

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES

Case No: 18-4200 Case Manager: Roy G. Ford

Case Name: Lauren Kesterson v. Kent St. Univ., et al.

Is this case a cross appeal?  Yes  No

Has this case or a related one been before this court previously?  Yes  No

If yes, state:

Case Name: \_\_\_\_\_ Citation: \_\_\_\_\_

Was that case mediated through the court's program?  Yes  No

**Please Identify the Parties Against Whom this Appeal is Being Taken and the Specific Issues You Propose to Raise:**

Ms. Kesterson will raise the district court's dismissal of her First Amendment-retaliation claim against Defendant Oakley in his personal capacity given the temporal proximity of his learning about Ms. Kesterson's protected speech to when the retaliation began.

Ms. Kesterson will raise the district court's denial of her request to extend case deadlines to accommodate her counsel's health crisis, which precluded her from deposing important witnesses including Kent State's 30(b)(6) representative on Title IX issues to obtain testimony regarding the University's knowledge of and deliberate indifference to her Title IX reports before her August 2015 report to Erin Barton.

Ms. Kesterson will raise the district court's denial of her motion for leave to amend her complaint to include facts and theories covered in discovery, in particular as it relates to her six Title IX reports to Kent State personnel about the rape.

Ms. Kesterson will raise the district court's refusal to permit her to obtain discovery regarding Kent State's general handling of Title IX matters given the district court's previous recognition that a custom or policy of inaction in response to survivor outcries was a theory of liability evident in her pleadings.

Mr. Kesterson will raise the district court's entry of summary judgment for Kent State on her Title IX claim, for Defendant Linder on her equal-protection/class-of-one claim and First Amendment-retaliation/prior-restraint claims; and for Defendant Oakley on her official-capacity claim.

This is to certify that a copy of this statement was served on opposing counsel of record this 19 day of

December, 2018 .

/s/ Ashlie Case Sletvold

Name of Counsel for Appellant