UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO		
AMIR A. AL-DABAGH,	:	CASE NO. 1:14-CV-01046
Plaintiff,	:	CASE NO. 1.14-C V-01040
VS.	•	OPINION & ORDER [Resolving Doc. 8]
CASE WESTERN RESERVE UNIVERSITY,	:	
Defendant.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Amir Al-Dabagh is a student at Defendant Case Western Reserve University's School of Medicine.<sup>1/</sup> Although he had two incidents involving the University's Committee on Students, responsible for discipline, the University told Al-Dabagh on April 10, 2014, that he was scheduled to graduate on May 18, 2014.<sup>2/</sup>

However, on April 14, 2014, the University's Committee on Students informed Al-Dabagh that the Committee would "review [his] progress in medical school and may issue sanctions" because of a conviction for driving while intoxicated in North Carolina.<sup> $\frac{3}{2}$ </sup>

On April 18, 2014, the Committee informed Al-Dabagh that he would be dismissed from the medical school "effective immediately, for continued and serious breaches in the code of conduct and standards of professionalism."<sup> $\frac{4}{2}$ </sup>

On May 8, 2014, the Committee revised its ruling, allowing Al-Dabagh the chance to

<sup>&</sup>lt;sup>1/</sup>Doc. <u>2-2</u>, Al-Dabagh Decl. at 1 ¶¶ 3-6.

 $<sup>\</sup>frac{2}{Doc.}$  <u>2-7</u>.

 $<sup>\</sup>frac{3}{2-14}$ .

 $<sup>\</sup>frac{4}{Doc.}$  <u>2-15</u>.

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withdraw from the University before May 19; if he does not withdraw by then, the University says it will dismiss him.<sup>5/</sup>

Before this disciplinary process, Al-Dabagh was supposed to graduate on May 18 and begin a residency program in Columbus on June 17, 2014.<sup>6/</sup>

On May 14, 2014, Al-Dabagh sued Case for breach of contract<sup>2/</sup> and moved for a temporary restraining order<sup>8/</sup> and a preliminary injunction.<sup>9/</sup> He seeks an order from this Court enjoining the University from "denying Al-Dabagh the medical school degree and diploma he had earned," from disclosing to anyone that Al-Dabagh had been expelled or dismissed, and from placing in his file at Case that he had been expelled or dismissed.<sup>10/</sup> Al-Dabagh also moves for an emergency hearing on his motions.<sup>11/</sup>

In deciding whether to grant injunctive relief under Civil Rule 65, the Court considers four factors: (1) the movant's likelihood of success on the merits; (2) whether the movant will suffer irreparable harm without the injunction; (3) whether granting the injunction will cause substantial harm to others; and (4) the impact of the injunction on the public interest.<sup>12/</sup> A court need not make specific findings on each factor, if fewer factors dispose of the issue.<sup>13/</sup> An injunction is an

 $<sup>\</sup>frac{5}{Doc.}$  <u>2-16</u>.

 $<sup>\</sup>frac{6}{}$ Doc. 2-2, Al-Dabagh Decl. at 4 ¶¶ 28-29.

 $<sup>\</sup>frac{7}{\text{Doc. } \mathbf{l}}$ .

 $<sup>\</sup>frac{8}{2}$  Doc. 3.

 $<sup>\</sup>frac{9}{Doc. 2}$ .

 $<sup>\</sup>underline{10}^{10}$ Doc.  $\underline{2}$ ; Doc.  $\underline{3}$ .

 $<sup>\</sup>frac{11}{}$ Doc. <u>8</u>.

<sup>&</sup>lt;sup>12/</sup><u>Eden Foods, Inc. v. Sebelius, 733 F.3d 626, 631 (6th Cir. 2013)</u> (citing <u>Ne. Ohio Coal. for Homeless v.</u> <u>Husted, 696 F.3d 580, 590-91 (6th Cir. 2012)</u>).

<sup>&</sup>lt;sup>13/</sup>Six Clinics Holding Corp., II v. Cafcomp Sys., Inc., 119 F.3d 393, 399 (6th Cir. 1997).

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"extraordinary remedy" available only when the circumstances "clearly demand it."  $\frac{14}{2}$ 

In this case, the Court finds that two factors—whether Al-Dabagh will suffer irreparable injury and whether granting the injunction will cause substantial harm to others—dispose of the issue and support a limited temporary restraining order.

Recall, Al-Dabagh is scheduled to begin a residency program on June 17. If the University expels or dismisses Al-Dabagh on May 19, that opportunity will likely become unavailable to Al-Dabagh. If he is unable to begin a residency program, his career as a doctor will, at the very least, be delayed by a year. Therefore, the Court finds that Al-Dabagh has established a threat of irreparable harm in the absence of a temporary restraining order.

The Court also finds that a limited restraining order will not cause harm to the University. The Court schedules this matter for a hearing on May 19, 2014; restraining the University from dismissing until the hearing will not harm the University or other third-parties.

Therefore, the Court **ENJOINS** the University from 1) expelling or dismissing Al-Dabagh from the School of Medicine and 2) disclosing to anyone that Al-Dabagh has been expelled or dismissed from the University. The Court schedules this matter for a hearing on May 19, 2014, at 10:00 a.m., Courtroom 18A (Cleveland) when the Court will determine whether to continue the temporary restraining order. Al-Dabagh must post a \$200 cash bond. The Court **DENIES** the

<sup>&</sup>lt;sup>14</sup>/*Leary v. Daeschner*, 228 F.3d 729, 739 (6th Cir. 2000).

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emergency motion for a conference before May 17, 2014, as moot.

IT IS SO ORDERED.

Dated: May 14, 2014

<u>s/ James S. Gwin</u> JAMES S. GWIN UNITED STATES DISTRICT JUDGE