

FRANKLIN CIRCUIT COURT
DIVISION II
CASE NO. 26-CI-01010
~Electronically filed~

RAMSI A. WOODCOCK

PLAINTIFF

**V. DEFENDANTS' NOTICE OF
EXCLUSIVE CONCURRENT JURISDICTION BY THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF KENTUCKY**

UNIVERSITY OF KENTUCKY,
ELI CAPILOUTO (in his official and individual capacities),
ROBERT DIPAOLO (in his official and individual capacities),
GREGORY VAN TATENHOVE (in his official and individual capacities),
WILLIAM THRO (in his official and individual capacities),
JAMES C. DUFF (in his individual capacity) DEFENDANTS

* * * * *

The University of Kentucky, Dr. Eli Capilouto, Dr. Robert DiPaola, William E. Thro, Gregory Van Tatenhove, and James Duff, in their individual and official capacities, give notice of the U.S. District Court for the Eastern District of Kentucky's exclusive concurrent jurisdiction over this matter and of a previously filed civil action pending in this Court which is waiting assignment of a civil action number after transfer from the Fayette Circuit Court (Fayette Circuit Case No. 26-CI-3325). Consequently, this Court may not proceed in this case until the litigation is resolved in the federal court.

INTRODUCTION

As the Kentucky Supreme Court unanimously held in 2022, the exclusive concurrent jurisdiction doctrine "essentially prevents the same parties from litigating the same issues in two courts by giving priority to the court that first

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properly acquired jurisdiction over the parties and their dispute.”¹ In other words, once a plaintiff files suit in one court and that court has jurisdiction, the plaintiff cannot file a substantively identical suit in another court. The court where the plaintiff first filed has exclusive concurrent jurisdiction. The second court cannot proceed.

As explained in more detail below, the exclusive concurrent jurisdiction doctrine clearly applies here. In November 2025, Woodcock filed suit in federal court seeking to stop the University from investigating his conduct as a possible violation of Title VI and university policy. The substance of Woodcock’s claim was that all of his conduct was constitutionally protected and the University could not investigate. Although the federal court held a full day preliminary injunction hearing in December 2025, the Court ultimately decided that *Younger* abstention applied.² Woodcock immediately appealed.

Woodcock then filed suit in the Fayette Circuit Court in July 2026 raising substantively identical claims against the same parties. After that matter was transferred to this Court, he has now filed this duplicitous, third suit on September 10. As in the federal court, the substance of his claim was that all of his conduct was constitutionally protected and the University could not investigate him. When the University advised the Sixth Circuit of the filing of the state court suit, Woodcock

¹ *Beshear v. Ridgeway Props., LLC*, 647 S.W.3d 170, 177 (Ky. 2022).

² *Woodcock v. University of Kentucky*, 820 F. Supp. 3rd 555 (E.D. Ky.), *further proceedings*, 2026 WL 184253 (E.D. Ky.), *appeal docketed*, No. 26-5057 (6th Cir.), *injunction pending appeal denied*, (6th Cir.), *petition for initial hearing en banc denied*, (6th Cir.), *rev’d and remanded*, ___ F.4th ___, 2026 WL 2474872 (6th Cir. 2026), *petition for rehearing denied* (6th Cir. 2026).

informed the Sixth Circuit that the *sole* reason for the filing of the litigation was to preserve the statute of limitations and that he *intended to stay the state court proceeding pending the outcome of the federal case*. Such a course of action is fully consistent with exclusive concurrent jurisdiction doctrine.

Now, Woodcock has changed his mind. The Sixth Circuit reversed and held that *Younger* abstention did not apply. Rather than waiting for the Sixth Circuit mandate to issue and litigating his claims in the federal court, he comes to this Court seeking emergency relief and has filed now two state court actions all seeking the same relief. As another court and a prior matter have exclusive concurrent jurisdiction over this matter, his request must be denied.

RELEVANT BACKGROUND

Ramsi Woodcock is an anti-trust scholar and the Evertt H. Metcalf, Jr. Professor of Law at the University of Kentucky's Rosenberg College of Law. Professor Woodcock publicly rejects the foundational idea of Israel—"the right of the Jewish people to national rebirth in its own country" and "to be masters of their own fate, like all other nations, in their own sovereign State."³ Professor Woodcock goes beyond this to "explicitly argue for the violent destruction of Israel and laying out a plan for a global war against the Jewish State."⁴ In essence, he publicly urges for the annihilation of a sovereign nation and the Jewish people who constitute it.⁵

³ DECLARATION OF ISRAEL'S INDEPENDENCE (May 14, 1948), archived at THE AVALON PROJECT, Yale Law School, <https://perma.cc/US4D-5PMN>.

⁴ Luke Tress, *US Professor Sues University for Probing His Call for Global War to "End Israel"* THE TIMES OF ISRAEL (Nov. 15, 2025) (citation modified), (<https://perma.cc/9Z45-G5GE>).

⁵ Ramsi Woodcock, *We Need An International Coalition to Declare War on Israel Right Now*, Antizionist Legal Studies Movement (Dec. 10, 2024), <https://perma.cc/44KH-9SVC> ("The lesson is clear: to stop the Palestinian Genocide, the world must go to war against Isreal.");

Calling for a second holocaust is antisemitic under the definition used by both the federal government and the Commonwealth of Kentucky.⁶

As required by Title VI, the University is conducting an investigation. The investigation was essentially complete by December 1, but Woodcock refused to answer written questions while appeals were pending. After the University's investigator insisted that he respond by September 8, Woodcock finally did so in the early morning hours of September 9. The next stage in the investigation is a two-week first evidence review *by Woodcock*. That began on September 11 and will conclude on September 25.

Professor Woodcock first initiated litigation resulting from the underlying investigation on November 13, 2025, in the Eastern District of Kentucky.⁷ There, he filed suit—and *moved for preliminary injunction*—seeking to stop the investigation in its entirety, challenge the constitutionality of a federal executive order and a state legislative act, and recover damages from the University and University Officials. *That case remains pending. That motion remains pending.*

Ramsi Woodcock (@RamsiWoodcock), X (Sept. 27, 2024), <https://perma.cc/SYH6-BKHL> (“The destruction of Isreal is a global moral imperative for our age. . . . Anyone not calling for it is a racist.”); *Petition for Military Action Against Israel*, Antizionist Legal Studies Movement, <https://perma.cc/YWV3-WSCD> (“We demand that every country in the world make war on Israel immediately and until such time as Israel has submitted permanently and unconditionally to the government of Palestine everywhere from the Jordan River to the Mediterranean Sea.”).

⁶ Senate Joint Resolution 55, 2025 Ky. Acts Ch. 157.

⁷ See Complaint, *Woodcock v. Capiluoto, DiPaola, Thro, Duff, McMahon, and Coleman*, No. 5:25-cv-00424-DCR, DE 36 (E.D.Ky. Nov. 13, 2025).

The District Court originally abstained under *Younger*. The Sixth Circuit reversed and remanded “for consideration of Woodcock’s motion for a preliminary injunction and further proceedings consistent with this opinion.”⁸

Woodcock’s prior representations to other courts show that he never intended to simultaneously pursue this case while the federal case was pending and he would seek immediate and emergency relief from the federal court. Indeed, shortly after filing this suit and on the eve of oral argument before the Sixth Circuit, he represented to the Sixth Circuit that he “filed the action as a protective measure because the statute of limitations was about to run on some of those claims. Plaintiff inadvertently filed the action in the wrong state venue and intends to seek a stay of that action as soon as Plaintiff’s motion to transfer venue is granted by the state court.”⁹ Obviously he has now reversed course. Why? Because he isn’t getting what he wants in federal court.

On August 26, 2026, in the Sixth Circuit he filed an “emergency motion for immediate issuance of the mandate” with a “same day decision requested.”¹⁰ Woodcock specifically asked the Sixth Circuit rule on the same day as his filing and to immediately issue the mandate. He indicated the motion “would permit the District Court to decide Plaintiff’s motion for a preliminary injunction on an emergency basis and to lift Plaintiff’s suspension within the next two to three

⁸ *Woodcock v. Univ. of Kentucky*, --- F.4th ---, No. 26-5057, 2026 WL 2474872, at *3 (6th Cir. Aug. 24, 2026).

⁹ See DE 96, at p. 6, attached as Exhibit 1.

¹⁰ See DE 100-1, at p. 1, attached as Exhibit 2 (attachments omitted).

weeks.”¹¹ Then, on September 1, 2026, Woodcock filed a status report with the federal District Court and provided “notice of forthcoming emergency motion.”¹² There he told the federal court that he “intends to file an emergency motion requesting that this Court hold oral argument and issue a ruling on Plaintiff’s motion for a preliminary injunction no later than Friday, September 11.”¹³

The Sixth Circuit asked all appellees to respond to the Motion for immediate issuance of the mandate by September 2 and indicate whether they intended to seek rehearing. The University responded on September 2 and indicated that it would file for rehearing. The University did so on September 4. On September 10, the Sixth Circuit denied rehearing and denied Woodcock’s motion for the immediate issue of the mandate. Within a couple of hours of the Sixth Circuit’s rulings, Woodcock contacted chambers by email inquiring as to when the Court might set a hearing on the transferred case and for a then as yet unfilled motion for emergency relief. Later that afternoon, Woodcock apparently filed this third lawsuit which also seeks identical relief. Because the U.S. Secretary of Education is a party to the federal case but was not a party on appeal, the mandate may not issue for some time or the mandate may issue as soon as Monday, September 14, 2026.

Recognizing that the Sixth Circuit mandate is not going to issue this week, Woodcock sought to press a lawsuit he previously said he would immediately stay after it was transferred to this court from Fayette Circuit. Based upon information and belief, Woodcock has contacted both the Fayette and Franklin Circuit Clerks’

¹¹ See *id.* at p. 2.

¹² See DE 57, at p. 1, attached as Exhibit 3.

¹³ See *id.* at p. 2.

offices inquiring as to the status of the physical delivery of the file materials so that the previously filed state civil action could be opened in Franklin Circuit.¹⁴ He has also made multiple attempts to reach the Court's chambers to schedule a hearing on an unfiled motion. When he did not get relief within two days, he apparently filed this new case, duplicative of his previously filed state court matter and overlapping with his federal case that was filed in November 2025. His stated intent to "consolidate" this case with the prior Franklin Circuit case should not excuse his impatience nor justify a duplicative filing.

All of this means Woodcock now has three active lawsuits against the University seeking a halt to its investigation of allegations made against him (one in federal court, two in Franklin Circuit Court) and one suit seeking removal of the Dean of the College of Law which is already under a briefing schedule from the Court and set for hearing on September 30. In this matter, as well as his identical transferred case and the federal case, his motion for injunctive and declaratory relief is based on the same underlying matter and against substantially the same defendants. Because the Eastern District of Kentucky retains exclusive jurisdiction over the matters raised by Woodcock's Complaint and Motion for Temporary

¹⁴ His newly filed Complaint also somehow casts blame with the Defendants for the transfer Order not being immediately entered in August (¶3). Actually, counsel for the Defendants responded contemporaneously to the draft of the proposed order when on the telephone with counsel awaiting direction from the Franklin Circuit Court on his earlier filed litigation by Woodcock seeking removal of the Dean of the College of Law. At that time, Woodcock was demanding immediate briefing and hearing in that case. Counsel discussed waiting for a scheduling Order in the prior litigation and then inserting a specific date to be included in the transfer Order for the Defendants to respond to Complaint, all of which was an effort to avoid competing briefing dates with the *Woodcock v. Van Tatenhove I* litigation.

Restraining Order, this Court does not have jurisdiction to rule on Plaintiff's pending motion.

Making two or three lawsuits out of one simply does no good. First, consider Woodcock. By getting multiple proverbial bites at the apple, only he stands to benefit, which the law strongly disfavors.¹⁵ Then, consider the University. "Fragmented" lawsuits have been aptly recognized as an "injustice," resulting in "harassing, vexatious, and costly litigation."¹⁶ But the prejudice extends beyond just the parties. By seeking the attention of two courts instead of one (or maybe even three courts), Woodcock is creating an "unnecessary waste of judicial resources."¹⁷

To mitigate the harms associated with multiple lawsuits involving the same subject matter, common law doctrines have been designed to prevent multiplicity of suits. First, res judicata is an "affirmative defense" that bars "repetitious suits involving the same cause of action" after "the rights of the parties have been finally determined."¹⁸ Because neither Woodcock lawsuit has "been finally determined," res judicata would be premature.

But res judicata is not the only bar to repetitious and duplicative litigation. Kentucky courts and federal courts both recognize the doctrine of exclusive concurrent jurisdiction, which "prevents the same parties from litigating the same issues in two courts by giving priority to the court that first properly acquired

¹⁵ See *Humber v. Lexington-Fayette Urban Cnty. Government*, 553 S.W.3d 273, 278 (Ky. App. 2018) (criticizing litigant who "attempt[ed] to split their action to gain yet another bite at the apple").

¹⁶ *Moorhead v. Dodd*, 265 S.W.3d 201, 204 (Ky. 2008).

¹⁷ *Id.*

¹⁸ *Coomer v. CSX Transp., Inc.*, 319 S.W.3d 366, 371 (Ky. 2010).

jurisdiction over the parties and their dispute.”¹⁹ “[W]here the parties and the subject matter are the same, once a court of concurrent jurisdiction has begun the exercise of that jurisdiction over a case, its authority to deal with the action is exclusive[.]”²⁰

The doctrine of exclusive concurrent jurisdiction was born out of the need to “manage overlapping litigation across multiple districts.”²¹ The Sixth Circuit’s equivalent of the exclusive concurrent jurisdiction rule—the “first-to-file” rule—provides that “when actions involving nearly identical parties and issues have been filed in two different district courts, the court in which the first suit was filed should generally proceed to judgment.”²² Courts evaluate three factors when determining how to apply the first-to-file rule: (1) the chronology of events, (2) the similarity of the parties involved, and (3) the similarity of the issues or claims at stake.²³ All three factors lead to the same conclusion: Woodcock’s lawsuit here is prohibited.

Chronology of events. Woodcock initiated his first lawsuit against the University on November 13, 2025.²⁴ His first state court action was filed later on July 20, 2026. This action was filed even later, on September 10, 2026. The chronology is simple: the case currently before the Court is the third-filed case.

Similarity of parties. Woodcock is the Plaintiff in all cases. The University and its officials—Capilouto, DiPaola, Thro, and Duff—named in the current

¹⁹ *Beshear*, 647 S.W.3d at 177.

²⁰ *Akers v. Stephenson*, 469 S.W.2d 704, 706 (Ky. 1970).

²¹ *Beshear*, 647 S.W.3d at 179-80 (Minton, C.J., concurring) (quoting *Baatz v. Columbia Gas Transmission, LLC*, 814 F.3d 785, 789 (6th Cir. 2016)).

²² *Id.* at 180 (citation modified).

²³ *Id.*

²⁴ See Complaint, *Woodcock v. Capilouto, DiPaola, Thro, Duff, McMahon, and Coleman*, No. 5:25-cv-00424 DCR, DE 36 (E.D.Ky. Nov. 13, 2025).

Complaint, have already been named in the federal complaint. Although the federal complaint also names the United States as an additional defendant and includes the Commonwealth and the Attorney General for the purposes of a constitutional challenge to Senate Joint Resolution 55, the “first-to-file rule applies when the parties in the two actions substantially overlap, even if they are not perfectly identical.”²⁵ Because all of the Defendants named here are already parties to the prior federal suit, this factor favors application of the first-to-file rule.

Similarity of claims. Just as with the similarity of parties factor, the issues need only “substantially overlap in order to apply the first-to-file rule.”²⁶

They do and it does. Woodcock substantially asserts the same claims and seeks the same relief here as he is seeking from the Eastern District of Kentucky. In his federal action, Woodcock asserts free-speech claims under federal law and seeks an injunction halting the investigation and assigning him immediately to the classroom. He also seeks declaratory relief concerning the constitutionality of University policies and Kentucky law governing speech.

Here, Woodcock seeks the same. He asserts free-speech claims under Kentucky law and seeks an injunction halting the investigation and assigning him immediately to the classroom. And as in the federal action, he seeks declaratory relief regarding the constitutionality of University policies and Kentucky law.

If this Court allows both cases to proceed, it will open the door to conflicting rulings on identical injunction requests and declaratory relief. The risk of

²⁵ *Baatz*, 814 F.3d at 790.

²⁶ *Id.* at 791.

inconsistent determinations is simply too high to proceed, and that precise risk is the cornerstone of the exclusive concurrent jurisdiction doctrine.²⁷

Professor Woodcock has essentially filed the same lawsuit in two different courts. Because the federal action was filed first, it should receive priority under exclusive concurrent jurisdiction, a doctrine recognized by both Kentucky and federal law. Halting this case is warranted given the procedural posture and precedent under common law.

Respectfully submitted,

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²⁷ See *Beshear*, 647 S.W.3d at 178.

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Thro, and James C. Duff*

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2026, a true and exact copy of the foregoing has been electronically filed using the KyCourt's E-filing system which will send notification to counsel of record.

/s/Bryan H. Beauman
Counsel for Defendants

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EXHIBIT 1

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No. 26-5057

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

RAMSI A. WOODCOCK

Plaintiff-Appellant,

- v. -

UNIVERSITY OF KENTUCKY; ELI CAPILOUTO, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITIES; ROBERT DIPAOLO, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITIES; WILLIAM EUGENE THRO, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITIES; JAMES C. DUFF, IN HIS INDIVIDUAL
CAPACITY; LINDA MCMAHON, IN HER OFFICIAL CAPACITY AS UNITED
STATES SECRETARY OF EDUCATION; RUSSELL MATTHEW COLEMAN,
ATTORNEY GENERAL; GREGORY F. VAN TATENHOVE, IN HIS OFFICIAL
CAPACITY

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of Kentucky at Lexington
(Docket No. 5:25-cv-00424-DCR)

**PLAINTIFF'S COMBINED RESPONSE TO APPELLEES' IMPROPER
RULE 43 NOTICE, OBJECTION, AND MOTION TO STRIKE**

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INTRODUCTION

On July 27, 2026, on the eve of oral argument in this case, Appellees University of Kentucky, President Capilouto, Provost DiPaola, Interim Dean Duff, and General Counsel Thro (“University Defendants”) filed a document (the “Notice”) purporting to notify this Court of the automatic substitution of Defendant Gregory Van Tatenhove for James Duff as official capacity defendant pursuant to Fed. R. App. P. 43(c)(2). Dkt. 93. Under cover of providing this Notice—which is not required by Rule 43(c)(2), as the substitution is automatic—University Defendants attempted to supplemental their briefs without authorization, reference facts relating to events that took place *after* the filing of the case, and pad the record with 814 pages of additional material that does not relate to any argument raised by either the University Defendants or Appellee Kentucky Attorney General in their principal briefs in this appeal.

Specifically, University Defendants notified this court that plaintiff filed a lawsuit in state court against University Defendants on July 20, 2026 (the “state court action”), argued that the claims in that case “arise from the same transactional nucleus of facts as his claims in this case and seek[] essentially the same relief as in this case” and further argued that “[b]ecause the Supreme Court of Kentucky generally follows federal constitutional analysis for free speech claims, the claims in the state case are substantively identical to the claims in this case.”

University Defendants further attached as an exhibit a document that they describe as a “copy” of Plaintiff’s complaint in that case.

Defendants further notified this Court that Plaintiff filed a lawsuit against the University and Defendants Capilouto, DiPaola and Van Tatenhove on July 13, 2026, challenging the University’s appointment of Defendant Van Tatenhove as Dean of the J. David Rosenberg College of Law (the “dean suit”). The Notice acknowledges that “this new federal suit is irrelevant to the *Younger* abstention issues pending before this Court” but nevertheless goes on to state that “it reflects Professor Woodcock’s expansive view of academic freedom, which forms the basis for his underlying First Amendment claims presently before the district court.” The University Defendants not only attached the complaint in dean suit as an exhibit as well but further attached multiple additional filings from that case, none with any obvious relevance to this case.

The Notice raises no issues relevant to the claims at issue in this appeal and violates the rule against introducing post-filing events into the record, the requirement that a party confine its arguments to its briefs and the record, and the rule upon which the Notice purports to rely, Rule 43(c)(2), which does not authorize filing a notice that discusses other actions filed by Plaintiff. Accordingly, Plaintiff objects to this misuse of Rule 43 and related violations of this Court’s rules, and moves to strike the third and fourth paragraphs of the Notice, along with

all of the exhibits. Alternatively, if this Court denies Plaintiff's motion, Plaintiff herein responds to clarify that the Notice raises no issues relevant to the claims at issue in this appeal. Plaintiff tenders Part A of his argument below to clarify the nature of the state court action, Part B to respond to University Defendant's arguments, and Part C in support of his objection and motion to strike.

ARGUMENT

A. University Defendants Mischaracterize Plaintiff's State Court Action

Contrary to University Defendants' suggestion, Plaintiff's state court action alleges a variety of state claims, including breach of contract and violations of Kentucky's Campus Free Speech Protection Act, the Kentucky Civil Rights Act, and numerous provisions of the Kentucky Constitution. Plaintiff filed the action as a protective measure because the statute of limitations was about to run on some of those claims. Plaintiff inadvertently filed the action in the wrong state venue and intends to seek a stay of that action as soon as Plaintiff's motion to transfer venue is granted by the state court.

B. Plaintiff's State Court Action Is Not Relevant to the *Younger* Abstention Issues in the Present Appeal

Because the notice distinguishes the dean suit as being "irrelevant" to *Younger* abstention, the notice implicitly suggests that the state court action is

relevant to the *Younger* abstention issues in the present appeal. In fact, the state court action is not relevant.

1. The State Court Action Does Not Fall Within Any of the Younger Exceptions to the General Rule that Federal Courts Must Hear Federal Claims

Younger abstention is appropriate only in rare cases in which a federal decision would “intru[de]” into “ongoing”: (1) “state criminal prosecutions”, (2) “civil enforcement proceedings” that are “akin to a criminal prosecution”, or (3) “civil proceedings involving certain orders . . . uniquely in furtherance of the state courts’ ability to perform their judicial functions.” *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69, 78–79 (2013). Each of these exceptions to the general rule that federal courts have a “virtually unflagging” “obligation” to “hear and decide” constitutional claims over which they have jurisdiction requires that the *state* be the plaintiff bringing the prosecution or enforcement action. *Id.* at 77. Here, *Plaintiff* has brought the state court action. So *Younger* does not apply.

2. Defendants Forfeited Their Right to Argue that a State Court Challenge Would Afford Plaintiff an Adequate Opportunity to Raise Federal Constitutional Claims and Anyway Precedent Forbids Abstention From Such an Action

It is possible that University Defendants believe that the state court action is relevant to the rule that *Younger* abstention applies only where the plaintiff has an “adequate remedy” for violations of federal constitutional rights available in the

state proceeding. *Flynt v. Leis*, 574 F. 2d 874, 881 (6th Cir. 1977). Plaintiff contends on appeal that abstention was not appropriate because the University has barred him from access to a remedy for the unconstitutional investigation, suspension, and ban until the investigation, suspension, and ban have ended and Defendant Capilouto, who is the University president, has made a ruling on whether to file charges against him. Defendants may wish to argue that the state court action shows that an adequate remedy for violation of Plaintiff's federal First Amendment and constitutional due process rights is available to Plaintiff.

Defendants do not actually articulate such an argument in their notice and, in any case, it fails for at least four reasons: (1) Defendants failed to raise this argument in their briefing and therefore forfeited it; (2) the state court action is a new proceeding initiated by Plaintiff and therefore does not count for purposes of "adequate remedy" analysis under this Court's precedents; (3) Plaintiff brings no federal constitutional claims in the state court action, so it does not implicate the underlying policy of *Younger*, which is to honor the competence of state tribunals to decide *federal* constitutional questions; and (4) Plaintiff brought the state court action because the statute of limitations was about to run on some of his state claims and Plaintiff intends to motion to stay the state court action.

Forfeiture. A "fail[ure] to respond" is a "waiv[er]" of its rights with respect to an issue on appeal. *CardSoft v. Verifone, Inc.*, 769 F. 3d 1114, 1119–20 (Fed. Cir.

2014); *McPherson v. Kelsey*, 125 F. 3d 989, 995–96 (6th Cir. 1996). Defendants have forfeited or waived any argument that Plaintiff has an adequate remedy for his federal constitutional through a suit to enjoin the investigation, suspension, and ban in state court. Neither Defendants nor the Kentucky Attorney General made this argument anywhere in their response briefs, which they filed more than three months ago. Defendants may wish to argue that they could not have raised this issue before Plaintiff filed the state court action on July 20. That is incorrect, however. This Court does not require that a plaintiff have actually raised claims in a state proceeding in order to conclude that an adequate remedy is available. *Squire v. Coughlan*, 469 F. 3d 551, 557 (6th Cir. 2006) (holding that abstention was appropriate where the plaintiff “failed to raise [her] constitutional claim in the state disciplinary proceedings”). If the University Defendants wished to argue that Plaintiff has an adequate remedy available via a state court action under the Kentucky Constitution, they should have raised that issue in their response briefs. They cannot now try to sneak it into this appeal by appending it to an un-called-for notice of an *automatic* party substitution under Rule 43(c)(2).

New Proceeding. This Court has stated that

[w]e are aware of no case in which a federal plaintiff is deemed to have the “opportunity” to have his or her federal claim heard in a state proceeding solely because the plaintiff could have . . . filed a new complaint in state court. If that were the rule, *Younger* abstention would

almost always be appropriate, because there are few situations in which a federal plaintiff would not be able to file the federal suit in state court.

Habich v. City of Dearborn, 331 F. 3d 524, 531–32 (6th Cir. 2003).

No Federal Claims. Plaintiff brings only state law claims in the state court action. Plaintiff does not seek relief for violations of the U.S. Constitution in the state court action. Accordingly, the underlying policy of *Younger* abstention, that taking federal constitutional claims out of the hands of state tribunals “reflect[s] negatively upon the state court’s ability to enforce [federal] constitutional principles” is not implicated by the state court action at issue here. *Steffel v. Thompson*, 415 U.S. 452, 462 (1973).

Intent to Stay. Plaintiff brought the state court action because the statute of limitations was about to run on some of his state claims. Plaintiff intends to motion to stay the state court action. “There is nothing necessarily inappropriate” “about filing a protective action.” *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 294 n.9 (2005).

C. This Court Should Strike the Parts of the Notice and Exhibits That Relate to the State Court Action or the Dean Suit

The Notice violates the rule against introducing post-filing events into the record, the requirement that a party confine its arguments to its briefs and the

record, and Rule 43(c)(2), upon which the Notice purports to rely, which does not authorize filing a notice that discusses other actions filed by Plaintiff.

1. The Notice Impermissibly Attempts to Introduce Post-Filing Events into the Record

“The filing of the operative complaint ‘fixes the controversy’ as of that date, and federal courts will not consider post-complaint factual developments.” *Blick v. Ann Arbor Public School Dist.*, 105 F. 4th 868, 876 (6th Cir. 2024). University Defendants are attempting to introduce facts into the record relating to events that transpired *after* this case was brought. That is not permitted. Plaintiff failed this action on November 13, 2025, and, for purposes of this litigation, the facts are frozen as of that date. While this Court may take judicial notice of government documents, such as the state court action complaint, this Court may not do so in order to bring facts that have transpired after the filing of the action into the record. To the extent that the defendants wish this Court to consider the state court action in connection with *Younger* abstention, the existence of the state court action is a *factual* element of the *Younger* analysis. It is not legal authority *governing* the law of *Younger* abstention. Accordingly, this Court may not consider it because it relates to a post-filing factual development.

Even if the state court action or the dean suit were legal authority, University Defendants’ only permissible method of bringing it into the record would be

through a Rule 28(j) letter. That avenue is barred, however, because Defendants may only file such a letter if they can “refer[]” the “supplemental citations” “to the page of” their “brief” to which they relate. Fed. R. App. P. 28(j). However, as noted above, Defendants failed to raised the question whether a state court challenge would afford Plaintiff an adequate remedy for his federal constitutional claims *anywhere in their appellate briefs*. Accordingly, University Defendants cannot now seek to argue the point even if they were to repackage their citation to the state court action into a Rule 28(j) letter.

These arguments apply with even greater force the University’s discussion of the dean case, which the University admits is “irrelevant” to *Younger* analysis. The University also mischaracterizes the dean suit as reflecting Plaintiff’s “expansive view of academic freedom, which forms the basis for his underlying First Amendment claims.” Plaintiff does not plead any free standing academic freedom claims either in this case, the dean case, or the state court action. In the dean case, Plaintiff claims, inter alia, that the appointment of Defendant Van Tatenhove as dean of the College of Law over the objection of a substantial majority of the law faculty violates the law faculty’s right of expressive association by imposing a member and leader on the law faculty that the law faculty do not want.

2. The Notice Violates Rule 28, Which Requires that University Defendants Limit Their Appellate Arguments to Their Briefs and the Record

Defendants are attempting to use the Notice to make legal arguments that they are only permitted to make in their briefs. Rule 28 states that the University Defendants' brief "must contain" their "contentions and the reasons for them, with citations to the authorities and parts of the record on which" they "rel[y]". Fed. R. App. P. 28(a)(8)(A), (b). Because the Notice distinguishes the dean suit as being "irrelevant" to *Younger* abstention, the Notice implicitly suggests that the state court action *is* relevant to the *Younger* abstention issues in the present appeal. This is an argument about an issue on appeal that University Defendants are not permitted to make outside of the confines of their appellate brief. Moreover, the Notice attempts, through 814 pages of exhibits to cite to material that is not in the record on appeal. This violates Rule 28's requirement that University Defendants "cit[e]" to the "parts of the record on which" they "rel[y]".

3. The Notice Violates Rule 43(c)(2), Which Does Not Provide for the Filing of a Notice Discussing Cases

Rule 43(c)(2) provides for "[a]utomatic [s]ubstitution of [o]fficeholder[s]. That is all. It does not authorize University Defendants to file a Notice, must less to use the Notice as a vehicle for discussing other cases filed by Plaintiff. University

Defendants improperly claimed in their Notice to rely on Rule 43(c)(2) for authority in making the filing.

CONCLUSION

For the reasons stated above, Plaintiff respectfully requests that this Court grant Plaintiff's motion to strike the third and fourth paragraphs of the Notice, along with all of the exhibits.

July 27, 2026

Respectfully submitted,

/s/ Rima Kapitan

RIMA KAPITAN
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(312) 566-9590

/s/ Joe F. Childers

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Lexington, Kentucky 40507
(859) 253-9824

Counsel for Plaintiff-Appellant

TYPE-VOLUME CERTIFICATION

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify that this response complies with the type-volume limitation in Rule 27(d)(2)(A) because, as counted by the Microsoft Word word count tool, this response contains 2,428 words, excluding the parts exempted by Rule 32(f). This response complies with the typeface requirements in Rule 32(a)(5)(A) and the type-style requirements in Rule 32(a)(6) because this response has been prepared in proportionally spaced 14-point Times New Roman font.

Dated: July 27, 2026

/s/ Joe F. Childers

JOE F. CHILDERS

Joe F. Childers & Associates

The Lexington Building

201 West Short Street, Suite 300

Lexington, Kentucky 40507

(859) 253-9824

CERTIFICATE OF SERVICE

I certify that on July 27, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit using the CM/ECF system. I also certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Joe F. Childers

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EXHIBIT 2

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No. 26-5057

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

RAMSI A. WOODCOCK

Plaintiff-Appellant,

- v. -

UNIVERSITY OF KENTUCKY; ELI CAPILOUTO, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITIES; ROBERT DIPAOLO, IN HIS OFFICIAL AND
INDIVIDUAL CAPACITIES; WILLIAM EUGENE THRO, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITIES; JAMES C. DUFF, IN HIS INDIVIDUAL
CAPACITY; LINDA MCMAHON, IN HER OFFICIAL CAPACITY AS UNITED
STATES SECRETARY OF EDUCATION; RUSSELL MATTHEW COLEMAN,
ATTORNEY GENERAL; GREGORY F. VAN TATENHOVE, IN HIS OFFICIAL
CAPACITY

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of Kentucky at Lexington
(Docket No. 5:25-cv-00424-DCR)

**PLAINTIFF'S EMERGENCY MOTION FOR
IMMEDIATE ISSUANCE OF THE MANDATE**

[SAME-DAY DECISION REQUESTED]

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PLAINTIFF’S REQUEST FOR SAME-DAY ACTION

Pursuant to Federal Rule of Appellate Procedure 41(b), Plaintiff-Appellant Ramsi A. Woodcock (“Plaintiff”) respectfully moves this Court for issuance of the mandate in this case **no later than *today, August 26, 2026***, or as soon thereafter as possible. That would permit the District Court to decide Plaintiff’s motion for a preliminary injunction on an emergency basis and to lift Plaintiff’s suspension within the next two to three weeks—in time for Plaintiff to return to teaching *this semester* (which started this past Monday, August 24, 2026). In order to permit this Court to rule on the instant emergency motion today, Plaintiff further respectfully requests that this Court exercise its authority to “shorten[]” “the time” in which Defendants University of Kentucky, Capilouto, Thro, DiPaola, Duff, Van Tatenhove, and McMahon (“Defendants”) “may file a response” to *the end of the business day*, or alternatively, to exercise its authority to “suspend any provision of these rules in a particular case” for “good cause” to rule on this motion without awaiting a response. Fed. R. App. P. 2(a); Fed. R. App. P. 27(a)(3)(A).

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ARGUMENT

A. The Court Should Immediately Issue the Mandate in Order to Allow the District Court to Take Advantage of a Two-to-Three-Week Window to Return Plaintiff to Teaching this Semester

On August 24, 2026, which was the first day of the fall semester at the University of Kentucky J. David Rosenberg College of Law (“law school”),¹ this Court issued its opinion and judgment in this case, reversing the District Court’s decision to abstain under *Younger. Woodcock v. University of Ky., et al.*, No. 36-5057, slip op. at 5 (6th Cir. Aug. 24, 2026). This Court further ordered a remand of the case to the District Court to consider Plaintiff’s motion for a preliminary injunction returning him to teaching at the law school. *Id.* In issuing an opinion within twenty-seven days of oral argument, this Court acted with appropriate urgency and consistent with the order of this Court expediting briefing and submission of this case. Exped. Brief. & Submiss. Ord. at 1, Dkt. 41. This Court issued that order in response to Plaintiff’s request for “a ruling on his appeal in time to be added to the course schedule for the fall semester of 2026.” Mot. Expedite App. at 6, Dkt. 38-1. During oral argument, counsel for Plaintiff also

¹ Univ. of Ky. J. David Rosenberg Coll. of L., *College of Law Calendar -- Tentative* (last visited Aug. 26, 2026), <https://law.uky.edu/sites/default/files/2026-04/2026-2027-approved-academic-law-calendar.pdf>.

informed the Court that the fall term would start on August 24, 2026, and that Plaintiff desired an order returning him to teaching this semester.

Because “[c]lasses during the first week or two of the semester are usually non-substantive or introductory in nature” and the law school “occasionally” “substitutes teaching assignments during or immediately after this period”, Plaintiff has a rapidly closing two-to-three-week window to obtain an order from the District Court returning him to teaching during the fall semester. Woodcock Decl. ¶ 1, Jan. 21, 2026, R. 42-6, Page ID# 2120. Issuance of the mandate by the end of the day on August 26, 2026, would permit Plaintiff to request that oral argument in the District Court on the merits of Plaintiff’s motion for a preliminary injunction be held either at the end of this week or next week. As the District Court held a daylong merits hearing in December 2025, and the parties fully briefed Plaintiff’s motion for a preliminary injunction at that time, the District Court could then decide Plaintiff’s motion based on oral argument, the briefs, and the hearing transcript either before or immediately after Labor Day. Mem. Supp. Mot. Prelim. Inj., R. 19-1; Resp. Mot. Prelim. Inj., R. 26; Reply Supp. Mot. Prelim. Inj., R. 34; Hearing Tr., R. 40. That would be within the two-to-three-week window necessary for Plaintiff to return to teaching this semester. On its website, the law school continues to list Plaintiff as the “pending” instructor for both of his regular fall

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term courses—Antitrust and Secured Transactions.² Because the scheduling of oral argument in the District Court is constrained by the schedules of the District Court, counsel for Plaintiff, and counsel for University Defendants, as well as the impending Labor Day holiday, delay in issuance of the mandate by even a single day threatens to preclude a resolution of the preliminary injunction motion in time for Plaintiff to return to teaching.

If the two-to-three-week window to return to teaching is missed, Plaintiff's next opportunity to return to teaching would be in early January 2027—a delay of eighteen weeks. Every single day that Plaintiff remains barred from teaching causes Plaintiff ongoing and irreparable First Amendment and professional harm. *See* Woodcock Decl. ¶¶ 2, 7, 8, 13, Jan. 2, 2026, R. 34; Woodcock Decl. ¶¶ 7–9, Feb. 11, 2026, Dkt. 27-2; *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”). Plaintiff is physically prevented from addressing students in the classroom context, developing mentoring relationships with them, honing his talents as a teacher, or developing fresh teaching evaluations to serve as a basis for a lateral transfer to another school. Because Woodcock has already been

² Univ. of Ky. J. David Rosenberg Coll. of L., *Course List Fall 2026* (Aug. 21, 2026), https://law.uky.edu/sites/default/files/2026-08/f26-course-list-admin-use-only-color-coded_2.pdf.

barred from teaching for a full year, and the law school offers his upper-level courses on Antitrust and Secured Transactions only in the fall semester, approximately one hundred and thirty students in this year's graduating class will *never* have an opportunity to take Antitrust or Secured Transactions with Plaintiff if Plaintiff does not return to teaching this semester. And Plaintiff will never have an opportunity to impart to them his ideas in Antitrust, which is a focus of his research. Hearing Tr., R. 40, Page ID # 1809:1–2.

This Court “may shorten” “the time” for issuance of the mandate “by order.” Fed. R. App. P. 41(b). If this Court does not shorten the time for issuance of the mandate, then the District Court will not have the time that it needs to restore Plaintiff to the classroom this semester. Federal Rule of Appellate Procedure 41(a) governs the normal timing for issuance of the mandate. It provides that the mandate “must issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order” on a petition for rehearing, “whichever is later.” Fed. R. App. P. 41(a). Thus this Court’s mandate would normally issue at least 21 days after judgment, which would be too late to allow the District Court to act within the two-to-three-week window required to return Plaintiff to teaching this semester.

B. There Is No Prejudice to Defendants Because They Lack Grounds for Petitioning for Rehearing and Anyway in the Unlikely Case That This Court Grants a Petition This Court Can Recall the Mandate

Issuance of the mandate today would deny Defendants the benefit of the minimum 21-day stay that would otherwise be imposed before issuance of the mandate. That would not, however, prevent Defendants from petitioning for rehearing in this Court. And, if this Court were to grant a rehearing petition, the Court could, under such an “exceptional circumstance[]”, “recall [the] mandate, in effect reopening the case, without limit of time[.]” *Patterson v. Haskins*, 470 F. 3d 645, 661 (6th Cir. 2006) (cleaned up). While that might impose a procedural burden on Defendants, that burden pales in comparison to the irreparable harm suffered by Plaintiff if he is prevented from returning to teaching this semester. *Elrod*, 427 U.S. at 373. And even if the burden of recalling the mandate were greater, there would be no prejudice to Defendants because this Court is highly unlikely to grant rehearing in this case.

This Court will grant a petition for rehearing only where (1) a question of exceptional importance is presented or the panel’s decision conflicts with a decision of the (2) U.S. Supreme Court, (3) this Court, or (4) another U.S. Court of Appeals. Fed. R. App. P. 40(b)(2). None of these situations applies. Overturning this Court’s ruling is not a matter of exceptional importance. A decision to *abstain* on a First Amendment challenge could well constitute a matter of exceptional

importance because it might mistakenly foreclose constitutional review. But this Court's decision to *permit* constitutional review of an investigation, suspension, and ban of a faculty member cannot be a matter of exceptional importance. It does not present the same possibility of denial of access to constitutional review or similar grave injustice. Defendants will have ample opportunity to defend their policies in the District Court.

No U.S. Supreme Court precedent has been violated. This Court reversed the District Court on the ground that the “underlying state proceedings”, which this Court assumed without deciding to be “civil enforcement proceedings”, “are not ongoing” because “the disciplinary proceedings against Woodcock remain in a preliminary, investigatory stage” and “the University” has not “filed a formal complaint against him” *Woodcock*, slip op. at 4. No U.S. Supreme Court case has affirmed abstention from an investigation prior to the filing of formal charges in a civil enforcement proceeding. University Defendants cited none in their appellate briefs.

Similarly, no binding decision of this Court or another court of appeals has been violated. As this Court noted, its decision is consistent with this Court's opinion in *Winter v. Wolnitzek*. 834 F.3d 681, 688 (6th Cir. 2016); *Woodcock*, slip op. at 4–5. University Defendants cited to no conflicting Sixth Circuit authority in their appellate briefs. Finally, this Court's opinion is consistent with the law in

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seven other courts of appeals. *Guillemard-Ginorio v. Contreras-Gomez*, 585 F. 3d 508, 510 (1st Cir. 2009); *Telco Communications, Inc. v. Carbaugh*, 885 F. 2d 1225, 1226–27 (4th Cir. 1989); *Louisiana Deb. and Lit. v. N. Orleans*, 42 F. 3d 1483, 1486–88, 1490–91 (5th Cir. 1995); *Mulholland v. Marion*, 746 F. 3d 811, 813, 815, 81 (7th Cir. 2014); *Canatella v. California*, 304 F. 3d 843, 848, 851–52 (9th Cir. 2001); *PDX v. Commissioner*, 978 F. 3d 871, 877-78, 885-87 (3d Cir. 2020); *Major League Baseball v. Crist*, 331 F. 3d 1177 (11th Cir. 2003) (silently affirming *Major League Baseball v. Butterworth*, 181 F. Supp. 2d 1316, 1320–21 (N.D. Fla. 2001)). In their appellate briefs, neither Defendants nor Plaintiff identified any contrary authority in any of the remaining courts of appeals.

CONCLUSION

Plaintiff respectfully requests that this Court issue the mandate today or as soon thereafter as possible and either reduce the time for Defendants to respond to this motion close of business today or decide the motion without waiting for a response.

REQUIRED ATTACHMENTS

Pursuant to Sixth Circuit Local Rule 27(c)(2), Plaintiff has attached to this emergency motion copies of the notice of appeal (Exhibit 1), the District Court's order from which Plaintiff appealed (Exhibit 2), and this Court's opinion and judgment (Exhibit 3).

Dated: August 26, 2026

Respectfully submitted,

/s/ Rima Kapitan

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/s/ Joe F. Childers

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Counsel for Plaintiff-Appellant

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INDEX OF EXHIBITS

Exhibit 1: Notice of Appeal

Exhibit 2: Order Appealed From

Exhibit 3: Opinion and Judgment

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TYPE-VOLUME CERTIFICATION

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify that this motion complies with the type-volume limitation in Rule 27(d)(2)(A) because, as counted by the Microsoft Word word count tool, this motion contains 1,825 words, excluding the parts exempted by Rule 32(f). This motion complies with the typeface requirements in Rule 32(a)(5)(A) and the type-style requirements in Rule 32(a)(6) because this motion has been prepared in proportionally spaced 14-point Times New Roman font.

Dated: August 26, 2026

/s/ Rima Kapitan

Kapitan Gomaa Law, P.C.

P.O. Box 46503

Chicago, IL 60646

(312) 566-9590

rima@kapitangomaa.com

CERTIFICATE OF SERVICE

I certify that on August 26, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit using the CM/ECF system. I also certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Rima Kapitan

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EXHIBIT 3

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION

Ramsi A. Woodcock,

Plaintiff,

v.

Case No. 5:25-cv-00424-BJB

University of Kentucky et al.,

Defendants.

**PLAINTIFF'S STATUS REPORT AND
NOTICE OF FORTHCOMING EMERGENCY MOTION**

On January 8, 2026, this Court denied Plaintiff's motion for a preliminary injunction, holding that the abstention doctrine set forth in *Younger v. Harris*, 401 U.S. 37 (1971) precluded federal review of the state actions at issue. That Order directed the parties to "tender joint status reports every thirty days, apprising the Court of the status of the investigation as well as any other future proceedings". *Woodcock v. University of Kentucky*, 820 F. Supp. 3d 555, 582 (E.D. Ky. 2026). However, no joint status report has been submitted since June 5, 2026. On July 17, 2026, Judge Benjamin J. Beaton was designated to preside in this case after Judge Caldwell's recusal.¹ Plaintiff respectfully submits this individual status report in light of the forthcoming issuance of the appellate mandate, the recent change in this Court's assigned judge, and the parties' lack of a consensus on the substance of this status report.²

¹ On July 20, 2026, Judge Karen K. Caldwell recused herself from the case and ordered the matter reassigned to Chief Judge David L. Bunning for processing. Order, Dkt. 53. That same day, Chief Judge Bunning referred the matter to Chief Judge Jeffrey S. Sutton of the U.S. Court of Appeals for the Sixth Circuit for reassignment, retroactive *nunc pro tunc* to July 14, 2026. Order, Dkt. 54. Pursuant to that referral, Chief Judge Sutton designated U.S. District Judge Benjamin J. Beaton to the case, which was formally updated on the docket on July 17, 2026. Case Assignment Docket Entry, July 17, 2026.

² Plaintiff sent a draft of this report to counsel for the University defendants and the Attorney General on August 31, 2026. They do not join in this report.

On August 24, 2026—the first day of classes at the University of Kentucky J. David Rosenberg College of Law (“law school”)—the U.S. Court of Appeals for the Sixth Circuit reversed this Court’s abstention order and remanded the case for consideration of Plaintiff’s motion for a preliminary injunction. *Woodcock v. University of Kentucky*, No. 26-5057, slip op. at 5 (6th Cir. Aug. 24, 2026). On August 26, 2026, Plaintiff filed an emergency motion requesting immediate issuance of the mandate in order to allow this Court time to return Plaintiff to teaching this semester. Pl.’s Emerg. Mot. for Immediate Issuance of the Mandate at 2, *Woodcock v. Univ. of Ky.*, No. 26-5057 (6th Cir. Aug. 26, 2026), Dkt. 100-1. Because “[c]lasses during the first week or two of the semester are usually non-substantive or introductory in nature” and the law school “occasionally” “substitutes teaching assignments during or immediately after this period,” Plaintiff has a rapidly closing two-week window (as of yesterday) to obtain an order from this Court returning him to teaching during the fall semester. *Woodcock Decl.* ¶ 1, Jan. 21, 2026, R. 42-6, Page ID# 2120. On August 27, 2026, the Court of Appeals ordered Defendants to “respond to the motion on or before Wednesday, September 2, 2026. The defendants are requested to include in their response whether they intend to seek, or are considering seeking, rehearing.” Order at 1, *Woodcock v. Univ. of Ky.*, No. 26-5057 (6th Cir. Aug. 27, 2026), Dkt. 101. Accordingly, the Court of Appeals may issue the mandate as soon as this Wednesday, September 2, 2026.

Plaintiff respectfully informs this Court that immediately after the issuance of the mandate, Plaintiff intends to file an emergency motion requesting that this Court hold oral argument and issue a ruling on Plaintiff’s motion for a preliminary injunction **no later than Friday, September 11, 2026**. Dkt. 19, Mot. for Prelim. Inj. & Expedited Consideration.

The investigation, suspension, and ban at issue in Plaintiff's motion for a preliminary injunction are ongoing. On July 22, 2026, Plaintiff wrote to Defendant Van Tatenhove,³ who had taken office as the new dean of the law school on July 20, 2026, to ask that he exercise his authority—which the University characterizes as “absolute”—to end the suspension and ban imposed on Plaintiff by Van Tatenhove's predecessor. Thro Letter, Sept. 19, 2025, at 1, Dkt. 19-4. On the afternoon of Saturday, August 22, 2026, two days before the start of fall term classes on August 24, 2026, Defendant Van Tatenhove emailed Plaintiff a response letter, dated August 21, 2026, that stated that the interim suspension imposed on Plaintiff was “made for the duration of the investigation”, which is “ongoing,” and that “a review of your status will not be conducted until the investigation is complete.” Exhibit A at 1. On August 25, 2026, the lawyer hired by Defendants to investigate Plaintiff's speech wrote to Plaintiff to request that he respond to written questions by September 8, 2026. Exhibit B at 1.

Respectfully submitted,

/s/ Rima Kapitan

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³ When he took office as the new dean of the law school on July 20, 2026, Van Tatenhove was automatically substituted as official capacity defendant for former Interim Dean James C. Duff pursuant to Fed. R. Civ. P. 25(d).

INDEX OF EXHIBITS

Exhibit A: Van Tatenhove Email and Letter, August 22, 2026

Exhibit B: Thompson Email, August 25, 2026

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2026, a copy of the foregoing was served electronically in accordance with the method established under this Court's CM/ECF Administrative Procedures and Standing Order upon all parties in the electronic filing system in this case.

/s/ Rima Kapitan

Counsel for Plaintiff

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Letter

Van Tatenhove, Gregory F. <gregory.van.tatenhove@uky.edu>
To: "rwo236@g.uky.edu" <rwo236@g.uky.edu>

Sat, Aug 22, 2026 at 3:56 PM

Professor,

Please see the attached.

Sincerely,

Greg

From: Woodcock, Ramsi <rwo236@g.uky.edu>
Sent: Wednesday, July 22, 2026 7:12 AM
To: Van Tatenhove, Gregory F. <gfva222@uky.edu>
Subject: Letter

You don't often get email from rwo236@g.uky.edu. [Learn why this is important](#)

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University of
Kentucky

J. David Rosenberg
College of Law
Office of the Dean

August 21, 2026

Ramsi Woodcock
620 S. Limestone
J. David Rosenberg College of Law
University of Kentucky

Dear Professor Woodcock:

With a letter dated July 18, 2025, from Interim Dean Jim Duff, you were informed of your temporary administrative reassignment. At that time, you were notified that the reassignment was made for the duration of the investigation of allegations related to your conduct. As you know, this investigation is ongoing.

I have had the opportunity to carefully review your letter dated July 22, 2026. In that letter you request that we rescind your reassignment. For the reasons previously stated, a review of your status will not be conducted until the investigation is complete. When this occurs, I will consult with OEO, HR and the Provost's office as to next steps.

We share a common interest in making sure that the process continues to be fair and is resolved as expeditiously as possible.

Sincerely,

Gregory F. Van Tatenhove
Dean
University of Kentucky
J. David Rosenberg College of Law

cc: William Thro, General Counsel
Dr. S. Rebecca Thomas, Faculty Advancement



Rima Kapitan <rima@kapitangomaa.com>

RE: Professor Woodcock's Response to the Written Questions

1 message

Thompson, Farnaz Farkish <FThompson@mcguirewoods.com>

Tue, Aug 25, 2026 at 8:02 AM

To: Rima Kapitan <rima@kapitangomaa.com>

Cc: Joe <joe@jchilderslaw.com>, "William E. Thro" <william.thro@uky.edu>, "Sarah G. Mudd" <sarah.mudd@uky.edu>, "Prendingue, Maricris" <mprendingue@mcguirewoods.com>, Bryan Beauman <BBeauman@sturgillturner.com>, "Carmine G. Iaccarino" <Carmine@sturgillturner.com>

Dear Rima,

We previously agreed that Professor Woodcock may respond to the written questions two weeks (14 calendar days) after the U.S. Court of Appeals for the Sixth Circuit has ruled on the merits of Professor Woodcock's appeal of the federal district court's decision. I understand that on August 24, 2026, the U.S. Court of Appeals for the Sixth Circuit ruled on the merits of Professor Woodcock's appeal of the federal district court's decision. Accordingly, Professor Woodcock has until Tuesday, September 8, 2026, to respond to the attached written questions. If I do not receive a response to the written questions on or before September 8, 2026, I will conclude that Professor Woodcock does not wish to participate in this investigation.

Kind regards,

Farnaz

Farnaz Farkish Thompson 

Partner

McGuireWoods LLP

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fthompson@mcguirewoods.com

From: Rima Kapitan <rima@kapitangomaa.com>**Sent:** Friday, February 20, 2026 8:33 PM**To:** Thompson, Farnaz Farkish <FThompson@mcguirewoods.com>**Cc:** Joe <joe@jchilderslaw.com>; William E. Thro <william.thro@uky.edu>; Sarah G. Mudd <sarah.mudd@uky.edu>; Prendingue, Maricris <mprendingue@mcguirewoods.com>; Bryan Beauman <BBeauman@sturgillturner.com>; Carmine G. Iaccarino <Carmine@sturgillturner.com>**Subject:** Re: Professor Woodcock's Response to the Written Questions - Due March 6, 2026****EXTERNAL EMAIL; use caution with links and attachments****

Thank you for letting me know.

On Fri, Feb 20, 2026 at 7:10 PM Thompson, Farnaz Farkish <FThompson@mcguirewoods.com> wrote:

Dear Rima,

Professor Woodcock may respond to the written questions two weeks (14 calendar days) after the U.S. Court of Appeals for the Sixth Circuit rules on the merits of your appeal of the federal district court's decision.

Sincerely,

Farnaz

Farnaz Farkish Thompson 

Partner

McGuireWoods LLP

T: +1 202 857 2488 | M: +1 703 798 0182

fthompson@mcguirewoods.com

On Feb 20, 2026, at 7:01 PM, Rima Kapitan <rima@kapitangomaa.com> wrote:

****EXTERNAL EMAIL; use caution with links and attachments****

Farnaz,

Yes, we're seeking a two-week extension until after the decision on our appeal of the district court's decision denying our motion for injunctive relief and granting the motion to abstain.

Rima

On Fri, Feb 20, 2026, 5:26 PM Thompson, Farnaz Farkish <FThompson@mcguirewoods.com> wrote:

Dear Rima,

I am not sure I understand your request. Are you requesting an extension until two weeks after the U.S. Court of Appeals for the Sixth Circuit decides the merits of Professor Woodcock's appeal of the federal district court's order, granting the University of Kentucky's and other defendants' Motion to Abstain?

Thank you for clarifying your request.

Sincerely,

Farnaz

Farnaz Farkish Thompson 

Partner

McGuireWoods LLP

T: +1 202 857 2488 | M: +1 703 798 0182

ftompson@mcguirewoods.com

On Feb 20, 2026, at 4:46 PM, Rima Kapitan <rima@kapitangomaa.com> wrote:

****EXTERNAL EMAIL; use caution with links and attachments****

Dear Farnaz,

We ask that the deadline for answering the questions be delayed until after a decision on our appeal of the injunction. We are filing a motion to expedite, and the University would not be harmed by the additional delay.

Rima

On Fri, Feb 20, 2026 at 10:26 AM Thompson, Farnaz Farkish <FTompson@mcguirewoods.com> wrote:

Dear Rima,

I am following up on your e-mail, below. As the U.S. Court of Appeals for the Sixth Circuit denied the motion for injunction pending appeal, I assume we can expect Professor Woodcock's responses to the written questions within 14 days or on or before March 6, 2026.

Sincerely,

Farnaz

Farnaz Farkish Thompson 

Partner

McGuireWoods LLP

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Kathryn Marshall, Franklin Circuit Clerk

fthompson@mcguirewoods.com

From: Rima Kapitan <rima@kapitangomaa.com>

Sent: Friday, January 23, 2026 7:27 PM

To: Thompson, Farnaz Farkish <FThompson@mcguirewoods.com>

Cc: Joe <joe@jchilderslaw.com>; William E. Thro (william.thro@uky.edu) <william.thro@uky.edu>; Mudd, Sarah G. <sarah.mudd@uky.edu>; Prendingue, Maricris <mprendingue@mcguirewoods.com>

Subject: Re: injunction motion pending

****EXTERNAL EMAIL; use caution with links and attachments****

Great, thank you for responding.

Rima

On Fri, Jan 23, 2026 at 6:22 PM Thompson, Farnaz Farkish <FThompson@mcguirewoods.com> wrote:

Dear Rima,

I hope you are doing well. I would like to confirm that Professor Woodcock would like to request an extension to respond to the written questions after the Sixth Circuit rules on his motion for injunction pending appeal. If I am understanding your request correctly and if the Sixth Circuit denies the motion for injunction pending appeal, Professor Woodcock may respond to the written questions within 14 days after the Sixth Circuit rules on this motion.

Sincerely,

Farnaz

Farnaz Farkish Thompson 

Partner

McGuireWoods LLP

T: +1 202 857 2488 | M: +1 703 798 0182

fthompson@mcguirewoods.com

From: Rima Kapitan <rima@kapitangomaa.com>

Sent: Friday, January 23, 2026 4:59 PM

Kathryn Marshall, Franklin Circuit Clerk

To: Thompson, Farnaz Farkish <FThompson@mcguirewoods.com>; Joe <joe@jchilderslaw.com>

Subject: injunction motion pending

EXTERNAL EMAIL; use caution with links and attachments

Farnaz,

Joe Childers is filing an injunction motion in the Sixth Circuit Court of Appeals now. We expect a ruling fairly soon. Can Prof. Woodcock have an extension on responding to your list of questions until the ruling on that motion?

Thank you,

Rima

--

Rima Kapitan | Partner

Kapitan Gomaa Law

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