IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

JOHN SNDYER, as Natural Guardian and Next of Kin to A.S., a Minor, et al.,	)	CASE NO.:
	)	
	)	JUDGE
Plaintiffs,	)	
	)	**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION PURSUANT TO CIV. R. 65**
v.	)	
	)	
OHIO HIGH SCHOOL ATHLETIC ASSOCIATION, *et al.*,	)	
	)	
Defendants.	)	
	)	

Now come Plaintiffs, John Snyder, Natural Guardian and Next of Kin to A.S., a minor, et al., by and through undersigned counsel, pursuant to R.C. 2727.02 and Civ. R. 65, hereby respectfully moves this Court for a Temporary Restraining Order, Preliminary and Permanent Injunction, enjoining Defendants Ohio High School Athletic Association (hereinafter the "OHSAA"), David Ute, as Executive Director of the OHSAA and/or his agent(s) from taking or enforcing any action or order based on the September 16, 2025, ruling by the OHSAA Members, or any subsequent ruling by the OHSAA and the Executive Director and/or his agent, declaring Plaintiffs ineligible, or otherwise restraining, preventing, or precluding Plaintiffs from participating in interscholastic athletics during the 2025-2026 and a portion of the 2026-2027 school year at the various high schools throughout Ohio.

The reasons supporting this Motion are more fully set forth in the Verified Complaint and Brief in Support of Motion for Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction, which are being filed simultaneously herewith and incorporated by reference herein. Counsel certifies that efforts were made to give the OHSAA notice of Plaintiffs

intent to seek a temporary restraining order and injunctive relief. (*See* the attached Certification of Counsel).

Respectfully submitted,
BETRAS KOPP, LLC.

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MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION PURSUANT TO CIV. R. 65

I. INTRODUCTION

a. The Catholic Diocese of Youngstown and Ursuline High School's lack of Transparency harmed the Student-Athletes.

On September 12, 2025, Ursuline High School President, Father Richard Murphy, announced the cancellation of the school's 2025 football season following lawsuits alleging hazing and sexual misconduct by players reported to have occurred on a trip taken by members of the team in June of 2025.[1]The decision was made after several opponents canceled games against the team amid the legal action and resulting investigations stemming from a nine-day football camp trip from June 12th through June 20th, 2025. The trip included visits to six universities throughout Florida, Georgia, Alabama, and Tennessee.

Following the filing of two federal civil rights lawsuits, Ursuline High School, their administrators, coaches, and students became the subject of significant scrutiny in media outlets throughout Ohio and nationally.[2]Much to the dismay of Plaintiffs, the Catholic Diocese of Youngstown and the Ursuline High School administration failed to be fully transparent with Ursuline families concerning the serious nature of the allegations levied against certain players during the June of 2025 trip. In fact, in a June 30th letter sent to parents, the school advised that it was "currently investigating a report of inappropriate behavior involving members of the football team during a recent team trip." It further advised that there was "increased attention on social media, including the sharing of blatant misinformation and speculation."[3] The Ursuline High

[1] A copy of the announcement is attached hereto and incorporated as "Exhibit A."
[2] Examples of the media scrutiny is attached hereto and incorporated as "Exhibit B."
[3] A copy of the letter is attached hereto and incorporated as "Exhibit C."

School administration became aware of the serious nature of the allegations more than a week earlier on June 22, 2025, when the mother of a minor child on the trip sent an email to the principal requesting an immediate meeting regarding "serious football trip concerns." The following day, the administration met with the minor child's mother, who provided the school with substantial evidence of what had occurred, including recorded material. Although the Ursuline High School administration possessed this information and had knowledge of the severity of the allegations, the parents of the student-athletes were not notified that any issues had occurred on the trip until June 30, 2025, after the story had leaked to a local news station. Even then, the tone of the June 30th letter did not accurately reflect the seriousness of the underlined allegations.

Plaintiffs' frustrations continued as the Catholic Diocese of Youngstown and Ursuline High School's lack of transparency and action began to affect the Ursuline High School football players who did not participate in any wrongdoing on the trip. Their opacity likely led to other high school opponents canceling their football contests with Ursuline. Decisive action taken by the Catholic Diocese of Youngstown and the Ursuline administration would have quelled speculation and protected uninvolved parties.

When these allegations surfaced, involved coaches should have been placed on administrative leave pending the investigation, and culpable student-athletes should have been indefinitely suspended or expelled. Given the information and evidence the school had in June 2025, these actions were warranted. Due to the failures of the adults involved, innocent students are suffering.

b. The Ohio High School Athletic Association: "Blow the Whistle and Get Benched"

The purpose of the OHSAA's Bylaws is "to prevent student athletes from 'shopping around' for a school to attend based solely upon a determination of which school will best

showcase the student's athletic talents, which, in turn, would promote an atmosphere of athletic recruiting at the high school level." *Ullman v. OHSAA*, 184 Ohio App.3d 52, 2009-Ohio- 3765, ¶53. "OHSAA's stated goals include the protection of students and schools from exploitation and the establishment of standards for competition and sportsmanship." *Id*. at ¶ 58, citing OHSAA Constitution, Art 2-1-1. "The primary purpose of the eligibility bylaws is to provide fair and equitable rules for the 350,000 Ohio students who participate in interscholastic athletics." *Id*.

According to the Ohio High School Athletic Association ("OHSAA") website "The OHSAA believes that participation in interscholastic athletics programs can be a once-in-a-lifetime opportunity and create memories that will last forever." Despite these sentiments, OHSAA Executive Director, Doug Ute, chose to prohibit an entire group of high school football players from participating in any contests the remainder of the 2025 season as well as potentially sidelining these student-athletes in the 2026 football season. In a letter dated September 15, 2025, Mr. Ute informed Ursuline High School that the football student-athletes enrolled at Ursuline High School will not be permitted to participate in football at any other OHSAA member school during the 2025 season.[4] Mr. Ute further advised that student-athletes who transfer to another school will be penalized the following football season unless the student transfers to their local public school. The OHSAA stripped athletic eligibility from current student-athletes at Ursuline High School and will continue to unjustly penalize these student-athletes whose parents choose to continue their education in a parochial school or transfer to an open enrollment district, by enforcing the 50% ineligibility rule for the following season.

The OHSAA has rules and regulations specifically addressing the eligibility of student-athletes who transfer high schools within the state of Ohio. OHSAA Bylaw 4 governs student

[4] A copy of the letter is attached hereto and incorporated as "Exhibit D."

eligibility, and Section 7 specifically addresses eligibility upon transfer. When unforeseen or unavoidable events occur, the OHSAA has outlined certain exceptions to these transfer rules. For example, the OHSAA Transfer Bylaw Guidance, Bylaw 4-7-2, includes an exception for adult criminal behavior. According to Exception 12 – "Adult Criminal Behavior," if the criteria set forth under the exception are met, a student-athlete may be granted a waiver and permitted to participate in athletic contests at the receiving school.

Plaintiffs are not attempting to circumvent the rules to 'shop around' for a school to attend that will best showcase the student's athletic talents. These student-athletes were given no choice but to transfer. The pending civil and criminal action has plagued the institution, and the future of the football program is shrouded in uncertainty. The fact is, certain Plaintiffs are seniors and will never have an opportunity to participate in a high school football contest again. Others are unfairly losing the opportunity to participate in a sport that may provide the possibility of an athletic scholarship at the collegiate level. Most importantly, all of these student-athletes lost the opportunity to play perhaps the purest form of football in their lives. None of this is their fault.

Based upon the allegations in the federal civil rights lawsuit, the parents of student-athletes at Ursuline High School should be free to make decisions they believe are in the best interest of their children's physical and mental well-being, without being subjected to additional scrutiny. If a parent determines that it is best to transfer their child out of Ursuline High School—whether now or in the near future—that student-athlete should not be punished or restricted by the OHSAA's arbitrary decisions. Instead, the OHSAA should be held to the very principles it promotes. As Executive Director Doug Ute has explained:

> "It is a passion of mine because I do think the education-based athletic piece really comes out when you're in my position. It's great when people win and get an opportunity to play, but it's developing life-long skills in particular at a time when

> kids are going through more trauma than we've ever went through before. Athletics plays an even bigger piece of that puzzle. It's going to pay off way down the road."[5]

It appears that Mr. Ute's views have shifted since his remarks in the *Marion Star*. The OHSAA now seems to be sending a troubling message to high school student-athletes across Ohio: blow the whistle and get benched. The clear directive moving forward is to remain silent, or risk losing everything. These families cannot afford to wait. They need Court intervention, and they need it now.

Plaintiffs further factual allegations related to this request for injunctive relief are more fully and specifically set forth in the contemporaneously filed Verified Complaint and are hereby incorporated herein by reference. *See* Verified Complaint.

II. LAW AND ARGUMENT

To prevent irreparable harm to Plaintiffs, Defendants' ongoing infringements upon Plaintiffs' educational opportunities and violations of Plaintiffs' rights to participate in interscholastic athletics must be restrained and enjoined. Civ. R. 65(A) provides, in relevant part:

> A temporary restraining order may be granted without written or oral notice to the adverse party or his attorney only if (1) it clearly appears from the specific facts shown by affidavit or by verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and (2) the applicant's attorney certifies to the Court in writing the efforts, if any, which have been made to give notice and the reasons supporting this claim that notice should not be required.

Section 2727.02 of the Ohio Revised Code provides when a preliminary injunction is proper. Said section states:

> A temporary order may be granted restraining an act when it appears by the petition that the plaintiff is entitled to the relief demanded,

[5] A copy of Mr. Ute's quote is attached hereto and incorporated as "Exhibit E."

> and such relief, or any part of it, consists in restraining the commission or continuance of such act, the commission or continuance of which, during the litigation, would produce great or irreparable injury to the plaintiff, or when, during the litigation, it appears that the defendant is doing, threatens or is about to do, or is procuring or permitting to be done, such act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual.

R.C. § 2727.02.

The issuance of an injunction lies within the sound discretion of the trial court and will not be disturbed absent an abuse of that discretion. *Garono v. State* (1988), 37 Ohio St.3d 171, 173, 524 N.E.2d 496, 498. The Court must carefully balance the following four factors when deciding whether to issue an injunction: (1) whether the plaintiff has shown a strong or substantial likelihood or probability of success on the merits; (2) whether plaintiff has shown irreparable injury; (3) whether the issuance of a preliminary injunction would cause substantial harm to others; and (4) whether the public interest would be served by a preliminary injunction. *Sinoff v. Ohio Permanente Med. Group, Inc.*, 146 Ohio App.3d 732, 741, 767 N.E.2d 1251, 2001–Ohio–4186 at ¶ 40.

Keeping these factors in mind, the purpose of a preliminary injunction is to preserve the status quo of the parties pending a decision on the merits. *Dunkelman v. Cincinnati Bengals, Inc.*, 158 Ohio App.3d 604, 821 N.E.2d 198, 2004–Ohio–6425. Clear and convincing evidence is the measure or degree of proof which will provide in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established. *Cincinnati Bar Assn. v. Massengale* (1991), 58 Ohio St.3d 121, 122, 568 N.E.2d 1222. However, in determining whether to grant injunctive relief, no one factor is dispositive. *Cleveland v. Cleveland Elec. Illum. Co.* (1996), 115 Ohio App.3d 1, 14, 684 N.E.2d 343. The four factors must be balanced with the "flexibility which traditionally has characterized the law of equity." *Id*.

Here, consideration of these elements supports this Court granting Plaintiffs' request for injunctive relief. Plaintiffs have experienced and will continue to experience irreparable harm and damage if injunctive relief is not granted enjoining and restraining the OHSAA. Due to the OHSAA ruling, Plaintiffs have lost the opportunity to participate in athletic contests. It seems disingenuous to argue that there is a better example of irreparable harm to a high school student than removing his athletic eligibility due to the malfeasance of adults. Without immediate court intervention, Plaintiffs fall further behind and cannot recover lost time or progress.

A. <u>Plaintiffs are Likely to Succeed on the Merits.</u>

In order for a court to grant a preliminary injunction, the requesting party must demonstrate a substantial likelihood of success on the merits. *Sinoff*, 146 Ohio App.3d at 741. The Supreme Court of Ohio had the occasion to review this issue in *Lough v. University Bowl, Inc.*, 16 Ohio St.2d 153, 243 N.E.2d 61 (1968). The Court in *Lough* acknowledged the general rule is that "courts will not interfere with the quasi-judicial decisions of voluntary associations unless such decisions are alleged and shown to be the result of fraud, arbitrariness, or collusion." *Id.* at 154, citing *State ex rel. Ohio High School Athletic Ass'n. v. Judges*, 173 Ohio St. 239, 247, 181 N.E.2d 261 (1962); *Wedemeyer v. U.S.S. F.D.R (CV-42) Reunion Assoc.*, 3d Dist. Allen No. 1-09-57, 2010-Ohio-1502, ¶ 26. In reviewing relevant case authority on the issue, the Supreme Court of Ohio observed that the jurisprudence "almost without exception, includes the criteria which warrants jurisdiction under the general rule, such as arbitrary action in violation of the constitution and rules of the association, or a procedural scheme which is not in accord with due process." *Id.*, citations omitted (emphasis added). Accordingly, the Supreme Court of Ohio in *Lough* held that:

> Where the duly adopted laws of a voluntary association provide for the final settlement of disputes among its members, by a procedure not shown to be inconsistent with due process, its action thereunder is final and

> conclusive and will not be reviewed by the courts in the absence of arbitrariness, fraud, or collusion.

Lough, 16 Ohio St.2d at 155-56, citing *State ex rel. Ohio High School Athletic Ass'n. v. Judges, supra*; *Gallagher v. Harrison*, 86 Ohio App. 73, 55 Ohio Law Abs. 97, 88 N.E.2d 589 (1949); *Boblitt v. Cleveland, C.C. & St. L. Ry. Co.*, 73 Ohio App. 339, 56 N.E.2d 348 (1943).

ORC Ann. 3313.5312 provides that a student receiving home education under section 3321.042 of the Revised Code is entitled to participate in extracurricular activities at the school district where the student is entitled to attend, as determined under sections 3313.64 or 3313.65. Under subsection (A), the following conditions apply:

- If more than one school in the district offers the student's grade level, the superintendent shall determine the school to which the student is assigned.

- A student shall not participate in the same extracurricular activity at more than one school or district in a school year.

- A student who commences home education after the beginning of a school year shall have eligibility determined based on an interim academic assessment from the school district the student most recently attended.

- A student who is ineligible to participate at the time home education begins shall remain ineligible until the student meets all applicable academic and other eligibility requirements of the school district.

- A student may not regain eligibility in the same semester in which they were deemed ineligible.

Moreover, ORC Ann. 3313.5312 (B) provides:

> A student who commences home education after the beginning of a school year and who, at the time of seeking to commence participation in an extracurricular activity, is ineligible to participate in the extracurricular activity due to failure to meet academic eligibility requirements or any other requirements of the district or school shall not be eligible to participate in extracurricular activities under this section until the student meets the academic and other requirements of the school district or school, as applicable. A student shall not be eligible to participate in extracurricular activities

> under this section in the same semester in which the student was determined to be ineligible pursuant to this division.

Plaintiffs are similarly situated to homeschooled student-athletes to which R.C. 3313.5312 is designed to protect. In both cases, the student-athlete is without a team due to circumstances beyond their control. Denying eligibility to Plaintiffs while allowing it to homeschool students creates arbitrary distinctions not based on the athletes conduct or merit. While Plaintiffs concede that high school athletic participation is not a fundamental right, eligibility rules must still comport with due process and equal protection when they affect a student's education-related opportunities.

In both cases, the students are not seeking to circumvent the competitive balance rules, but simply to play the sport. Like the homeschooled student, Plaintiffs are not transferring from another athletic program; they are without access to any program. Plaintiffs are not seeking an athletic advantage, they are seeking a remedy to an institutional failure. The eligibility restriction effectively punishes students for circumstances outside of their control, violating the principles of fairness and equity. The OHSAA applying a blanket prohibition here – without regard to individual circumstances – amounts to an unreasonable and overbroad restriction that fails to distinguish between bona fide educational transfers and transfers for competitive advantage. The OHSAA's purpose is to protect students and schools from exploitation and the establishment of standards for competition and sportsmanship. *See Ullman, supra*. Punishing students for a member school's malfeasance is arbitrary and inequitable.

Allowing a homeschooled student-athlete to compete at a local high school when no other team is available is legally and morally consistent with the practice of granting eligibility to students whose seasons where canceled due to adult misconduct. In both cases, denying eligibility would punish the innocent and contradict the core purposes of eligibility rules, which aim to

preserve fair play, not create hardship through rigid formalism. Thus, eligibility should be granted in both situations under principles of equity, due process, and equal protection.

Based on the foregoing, there is a substantial likelihood that Plaintiff will succeed on the merits for injunctive relief.

B. Without Injunctive Relief, Plaintiffs Will Suffer Irreparable Harm for Which There is No Adequate Remedy at Law.

When the equitable remedy of injunction is sought, a plaintiff must demonstrate actual irreparable harm or the existence of an actual threat of such injury. *Ohio Urology, Inc. v. Poll* (1991), 72 Ohio App.3d 446, 454, 594 N.E.2d 1027, 1032-1033. Under Ohio law, irreparable harm exists when there is a substantial threat of material harm that cannot be adequately compensated through monetary damages. *See Fraternal Order of Police v. Cleveland,* 141 Ohio App.3d 63, 749 N.E.2d 840 (2001). An injury is irreparable when there could be no plain, adequate, and complete remedy at law for its occurrence and when any attempt at monetary restitution would be "impossible, difficult or incomplete." *Cleveland v. Cleveland Elec. Illum. Co.* (1996), 115 Ohio App.3d 1, 12, 684 N.E.2d 343, 350, appeal dismissed (1997), 78 Ohio St.3d 1419, 676 N.E.2d 123, citing *Ohio Turnpike Comm. v. Texaco* (1973), 35 Ohio Misc. 99, 105, 297 N.E.2d 557, 561.

In the case at bar, Plaintiffs have no monetary damages. They are being prevented from participating in interscholastic athletics because of the actions of other individuals. The fleeting nature of high school sports means that Plaintiffs can never recoup the missed contests that are played while this unjustified penalty from the OHSAA remains enforced. Plaintiffs have and will continue to suffer irreparable harm through the OHSAA's decisions, for which there is no adequate remedy at law. A temporary restraining order and preliminary and permanent injunction enjoying Defendants from enforcing the OHSAA's decision is the only available remedy.

C. Defendants Will Not Be Harmed by Granting the Injunction.

In assessing a motion for a preliminary injunction, this Court must consider whether the preliminary injunction would harm the party enjoined or others, and if so, whether such harm outweighs any irreparable harm established by the party seeking the injunction. *In re DeLorean Motor Co.*, 755 F.2d 1223, 1229 (6th Cir. 1985). Where harm to others exists from an injunction, the party seeking the injunction must make an even stronger showing on the other factors to justify its issuance. *Frich's Restaurant, Inc. v. Shoney's, Inc.*, 759 F.2d 1261, 1270 (6th Cir. 1985).

Permitting Plaintiffs to be ruled eligible to participate in interscholastic athletics for the remainder of the 2025-2026 season will not harm Defendants. Such a ruling will allow enrolled and academically eligible student-athletes to enjoy the educational opportunities gained from participating in sports after being forced to transfer at no fault of their own.

Defendants may argue that granting Plaintiffs eligibility in this case will set a precedent for other students in unfortunate situations who are otherwise barred by the transfer Bylaws. This argument is without merit. The primary purpose of the transfer restrictions is to prevent recruitment and unfair competitive advantage. That concern is wholly absent here. Plaintiffs did not transfer for superior teams, personal gain, or to manipulate competition. They transferred to salvage a lost season, not to gain advantage, but to regain equal footing with their peers statewide. Allowing eligibility under these specific conditions does not open the floodgates to abuse; instead, it aligns with policy and principles of justice and proportionality.

D. <u>The Public Interest Will Be Served by Granting the Requested Injunction.</u>

The issuance of injunctive relief in this case will not unreasonably injure the public interest. High School sports exist to promote student development, community engagement, physical health, and academic success – not to enforce rigid technicalities at the expense of opportunity. Public policy strongly favors student participation in extracurricular activities, especially when

those activities are tied to educational growth, college opportunities, and mental well-being. The Plaintiffs' actions were driven by a legitimate need to continue participation in a meaningful, formative activity that contributes to their educational experience and future prospects (e.g., scholarships, college recruitment, team leadership). Denying eligibility soley due to a transfer under these circumstances contravenes the rehabilitative and educational goals of the OHSAA and sends the wrong message: that students will be penalized for trying to maintain normalcy and opportunity in the face of institutional failure.

III. CONCLUSION

For these reasons, Plaintiffs respectfully request this Honorable Court grant a temporary restraining order and preliminary and permanent injunction in this matter enjoining the OHSAA from enforcing its September 15, 2025, ruling on Plaintiffs' eligibility. Plaintiffs are suffering and will continue to suffer irreparable harm if Defendants' rulings are not enjoined. Plaintiffs are additionally likely to succeed on the merits of the claims. The Defendants nor the public will be harmed by the granting of the requested injunctive relief.

Respectfully submitted,
BETRAS KOPP, LLC.

/s/ Frank L. Cassese

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IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

JOHN SNYDER, as Natural Guardian and Next of Kin to A.S., a Minor,	)	CASE NO.:
	)	
	)	JUDGE
Plaintiffs,	)	
	)	
v.	)	**CERTIFICATION OF COUNSEL**
	)	
OHIO HIGH SCHOOL ATHLETIC ASSOCIATION, *et al.*,	)	
	)	
	)	
Defendants.	)	
	)	

I, Frank L. Cassese, hereby certify that I attempted to contact counsel for Defendants, Joseph Fraley, on Monday, September 22, 2025. Although I attempted to notify Defendants, it is my position that notice should not be required based on the fact that Plaintiffs have lost eligibility to participate in athletic contests per the Ohio High School Athletic Association's September 15, 2025 ruling. This has caused irreparable harm to these young student athletes, some of who are seniors in high school. Further, Defendants and its officers, agents and employees will suffer no harm upon the issuance of an Order granting Plaintiff's Temporary Restraining Order.

/s/ Frank L. Cassese
FRANK L. CASSESE (0092991)

CERTIFICATE OF SERVICE

I do hereby certify, pursuant to Civ. R. 5(B)(2)(f), that on this 22nd day September a copy of the forgoing was sent via the electronic mail and/or the Mahoning County Court of Common Pleas and Clerk of Courts Attorney Portal and E-Filing System to the following individuals:

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Attorney for Defendant
Ohio High School Athletic Association

/s/ Frank L. Cassese
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