

No. 20-3289

United States Court of Appeals for the Sixth Circuit

Nicholas K. Meriwether,

Plaintiff-Appellant,

v.

THE TRUSTEES OF SHAWNEE STATE UNIVERSITY-Francesca Hartop, Joseph Watson, Scott Williams, David Furbee, Sondra Hash, Robert Howarth, George White, and Wallace Edwards - in their official capacities; JEFFREY A. BAUER, in his official capacity; ROBERTA MILLIKEN, in her official capacity; JENNIFER PAULEY, in her official capacity; TENA PIERCE, in her official capacity; DOUGLAS SHOEMAKER, in his official capacity; and MALONDA JOHNSON, in her official capacity,

Defendants-Appellees.

On Appeal from the United States District Court
For the Southern District of Ohio
Case No. 1:18-cv-00753-SJD
The Honorable Susan J. Dlott

Motion for leave to file brief of *Amici Curiae* Professors of Philosophy, Theology, Law, Political Science, and Medicine in support of Plaintiff-Appellant and urging reversal of the lower court

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MOTION FOR LEAVE TO FILE

Pursuant to Federal Rule of Appellate Procedure 29(a)(3), professors of philosophy, theology, law, political science, and medicine respectfully move for leave to file the attached amici curiae brief. Counsel for the amici have consulted with counsel for other parties concerning this motion, and have been advised that plaintiff-appellant and intervenors-appellees consent to the filing of the attached amici brief and that defendants-appellees oppose the filing.

Leave to file should be granted because amici have a strong interest in the issue presented by this case. *See* Fed. R. App. P. 29(a)(3)(A). The district court determined that a philosophy professor did not have the right to use terminology consistent with his metaphysical beliefs. Such an imposition regarding core speech principles jeopardizes academic freedom and the ability to have robust debate concerning important cultural issues.

A brief from amici is “desirable” and “relevant to the disposition of the case.” Fed. R. App. P. 29(a)(3)(B). The brief of amici addresses the critical importance of language in the academic setting to be able to communicate competing views about truth. The blind application of civility codes to speech endangers academic freedom and the free exchange of ideas that university campuses are known for.

CONCLUSION

For all of these reasons, the motion for leave to file an amici brief in support of plaintiff-appellant should be granted.

Dated: June 3, 2020

Respectfully submitted,

/s/ Randall L. Wenger

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users.

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