

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

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|--------------------------------------------------|---|--|
| MOSES M. BARYOH, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| AUSTIN MAGNESS, in his individual and official |) | |
| Capacities, CHARLOTTE WATTS, in her |) | |
| Individual and official capacities, the BOARD OF |) | |
| TRUSTEES OF INDIANA UNIVERSITY, and |) | |
| INDIANA UNIVERSITY, |) | |
| |) | |
| Defendants. |) | |

Cause No. 1:23-cv-01002-MPB-MG

NOTICE OF SETTLEMENT AND MOTION TO STAY DEADLINES

Defendants Board of Trustees of Indiana University,¹ Austin Magness, and Charlotte Watts (collectively, “Defendants”), by counsel and for their Notice of Settlement, state as follows:

1. On September 1, 2023, after engaging in good faith settlement negotiations, the Parties agreed to a settlement in principle to resolve the above-captioned matter.
2. The Parties are in the process of drafting and negotiating a long form settlement agreement and reasonably believe that such agreement can be finalized within thirty (30) days.
3. Accordingly, Defendants respectfully request that the Court stay all proceedings and deadlines in this matter for thirty (30) days from the date of this Notice, through and including October 5, 2023 to permit the parties to finalize their settlement agreement and to submit a Stipulation of Dismissal.
4. Undersigned counsel discussed this Notice and Motion with Plaintiff’s counsel and is authorized to represent that Plaintiff has consented to the requested stay.

¹ Plaintiff’s Complaint incorrectly identifies Indiana University as a separate party.

WHEREFORE, Defendants Board of Trustees of Indiana University, Austin Magness, and Charlotte Watts respectfully request the Court enter an order staying all proceedings and deadlines in the above-captioned matter for thirty (30) days, through and including October 5, 2023, and for all other just and proper relief.

Respectfully submitted,

/s/ Brian Weir-Harden
Brian Weir-Harden (#27651-49)
Hamish S. Cohen (#22931-53)
Jeffrey N. Furminger (#34020-53)
MATTINGLY BURKE COHEN AND BIEDERMAN LLP
155 East Market Street
Suite 400
Indianapolis, IN 46204
Phone: (317) 614-7320

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 5, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent out to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing with the CM/ECF.

Spenser G. Bengé
The Law Office of Spenser G. Bengé
3737 South Scatterfield Road
Suite 200
Anderson, Indiana 46013

/s/ Brian Weir-Harden
Brian Weir-Harden

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 Plaintiff,)
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 Capacities, CHARLOTTE WATTS, in her)
 Individual and official capacities, the BOARD OF)
 TRUSTEES OF INDIANA UNIVERSITY, and)
 INDIANA UNIVERSITY,)
)
 Defendants.)

Cause No. 1:23-cv-01002-MPB-MG

ORDER

This matter is now before the Court on the Notice of Settlement filed by Defendants Board of Trustees of Indiana University, Austin Magness, and Charlotte Watts (collectively, “Defendants”) and the request to stay proceedings in this matter for thirty (30) days. Having considered the matter and being duly advised in the premises, the Court hereby GRANTS the request for a stay.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that all proceedings and deadlines in the above-captioned matter shall be and hereby are STAYED for thirty (30) days from the date of the Notice of Settlement, through and including October 5, 2023.

So Ordered.

Date: _____

Judge, United States District Court for the
Southern District of Indiana

Distribution to:

All counsel of record via CM/ECF