

No. 20-3289

**IN THE 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, SONDR A HASH, ROBERT HOWARTH, GEORGE WHITE, and WALLACE EDWARDS—in their official capacities; JEFFREY A. BAUER, ROBERTA MILLIKEN, JENNIFER PAULEY, TENA PIERCE, DOUGLAS SHOEMAKER, and MALONDA JOHNSON, in their official capacities,

Defendants-Appellees,

JANE DOE and SEXUALITY AND GENDER ACCEPTANCE,

Intervenors-Appellees.

On Appeal from the United States District Court for the
Southern District of Ohio, Western Division
Case No. 1:18-cv-753—Hon. Susan J. Dlott

**MOTION OF LAW PROFESSORS DARREN ROSENBLUM AND BRIAN
SOUCEK ET AL. FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF IN
SUPPORT OF PETITION FOR PANEL REHEARING OR REHEARING
EN BANC**

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COMES NOW Law Professors Darren Rosenblum and Brian Soucek et al., by counsel, and respectfully move this Court, pursuant to Federal Rule of Appellate Procedure 29(a)(3) and 29(b)(3), for leave to file an *Amicus Curiae* Brief in support of Petition for Panel Rehearing or Rehearing En Banc.

In support of this Motion, Law Professors Darren Rosenblum and Brian Soucek et al. respectfully state as follows:

1. As professors teaching in across the United States, movants have an interest in ensuring that academic freedom is properly protected in the context of the classroom. The panel's opinion threatens this interest by protecting professors who impose their personal, rather than pedagogical or scholarly, opinions on their students whether or not it is germane to the subject of their class.
2. The Court should grant this motion because the arguments made in movants' *amicus* brief show how the panel opinion's sweeping definition of academic freedom departs from prior Sixth Circuit case law and, as a practical matter, threatens to undermine the respectful environment that makes university classrooms such important sites of First Amendment activity. *Amici's* hundreds of years of collective experience in the classroom and expertise on issues of academic freedom provide a unique

perspective on the professional responsibilities and limits that a necessary to ensure a robust exchange of ideas in university classrooms.

3. All parties consent to this motion.

WHEREFORE, for the reasons set forth above, Law Professors Darren Rosenblum and Brian Soucek et al. respectfully request that they be granted leave to file an *Amicus Curiae* brief in support of Petition for Panel Rehearing or Rehearing En Banc in this matter.

/s/ Alvin Lee

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May 17, 2021

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system on May 17, 2021.

I certify that all parties in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Executed this 17th day of May, 2021.

/s/ Alvin Lee

Alvin Lee

Counsel for Amici Curiae