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

Eli Capilouto et al.,

Defendants.

PLAINTIFF'S MOTION FOR LIMITED EXPEDITED DISCOVERY AND A PRE-HEARING SCHEDULE

Plaintiff Ramsi A. Woodcock ("Woodcock") moves under Federal Rules of Civil Procedure 26(d)(1), 33, and 34 for limited discovery in preparation for the preliminary-injunction hearing the Court has set. DN 83 at 8. The Court has identified the questions that hearing should answer: whether the investigation and the reassignment would chill a person of ordinary firmness, whether Woodcock's speech was protected in the forums in which he spoke, and whether any aspect of the investigation or the reassignment is "vindictive, disproportionately burdensome, or otherwise out of the ordinary." DN 83 at 6–7. The determination of whether Defendants' actions in this case are "out of the ordinary" depends in part on documents in Defendants' possession. Woodcock seeks leave to propound fifteen targeted document requests and five interrogatories, all limited to the claims for prospective relief and attached as Exhibit A, with objections due three business days after the Court's order and responses due four business days before the hearing. He seeks no depositions. He also respectfully requests dates for pre-hearing memoranda, witness lists, and exhibit lists. A proposed order is attached.

BACKGROUND

Woodcock moved for a preliminary injunction on December 12, 2025. DN 19. The Court held an evidentiary hearing on December 19, 2025. DN 40. At that hearing Defendant James C. Duff, then Interim Dean, testified that in removing Woodcock from teaching and banning him from the law building he followed "university policies and precedent," that he had been told such measures were "not unusual," and that "[t]he protocols were in practice in various colleges throughout the university system." DN 40 at 178:1–10, 184:9–185:6 (PageID 1979, 1985–86). No such protocol or precedent appears in the record. The University's own rules, when Woodcock was suspended, permitted suspension "only if immediate harm to the faculty member or others is threatened." DN 19-3 at PageID 449, § B.1.f.(3).

Defendants Capilouto, DiPaola, Thro, and Duff answered the Amended Complaint on September 25, 2026, and their answer serves as Dean Van Tatenhove's responsive pleading "to the extent any claims are made against the Dean in his official capacity." DN 62 at 1. No Rule 26(f) conference has been held, no scheduling order has issued, and no party has taken discovery. On November 3, 2026, the Court denied Woodcock's motion for a temporary restraining order, stating that the questions it identified are "worthy of further evidentiary presentation" and that, "although a previous judge held an evidentiary hearing nearly a year ago, time and events have not stood still." DN 83 at 6–7. The Court set a second preliminary-injunction hearing for November 19, 2026. Id. at 8.

ARGUMENT

A party may not seek discovery before the Rule 26(f) conference "except . . . when authorized . . . by court order." Fed. R. Civ. P. 26(d)(1). "District courts have discretion to order expedited discovery when the moving party shows good cause." *J.P. Morgan Sec. LLC v. Logsdon*, No. 3:22-cv-

14-BJB, 2022 WL 509120, at *1 (W.D. Ky. Feb. 18, 2022) (quotation marks omitted). Good cause may exist "where the plaintiff's need for expedited discovery outweighs the possible prejudice or hardship to the defendant." *Id.* (quoting *USEC Inc. v. Everitt*, No. 3:09-cv-4, 2009 WL 152479, at *3 (E.D. Tenn. Jan. 22, 2009)). The movant must show why the discovery is "necessary for a preliminary injunction." *Id.* (quotation marks omitted); see *Woodcock v. Van Tatenhove*, No. 5:26-cv-262-BJB, DN 19 at 2 (E.D. Ky. July 31, 2026). Each of those conditions is met.

I. The Discovery Is Necessary to Answer the Questions the Court Has Set for the Hearing

The Court has asked whether any aspect of the investigation or the reassignment is "out of the ordinary." DN 83 at 7. The authorities the Court cited frame that inquiry by comparison with the institution's usual practice: whether an investigation falls outside the "formal process for reviewing evidence and weighing disputed claims," *Cutler v. Stephen F. Austin State Univ.*, 767 F.3d 462, 474 (5th Cir. 2014); whether a university has created an "ad hoc committee" in response to a professor's views, *Levin v. Harleston*, 966 F.2d 85, 89 (2d Cir. 1992); and whether an investigation's length "far exceeded" the applicable limit, DN 83 at 8 n.27 (citing *White v. Lee*, 227 F.3d 1214, 1228–29 (9th Cir. 2000)). See DN 83 at 3–4 n.8. Woodcock can show what was done to him. He cannot show, without discovery, what the University does to others. Requests 5, 6, and 9 ask for records sufficient to show how the University has handled other investigations of faculty speech since 2020: who began them, who conducted them, what interim measures were imposed, and how long they lasted. Interrogatory 5 asks Defendants, in their official capacities, to describe that practice under oath. Request 7 seeks data on speech investigations that the University has already compiled for the outside reviewer of Woodcock's complaint of discrimination. Request 4 asks for the "protocols" and "precedent" Duff invoked. Defendants put the ordinariness of their conduct in issue through Duff's testimony; they should not be permitted to rely on it at the hearing while withholding the records that would test it.

The remaining requests go to the same question and to vindictiveness. Requests 1 through 3 and Interrogatories 1 and 2 ask who decided to suspend, ban, and investigate Woodcock, and what complaints from outside the University preceded those decisions. Duff testified that the complaints came from professors who had attended Woodcock's conference talks and from "outside interests," and that the decision to investigate was taken at "the highest level of the university." DN 40 at 179:11–19, 181:15–23, 188:11–18 (PageID 1980, 1982, 1989). As the Court noted, the speech at issue dates to February 2024, and the University knew of it at least in part by March 2024. DN 83 at 1 n.1. The timing and sources of the decision bear directly on motive. Requests 8 and 10 through 12 concern the selection of the outside investigator, her instructions, and the conduct and length of the investigation, which the investigator expected to complete within 60 to 90 days of receiving Woodcock's laptop, DN 19-15 at PageID 1569, and which has now run for more than fifteen months. Request 8 also asks how the investigator was retained and paid. The University has disclosed that its payments to its litigation counsel for a matter titled "Ramsi Woodcock v UK" include "expenses to McGuire Woods of $62,703.00," the investigator's firm. Second Am. Compl. Ex. 77 at 1–2. The same firm billed the University $187,462.70 in "Experts" costs in the fall of 2025 for a matter titled "Personnel Investigation," and no contract with the investigator's firm was filed with the General Assembly's Government Contract Review Committee or approved by the Governor. DN 19-3 at PageID 595–96, 600, 604–05, 608, 612–13; Second Am. Compl. Ex. 76. Whether the University engaged the investigator through the process it ordinarily uses for outside legal services, including the Governor's approval that KRS 12.210(1) requires, bears on whether the investigation was "out of the ordinary." DN 83 at 7. Request 9 asks the same question of the University's other outside investigations, and asks whether the University has ever paid for another firm's services as a cost under a different firm's contract, as it did here. Request 13 and Interrogatory 3 concern the continuing reassignment, which the Court called "a closer question" because the

University "has seemingly identified no past or future campus disruption." DN 83 at 6. Request 14 concerns what University officials knew of Woodcock's speech, and said about it, before July 2025. Request 15 concerns the faculty-profile link that the Court mentioned in discussing forum. DN 83 at 6. Interrogatory 4 asks when the investigator's report was or will be submitted, which bears on the timing of any further action.

II. The Requests Are Narrow, and the Burden on Defendants Is Not Disproportionate to the Needs of the Case

This motion differs from the request this Court denied in Woodcock's separate case about the law school deanship. There the Court denied a request for "full discovery" on a "fundamentally backward-looking claim," made before any responsive pleading. *Woodcock v. Van Tatenhove*, No. 5:26-cv-262-BJB, DN 19 at 2–3 (E.D. Ky. July 31, 2026). Here Defendants have answered. DN 62. The Court has itself called for further evidence and identified the questions it should address. DN 83 at 6–7. And Woodcock seeks only what those questions require. Most requests ask for documents "sufficient to show" particular facts, which Defendants may provide by summary, with the underlying records available for inspection. The custodians are a limited set of offices, and most of the records concern decisions made by a handful of officials over a few weeks in the summer of 2025. Woodcock seeks no depositions. Witnesses can be examined at the hearing itself.

The discovery is limited to the claims for prospective relief against Defendants in their official capacities, on which the preliminary-injunction motion rests. Qualified immunity is unavailable in "§1983 cases against individuals where injunctive relief is sought instead of or in addition to damages," *Pearson v. Callahan*, 555 U.S. 223, 242–43 (2009), and so supplies no reason to defer discovery on those claims. Woodcock does not seek, at this stage, discovery focused on his claims for damages.

Student and faculty privacy need not delay production. Woodcock asks the Court to direct that records identifying students be produced under its order, which permits disclosure of education records "to comply with a judicial order." 34 C.F.R. § 99.31(a)(9)(i). Student names may be replaced by consistent identifiers unless a student's identity is needed to understand a record, and other faculty members in the comparator records may be identified by number. Whatever confidentiality protection the Court orders or the parties agree to should not restrict either party's use of produced material at the hearing. Any document withheld as privileged should be logged as Rule 26(b)(5)(A) requires, so that any dispute can be resolved before the hearing.

III. The Deadlines Should Be Tied to the Hearing Date

Rule 34(b)(2)(A) and Rule 33(b)(2) permit the Court to order a shorter time to respond in order to accommodate the hearing schedule. Woodcock asks that Defendants serve any objections within three business days after the Court's order, stating, as Rule 34(b)(2)(C) requires, whether any responsive materials are being withheld on the basis of each objection. He asks that documents and answers be due four business days before the hearing. That schedule would allow any dispute to surface, and to be brought to the Court, before the hearing. To resolve any dispute in time, Woodcock asks that the parties be permitted, after conferring, to raise it by a joint telephone call to chambers. And because the time for enforcement before the hearing is short, Woodcock asks that a party that fails to produce material responsive to the discovery the Court authorizes not be permitted to rely at the hearing on the subject of the material withheld. See Fed. R. Civ. P. 37(b)(2)(A)(ii). Tying the response deadline to the hearing keeps the schedule workable if the hearing date changes.

IV. The Court Should Set a Pre-Hearing Schedule

Woodcock seeks leave to address the Court's questions in writing in advance of the hearing. He also asks the Court to direct the parties to file simultaneous pre-hearing memoranda, witness lists, and exhibit lists two business days before the hearing, so that each side knows the evidence the other intends to present.

CONFERRAL

On November 4, 2026, Woodcock's counsel sent Defendants' counsel the requests in Exhibit A and asked whether Defendants would agree to respond to them before the hearing. [Defendants' position.]

CONCLUSION

Woodcock respectfully asks the Court to (1) authorize the discovery described in Exhibit A; (2) order Defendants to serve any objections within three business days after the Court's order, and to produce documents and answer the interrogatories four business days before the hearing; (3) direct that records identifying students or other faculty members be produced with the identifiers described above; (4) direct that any document withheld as privileged be logged under Rule 26(b)(5)(A) with the production; (5) direct the parties to file simultaneous pre-hearing memoranda, witness lists, and exhibit lists two business days before the hearing; (6) permit the parties, after conferring, to raise any dispute concerning this discovery by a joint telephone call to chambers; and (7) provide that a party that fails to produce responsive material may not rely at the hearing on the subject of the material withheld.

Date: November 4, 2026

Respectfully submitted,

/s/ Rima Kapitan

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