immediately got an offer from Columbia University. I had passed my two year review with flying colors, had a forthcoming publication in a top journal, and every reason to expect that the department and college would recommend me for tenure in a few years. But after I saw that the provost at Georgia State did not respect the right of the faculty to govern career advancement insofar as the judgment of scholarship is concerned, I resolved to leave. I didn't want to go up for tenure at a school at which my professional future would be subject to the whim of a university administrator as opposed to the considered judgment of faculty colleagues whose primary mission was the search for truth. That's when I went on the job market and got an offer at University of Kentucky.
8. My job talk was about a paper that I later published in Yale Law Journal arguing for a blanket ban on all commercial advertising. That's a controversial position—I couldn't find any other legal scholar who had reached the same conclusion. I thought it was a good sign that the faculty at University of Kentucky wanted to hire me. It suggested that they were interested in the quality of my research and the power of my arguments rather than in judging the substance of my conclusions. But I still made a point to ask throughout my on-

campus interviews at University of Kentucky about the extent to which the university administration was likely to interfere with the decision-making of the law faculty on matters such as appointments and promotion. I'm sure I stood out because I asked these questions obsessively of virtually every interviewer. Everyone reassured me that the university administration did not interfere. For example, I recall Doug Michael, who was associate dean at the law school at the time, assuring me that the last tenure denial at the college of law had taken place in the early 1980s and had been the decision of the faculty in the first instance rather than of the university administration. He assured me that university administrators could not intervene to countermand the judgments of the faculty regarding appointments and promotion. I received similar assurances from the dean at the time, David Brennen. My understanding was that unlike Georgia State, University of Kentucky had rules that required respect for faculty governance, and that the university had robust compliance procedures. I was also told that University of Kentucky had an active and independent faculty senate that stood up for the prerogatives of faculty governance. It was on the basis of these assurances that I accepted my offer. And it was for a lower salary I believe and less generous benefits than what I was getting at Georgia State. Governance was not the only reason that I made the move—I also wanted to teach in a law school rather than a business school, for example—but it was an important part of it.

9. One of my scholarly specialties is business law, including antitrust law. Accordingly, I occasionally receive outreach from legal recruiters. I have always viewed employment at a corporate law firm or as in-house counsel in industry as my “outside option.” If I were to leave academia I would go back into corporate law. If I were to take a position in industry, I would likely make at least twice what University of Kentucky pays me. Indeed, after 14 years in academia, I still don't make what I made when I left corporate law. The reason I have

stayed is the same as the reason I left corporate law in the first place. When you are a member of a faculty, and your career depends on the faculty's esteem, your job is to seek truth. And because you are accountable only to other searchers for truth, the public trusts what you say—much more than when you are representing a client. So being on the faculty gives you a platform that allows you to command the attention of the public. And I want my intellectual efforts to matter. I want them to be of interest to the public. That's worth enough to me to forgo the extra pay. And that's part of the bargain I made when I came to University of Kentucky. But that's not the only factor for me in taking the pay cut. I also value the freedom that academia gives me to choose my research topics. That's related to the platform that academia gives me to reach the public, but not exactly the same thing. Also I like that I have more control over my time in academia. If I want to focus on a particular research topic I can do that without worrying that a client is going to pull me onto other matters in an emergency. And I enjoy teaching. There's much less opportunity for that in law practice.

10. Once university administrators or outsiders start interfering in appointments or promotion, your scholarship immediately becomes suspect in the eyes of the public and other scholars. It stops being work designed to please other scholars on the faculty—who we hope are dedicated to the pursuit of truth—and becomes instead work designed to please outsiders and whatever agenda they might have. If I read a paper by someone at a school that has been politicized in this way, I have to wonder whether his conclusions have been distorted by a need to please non scholars. And I expect that other scholars are going to feel the same way about my work.
11. My suspension last year for speech about Palestine is a good example. I worry every day that readers of my work on Palestine will wonder whether I am pulling my punches because I

have been subject to retaliation by university administrators for that work. I think it would be reasonable for anyone to distrust my work to a certain extent because it is no longer the product of a university environment that dishes out rewards and sanctions based on the quality of the research as opposed to its content.

12. When the university decided to hire Gregory Van Tatenhove as dean over the objection of the faculty, the university further called into question whether the work of the faculty will be subject to rewards and sanctions based purely on the quality of the research as opposed to its content. The legislature recently passed a law allowing the stripping of tenure from faculty based on performance. The dean has the final say on performance evaluations for faculty, and that includes evaluation of the quality of scholarship. Now that Van Tatenhove has taken office, you have someone who has never held a full time faculty role, has published zero scholarship since graduating law school—over a forty year career—with the power to influence termination of my tenured appointment based on his estimation of the quality of my scholarship. Because he lacks the training and experience to identify good quality academic work, other extraneous factors are going to play a role in his judgment, and the threat of termination is going to create a huge incentive for me to alter my research conclusions in light of those extraneous factors—or my perception of what they might be. Even if I resist the temptation, the public has every reason to question whether I have really been successful at doing so and to be suspicious of whatever conclusions I might reach.
13. I knew this dynamic had been created the moment I learned on March 6, 2026 that Van Tatenhove had been selected as dean. I have been conscious of it ever since. I was conscious of it when I uploaded a new working paper to SSRN—the online, publicly accessible repository of scholarship in law and social science—on April 4. I was conscious of it when I uploaded revised versions of two other papers to SSRN on March 16. I was aware

of it when I spoke about Palestine at a scholarly roundtable that I organized at the Law and Society Association annual meeting at the end of May 2026. I was aware of it when I gave an interview on dynamic and surge pricing to the South China Morning Post that aired in June 2026. And I believe that my scholar colleagues both at University of Kentucky and at other schools as well as the public have been aware of it since the announcement. I want to leverage my affiliation with the faculty to send the message that my work is subject to the judgment of peer colleagues on the faculty whenever that affiliation becomes known to others. That is, whenever a member of the public sees on the law school website, or in an asterisk footnote in one of my papers, or by some other means, that I am a member of the faculty, I want the message that sends to be in part the message that my work and my professional advancement more generally is subject solely to judgment of my scholarship by my faculty colleagues. And I can't send that message anymore. Every time someone sees my affiliation, the message they now receive is that I am subject to judgment by a non-peer. That problem continues every single day for me. And it's going to get worse over time because having a non-peer dean means that non-peers are going to be attracted to apply for jobs on the faculty and peers are going to leave or not apply. And the dean had the final say on hiring. So over time we are going to end up with additional non-peers on the faculty. And because any faculty member can advise the dean on a performance evaluation, that's going to mean that my ability to send the message that I am subject exclusively to peer review is going to be further impaired.

14. The whole point of coming to University of Kentucky and joining academia was to get away from non-scholar bosses for whom the pursuit of truth is not a career or vocation. The university administration seems intent on turning the university into a hierarchical command and control organization analogous to a private corporation in which faculty are accountable

for their scholarship to such bosses. Van Tatenhove's appointment implements that vision.

But that wasn't the deal the university made with me when it hired me.

15. The dean is the lead member of the faculty. The chief faculty member. I have taught at four different schools and experienced multiple deanships at several and not once did I have a dean who was not a member of the faculty. That would make no sense because one of the most important roles of a dean is to evaluate faculty, and scholarship is a huge part of what faculty do. Someone who is not a scholar isn't equipped to do that. It's like asking someone who has never played chess to judge whether a particular move is good or bad. Even if he knows the rules of the game, he won't have the first idea how to differentiate between a brilliant move that follows the rules and a mediocre one that also follows the rules.

Historically, a handful of other schools, mostly with much lower rankings than ours, have hired deans who lacked a scholarly background. But here's the thing: no school of which I am aware has done it over the objection of the faculty. The faculty are adept at evaluating scholarly promise. That's what we do all day when we evaluate students. That's what we do all day when we evaluate junior faculty for purposes of promotion and tenure. Occasionally, a nontraditional dean candidate may come along whom the faculty believes is capable of judging faculty scholarship notwithstanding his lack of credentials or training. The faculty's approval of the candidate makes up for the lack of credentials. It is in itself the required credential. It sends the message that the faculty believes that the dean is engaged in the search for truth and is competent to evaluate faculty. And so public trust in the scholarship of the faculty is preserved. But that's not the case here. The university brought Van Tatenhove to campus. The faculty interviewed him. He's been teaching a class as an adjunct here for few a years now. The faculty knows him. And the faculty decided that he does not represent that exceptional case of a non-scholar who has the native talent to judge our

scholarship. The university mentioned at one point that Duke Law once appointed a nonscholar judge as dean and it worked out well. But in that case it was the faculty who wanted him. It was the faculty that literally led the search and decided to make a nontraditional hire and chose him. That hasn't happened here.

16. The university public relations folks said that Van Tatenhove is a scholar because when you write judicial opinions you are subject to "peer review" by higher courts. They clearly backtracked on that in part when they decided not to put him up for tenure. What the university didn't understand is that most of what law scholars do is to critique the decisions of appellate courts, including the Supreme Court. Having a low reversal rate as a district judge means that you are pleasing appellate courts. That doesn't mean that your work is immune to critique. Indeed, if the appellate courts often make mistakes—and law scholars often argue that they do—then it's a sign that the judge isn't making good decisions. The idea that what federal appeals courts say is always right is inimical to the vocation of the law scholar. The fact that the university thought that Van Tatenhove's reversal rates as judge proved he was a scholar shows how little the university understands about the scholarly vocation in law. (And one hopes for the sake of the law school that the argument didn't originate with Van Tatenhove.) The fact that the university tried publicly to maintain that judicial reversal rates reflect scholarly attainment literally made the university administration into the laughingstock of legal academia. The statement amounted to wearing the university administration's ignorance on its sleeve. One commentator writing in *Above the Law*, which is a widely read blog in legal academia and the profession more generally, suggested that it was the kind of argument that made him want to slap himself in the face. The administration seems to think there's a right and a wrong answer to every legal question, the appellate courts know the answer, and that's it. But if that were true, then you wouldn't need law

scholars at all. The fact that that's the model of the world in which University administrators—none of whom has a background as a law professor—seem to be operating is pretty chilling given that their job is to oversee a law school. It's a reminder of why faculty must retain control over appointments and promotion of faculty.

17. I am particularly concerned about what the appointment of Van Tatenhove means for the ability of the faculty to continue to speak truth because Van Tatenhove has a record of accepting gifts from at least one major family of donors to the University, namely, Joe and Kelly Craft. Plus he is considered a friend by at least one Kentucky politician. That is because I have reason to be concerned that potential donors to the law school as well as Kentucky politicians have attempted to influence the direction of intellectual life at the law school and the selection of the dean of the law school in the past.
18. Specifically, in August 2024, I dined at Lockbox in the 21c Hotel with Paul Salamanca, who had just been appointed interim dean of the College of Law. He disclosed to me that a very wealthy family had told him that they would consider donating to the College of Law if we invited the culture critic Thomas Chatterton Williams to give a talk on campus. Paul told me that name of the family, but at the time I was not well acquainted with the names of major University donors and I do not recall the name clearly. I certainly can't rule out that the family he told me about was the Craft family. Paul wanted to know how I felt about the potential donor's request given that I was the chair of the Speakers Committee, which normally arranges for outside speakers to come to campus. He told me that he had asked Danny Murphy, who was then an assistant dean who often advised on matters of diversity, about the request and that Danny had objected. (Danny later confirmed that conversation to me). (Danny left the university last fall to become a VP at Central Bank.) I objected on the ground that the intellectual agenda of the College of Law, including the choice of outside

speakers, should not be set by donors. Paul wanted to know whether I would fight him if he rammed through the invitation to please the donor. I said I thought it was wrong to allow a donor to influence the intellectual life of the university but that I'd have to think about whether I would fight him on it. I did not invite Williams to speak and to my knowledge he never spoke on campus. (Williams is a critic of aspects of identity politics and the Black Lives Matter movement. I am too, and, regardless, I would have had no viewpoint-based objection to bringing Williams to campus. I think challenging intellectual orthodoxy is a key part of the scholar's role. What I objected to was the fact that a donor wanted to buy him onto campus.) I also recall that Paul told me, during his deanship but I am not certain precisely when, that he spoke on the phone with David Rosenberg, the donor after whom the school is currently named, every day. Assuming Paul was not exaggerating, or not exaggerating a great deal, this level of contact between a major donor and the law school dean suggests donor influence over the day to day operation of the law school, potentially including over decisions that affect the school's intellectual life or research output.

19. Early in 2025, Paul reached out to me again. He told me that the Provost DiPaola had decided not to advance his candidacy for permanent dean and that he was in "the fight of his life" for the position. He told me that Senator Mitch McConnell and Congressman Andy Barr had made calls to the university on his behalf in an effort to advance his candidacy and that Provost DiPaola had been upset about being put under pressure in that way. Ultimately Paul was not selected to be permanent dean.
20. I have no reason to suppose that Paul was lying to me about these instances of interference by donors and politicians. I was particularly troubled to learn in the press after Van Tatenhove's appointment that he had been a recipient of gifts from the Crafts and that in consequence as Judge he had to recuse himself from cases involving their interests.

Assuming that what Paul told me is true, at least one family of wealthy donors has attempted in the past to buy influence over the intellectual life of the College of Law. I do not see how someone who has accepted gifts from wealthy donors to the University and had to recuse himself from cases as a result can be relied upon to resist donor influence over his administration of the College of Law. And even if he does resist, the appearance of influence would remain. I do not see how other scholars or the public would be able to trust that the direction that the faculty's scholarship takes under his deanship would not be influenced by donors. Our platform and our work will exist under a cloud and indeed be diminished in the eyes of the public and the scholarly community regardless of what Van Tatenhove actually does. Against this background, I find it particularly concerning that one of the reasons that the Provost gave to the Board of Trustees for choosing Van Tatenhove was "the need for external fundraising". Nothing in Van Tatenhove's resume suggests an ability to raise funds. He spent almost his entire career as a lawyer for the federal government or a federal judge—positions for which fundraising is actually illegal. So why does the university administration think he will be able to raise funds? One hopes that the reason is not that they believe he will do the bidding of a donor or donors who wish to buy influence over the intellectual life of the law school.

21. Because Andy Barr publicly celebrated Van Tatenhove's appointment in a press release as the appointment of his "friend", I also am concerned about the influence of political figures over the judgments that Van Tatenhove will render regarding the quality of faculty scholarship. Again, even if no actual influence materializes, the ability of every member of the faculty to be taken seriously by the public is diminished by the presence of a dean with these associations, particularly given that he was appointed over the objection of the faculty due to a lack of scholarly qualification.

22. My suspension last year over my Palestine related speech is also relevant here because it sheds light on the difference in the way scholars and non-scholars evaluate and respond to the speech of faculty. My suspension was ordered by an interim dean—James C. Duff, who served from 2025 to 2026, the year after Paul Salamanca’s interim deanship—who, like Van Tatenhove, is not a scholar. There had been three finalists in the search for a permanent dean before Duff was appointed (that is, there had been three finalists in the spring 2025 search). The faculty had written to Provost DiPaola to say that they liked all three. But for reasons that are unclear the Provost apparently did not make offers to any of the three finalists. Instead, he appointed Duff as interim dean without giving the faculty an opportunity to comment on his selection as far as I know. I highly doubt that the faculty would have approved the appointment if they had been consulted in advance. Like Van Tatenhove, Duff had never held a full-time job as a law professor and had no academic administrative experience. He had been the head of the administrative office of the U.S. courts and in that position had distinguished himself as an enemy of free speech. He had tried to gag court staff from expressing personal political views even while off the clock—a move that the U.S. Court of Appeals for the D.C. Circuit held was a blatant violation of the First Amendment, forcing him to abandon the policy. So you had this interim dean appointed without faculty feedback and whom the faculty likely would have rejected, and who had basically the same lack of scholarly background or academic administrative experience as Van Tatenhove, come to campus. And virtually the first thing he did after taking office in July 2025—on July 18, 2025—was to suspend me from teaching based on my speech. The university said that he had “absolute authority” to do that. He later testified that he made a “judgment call” to suspend me based on my speech because in his opinion my speech wasn’t “academic work” and he felt that “the taxpayers of Kentucky should not

have to fund someone's personal viewpoints". Of course, as a non-scholar, he lacked the expertise to decide whether my work was academic or not. And he didn't consult with the faculty before taking action. I remain suspended to this day because of a non-scholar's determination that my speech was not academic. Contrast his response to my speech about Palestine with that of his immediate predecessor as interim dean, Paul Salamanca, who had been a member of the law school faculty for decades. Like Duff (a pallbearer at Chief Justice Rehnquist's funeral) and Van Tatenhove (nominated by Senator McConnell), Paul is well-connected in Republican circles, and he worked in the first Trump Administration. But, unlike Duff and Van Tatenhove, he is also a scholar. He didn't suspend me for my speech about Palestine. On the contrary, he defended my right to present about Palestine at a faculty meeting. Of course, Paul also seems to have tried to use political influence to obtain the deanship for himself. But you see how his background as a scholar dampened that side at least in my case.

23. The appointment of Van Tatenhove as dean has been incredibly traumatic on professional, reputational, mental and emotional levels for me and I think for virtually everyone else on the faculty. It has been especially traumatic for me because since July 2025 I have been suspended from teaching, banned from the law building, and subjected to investigation based on my speech about Palestine that reports conclusions of my research. And it was an interim dean (Duff) with no real scholarly background who did it based explicitly on his personal "judgment call" that my speech wasn't "academic work". So what I was hoping—and what virtually all of my colleagues, who have been scared out of their wits and intimidated by what Duff did, were hoping—was that our next dean would be a scholar and a person with academic administrative experience, like all the other deans this law school had before 2025 stretching back as far as the most senior folks on the faculty can remember. I

was hoping for—and the faculty was hoping for—an end to the nightmare. And when Van Tatenhove was announced, it felt like instead of the nightmare ending, an interim nightmare was now going to be replaced with a permanent nightmare. It has been incredibly traumatic for me and of course for my family. But what I regret most is what this does to your platform as a scholar. You no longer have the mental space to pursue your research, to search for truth, to say exactly what your research is telling you needs to be said, without worrying constantly about the professional consequences. If the University had announced a dean approved by the faculty, that would have gone away for the most part. Instead, in announcing Van Tatenhove, the concerns, the sense of pressure to pull your punches and massage your conclusions, was magnified, because this is a long-term appointment. A deanship can last for a decade or more. So you are going to be under the thumb of someone who isn't equipped to evaluate your work and who is counted as a friend by politicians and major donors who may have a political agenda, for a substantial part of the career remaining to you.

24. I remember that after the announcement I looked again at Van Tatenhove's resume and saw that he is fond of giving talks (e.g., to the Federalist Society) about Richard Weaver's book *Ideas Have Consequences*, which argues that the decline of Western Civilization is due to a decline in belief in metaphysics—religion, basically. I actually agree with that. (Although, as a Nietzschean, I think the decline has been going on a lot longer than Weaver thinks—stretching all the way back to Socrates.) But the point is that I would not normally start reading the books that my dean favors just because my dean happens to favor them. But here I was doing it, I think, because subconsciously I was trying to figure out what I would need to say to please him. You don't feel you need to do that with a scholar dean because you know that he understands that your scholarship is to be judged on the strength of the

research that supports it not on the substance of the conclusions themselves. I have absolutely no reason to trust a non-scholar dean to do that or understand that—even if he says he does. And indeed my experience with the only other non-scholar dean that this law school seems ever to have had, Duff, confirms that. In any event, against this backdrop, it's no longer possible for me to tell people that my association with this faculty is any kind of guarantee that my research is subject only to the influence of other experts in my field. That just stopped being true as a factual matter once Van Tatenhove was announced as the incoming dean.

25. During the dean search process earlier this year, the university referred to each candidate with a letter. Candidate D was Gregory Van Tatenhove.
26. I infer that the “George” listed as an addressee in the faculty’s February 4, 2026 email rejecting Van Tatenhove is George Wright, Senior Advisor to the President because the faculty sent a similar email conveying its views on dean candidates in 2025 and that email was also addressed to a “George” and the email address included in that email was that of George Wright. That must be the same “George” as appeared in the February 4, 2026 email.
27. Early in my tenure at the university, around maybe 2020, the University started insisting that the law school carry a debt to the university of several million dollars (I don’t recall how much). It was never completely clear to me what the source of that debt was. Sometimes it appeared that the university wanted to attribute the debt to the provision of too many tuition discounts to students. At other times, the university seemed to me to argue that the law school was obligated to repay the university for the cost of renovating the law building. The faculty rightly pointed out that the law school is part of the university so it did not have a debt obligation to the university in a legal sense. The university controls the law school’s finances and can decide how much cash to give it or not to give it. The debt fiction just

served to divert more of the tuition revenue generated by the law school away from law school operations and toward other parts of the university. This attempt by the university to siphon away funds came to a head under Capilouto and DiPaola in the 2022-2023 academic year, when the American Bar Association (“ABA”) determined, apparently in consequence of the university’s insistence on diverting law student tuition revenues, that the University was out of compliance with ABA standards requiring that law schools anticipate enough revenue to cover future expenses.

28. In March 2026, I spoke with a colleague, a tenured full professor on the University of Kentucky law faculty. He told me that I was in a better position than they to challenge the appointment of Van Tatenhove as dean. The implication, as I understood it, was that I had already been suspended by the University and therefore had less to lose from bringing such a challenge.
29. In June 2026 another colleague, also a tenured full professor at the University of Kentucky, who opposed the appointment of Van Tatenhove as dean, told me that they feared that the University would discipline them for speaking about certain matters about which they had firsthand knowledge in relation to Van Tatenhove’s appointment unless they spoke pursuant to a subpoena.
30. The University did not ask me to submit a written statement regarding dean candidates prior to Van Tatenhove’s selection. As far as I know, no such statement was requested of any other tenured member of the faculty.
31. Attached hereto as Exhibit 1 is a true and accurate copy of a University of Kentucky Campus News item titled “Candidate A for dean of J. David Rosenberg College of Law to participate in open forum”.

32. Attached hereto as Exhibit 2 is a true and accurate copy of a University of Kentucky Campus News item titled “Candidate D for dean of J. David Rosenberg College of Law to participate in open forum”.
33. The law school is running searches to fill four faculty positions this year. The job listings will be posted in early August 2026.
34. Attached hereto as Exhibit 3 is a true and accurate copy of a University of Kentucky job listing for “Dean, J. David Rosenberg College of Law” that was posted to HigherEdJobs.
35. Attached hereto as Exhibit 4 is a true and accurate copy of a CV for Mary Graw Leary.
36. Attached hereto as Exhibit 5 is a true and accurate copy of a CV for Michael J. Higdon.
37. Attached hereto as Exhibit 6 is a true and accurate copy of a CV for Milena Sterio.
38. Attached hereto as Exhibit 7 is a true and accurate copy of a CV for Gregory F. Van Tatenhove.
39. Attached hereto as Exhibit 8 is a true and accurate copy of an email with subject line “Faculty meeting on Dean candidates” that lists Joshua A. Douglas as sender and a date and time of February 4, 2026 at 9:40 am.
40. Attached hereto as Exhibit 9 is a true and accurate copy of an email with subject line “Rosenberg College of Law Faculty Views on Dean Finalists” that lists Joshua A. Douglas as sender and a date and time of February 6, 2025 at 11:17 am.
41. Attached hereto as Exhibit 10 is a true and accurate copy of a webpage titled “George Wright Senior Adviser to the President” that was downloaded from <https://pres.uky.edu/people/george-wright>.
42. Attached hereto as Exhibit 11 is a true and accurate copy of an offer letter dated February 27, 2026 bearing the signatures of Robert DiPaola and Gregory Van Tatenhove.

43. Attached hereto as Exhibit 12 is a true and accurate copy of Facebook post dated April 21, 2026 by Governor Andy Beshear.
44. Attached hereto as Exhibit 13 is a true and accurate copy of an article in the Louisville Courier Journal by Lucas Aulbach titled “Amid Beshear criticism, UK provost defends hiring judge as law school dean” and dated April 23, 2026.
45. Attached hereto as Exhibit 14 is a true and accurate copy of “Minutes of the Meeting of the Academic and Student Affairs Committee” of the University of Kentucky Board of Trustees on April 23, 2026.
46. Attached hereto as Exhibit 15 is a true and accurate copy of “Minutes of the Meeting of the Board of Trustees” of University of Kentucky on April 24, 2026.
47. Attached hereto as Exhibit 16 is a true and accurate copy of a resolution of the University of Kentucky Board of Trustees titled “Direct the President to Propose a Revision to the University’s Governing Regulations to Ensure Dean Appointments are Approved by the Board of Trustees” dated June 30, 2026.
48. Attached hereto as Exhibit 17 is a true and accurate copy of a “Provost Message[]” of Robert DiPaola titled “Announcing new dean of the J. David Rosenberg College of Law” and dated March 6, 2026.
49. Attached hereto as Exhibit 18 is a true and accurate copy of a webpage titled “About the Office of the President” that was downloaded from <https://pres.uky.edu/about> .
50. Attached hereto as Exhibit 19 is a true and accurate copy of Chapter 2 of the 2025-2026 Standards and Rules of Procedure for Approval of Law Schools.
51. Attached hereto as Exhibit 20 is a true and accurate copy of University of Kentucky’s “Administrative Regulation — Employee Code”.

52. Attached hereto as Exhibit 21 is a true and accurate copy of an offer letter dated February 13, 2018 bearing the signatures of Ramsi Woodcock and David Brennan, who is identified as Dean & Professor of Law.
53. Attached hereto as Exhibit 22 is a true and accurate copy of University of Kentucky's "Administrative Regulation — University Organization (Formerly GR VII)".
54. Attached hereto as Exhibit 23 is a true and accurate copy of University of Kentucky's "Administrative Regulation 3:10 Policies for Faculty Performance Review".
55. Attached hereto as Exhibit 24 is a true and accurate copy of an article in the Lexington Herald-Leader by Austin Horn titled "Beshear fears 'partisan donors' are influencing UK. Who's he talking about?" and listed as originally published on April 21, 2026.
56. Attached hereto as Exhibit 25 is a true and accurate copy of a press release by Congressman Andy Barr titled "Barr Congratulates Judge Greg Van Tatenhove on Appointment as Dean of the Rosenberg College of Law at UK" and dated March 6, 2026.
57. Attached hereto as Exhibit 26 is a true and accurate copy of University of Kentucky's "Governing Regulation I — Declaration of Principles".
58. Attached hereto as Exhibit 27 is a true and accurate copy of the "1915 Declaration of Principles on Academic Freedom and Academic Tenure" of the American Association of University Professors.
59. Attached hereto as Exhibit 28 is a true and accurate copy of an email with subject line "University of Kentucky dean search" that lists Mary Graw as sender and a date and time of June 20, 2026 at 9:45 pm.
60. Attached hereto as Exhibit 29 is a true and accurate copy of a webpage titled "About Us" that was downloaded from <https://law.uky.edu/about-us> .

61. Attached hereto as Exhibit 30 is a true and accurate copy of “University of Kentucky J. David Rosenberg College of Law Law Faculty Rules and Policies” that is listed as “Revised June 30, 2024”.
62. Attached hereto as Exhibit 31 is a true and accurate copy of the “Statement on Government of Colleges and Universities” that is listed as having been endorsed by the American Association of University Professors in 1967.
63. Attached hereto as Exhibit 32 is a true and accurate copy of a statement titled “Faculty Evaluation of Administrators” that is listed as having been approved by the American Association of University Professors Committee on College and University Governance in 2006.
64. Attached hereto as Exhibit 33 is a true and accurate copy of the initial pages of two papers by Ramsi Woodcock that contain asterisk or dagger footnotes listing his affiliation with University of Kentucky College of Law.
65. Attached hereto as Exhibit 34 is a true and accurate copy of Social Science Research Network (SSRN) article pages for three papers written by Ramsi Woodcock having “Posted” or “Revised” dates of March 16, 2026 or April 4, 2026.
66. Attached hereto as Exhibit 35 is a true and accurate copy of University of Kentucky’s “Administrative Regulation 7:6 Intellectual Property Disposition and Administrative Regulation”.
67. Attached hereto as Exhibit 36 is a true and accurate copy of an email with subject line “The new Dean of the College of Law” that lists Douglas C. Michael as sender and a date and time of March 8, 2026 at 8:44 pm.
68. Attached hereto as Exhibit 37 is a true and accurate copy of University of Kentucky’s “Governing Regulation III — The President”.

69. Attached hereto as Exhibit 38 is a true and accurate copy of University of Kentucky's "Administrative Regulation 2:2-1 Appointment, Reappointment, Promotion, and the Granting of Tenure in the Regular Title Series".
70. Attached hereto as Exhibit 39 is a true and accurate copy of University of Kentucky's "Administrative Regulation 2:1-1 Procedures for Faculty Appointment, Reappointment, Promotion and the Granting of Tenure".
71. Attached hereto as Exhibit 40 is a true and accurate copy of the "Introduction" to the University of Kentucky's "Faculty Handbook", which was downloaded from <https://ofa.uky.edu/node/425/faculty-handbook>.
72. Attached hereto as Exhibit 41 is a true and accurate copy of University of Kentucky's "Governing Regulation, Part XIV Ethical Principles and Code of Conduct".
73. Attached hereto as Exhibit 42 is a true and accurate copy of "Provost's Statement of Charges" relating to "University of Kentucky Faculty Termination Proceedings In Re: Larry Cunningham, MD, DMD, Professor College of Dentistry University of Kentucky", filed as document number 92-28 in case number 3:20-cv-00008-GFVT-EBA in the U.S. District Court for the Eastern District of Kentucky.
74. Attached hereto as Exhibit 43 is a true and accurate copy of an article in the Lexington Herald-Leader by Jesse Fraga titled "Tight budget, 'extraordinary circumstance' led to hiring of UK law school dean" and dated April 24, 2026.
75. Attached hereto as Exhibit 44 is a true and accurate copy of the "2024 In-House Compensation Survey" by Major, Lindsey and Africa.
76. Attached hereto as Exhibit 45 is a true and accurate copy of the Memorandum from "James C. Duff, Interim Dean" to Ramsi Woodcock titled "Fiscal Year 2026-27 salary increase" and dated June 30, 2026.

77. Attached hereto as Exhibit 46 is a true and accurate copy of a CV for Ramsi Woodcock.
78. Attached hereto as Exhibit 47 is a true and accurate copy of an X.com post by Governor Andy Beshear with date and time April 22, 2026 at 12:22pm.
79. Attached hereto as Exhibit 48 is a true and accurate copy of a “University of Kentucky Notice of Academic Appointment and Assignment” for Ramsi Woodcock dated July 1, 2022.
80. Attached hereto as Exhibit 49 is a true and accurate copy of a webpage titled “Judicial Compensation”, which was downloaded from <https://www.uscourts.gov/about-federal-courts/about-federal-judges/judicial-compensation> .
81. Attached hereto as Exhibit 50 is a true and accurate copy of a webpage titled “Résumé Gregory Frederick Van Tatenhove”, which was downloaded from <https://www.justice.gov/archive/olp/vantatenhoveresume.htm> .
82. Attached hereto as Exhibit 51 is a true and accurate copy of an article in the Louisville Courier Journal by Killian Baarlaer titled “UK faculty opposed naming federal judge dean of law school” and listed as originally published on April 21, 2026.
83. Attached hereto as Exhibit 52 is a true and accurate copy of excerpts from a transcript of testimony by James C. Duff on Motion for Injunctive Relief in the United States District Court for the Eastern District of Kentucky on December 19, 2025 in case number 5:25-cv-00424-DCR.
84. Attached hereto as Exhibit 53 is a true and accurate copy of the employment agreement between Eli Capilouto and the University of Kentucky including addenda and an exhibit.
85. Attached hereto as Exhibit 54 are two biographies of James C. Duff, one downloaded from <https://law.uky.edu/people/james-duff> and the other downloaded from

<https://docs.house.gov/meetings/AP/AP23/20170517/105950/HHRG-115-AP23-Bio-DuffJ-20170517.pdf> .

86. Attached hereto as Exhibit 55 is a true and accurate copy of an email with subject line “Rosenberg College of Law Faculty Views on Dean Finalists” that lists Joshua A. Douglas as sender and a date and time of May 1, 2025 at 10:37 am.
87. Attached hereto as Exhibit 56 is a true and accurate copy of an email with subject line “Call for nominations: Rosenberg College of Law interim dean” that lists University of Kentucky Provost Robert S. DiPaola, M.D. as sender and a date and time of May 20, 2025 at 10:52 am.
88. Attached hereto as Exhibit 57 is a true and accurate copy of an article in the Kentucky Lantern by McKenna Horsley titled “Beshear again criticizes U of Kentucky hiring decisions, says ‘real oversight’ is needed” and listed as originally published on April 22, 2026.
89. Attached hereto as Exhibit 58 is a true and accurate copy of a webpage titled “Law School Accreditation Complaints Alleging Non-Compliance with the Standards”, which was downloaded from
https://www.americanbar.org/groups/legal_education/accreditation/complaints/ .
90. Attached hereto as Exhibit 59 is a true and accurate copy of an email with subject line “ABA Acknowledgement for Complaint against Kentucky, University of” that lists Qualtrics Survey Software as sender and a date and time of April 3, 2026 at 5:41 pm.
91. Attached hereto as Exhibit 60 is a true and accurate copy of a letter from the Jennifer Rosato Perea, Managing Director of the American Bar Association, to Ramsi Woodcock dated June 9, 2026.
92. Attached hereto as Exhibit 61 is a true and accurate copy of an email chain with subject line “Report of Misconduct to Board of Trustees” that lists Ramsi Woodcock as sender of the original email in the chain and a date and time of March 11, 2026 at 12:15 pm for that email.

93. Attached hereto as Exhibit 62 is a true and accurate copy of an email with subject line “Report of Misconduct to University President” that lists Ramsi Woodcock as sender and a date and time of March 12, 2026 at 1:48 pm.
94. Attached hereto as Exhibit 63 is a true and accurate copy of an offer letter dated June 17, 2025 bearing the signatures of Robert DiPaola and James C. Duff.
95. Attached hereto as Exhibit 64 is a true and accurate copy of an offer letter dated June 24, 2024 bearing the signatures of Robert DiPaola and Paul Salamanca.
96. Attached hereto as Exhibit 65 is a true and accurate copy of an offer letter dated December 4, 2020 bearing the signatures of David Blackwell and Mary Davis.
97. Attached hereto as Exhibit 66 is a true and accurate copy of University of Kentucky’s “Administrative Regulation 1:1 University of Kentucky Administrative Organization”.
98. Attached hereto as Exhibit 67 is a true and accurate copy of an article in the Chronicle of Higher Education by Megan Zahneis titled “After a No-Confidence Vote at the U. of Kentucky, a Tussle Over Ballots Gets Messy” and listed as originally published on September 19, 2024.
99. Attached hereto as Exhibit 68 is a true and accurate copy of an article in the Kentucky Lantern by McKenna Horsley titled “Former faculty leader leaves University of Kentucky after bucking president’s governance plan” and listed as originally published on August 26, 2025.
100. Attached hereto as Exhibit 69 is a true and accurate copy of an email with subject line “Executive Committee Election - Please respond” that lists Jennifer Bird-Pollan as sender and a date and time of August 20, 2021 at 4:56 pm.

101. Attached hereto as Exhibit 70 is a true and accurate copy of a February 2023 American Bar Association “Notice of Finding of Significant Noncompliance With Standard 202” issued to University of Kentucky J. David Rosenber College of Law.
102. Attached hereto as Exhibit 71 is a true and accurate copy of an August 2023 American Bar Association “Notice of Law School Demonstrating Compliance with Standard 202” issued to University of Kentucky J. David Rosenber College of Law.
103. Attached hereto as Exhibit 72 is a true and accurate copy of the statement titled “Faculty Participation in the Selection, Evaluation, and Retention of Administrators” that is listed as having been endorsed by the American Association of University Professors in 1981.
104. Attached hereto as Exhibit 73 is a true and accurate excerpt from the 2024 edition of the Resource Manual of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) that includes SACSCOC standard 10.4 regarding implementation of rules regarding faculty governance.
105. Attached hereto as Exhibit 74 is a true and accurate copy of University of Kentucky’s “Administrative Regulation — University Appointments”.
106. Attached hereto as Exhibit 75 is a true and accurate copy of an article in the Kentucky Lantern by McKenna Horsley titled “UK law professor challenges appointment of federal judge as dean in court” and listed originally published on July 14, 2026.
107. Attached hereto as Exhibit 76 is a true and accurate copy of an article in the Lexington Herald-Leader by Jesse Fraga titled “A critical UK trustee is leaving. How does she feel about the university on her way out?” and listed as published on July 2, 2026.

108. Attached hereto as Exhibit 77 is a true and accurate copy of an Op-Ed in the Louisville Courier Journal by Ramsi Woodcock titled “UK law school is ignoring faculty, risking its accreditation” and listed as published on April 13, 2026.
109. Attached hereto as Exhibit 78 is a true and accurate copy of University of Kentucky’s “Governing Regulation II— The Board of Trustees”.
110. Attached hereto as Exhibit 79 is a true and accurate copy of an article posted to the WEKU website by Lily Burris titled “UK Board of Trustees discusses new law school dean in meeting” and listed as published on April 24, 2026.
111. Attached hereto as Exhibit 80 is a true and accurate copy of an article published in the Kentucky Lantern by McKenna Horsley titled “Bush-appointed federal judge named as next dean of University of Kentucky law college” and listed as published on March 6, 2026.
112. Attached hereto as Exhibit 81 is a true and accurate copy of a webpage titled “Hiring Process” that was downloaded from <https://teach.aals.org/tenure-track/hiring/>.

VERIFICATION

I, Ramsi Woodcock, the undersigned, verify that I have read the foregoing document, Declaration of Ramsi Woodcock, and solemnly affirm under the penalty of perjury that this declaration is true and correct to the best of my knowledge and belief.

Date: August 3, 2026



Ramsi Woodcock

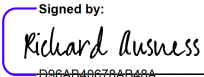
Declaration of Richard Ausness

I, Richard Ausness, hereby state the following facts, all of which are based on my personal experience and knowledge to the best of my memory, and to which I would testify if called upon:

1. I have been a faculty member in the University of Kentucky's Rosenberg College of Law since 1973 and a tenured member since 1974.
2. I have been a Professor Emeritus since the Spring of 2025.
3. As a tenured faculty member, I have been involved in every dean search the College of Law conducted from 1976 through Spring 2025. At no point during that entire time did the University impose a candidate for Dean of the College of Law against the will of the tenured faculty. I am also not aware of any instance in which a faculty member was hired against the will of the tenured faculty.
4. In 1976, there was only one candidate for the dean position, and the process for securing faculty feedback about his candidacy was informal. After that, the process was formalized. After that, the process always entailed the University selecting a person from among the candidates the faculty approved as finalists.
5. In my experience, although the Provost always had authority to approve a candidate for College of Law dean, that office would always accept the recommendation of the faculty.
6. In every case that I know of at the College of Law, the candidate had published scholarly work, had tenure at his/her institution, and had prior administrative experience.

VERIFICATION

I, Richard Ausness, the undersigned, verify that I have read the foregoing document,
Declaration of Richard Ausness, and solemnly affirm under the penalty of perjury that this
declaration is true and correct to the best of my knowledge and belief.

Signed by:

D96AD40679AD48A...
Richard Ausness

7/13/2026 | 1:14 PM PDT
Date