

IN THE UNITED STATE COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
No. 22-1786

A.C., a minor child by his next friend,)	Appeal from the United States
mother, and legal guardian, M.C.,)	District Court for the Southern
)	District of Indiana, Indianapolis
Plaintiff-Appellee,)	Division
)	
v.)	No. 1:21-cv-2965-TWP-MPB
)	
METROPOLITAN SCHOOL DISTRICT)	Hon. Tanya Walton Pratt, Chief
OF MARTINSVILLE, <i>et al.</i> ,)	Judge
)	
Defendants-Appellants.)	

APPELLEE’S AMENDED DOCKETING STATEMENT

Appellee, by counsel, states that the Appellants’ Docketing Statement is not complete and correct and pursuant to Circuit Rule 3(c)(1) files his Docketing Statement.

1. The district court had original jurisdiction of this case pursuant to 28 U.S.C. § 1331. The district court’s federal question jurisdiction was based on alleged violations of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq*, and the Equal Protection Clause of the United States Constitution.

2. Although appellants have characterized this action as an appeal pursuant to 28 U.S.C. § 1292(a)(1) from a preliminary injunction entered by the district court on April 29, 2022, the district court has not entered a preliminary injunction as a separate document as required by the precedents of this Court. *See MillerCoors LLC. v. Anheuser-Busch Companies, LLC*, 940 F.3d 922, 922-23 (7th Cir. 2019) (per curiam). Contrary to

what appellees noted in their original docketing statement, this does not deprive this Court of jurisdiction. *Auto Driveaway Franchise Systems, LLC v. Auto Driveaway Richmond, LLC*, 928 F.3d 670, 677-79 (7th Cir. 2019). Counsel apologizes for the misstatement. Although this is not a jurisdictional defect, this Court should remand the case for the issuance of a preliminary injunction that conforms to the requirements of Rule 65(d)(1)(C) as defined by this Court. The substance of the case remains to be decided in the district court.

3. Appellant Metropolitan School District of Martinsville is a local public-school corporation established under Indiana law. It operates solely in the state of Indiana. No party is an unincorporated association or partnership.

4. No motion for a new trial or for alteration of the judgment or any other motion that tolls the time within which to appeal has been filed in this matter.

5. The Notice of Appeal was filed on May 3, 2022.

6. This is not an appeal from a decision of a magistrate judge.

7. There are no prior or related appellate proceedings.

8. The Principal of the John R. Wooden Middle School has been sued in his official capacity. The current principal of the school is Fred Kutruff.

/s/ Kenneth J. Falk

Kenneth J. Falk
Counsel of Record

/s/ Kenneth J. Falk

Kenneth J. Falk
Counsel of Record
Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059
fax: 317/635-4105

Megan Stuart
Indiana Legal Services
214 S. College Ave., 2nd Floor
Bloomington, IN 47404
812/961-6902
Megan.stuart@ilsi.net

Kathleen Bensberg
Indiana Legal Services, Inc.
1200 Madison Ave.
Indianapolis, IN 46225
317/631-9410
fax: 317/269-7219
Kathleen.bensberg@ilsi.net

Attorneys for Appellee

Certificate of Service

I certify that on this 12th day of May 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. Service will be made on all ECF-registered counsel by operation of the Court's electronic system.

s/ Kenneth J. Falk

Kenneth J. Falk
Counsel of Record