

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.	)	

**SUPPLEMENTAL AFFIDAVIT IN SUPPORT**  
**OF MOTION TO DISMISS**

The undersigned, David B. Smith, Ed.D., being duly sworn upon his oath, states as follows:

1. As previously stated, I have been employed with the Evansville Vanderburgh School Corporation (“EVSC”) for over thirty-six (36) years. I currently hold the position of EVSC Superintendent.

2. On the evening of May 20, 2019, I conducted commencement exercises at North High School.

3. During the ceremony, J.A.W. was presented with a diploma commemorating his graduation from North High School.

4. With this graduation, the EVSC has no further authority, control or supervision over J.A.W. of any kind or nature.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_

David B. Smith, Ed.D.

STATE OF INDIANA )  
 )  
 ) SS:  
COUNTY OF VANDERBURGH )

SUBSCRIBED and SWORN to before me, a Notary Public in and for said County and State, this 21st day of May, 2019.



**PATTI J. SILKE**  
Resident of Warrick County, IN  
Commission Expires: January 19, 2023  
Commission # 0694427

Patti J. Silke  
\_\_\_\_\_  
\_\_\_\_\_, Notary Public,  
whose residence is \_\_\_\_\_ County, Indiana  
My Commission Expires: \_\_\_\_\_

PATTI J. SILKE  
Resident of Warwick County, IN  
Commission Expires: January 18, 2020  
Commission # 0804437



Respectfully submitted,

*Patrick A. Shoulders*

\_\_\_\_\_  
Patrick A. Shoulders #308-82  
L. Katherine Boren #29169-49  
ZIEMER STAYMAN WEITZEL & SHOULDERS, LLP  
20 N. W. First Street  
P. O. Box 916  
Evansville, IN 47706  
Tel. No. (812) 424-7575  
Fax No. (812) 421-5089  
Email: [pshoulders@zsws.com](mailto:pshoulders@zsws.com)  
[kboren@zsws.com](mailto:kboren@zsws.com)

Attorneys for the Defendant.

**CERTIFICATE OF SERVICE**

I certify that on the 21st day of May, 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.

Kenneth J. Falk  
[kfalk@aclu-in.org](mailto:kfalk@aclu-in.org)

Gavin M. Rose  
[grose@aclu-in.org](mailto:grose@aclu-in.org)

Stevie J. Pactor  
[spactor@aclu-in.org](mailto:spactor@aclu-in.org)

*Patrick A. Shoulders*  
\_\_\_\_\_  
Patrick A. Shoulders