

2. There are no contested issues of material fact in this case and the law is with the plaintiff and accordingly he is entitled to summary judgment and appropriate declaratory and injunctive relief against the defendants.

3. In support of this motion he relies on and designates the following evidentiary materials all of which are incorporated by reference and are more fully set out in plaintiff's accompanying memorandum of law.

- Indiana University, *Board of Trustees*, <https://trustees.iu.edu/index.html>;
- the Declaration of Diane Dallis-Comentale, Exhibit 26 to defendant Governor Braun's Submission of Evidentiary Material, filed on June 2, 2025;
- plaintiff's Verified Amended Complaint, filed on June 9, 2025;
- the Declaration of Justin Vasel, attached to this motion;
- defendant Governor Braun's Answer to Amended Complaint for Declaratory and Injunctive Relief Concerning Unconstitutionality of an Indiana Statute, filed on July 30, 2025.

4. In further support of this motion, plaintiff separately submits his memorandum of law, which is incorporated by reference.

WHEREFORE, plaintiff requests that summary judgment be entered in his favor as described in more detail in his accompanying memorandum of law, and for all other proper relief.

/s/ Kenneth J. Falk
Kenneth J. Falk
No. 6777-49

/s/ Gavin M. Rose

No. 26565-33

/s/ Stevie J. Pactor

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Attorneys for Plaintiff

Certificate of Service

I certify that on September 16, 2025, a copy of the foregoing was filed using the Indiana E-filing System ("IEFS"). I also certify that on September 16, 2025, the foregoing document was served on all counsel of record though IEFS.

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/s/ Kenneth J. Falk
Kenneth J. Falk
Attorney at Law

STATE OF INDIANA)
)
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO. 53C06-2505-PL-001288

JUSTIN VASEL,)
)
Plaintiff,)
)
v.)
)
MIKE BRAUN, in his official capacity)
as Governor of the State of Indiana;)
DIANE DALLIS-COMENTALE, in her)
official capacity as Dean of University)
Libraries for Indiana University,)
)
Defendants.)

Declaration of Justin Vasel

Justin Vasel, being duly sworn upon his oath, and says that:

1. I have submitted a Verified Complaint and Verified Amended Complaint in this case and this declaration supplements my previously submitted verified statements.
2. According to a now-archived webpage from the Indiana University Alumni Association under the heading "Trustee Election" that was posted on the Indiana University webpage and that was available at <https://alumni.iu.edu/events/trustee-election/index.html>, ballots for the trustee election would be mailed on request or to graduates who voted by paper ballot in any of the three prior trustee election.
3. At the time of the change in the law on May 6, 2025, the three alumni-elected Indiana University trustees and the dates that their terms were to expire were Vivian

Winston (June 30, 2025), Donna Spears (June 30, 2026), and Jill Maurer Burnett (June 30, 2027), and I am aware that the Governor replaced them shortly after the change in the law.

4. I closely followed the legislative developments that led to the repeal and replacement of the statutory scheme that had allowed for election of three of the members of Indiana University's board of trustees.

5. I am aware that the statutory sections that repealed the statutes that had provided for the election of three of the trustees and that had regulated the elections were inserted into HEA 1001, the budget bill for the State of Indiana, very late in the process such that no hearing or debates were held on the proposed changes before the bill was voted upon.

6. I have attached the email that I received from the Indiana University Dean of University Libraries after the new legislation was passed that informed me that the elections had been cancelled.

7. I have reviewed the information about the current Indiana University board of trustees that is available on the University's website, <https://trustees.iu.edu/the-trustees/current-trustees/index.html>, and the website lists the current trustees and the expiration of their terms as follows:

- W. Quinn Buckner (June 30, 2028)
- James Bopp, Jr. (June 30, 2028)
- Brian A. Eagle (June 30, 2027)
- David Hormuth, M.D. (June 30, 2028)
- J. Timothy Morris (June 30, 2026)
- Marilee Springer (June 30, 2028)

- Sage Steele (June 30, 2028)
- Isaac Torres (June 30, 2026)
- Isaac White (student) (June 30, 2026)

8. I am aware that there are five public universities in Indiana that award graduate and baccalaureate degrees: Indiana University, Purdue University, Ball State University, Indiana State University, and the University of Southern Indiana.

9. I am aware that not only does Vincennes University not offer graduate degrees, but the overwhelming number of educational programs it offers are for associates degrees or certificate programs, not baccalaureate degrees.

10. I am also aware that Ivy Tech does not offer graduate or baccalaureate degrees and that it offers only associates degrees or certificate programs.

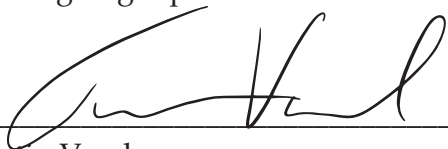
11. If I prevail in this lawsuit, I intend to be a candidate for election to the Indiana University board of trustees, no matter when the elections occur and I will vote in all elections.

Verification

I affirm under penalties of perjury that the foregoing representations are true.

9/10/2025

Date


Justin Vasel

Prepared by:

Kenneth J. Falk
No. 6777-49
ACLU of Indiana



Justin Vasel <justin.vasel@gmail.com>

An update on the trustee election

Dean of Libraries <libdean@iu.edu>
To: Justin Vasel <justin.vasel@gmail.com>

Wed, May 7, 2025 at 8:52 AM

Hello,

I'm writing to provide an update on the Indiana University Board of Trustees election, as state law stipulates the dean of IU Libraries manages the election.

The biennial budget for the state—which was recently passed by the Indiana General Assembly and signed into law by Governor Mike Braun—includes a change to the composition of the Indiana University Board of Trustees. All nine trustees will be appointed by the governor. Additionally, the student trustee appointee's term will last one year instead of two.

Due to this change, there will no longer be an election for the IU Board of Trustees.

Thank you for your interest. We hope you will continue to stay involved in the success of Indiana University.

Sincerely,

Diane Dallis-Comentale

Ruth Lilly Dean of University Libraries