UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON
CASE NO. 5:25-cv-00424-BJB

RAMSI A. WOODCOCK PLAINTIFF

v.

ELI CAPILOUTO, *et al.* DEFENDANTS

NOTICE OF SUGGESTION OF MOOTNESS

The University of Kentucky Officials—President Eli Capilouto, Provost Robert DiPaola, General Counsel William Thro, Former Dean of the College of Law James Duff in his personal capacity, and Current Dean of the College of Law Gregory Van Tatenhove— submit this Notice of Mootness to inform the Court that the University's outside independent Investigator has completed the investigation, the Investigator's report has been delivered to Woodcock and the appropriate University Officials, and there is no longer a need for the November 19, 2026 hearing as the current request for a preliminary injunction is moot.

INTRODUCTION

As this Court is well aware, the University has been investigating Professor Ramsi Woodcock's conduct after receiving reports that he engaged in antisemitic behavior. Woodcock has devoted considerable effort seeking injunctions in multiple courts to prevent this investigation from proceeding or reaching its conclusion.[1] This

[1] *See* Opinion & Order Denying Temp. Restraining Order, DE 83, at Page ID 2718 ("This is Woodcock's second or third such request, depending on how one counts."); id. at 2718 n.5

Court denied his most recent request for a temporary restraining order but scheduled a second hearing on his motion for a preliminary injunction for November 19, 2026.[2] Since that time, however, the University's outside Investigator has completed the investigation and delivered her report to Woodcock and University officials on November 10, 2026. This change in the circumstances suggests Woodcock's pending motion for a preliminary injunction is moot.

ARGUMENT

"Under Article III, the 'federal courts are without power to decide questions that cannot affect the rights of litigants in the case before them,"[3] and may "only adjudicate ongoing controversies."[4] This means that when events occurring during the pendency of litigation deprive the court of the ability to provide practical relief, the dispute becomes moot.[5] A related principle governs Woodcock's official-capacity claims against the University Officials. To overcome sovereign immunity under *Ex parte Young*, Woodcock must demonstrate an ongoing violation of federal law for which prospective injunctive relief remains available.[6] Because of developments that have occurred after the filing of this action or his current motion for a preliminary injunction, Woodcock can no longer satisfy either requirement.

(noting that Woodcock previously sought a temporary restraining order in Franklin Circuit Court to halt the same investigation, and that the state court denied the request).

2 *Id.* at 2724.

3 *Ohio v. United States Env't Prot. Agency*, 969 F.3d 306, 308 (6th Cir. 2020).

4 *Memphis A. Philip Randolph Inst. v. Hargett*, 2 F.4th 548, 557 (6th Cir. 2021).

5 *Ohio*, 969 F.3d at 308.

6 *Verizon Md., Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 645 (2002).

The mootness analysis in the context of a request for preliminary injunctive relief is slightly different.[7] As the Sixth Circuit explained, the "purpose of a preliminary injunction . . . is to prevent any violation of the plaintiff's before the district court enters a final judgment."[8] Consequently, a motion for a preliminary injunction becomes moot when intervening events eliminate any reasonable possibility that the requested injunction will have a practical effect on the parties' rights during the pendency of the litigation.[9]

I. The end of the investigation renders Woodcock's request for a preliminary injunction moot.

On November 10, 2026, the outside investigator completed the investigation and provided her report to both Woodcock and the University. Consequently, Woodcock's request for preliminary injunctive relief to halt the investigation is now moot. The completion of the investigation strongly suggests that the requested injunction no longer presents a live controversy capable of being enjoined.[10]

Further, to the extent Woodcock contends that the voluntary-cessation exception applies, that argument would be misplaced. The voluntary cessation exception to mootness only applies "if there clearly is no reasonable expectation that the alleged violation will recur."[11] The doctrine is intended to prevent a defendant

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7 *Ohio*, 969 F.3d at 309.

8 *Id.* (citation modified).

9 *Id.*

10 *See Ramsek v. Beshear,* 989 F.3d 494, 499-500 (6th Cir. 2021) (holding that the Governor's decision to rescind the executive order afforded the plaintiff the relief he sought, rendering his request for a preliminary injunction moot). *See also Herrell v. Benson,* 261 F. Supp. 3d 772, 775-76 (E.D. Ky. 2017) (holding plaintiff's request to enjoin the university's disciplinary process was moot as that process had become final).

11 *Resurrection Sch. v. Hertel*, 35 F.4th 524, 523 (6th Cir. 2022) (en banc).

from strategically ceasing allegedly unlawful conduct during litigation, only to resume that same conduct after the case is dismissed as moot.[12] That concern is not present here.

There is no reasonable expectation this investigation will be reopened. Woodcock challenged the University's discrete decision to investigate his past conduct. That investigation has now concluded, and the Investigator has issued her report. Because the investigation concerned past events and has reached its natural endpoint, there is no reasonable possibility that the University will reopen, repeat, or otherwise resume the same investigation.

The completion of the investigation is not the only development rendering Woodcock's request for a preliminary injunction moot. Additional developments further reinforce that conclusion.

II. Woodcock's access to the law school building has been restored.

First, Dean Van Tatenhove has informed Woodcock that his access to the law school building and his office have been restored.[13] That decision provided part of the relief Woodcock sought in his motion for preliminary injunction.[14] Thus, to the extent Woodcock sought injunctive relief based on this allegation, the case is now moot.

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12 *See Speech First, Inc. v. Schlissel,* 939 F.3d 756, 769 (6th Cir. 2019) (explaining the timing of the university's cessation of the challenged conduct raised suspicions that its decision was not genuine); *Northland Family Planning Clinic, Inc. v. Cox*, 487 F.3d 323, 342–43 (6th Cir. 2007) ("In this case, that burden is increased by the fact that the voluntary cessation only appears to have occurred in response to the present litigation, which shows a greater likelihood that it could be resumed.").

13 *See* Sept. 28, 2026 Letter from Gregory Van Tatenhove to Ramsi Woodcock [DE 65-8 at PageID 2405]

14 *See Ramsek,* 989 F.3d at 499-500.

III. Woodcock's assignment for the Fall 2026 Semester ends in a month, and any future assignment is not properly before the Court.

Woodcock's temporary administrative assignment is "tied to" the investigation, which has now concluded.[15] Woodcock's current assignment of duties reflects the Fall 2026 Semester, and his assignment of duties for the Spring 2027 Semester remains uncertain until the University decides what to do.[16] Any future reassignment, disciplinary measure, or other employment action will depend on what actions, if any, the University ultimately elects to take in response to the Investigator's report. Those decisions have not yet been made. Accordingly, any challenge to potential future disciplinary action rests entirely upon contingent events that may never occur. Such claims are therefore not ripe for judicial review.[17]

The University has not yet decided whether to pursue disciplinary action against Woodcock, much less what form any such action might take. Any request for injunctive relief prohibiting prospective disciplinary measures asks this Court to adjudicate a hypothetical dispute rather than a concrete controversy.[18] Indeed, the University has not even initiated disciplinary proceedings against him—and under the terms of a September 24, 2026 Franklin Circuit Court Order—cannot take any

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15 *See* Pl.'s Emergency Mot. for a Temp. Restraining Order, DE 65 at Page ID 2314 (stating that his reassignment from teaching is "tied to" the investigation).

16 September 28, 2026, correspondence from Dean Gregory F. Van Tatenhove [DE 65-8 at Page ID 2405].

17 *Barber v. Charter Twp. of Springfield, Michigan*, 31 F.4th 382, 388 (6th Cir. 2022) ("The basic rationale of the ripeness doctrine is to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over governmental policies, and also to protect the governmental entity from judicial interference until a decision has been formalized and its effects felt in a concrete way by the challenging parties.") (citation modified) (citation omitted).

18 *Deja Vu of Nashville, Inc. v. Metro. Gov't of Nashville & Davidson Cnty., Tennessee*, 274 F.3d 377, 400 (6th Cir. 2001).

disciplinary action without providing Woodcock ten days' notice[19]. As a result, no determination has been made regarding whether discipline is warranted or, if so, what discipline would be appropriate. Woodcock therefore asks this Court to speculate about a series of contingent events that may never occur and offer advisory opinions to him and the University Officials about what next steps would be permissible or not. The ripeness doctrine forbids precisely that sort of conjectural adjudication.[20]

Similarly, none of these hypothetical future actions are properly before the Court at this time. This is true for at least two independent reasons.

First, the operative complaint—the First Amended Complaint[21]—contains no allegations concerning any post-investigation proceedings or disciplinary decisions because no such decisions existed when the First Amended Complaint was filed. The filing of the operative complaint fixes the controversy as of that date, which in this case was January 7, 2026.[22] Consequently, this Court's review is limited to the factual allegations contained in that pleading, and events occurring after its filing cannot be used to manufacture a presently justiciable controversy where one otherwise does not exist.

Second, Woodcock has moved to amend his complaint for a second time. As a result, the currently scheduled hearing would concern a complaint that may no longer

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19 September 24, 2026 Order, Franklin Circuit Court Civil Action 26-CI-00885 [DE 89-1 at PageID 3310].

20 *Doe v. Univ. of Michigan*, 78 F.4th 929, 942 (6th Cir. 2023) ("A claim is not ripe for adjudication if it rests upon 'contingent future events that may not occur as anticipated, or indeed may not occur at all.")

21 *See* First Am. Compl. (DE 36).

22 *See Blick v. Ann Arbor Pub. Sch. Dist.*, 105 F.4th 868, 877 (6th Cir. 2024).

be the operative pleading in this action. This means the Court is currently faced with the possibility that the pleading upon which Woodcock's motion for preliminary relief is based may soon cease to be the operative complaint in this action. When a plaintiff files an amended complaint, the amended pleading supersedes the original complaint and renders the earlier pleading a legal nullity.[23] Indeed, once an amended pleading is interposed, the original pleading "no longer performs any function in the case."[24]

Courts within the Sixth Circuit have recognized the practical implications of this rule in the preliminary-injunction context. Specifically, when an amended complaint introduces new and materially different factual allegations bearing on the merits of the dispute, pending motions directed at the superseded complaint, including motions for preliminary injunctive relief, become moot.[25] As one district court explained, a motion for preliminary injunction cannot survive where the complaint upon which it is based has been replaced by a new pleading containing different allegations that alter the factual and legal landscape of the case.[26]

Accordingly, Woodcock cannot rely on speculative future disciplinary actions to establish a live controversy. Those claims are not ripe for review. Moreover, to the extent Woodcock seeks to place post-complaint developments before the Court through his proposed second amended complaint, the pending motion for leave to amend raises a separate threshold issue as to whether the current request for

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23 *Royal Canin U.S.A., Inc. v. Wullshchleger*, 604 U.S. 22, 35 (2025) (quotation omitted).

24 *Crawford v. Tilley*, 15 F.4th 752, 759 (6th Cir. 2021).

25 *HealthCall of Detroit, Inc. v. Farmers Ins. Exch.*, 2022 WL 4542084, at *2 (E.D. Mich. Sept. 28, 2022).

26 *Id.* at *1. *See also Russe v. Madison Cnty. Sheriff's Dep't*, No. 1:22-CV-221-MR-WCM, 2023 WL 11951628, at *9 (W.D. N.C. Aug. 7, 2023); *El Dorado Oil & Gas, Inc. v. Alaniz*, No. 1:22-CV-248-LG-BWR, 2023 WL 4844083, at *3 (S.D. Miss. May 17, 2023).

preliminary relief remains directed at the operative pleading. Either way, the possibility of future disciplinary proceedings does not provide a basis for maintaining his request for injunctive relief.

CONCLUSION

For these reasons, the University Officials provide this Court with notice that the issues that were set to be discussed at the November 19, 2026 hearing are now moot.

Respectfully submitted,

/s/ Bryan H. Beauman
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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2026 the foregoing document was electronically filed using the Court's CM/ECF system, which will send notification of such filing to all parties registered to receive electronic filings.

/s/ Bryan H. Beauman
Counsel for Defendants President Eli Capilouto, Provost Robert DiPaola, General Counsel William Thro, Former Dean of the College of Law James Duff in his personal capacity, and Current Dean of the College of Law Gregory Van Tatenhove