

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

JOHN DOE,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No.: 2016-cv-17-S
BROWN UNIVERSITY IN PROVIDENCE)	
IN THE STATE OF RHODE ISLAND AND)	
PROVIDENCE PLANTATIONS,)	
)	
Defendant.)	
_____)	

TEMPORARY RESTRAINING ORDER

Before the Court is the Motion of Plaintiff John Doe (“John”) for entry of a temporary restraining order on an emergency basis to restrain and enjoin the Defendant, Brown University, from enforcing its decision of April 20, 2016 immediately removing John from campus after he was found responsible for sexual misconduct as alleged in the Title IX complaint of student Ann Roe. The Court has carefully considered the memorandum and documents that John has filed, and convened a chamber’s conference on the matter on April 22, 2016 at 9:30 AM at which counsel for both parties were present.

Basis for Issuance of Injunctive Relief

1. John has a reasonable likelihood of success on the merits of his claim that Brown University breached its contract with him by applying the definition of consent set forth in the *Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy*, adopted on or about September 3, 2015, ten months after the conduct at issue.

2. John has been suspended until the Fall of 2018 and ordered off campus. Unless a temporary restraining order is granted, John will suffer irreparable harm for which an award of monetary damages would not be sufficient.

3. The balance of the equities tilts in John's favor. The encounter at issue occurred approximately one and a half years ago, only one month remains of this academic year, and no-contact orders are in place. Brown University's proffered interest in immediately removing John from campus pursuant its *Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy* does not outweigh the potential damages John stands to suffer.

4. A temporary restraining order is necessary to maintain the status quo.

Accordingly, it is hereby:

ORDERED:

1. John Doe's motion for a temporary restraining order is GRANTED;
2. Brown University is enjoined and restrained from enforcing its decision of April 20, 2016 decision requiring him to move out of his residence hall and off campus;
3. This Order shall not affect any existing no-contact orders concerning John; and
4. This Order is entered at 12:00 PM on April 22, 2016, and shall not exceed 14 days in duration unless before that time the court, for good cause, extends it for a like period or the adverse party consents to its extension.

It is so ordered.

/s/William E. Smith

William E. Smith
Chief Judge
Date: 25 April 2016

Presented on April 25, 2016 by:

The Plaintiff, John Doe,
By his Attorneys,

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CERTIFICATION

I, J. Richard Ratcliffe, pursuant to LR Cv 58, hereby certify that:

- a) On April 22, 2016, I served a copy of this proposed order on all counsel of record;
and
- b) To the best of my knowledge, opposing counsel does not object to the form of this
order.

J. Richard Ratcliffe, #2603