

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

J.A.W., a minor child,)
)
Plaintiff,)
v.) Cause No. 3:18-cv-37-WTL-MPB
)
EVANSVILLE VANDERBURGH SCHOOL)
CORPORATION,)
Defendant.)

DEFENDANT’S CROSS-MOTION FOR SUMMARY JUDGMENT

The Evansville Vanderburgh School Corporation (“EVSC”), by counsel, states the following.

1. There are no contested issues of material fact in this case regarding whether EVSC violated plaintiff’s rights under Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681(a), and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

2. The law is with EVSC and against the Plaintiff.

3. In support of this motion, EVSC relies upon the following evidentiary materials as more fully set out in Defendant’s Combined Brief in Opposition to Plaintiff’s Motion for Partial Summary Judgment and in Support of Defendant’s Cross-Motion for Summary Judgment:

- a. Declaration of J.A.W. dated March 31, 2018, Dkt. No. 17-1.
- b. Deposition of J.A.W., with certain sealed and unsealed exhibits, Dkt. No. 50-1.
- c. Deposition of David Smith, with certain sealed and unsealed exhibits, Dkt. No. 50-2.
- d. Declaration of Tammy Work, dated July 5, 2018, Dkt. No. 50-4.

- e. Sealed exhibits from the depositions of J.A.W. and David Smith, Dkt. Nos. 51-2 and 51-3.
- f. Transcript of hearing on Plaintiff's motion for preliminary injunction, Dkt. No. 61.
- g. Second Supplemental Declaration of J.A.W., dated January 9, 2019, Dkt. No. 87-1.
- h. Affidavit of David Smith, dated January 28, 2019, Dkt. No. 91-1.

4. In further support of this motion, and in opposition to Plaintiff's motion for partial summary judgment filed on January 14, 2019, EVSC submits contemporaneously herewith its Combined Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment and in Support of Defendant's Cross-Motion for Summary Judgment, and incorporates the same herein by reference.

WHEREFORE, EVSC requests this Court to enter summary judgment in its favor and award all other proper relief.

Respectfully submitted,

s/ Patrick A. Shoulders

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CERTIFICATE OF SERVICE

I certify that on the 21st day of February, 2019, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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