

CAUSE NO. DC-20-17090

JOHN DOE and JANE DOE,

Plaintiffs,

v.

SOUTHERN METHODIST UNIVERSITY

Defendant.

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IN THE DISTRICT COURT

191st JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

On this day, the Court considered Plaintiff John Doe’s (hereafter, “Student Doe”) Original Petition and Application for Temporary Restraining Order and Injunction with supporting declaration verifying same filed against Defendant Southern Methodist University (hereafter, “Defendant” or “SMU”). In relation thereto, the Court makes the following findings and issues the following orders:

It clearly appears from the facts set forth in Student Doe’s Original Petition and Application for Temporary Restraining Order and Injunction, the declaration in support of same, and the evidence before the Court that Student Doe has established (1) a probable right of recovery, (2) imminent and irreparable harm in the event this Temporary Restraining Order is not issued, and (3) that Student Doe has no adequate remedy at law.

Specifically, it clearly appears from the facts set forth in Student Doe’s Original Petition and Application for Temporary Restraining Order and Injunction, the declaration in support of same, and the evidence before the Court that (1) SMU entered into a valid contract with Student Doe (whether express or implied), (2) SMU breached the contract by suspending Student Doe in violation of its terms, and (3) Student Doe has suffered harm as a result of the breach and will suffer irreparable

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harm (for which there is no adequate remedy at law) as a result of the breach in the absence of the issuance of this Temporary Restraining Order. Accordingly, it appears likely that Student Doe will prevail on his breach of contract action against SMU.

It also clearly appears from the facts set forth in Plaintiff's Original Petition and Application for Temporary Restraining Order and Injunction, the declaration in support of same, and the evidence before the Court that (1) SMU has suspended Student Doe in violation of the representations and promises that SMU made to Student Doe, (2) the representations and promises that SMU made to Student Doe were material, false, made in bad faith, or made with conscious indifference to their truth or falsity or without exercising reasonable care to determine their truth or falsity, (3) made to induce Student Doe into taking action, (4) Student Doe reasonably and detrimentally relied on such promises to his harm, and (5) the injustice caused by SMU's failure to abide by its representations and promises to Student Doe (and its suspension of him in violation of same) can be avoided only by enforcement of SMU's representations and promises. Accordingly, it appears likely that Student Doe will prevail on his fraud and/or fraudulent inducement claim, negligent misrepresentation claim, and/or promissory estoppel claim against SMU.

The Court further finds that Student Doe provided SMU with adequate notice of Student Doe's Application for Temporary Restraining Order.

It clearly appears from the facts set forth in Student Doe's Original Petition and Application for Temporary Restraining Order and Injunction, the declaration in support of same, and the evidence before the Court that unless SMU is subject to an order enjoining SMU from:

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1. preventing Student Doe from completing the courses Student Doe was taking for the 2020 fall semester;
2. preventing Student Doe from participating fully in all classes, via remote means, that Student Doe was taking for the 2020 fall semester;
4. preventing Student Doe from receiving grades for the courses Student Doe was taking for the 2020 fall semester;
5. preventing Student Doe from receiving credit hours on Student Doe's SMU transcript for courses Student Doe was taking for the 2020 fall semester;
6. preventing recordation on Student Doe's SMU transcript of all grades Student Doe makes in the courses Student Doe was taking for the 2020 fall semester; and
7. recording the suspension of Student Doe on his academic transcript or records

Student Doe will suffer imminent and irreparable injury for which there is no adequate remedy at law because:

1. Student Doe will not be permitted to complete his coursework for the fall 2020 semester;
2. Student Doe will have a gap in his academic transcript that will cause irreparable harm;
3. Student Doe's academic transcript and/or records will reflect an improper suspension, which will cause irreparable harm;
4. Student Doe's damages are continuing and, to a large degree, incalculable.

IT IS THEREFORE ORDERED that this Temporary Restraining Order is hereby issued enjoining SMU and its agents, servants, employees, and those persons acting in active concert or participation with SMU from:

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1. preventing Student Doe from completing the courses Student Doe was taking for the 2020 fall semester;
2. preventing Student Doe from participating fully in all classes, via remote means, that Student Doe was taking for the 2020 fall semester;
4. preventing Student Doe from receiving grades for the courses Student Doe was taking for the 2020 fall semester;
5. preventing Student Doe from receiving credit hours on Student Doe's SMU transcript for courses Student Doe was taking for the 2020 fall semester;
6. preventing recordation on Student Doe's SMU transcript of all grades Student Doe makes in the courses Student Doe was taking for the 2020 fall semester; and
7. recording the suspension of Student Doe on his academic transcript or records

from the date of the entry of this Order and until the 14th day after entry, or until further order of this Court extending the duration of this Temporary Restraining Order.

IT IS FURTHER ORDERED that Student Doe's Application for a Temporary Injunction shall be heard before the Honorable Judge Gena Slaughter of the 191st District Court in Dallas County, Texas on the 2nd day of December, 2020, at 12:00 o'clock, p.m.

IT IS FURTHER ORDERED that the Clerk of the above-entitled Court shall forthwith, on the filing by Student Doe of the bond hereafter required, and on approving the same according to the law, issue a Temporary Restraining Order in conformity with the law and the terms of this Order.

IT IS FURTHER ORDERED that this Order shall not be effective unless and until Student Doe executes and files with the Clerk a Bond, in conformity with the law, in the amount of ONE HUNDRED DOLLARS (\$100.00), which the Court finds will adequately protect the interests of SMU pending a hearing on Student Doe's Application for Temporary Injunction.

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Failure to comply with this Order will subject SMU and its agents, servants, employees, and those persons acting in active concert or participation with SMU to contempt proceedings before this Court.

SIGNED this the 18th day of November, 2020, at 3:21 o'clock, pm.



JUDGE PRESIDING

TEMPORARY RESTRAINING ORDER