

# THE STUDENT BODY SUPREME COURT OF INDIANA UNIVERSITY

Revocation of Petition for Injunctive Relief

**Ex Parte Miller, Caudill, and Kellogg**

Docket Number: SBSC-2011-01

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## I. Jurisdiction

The *Indiana University Student Association Constitution*, Article IV, Section 2, grants the Court the authority to consider any petition that comes before it. According to the standards of the judiciary, procedural considerations of whether or not to consider a petition, and in what order, precede substantive considerations of the merits of a petition.

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## II. Facts

On Friday, February 18, 2011, the Indiana University Student Body Supreme Court received a Petition for Injunctive Relief, hereafter referred to as the Petition. The Petition was filed by Indiana University students Connor Caudill, Landon Kellogg, and Thomas Miller. In accordance with the *Indiana University Student Association Constitution*, Article IV, Section 5, subsection (d), the Court made the petition public on February 18, 2011. On Sunday, February 20, 2011, the Court received a Petition of Revocation to revoke the Petition for Injunctive Relief. This Petition of Revocation will be hereafter referred to as the Revocation. The Court received the Revocation prior to making a decision regarding whether it would accept the original Petition. The Revocation noted that two of the previous petitioners, Caudill and Kellogg, “fully recognize[d] the facts were not completely accurate as outlined in the Petition for Injunctive Relief.” Per the Revocation, the third petitioner, Miller, withdrew “with no prejudice to the facts and subject matter contained therein...with Mr. Miller implying no prejudice as to whether or not he will pursue any issue or issues contained in said Petition.” The Revocation was signed by all three petitioners: Miller, Caudill, and Kellogg. The Revocation also included signatures from three witnesses: Alexander Groysman, Ilya Rekhter, and Steve Ross.

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*Chief Justice Maloney with Justices Shah and Strzeszkowski delivered the decision of the Court.*

## III. Acceptance of Revocation

At the time of its reception of the Revocation, the Court had neither accepted nor rejected the initial Petition for Injunctive Relief. The Court accepts a Revocation that is signed by the petitioners wishing to revoke the petition, unless a majority of the justices believe that the Revocation may have not been

submitted willfully. A petition is submitted willfully if it is submitted voluntarily and intentionally. *See Black's Law Dictionary*. If there is mere suspicion that a petition was not submitted willfully, the Court may hold an *ex parte* hearing, meaning that only the petitioning party will speak, to garner more information regarding the submission of the Revocation. An *ex parte* hearing regarding a Revocation is a procedural hearing, intended to ascertain whether or not the petition for revocation meets the standards of willful submission required by the Court. Such a hearing would not have jurisdiction to address the substantive merits of the original petition. The Court reserves the right to close the hearing to the public in the interest of protecting the petitioning parties in situations where the Court has mere suspicion to believe coercion, undue influence, harassment, or any other form of intimidatory conduct may have occurred.

In this case, the Court convened an *ex parte* hearing with the petitioning parties to ensure their revocation was submitted willfully. The Court concludes that the petitioners Thomas Miller, Landon Kellogg, and Connor Caudill submitted their petition voluntarily and intentionally. The Court does not reach a finding in regard to whether or not any intimidatory tactics were ever used against the petitioners, but the Court does find that at the time of the signing the petitioners were not subject to intimidatory tactics and did willfully sign the document. Therefore, the Court accepts the Revocation submitted on February 20, 2011, and the Petition submitted on February 18, 2011 is revoked.

The Petition is revoked without prejudice. Consequently, the original petitioner(s) may re-file the petition for injunctive relief. This re-filed petition may include changes to the facts contained therein or to the authorship of the petition. If the petition is revoked a second time, it will be considered a revocation with prejudice, meaning that it cannot be resubmitted.

The decision to accept the Revocation has no bearings on the merits of the original Petition. The Court has not deliberated on the substantive merits of the Petition and will not do so unless a petition is submitted to the Court in regard to the matter.

*It is so ordered.*

*Associate Justices Bhargava, Chapman, Hines, Martin, Pittman, and Robinson joined in the opinion.*

*Justices Chernesky and Zhao recused themselves from this case and did not take part in any decision.*