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 SUPPLEMENTAL MOTION FOR A PRELIMINARY INJUNCTION

Plaintiff Ramsi Woodcock moves under Federal Rule of Civil Procedure 65(a) for a preliminary injunction supplementing his pending motion (DN 19). Woodcock maintains that the pending motion survives the amendment he has proposed, DN 84 at 2731–33, and that it already reaches the University President's findings, which are part of the investigation that the pending motion asks the Court to halt. He files this motion to remove any doubt and to state with particularity the relief he seeks against each step that may follow. Fed. R. Civ. P. 7(b)(1). The motion rests on the Second Amended and Supplemental Verified Complaint if the Court grants leave to file it, DN 84, and in the alternative on the First Amended Complaint, DN 36. Woodcock asks the Court to decide the motion for leave to amend at or before the start of the November 19, 2026 preliminary-injunction hearing. The present supplemental motion adopts the briefing and record on the pending motion for a preliminary injunction and requires no further briefing. The University officials who are defendants here (the "University Defendants") have already responded to the pending motion for a preliminary injunction and its grounds. DN 26; DN 69. To the extent Federal Rule of Civil Procedure 6(c)(1) or the Local Rules would otherwise call for additional time, Woodcock asks the Court to shorten that time and to hear the present supplemental motion on November 19, as

scheduled. DN 86 at 3288. A ruling following the November 19 hearing would allow the restoration Woodcock seeks to take effect before Spring 2027 classes begin on January 11, 2027. Univ. of Ky. Coll. of Law, 2026–2027 Academic Calendar. Moving the hearing would risk another semester out of the classroom. If the University Defendants wish to address the motion further, they may do so in the simultaneous pre-hearing memoranda that Woodcock has asked the Court to direct, DN 85, without any change to the hearing date.

I. Grounds

This motion rests on the grounds and record already before the Court: Woodcock's motion, memorandum, and supporting declarations and exhibits (DN 19 and its attachments); the testimony at the December 19, 2025 evidentiary hearing (DN 40); Part I.A of his emergency motion (DN 65), which he asked the Court to treat as a supplemental brief in support of the motion, DN 65 at 2336; his supplemental declarations (DN 35; DN 65-1; DN 70-2); the First Amended Complaint (DN 36); and the verified Second Amended Complaint and its exhibits (DN 84-1 and its exhibits).

Woodcock challenges his reassignment away from teaching, the investigation of his protected speech, and any charges, hearing, sanction, or termination that may follow both as individual forms of retaliation and as one continuing course of retaliation causing continuing harm: the threat that his protected speech will cost him his position, a threat that would deter a person of ordinary firmness from speaking. *See Thaddeus-X v. Blatter*, 175 F.3d 378, 398 (6th Cir. 1999) (en banc) (an "entire campaign of harassment" is actionable if, though "trivial in detail," it "may have been substantial in gross" (quoting *Bart v. Telford*, 677 F.2d 622, 625 (7th Cir. 1982))). Under the University's own procedures, the investigation continues at least through the President's findings, and any charges, hearing, sanction, or termination would follow from those findings. The investigator's letter setting out "the procedures for this investigation" lists the evidence reviews and then the President's "Letter

of Findings and Determination," which "will include any sanction," as steps in that procedure. DN 19-15 at 1569–71. The letter expressly contemplates termination: "[s]hould the University President determine that termination of a tenured appointment may be appropriate, then the University shall comply with KRS 164.230 and any applicable University regulations." *Id.* at 1571. The Sixth Circuit likewise treated the investigation as preliminary to what may follow: "the disciplinary proceedings against Woodcock remain in a preliminary, investigatory stage." *Woodcock v. Univ. of Ky.*, 188 F.4th 969, 972–73 (6th Cir. 2026). A threat capable of deterring a person of ordinary firmness is itself an adverse action. *Kubala v. Smith*, 984 F.3d 1132, 1140 (6th Cir. 2021). Relief that reached only one step of that course of retaliation would require Woodcock to return to the Court each time the University Defendants took the next one. The reassignment, and the ban on his entering the law building while it lasted, reinforce that threat: pairing the investigation with them shows "that the speech under investigation has already cost Woodcock his classroom and his access to the law school, and that more can follow." DN 65 at 2324.

Both complaints support this relief. If the Court grants leave to file it, the Second Amended Complaint asks the Court to enjoin the official-capacity defendants, "preliminarily and permanently," from "continuing the investigation, issuing any report, findings, or charge, convening any hearing, or imposing any sanction" arising from the investigation, DN 84-1 at 2831–32, and pleads "the threatened charges and sanctions, including 'termination of a tenured appointment,'" as adverse actions, *id.* at 2802–03. In the alternative, the First Amended Complaint supports the same relief. It asks the Court to order Defendants Capilouto and Thro to "cease the investigation," DN 36 at 1678, and the investigation continues at least until the President's findings, which "will include any sanction," DN 19-15 at 1570–71. It challenges the investigation together with "the threat of permanent sanction up to and including termination." DN 36 at 1666. And it asks for a declaration that the University "may not rely on the IHRA definition of antisemitism in disciplinary

proceedings" and for Woodcock's restoration "to his position as a full-time professor," *id.* at 1677, relief that charges, a hearing, or a sanction removing him would defeat. A preliminary injunction "is always appropriate to grant intermediate relief of the same character as that which may be granted finally." *De Beers Consol. Mines, Ltd. v. United States*, 325 U.S. 212, 220 (1945). Halting the steps that would carry the investigation forward into charges and sanctions is relief of the same character as halting the investigation itself, and the injury it prevents arises from "the conduct asserted in the complaint." *Colvin v. Caruso*, 605 F.3d 282, 300 (6th Cir. 2010) (quoting *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994)).

II. Relief Requested

Woodcock asks the Court to enjoin Defendants Capilouto, DiPaola, Thro, and Van Tatenhove, in their official capacities, and all persons in active concert or participation with them, Fed. R. Civ. P. 65(d)(2), pending final judgment, from: (1) issuing, transmitting, or giving effect to any letter of findings or determination arising from the investigation of Woodcock (University of Kentucky Office of Equal Opportunity Investigation No. 2025-1230); (2) imposing, recommending, forwarding, or applying any sanction arising from that investigation, including by forwarding recommended sanctions to Woodcock's supervisor; (3) issuing any statement of charges, referral to a hearing, or notice of hearing, or convening or conducting any hearing, appeal, or other disciplinary, sanction, or termination proceeding, arising from that investigation or from the speech that is its subject, including any proceeding before a hearing panel, an appeals panel, the President, or the Board of Trustees; and (4) continuing the reassignment of Woodcock, or imposing any suspension, administrative leave, reassignment, or other removal from his teaching, research, or service duties, whether on an interim basis or otherwise, arising from that investigation or from the speech that is its subject, or reimposing the ban on his access to the law building.

Woodcock further asks the Court to order those Defendants to restore Woodcock to his teaching, research, and service duties, with his customary distribution of effort of 45 percent teaching, 50 percent research, and 5 percent service, DN 84-1 at 2761, and a teaching assignment comparable to his teaching assignments before July 18, 2025, beginning with the Spring 2027 semester, and to correct his 2026–27 distribution of effort. The injunction should reach each step described above whether or not an earlier step has been taken before the Court rules, and should bar giving effect to any step already taken.

Until the Court rules, Woodcock asks the Court to direct that the University Defendants give the Court the ten days' notice that their counsel has agreed in writing to give Woodcock before any letter of findings, sanction, statement of charges, or referral to a hearing issues, at the same time they give it to Woodcock, as described in his response to the University Defendants' Notice of Completion of Investigation, filed today. Woodcock asks that the Court require no bond or only a nominal bond. Fed. R. Civ. P. 65(c). A proposed order is submitted with this motion.

Date: November 11, 2026

Respectfully submitted,

/s/ Rima Kapitan

/s/ Joe F. Childers

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