

STATE OF INDIANA)	IN THE MONROE CIRCUIT COURT
)	SS:
COUNTY OF MONROE)	CAUSE NO. 53C06-2505-PL-001288
)	
)	
JUSTIN VASEL,)	
)	
Plaintiff,)	
)	
v.)	
)	
MIKE BRAUN, in his official)	
capacity as Governor of the)	
State of Indiana,)	
)	
Defendant.)	

**[PROPOSED] ORDER GRANTING
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Justin Vasel, and Defendant, Mike Braun in his official capacity as Governor of the State of Indiana (the Governor), have both moved for summary judgment. Having considered the parties’ written submissions and heard oral argument, the Court DENIES Plaintiff’s motion and GRANTS the Governor’s motion.

UNDISPUTED MATERIAL FACTS

The Court finds that the following facts are material to summary judgment and are not disputed by the parties:

I. Procedural History

1. On May 7, 2025, Vasel initiated this lawsuit against the Governor, alleging that House Enrolled Act 1001 (HEA 1001) is unconstitutional special legislation in violation of Article 4, Section 23 of the Indiana Constitution. Compl. ¶ 33. Vasel is an Indiana University alumnus who had sought to run for trustee in 2025.

2. Vasel initially moved for a preliminary injunction, *see* Mot. Prelim. Inj. (May 7, 2025), but later withdrew that motion. He subsequently amended his complaint to add Indiana University’s Dean of Libraries Diane Dallis-Comentale (the Dean) as a defendant. *See* Am. Compl.

3. On August 5, 2025, the Dean moved to dismiss the claims against her. On December 5, 2025, this Court dismissed the Dean from this case.

4. While the Dean’s motion to dismiss was pending, Vasel filed the instant motion for summary judgment. Pl.’s Mot. Summ. J. (Sep. 16, 2025).

II. Indiana’s Seven Public Colleges and Universities

5. Indiana has seven public universities, each of which is administered by a separate board of trustees. Among these, the Board of Trustees of Indiana University is the “body politic” of Indiana University. Ind. Code § 21-20-2-2.

6. The Indiana Code requires each university to select its trustees in a different manner. Each university then follows its own individual policies and procedures in addition to the statute.

7. **Ball State University’s** nine-person board of trustees is entirely appointed by the Governor. § 21-19-3-2. Two of these must be selected from alumni nominated by the “Ball State University alumni council.” §§ 21-19-3-2, 21-19-3-6. Pursuant to alumni council policies, candidates must submit an application, a personal statement, a statement of councilmember support, and other materials to Ball State’s alumni council, which screens them and votes on the applicants. Def.’s Ex. 10 (Ball State University Alumni Association Alumni Board of Trustees Selection

Process and Criteria) at 1. A list of the successful applicants is then presented to the Governor for consideration, selection, and appointment. *Id.*

8. **Indiana State University's (ISU)** nine-person board of trustees is entirely appointed by the Governor. § 21-21-3-2. Two of these must be alumni nominated by the "alumni council of Indiana State University." § 21-21-3-2. The board of ISU's Alumni Association serves as the alumni council. Def.'s Ex. 4 (Thompson Decl.) at 3, ¶ 12. Applicants are required by Alumni Association policy to submit a resume and biography to ISU's president and ISU's Alumni Association board for approval, which are then transmitted to the Governor for consideration, selection, and appointment. *Id.* ¶ 13.

9. **Ivy Tech Community College's** board of trustees consists of fifteen trustees, all of which are appointed by the Governor. § 21-22-3-1, 21-22-3-3. None of these fifteen trustees is required to be an alumnus of Ivy Tech; they are instead appointed to represent individual regions. § 21-22-3-3.

10. **Purdue University's** board of trustees consists of ten trustees that are appointed by the Governor. §§ 21-23-3-1, 21-23-3-2. Three of these trustees must be alumni, including at least one "graduate of the school of agriculture," that are "selected by the members of the Purdue alumni association, in the manner that the Purdue alumni association prescribes" and presented to the Governor for appointment. § 21-23-3-3. Pursuant to its internal policies, the Purdue Alumni Association's board solicits, receives, and screens trustee applicants based on "education, experience, integrity, availability to serve as a trustee, volunteer service,

experience with other boards, and potential conflicts of interest” before presenting successful candidates to the Alumni Association’s paid membership for a vote. Def.’s Ex. 7 (Rodibaugh Decl.) at 2–3, ¶¶ 7, 9–10. As an alternative to the screening process, an applicant could stand for a vote by collecting 500 signatures from the membership, but this procedure has not been used in recent memory. *Id.* ¶ 8.

11. **The University of Southern Indiana’s** (USI) nine-person board of trustees is wholly appointed by the Governor. §§ 21-24-3-2, 21-24-3-5. One of these trustees must be an alumnus, selected by the Governor from a list of three or more names generated by a statutory screening committee. §§ 21-24-3-4, 21-24-3-6. Pursuant to its own internal policies, USI’s screening committee solicits nominations annually, interviews the nominees, and then sends a ranked list to the Governor, who “makes the final selection.” Def.s Ex. 13 (Carnahan Decl.) at 2–3, ¶¶ 9, 12, 14; Def.’s Ex. 13-D (USI Alumni Council Board Nominees (Mar. 20, 2008)).

12. **Vincennes University’s** board of trustees consists of ten Governor-appointed trustees and four *ex officio* members. §§ 21-25-3-1, 21-25-3-2, 21-25-3-7. One of these appointed trustees must be an alumnus of Vincennes University. § 21-25-3-2.

13. **Indiana University** has a nine-person board of trustees. § 21-20-3-2 (2024). Beginning in 1891 and continuing until the enactment of HEA 1001 on May 6, 2025, the Indiana Code required three of these trustees to be alumni directly elected by Indiana University’s other alumni in elections conducted by Indiana University’s librarian. *See* §§ 21-20-3-4, 21-20-3-9 (2024); Act of Mar. 3, 1891, ch. 53,

§§ 1–2, 5–7, 1891 Ind. Acts 65, 65–67. The remaining five trustees were appointed by the Governor. Ind. Code § 21-20-3-12 (2024). Indiana University was unique among Indiana’s seven public universities in this statutory requirement that three of its trustees be directly elected by its alumni.

14. Following the passage of HEA 1001, five of Indiana University’s trustees must be alumni of Indiana University, and all must be appointed by the Governor. § 21-20-3-2.

15. Before HEA 1001, with the lone exception of Indiana University’s three elected alumni trustees, the common factor in the selection of trustees for Indiana’s public universities across all of Indiana’s public universities was that those trustees were appointed by the Governor. *See* §§ 21-19-3-2 (Ball State University); 21-20-3-12(a) (2024) (Indiana University); 21-21-3-2 (Indiana State University); 21-22-3-1 (Ivy Tech Community College); 21-23-3-2 (Purdue University); 21-24-3-5 (University of Southern Indiana); 21-25-3-2 (Vincennes University). Today, all trustees for Indiana public universities that do not hold their role *ex officio* are appointed by the Governor.

III. House Enrolled Act 1001

16. Prior to May 2025, the Indiana University Librarian “conduct[ed] the elections to select the three (3) alumni members of [Indiana University’s] board of trustees.” § 21-20-3-9 (2024). The librarian allowed any alumnus to stand as a candidate who could “collect 200 signatures of fellow IU alumni” before April 1 of the election year. Def.’s Ex. 17 (Dallis-Comentale Decl.) at 2, ¶ 8. The election then took

place during the month of June, with paper ballots sent only to alumni who requested a ballot. *Id.* at 1–2, ¶¶ 6–7; *id.* at 4, ¶ 15.

17. Alumni participation in Indiana University’s alumni trustee elections was limited, and typically encompassed between 1% and 3% of Indiana University alumni. Def.’s Ex. 17 at 3, ¶ 11; Def.’s Ex. 20 (Dallis-Comentale Resp. to Req. for Produc., Jan. 15, 2026) at 1; Def.’s Ex. 21 (Dallis-Comentale Resp. to Req. for Produc., Dec. 5, 2025) at 1–3.

18. On May 6, 2025, the General Assembly enacted House Enrolled Act 1001 (HEA 1001), which modified the selection of Indiana University’s alumni trustees. Relevant to this case, HEA 1001 repealed the Indiana Code sections providing for the direct election of those trustees by the Indiana University’s alumni. Pub. L. No. 213, §§ 253–266, 2025 Ind. Acts 3175, 3175–78. Instead, HEA 1001 provided for all nine trustees to be “appointed by the governor,” and required that “[a]t least five (5) of the members appointed to the board of trustees must be alumni of Indiana University.” *Id.* § 253.

19. On May 7, 2025, following HEA 1001’s enactment, Indiana University’s Dean of Libraries cancelled the upcoming alumni trustee election. Def.’s Ex. 22 (E-mail from Dean Diane Dallis-Comentale to Justin Vasel) at 1.

20. On June 2, 2025, the Governor announced that he had appointed four members of the Indiana University Board of Trustees pursuant to HEA 1001. Def.’s Ex. 23 (Press Release, Gov. Mike Braun, Governor Braun Makes Appointments to IU Board of Trustees, Various Boards and Commissions (June 2, 2025)).

LEGAL STANDARD

21. Summary judgment is proper where “there is no genuine issue as to any material fact” and “the moving party is entitled to judgment as a matter of law.” Ind. Trial Rule 56(C). The “initial burden” is on the “movant to ‘demonstrate[] the absence of any genuine issue of fact as to a determinative issue,’ at which point the burden shifts to the non-movant to ‘come forward with contrary evidence’ showing an issue for the trier of fact.” *Hoosier Contractors, LLC v. Gardner*, 212 N.E.3d 1234, 1239 (Ind. 2023) (quoting *Hughley v. State*, 15 N.E.3d 1000, 1003 (Ind. 2014)). “The non-movant cannot ‘rest upon the mere allegations or denials of his pleading’ but must ‘set forth’ by affidavit or other evidence ‘specific facts’ that for summary-judgment purposes will be taken as true.” *Id.* (quoting Ind. T.R. 56(E)). This standard of review does not change in the event of cross-motions for summary judgment. *Denson v. Est. of Dillard*, 116 N.E.3d 535, 539 (Ind. Ct. App. 2018).

CONCLUSIONS OF LAW

22. The cross-motions for summary judgment concern Vasel’s claim that HEA 1001 is unconstitutional, special legislation. The Court need not reach the merits of this claim because Vasel lacks standing, but even if it did reach the merits, Vasel’s claim would fail.

I. Standing

23. “Standing is a threshold issue” in every case; “if it is lacking, the court cannot consider the merits.” *Solarize Ind., Inc. v. S. Ind. Gas & Elec. Co.*, 182 N.E.3d 212, 215 (Ind. 2022).

24. To have standing, a plaintiff must allege an injury that is “personal, direct, and . . . imminent.” *Morales v. Rust*, 228 N.E.3d 1025, 1033 (Ind. 2024).

25. “The direct injury required for standing is ‘an injury resulting directly from a particular cause, without any intervening causes.’” *Franciscan All., Inc. v. City of Hammond*, 212 N.E.3d 1270, 1274 (Ind. Ct. App. 2023) (quoting *Solarize Ind., Inc.*, 182 N.E.3d at 220).

26. Vasel asserts that he has been injured because he “has been deprived of any opportunity to win the election and become a trustee,” has lost “the ability to vote in an election,” and has lost “any mechanism to have an alumni voice on the board of trustees.” Pl.’s Summ. J. Br. 21–22.

27. These injuries are not traceable to any actions that the Governor has taken or is authorized to take under HEA 1001. HEA 1001 authorizes the Governor to “appoint[]” and to “remove and replace” Indiana University trustees. Ind. Code §§ 21-20-3-2, 21-20-3-2.5. Rather, Vasel’s injuries are traceable to the cancellation of the trustee election by the Dean. Def.’s Ex. 22. This injury does not “result[] directly” from the Governor’s conduct. *Franciscan All., Inc.*, 212 N.E.3d at 1274.

28. Vasel consequently does not have standing to file suit against the Governor challenging the constitutionality of HEA 1001. But even if he did have standing, his claim fails.

II. Plaintiff’s Special Legislation Claim

29. Vasel seeks injunctive and declaratory relief. A permanent injunction is an “extraordinary equitable remedy” which should only be “granted with caution.”

Schleuser v. City of Seymour, 674 N.E.2d 1009, 1012 (Ind. Ct. App. 1996). Among other requirements, a permanent injunction requires Vasel’s claim to succeed “on the merits.” *Centennial Park, LLC v. Highland Park Estates, LLC*, 117 N.E.3d 565, 572 (Ind. Ct. App. 2018).

30. Vasel’s claim fails on the merits because HEA 1001 is constitutional under Article 4, Section 23 of the Indiana Constitution.

31. Article 4, Section 23 requires that in all cases “where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.” Ind. Const. art. IV, § 23.

32. “The purpose of this provision is to prevent the legislature from providing a benefit to or imposing a burden on one locality and not others, as allowing such practices would encourage logrolling and result in an irregular system of laws.” *State v. Buncich*, 51 N.E.3d 136, 144 (Ind. 2016). This provision effectively prohibits laws “which grant privileges to a few people that are not available to others” who are similarly situated. *Alpha Psi Chapter of Pi Kappa Phi Fraternity, Inc. v. Auditor of Monroe Cnty.*, 849 N.E.2d 1131, 1133 (Ind. 2006).

33. A law is constitutional under Article 4, Section 23 under two circumstances: First, the law can be “general,” which means it applies “to all persons or places of a specified class throughout the state.” *Mun. City of South Bend v. Kimsey*, 781 N.E.2d 683, 689 (Ind. 2003). Second, the law could be “special,” meaning it applies to a subset of a previously identified class, but is justified due to the subject’s unique

characteristics. *City of Hammond v. Herman & Kittle Props., Inc.*, 119 N.E.3d 70, 84 (Ind. 2019).

34. There must be “something about the class that makes it unique” and “that uniqueness justifies the differential treatment.” *Alpha Psi*, 849 N.E.2d at 1138. This requirement is a “low bar.” *City of Hammond*, 119 N.E.3d at 84. If there is a “link between the class’s unique characteristics and the legislative fix,” the law must stand. *Id.*; see *Buncich*, 51 N.E.3d at 142 (collecting examples of such links).

35. By contrast, a party challenging a special law “must negate ‘every conceivable basis which might have supported the classification.’” *Kimsey*, 781 N.E.2d at 694 (quoting *Am. Legion Post #113 v. State*, 656 N.E.2d 1190, 1192 (Ind. 1995)).

36. “All doubts” concerning the statute’s constitutionality “must be resolved in favor of the Legislature.” *Buncich*, 51 N.E.3d at 141. Our Supreme Court has further cautioned that Article 4, Section 23 is not a license to “second-guess the legislature’s decision” regarding the proper legislative solution to an issue. *Id.* at 143.

37. The Court need not decide whether HEA 1001 is special because the “link between the class’s unique characteristics and the legislative fix” is permissible. *City of Hammond*, 119 N.E.3d at 84. Thus, even if HEA 1001 is special, it is justified by a unique characteristic of Indiana University’s Board of Trustees.

38. First, prior to 2025, Indiana University was unique among Indiana’s public universities in being the only public university required by law to have its alumni trustees directly elected by other alumni. See Ind. Code §§ 21-20-3-4 through 21-20-3-11 (2024). HEA 1001’s primary effect is to repeal this electoral process in

favor of gubernatorial appointment. Pub. L. No. 213, §§ 253–266, 2025 Ind. Acts 2791, 3175–78. These elections are a trait “distinctive such that the law’s application elsewhere has no effect,” which is sufficient to justify a special law to repeal them. *Kimsey*, 781 N.E.2d at 692.

39. This conclusion is bolstered by Indiana University’s creation as a unique entity. *See* Act of Jan. 20, 1820, ch. 48, § 1, 1820 Ind. Laws 82, 82. Its board of trustees remains a separate and individual “body politic.” Ind. Code § 21-20-2-2.

40. Over the course of the two-hundred years since, the Legislature has consistently given effect to this unique establishment by enacting laws modifying the selection and composition of Indiana University’s Board of Trustees—and only Indiana University’s Board of Trustees—eleven times. *See* Pub. L. No. 29, § 4, 2012 Ind. Acts 614, 614–15; Pub. L. No. 20, § 200, 1984 Ind. Acts 264, 412; Act of Mar. 3, 1931, ch. 51, § 2, 1931 Ind. Acts 118, 119; Act of Mar. 3, 1891, ch. 53, §§ 1–2, 1891 Ind. Gen. Laws 65, 65–66; Act of Mar. 3, 1855, ch. 99, §§ 1, 4, 1855 Ind. Gen. Laws 201, 201–03; Act of June 17, 1852, ch. 114, § 2, 1852 Ind. Rev. Stat. 504, 504–05; Act of Feb. 5, 1841, ch. 27, § 1, 1841 Ind. Gen. Laws 110, 110–11; Act of Feb. 15, 1838, ch. 102, § 3, 1838 Local Laws 294, 294; Act of Jan. 24, 1828, ch. 82, § 3, 1827 Ind. Laws 115, 115; Act of Jan. 20, 1820, ch. 48, § 1, 1820 Ind. Laws 82, 82. This unique pattern of individualized legislation supports allowing individualized legislation here. *See State ex rel. Att’y Gen. v. Lake Super. Ct.*, 820 N.E.2d 1240, 1250–51 (Ind. 2005) (Lake County reassessment justified by “the long history of systematic underassessment”).

41. Vasel has not negated “every conceivable basis” for HEA 1001. *Kimsey*, 781 N.E.2d at 694 (quoting *Am. Legion Post #113 v. State*, 656 N.E.2d 1190, 1192 (Ind. 1995)).

42. As an initial matter, Vasel admitted that Indiana University was unique in being required by statute to select its alumni trustees through direct election by alumni. Pl’s Summ. J. Br. 9–10, 18–19.

43. Nor is Vasel’s assertion that HEA 1001 has “uniquely disenfranchised” Indiana University’s alumni by not replacing Indiana University’s unique elections with some other form of alumni-centric selection accurate. Pl’s Summ. J. Br. 20. Before HEA 1001, the only trustees *not* appointed by the Governor were the three elected by Indiana University’s alumni.

44. After HEA 1001, all members of each of Indiana’s public university’s boards of trustees are governor appointed, not alumni selected. *See* Ind. Code §§ 21-19-3-2 (Ball State University); 21-20-3-2 (Indiana University); 21-21-3-2 (Indiana State University), 21-22-3-1 (Ivy Tech Community College); 21-23-3-2 (Purdue University); 21-24-3-5 (University of Southern Indiana); 21-25-3-2 (Vincennes University). The nature and extent of alumni involvement in each board’s member selection differs.

45. Moreover, Article 4, Section 23 does not mandate that the Legislature select a particular policy solution in legislating to address Indiana University’s unique elections. This Court may not second-guess the Legislature’s policy

determination as to how Indiana University's board of trustees should be structured and selected. *See Buncich*, 51 N.E.3d at 143.

46. Nor is it accurate that HEA 1001 removes "any mechanism to have an alumni voice on the board of trustees." Pl.'s Summ. J. Br. 22. Prior to HEA 1001, the Indiana Code mandated only three alumni members on Indiana University's board of trustees. § 21-20-3-9 (2024). HEA 1001 has increased that representation from three members to five. § 21-20-3-2.

47. Vasel's other arguments concerning the need for accountability among public universities in general and at Indiana University in particular invite this Court to second-guess the General Assembly's policy determinations. This Court may not do so. *Buncich*, 51 N.E.3d at 143.

48. HEA 1001 does not violate Article 4, Section 23 of the Indiana Constitution.

III. Vasel's claim fails the other factors for permanent injunctive relief.

49. In addition to needing to succeed on the merits, Vasel is not entitled to a preliminary injunction unless he demonstrates that "certain and irreparable harm would be caused if the injunction is denied," the threatened injury "outweighs the threat of harm," and that the public interest would not be "disserved." *Centennial Park, LLC v. Highland Park Estates, LLC*, 117 N.E.3d 565, 572 (Ind. Ct. App. 2018).

50. Vasel has not "demonstrate[d] that certain and irreparable injury would result if the injunction were denied." *Warriner Invs., LLC v. Dynasty Homeowners Ass'n, Inc.*, 189 N.E.3d 1119, 1126 (Ind. Ct. App. 2022). Vasel argues he is suffering

irreparable harm because he “has been deprived of any opportunity to win the election” and become a trustee; he has lost “the ability to vote in an election”; and he has suffered “the loss of any mechanism to have an alumni voice on the board of trustees.” Pl.’s Summ. J. Br. 21–22.

51. While Vassel may be injured, the Court is not convinced that an injunction would have any effect on these injuries. It was the Dean, not the Governor, who cancelled the elections, Def.’s Ex. 22 at 1; §§ 21-20-3-4 to 21-20-3-11 (2024), and enjoining the Governor’s appointment powers would not restore those elections, §§ 21-20-3-2, 21-20-3-2.5. Nor can this Court enjoin the law generally, rather than the Governor’s actions under the law. Ind. Trial R. 65(D) (An injunction “shall describe in reasonable detail . . . the act or acts sought to be restrained; and is binding only upon the parties to the action.”); *see* § 34-26-1-5(b) (“An injunction may be granted to restrain an act or proceeding”). Vassel’s asserted injuries would thus occur even if an injunction were granted.

52. The balance of harms and public interest also weigh against a permanent injunction. The balance of harms and public interest “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

53. Here, while enjoining the Governor would not redress Vassel’s injuries, it would “clearly inflict[] irreparable harm” on the State. *Abbott v. Perez*, 585 U.S. 579, 602 n.17 (2018) (recognizing the governor suffers harm when prevented from carrying out his constitutional obligations). The effect of an injunction against the Governor would be to harm the public interest by preventing him from appointing

and removing Indiana University's trustees, leaving persistent vacancies on that board of trustees. As such, the balance of harms and the public interest do not support the issuance of an injunction.

54. Plaintiff has not met any of the requirements for a permanent injunction. He is not entitled to injunctive and declaratory relief.

CONCLUSION

IT IS THEREFORE ORDERED that Vasel's motion for summary judgment is DENIED and the Governor's motion for summary judgment is GRANTED.

Dated: _____

The Hon. Erik C. Allen
Special Judge, Monroe Circuit Court

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