

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

A.C., a minor child by his next friend,)	
mother and legal guardian, M.C.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:21-cv-02965-TWP-MPB
)	
METROPOLITAN SCHOOL DISTRICT)	
OF MARTINSVILLE; PRINCIPAL,)	
JOHN R. WOODEN MIDDLE SCHOOL,)	
in his official capacity,)	
)	
Defendants.)	

DEFENDANTS’ NOTICE OF APPEAL

Notice is hereby given that Defendants, Metropolitan School District of Martinsville and Principal of John R. Wooden Middle School,¹ by counsel, appeal to the United States Court of Appeals for the Seventh Circuit, pursuant to 28 U.S.C. § 1292(a)(1), the decision granting Plaintiff’s Motion for Preliminary Injunction issued by this Court on April 29, 2022. (ECF No. 50.)

Respectfully submitted,

/s/ Philip R. Zimmerly
Jonathan L. Mayes (#25690-49)
Philip R. Zimmerly (#30217-06)
Mark A. Wohlford (#31568-03)

¹ Because Plaintiff redundantly sued the School District and an employee in his official capacity for the same claims, the School District is the proper and only party. *See Ball v. City of Muncie*, 28 F. Supp. 3d 797, 802 (S.D. Ind. 2014).

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2022, a copy of the foregoing “Defendants’ Notice of Appeal” 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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/s/ Philip R. Zimmerly
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