

23-2-00273-38  
MT 5  
Motion  
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**FILED**  
**SEP 08 2023**  
JILL E. WHELCHER  
WHITMAN COUNTY CLERK

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF WHITMAN

3  
4 WASHINGTON STATE UNIVERSITY, an  
5 institution of higher education and agency of the  
6 State of Washington; KIRK H. SCHULZ, in his  
7 official capacities as the President of Washington  
8 State University and Chair of the Pac-12 Board of  
9 Directors; OREGON STATE UNIVERSITY, an  
10 institution of higher education and agency of the  
11 State of Oregon; and JAYATHI Y. MURTHY, in  
12 her official capacities as the President of Oregon  
13 State University and Member of the Pac-12  
14 Board of Directors,

10 Plaintiffs,

11 v.

12 THE PAC-12 CONFERENCE; and GEORGE  
13 KLIAVKOFF, in his official capacity as  
14 Commissioner of the Pac-12 Conference,

14 Defendants.

Case No. **23 2 00273-38**

**MOTION FOR TEMPORARY  
RESTRAINING ORDER**

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23 MOTION FOR TEMPORARY  
RESTRAINING ORDER  
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1 Plaintiffs Washington State University, an institution of higher education and agency of  
2 the State of Washington, Kirk H. Schulz, in his official capacities as the President of Washington  
3 State University and Chair of the Pac-12 Board of Directors, Oregon State University, an  
4 institution of higher education and agency of the State of Oregon, and Jayathi Y. Murthy, in her  
5 official capacities as the President of Oregon State University and Member of the Pac-12 Board of  
6 Directors, by and through their undersigned attorneys of record, hereby move this Court for a  
7 temporary restraining order enjoining Defendants and their officers, directors, members,  
8 employees, agents, representatives, attorneys, successors, and assigns, and all other persons acting  
9 in concert with them from:

10 1. Holding, or taking any steps to hold, a Pac-12 Conference Board meeting that  
11 includes representatives of the ten Pac-12 Conference members who have delivered notice of their  
12 withdrawal from the Conference,<sup>1</sup> pending a preliminary injunction hearing or other suitable  
13 proceeding to determine the authorized representatives of the Pac-12 Conference Board of  
14 Directors under the Conference Bylaws;

15 2. Allowing, or taking any steps to allow, representatives of the ten Pac-12  
16 Conference members who have delivered notice of their withdrawal from the Conference, to  
17 attend, participate in, or vote in any Pac-12 Conference Board meeting; and

18 3. Transacting, or taking any steps to transact, any business or affairs of the Pac-12  
19 Conference based on votes cast by the representatives of the ten Pac-12 Conference members who  
20 have delivered notice of their withdrawal from the Conference.

21 This motion is made pursuant to CR 65 and RCW Ch. 7.40 *et. seq.*, and is based upon the  
22 accompanying Memorandum of Points and Authorities in Support of Plaintiffs' Motion for a  
23 Temporary Restraining Order, the Declaration of Kirk H. Schulz, the Declaration of Rebecca Gose  
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25 <sup>1</sup> For the avoidance of doubt, the ten Pac-12 Conference members that have delivered notice of  
26 withdrawal from the Conference are: University of Arizona; Arizona State University; University  
27 of California, Berkeley; University of California, Los Angeles; University of Colorado, Boulder;  
28 University of Oregon; University of Southern California; Stanford University; University of Utah;  
and University of Washington.

1 and the exhibits attached thereto, the Declaration of Eric MacMichael and the exhibits attached  
2 thereto, and all pleadings and papers of record filed herein.

3 A copy of Plaintiffs' [Proposed] Temporary Restraining Order is filed contemporaneously  
4 herewith.

5 Dated: September 8, 2023

<u>/s/ Nathan E. Deen</u>	<u>/s/ Matthew Mensik</u>
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<i>Counsel for Plaintiffs Washington State University and Kirk H. Schulz, in his official capacities as the President of Washington State University and Chair of the Pac-12 Board of Directors</i>	

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	<i>Counsel for Plaintiffs Oregon State University and Jayathi Y. Murthy, in her official capacities as the President of Oregon State University and as Member of the Pac-12 Board of Directors</i>
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