

**IN THE SUPREME COURT**

Action No. 17-001

Kennith Echeverria; )  
PLAINTIFF. )  
 )  
versus )  
 )  
Elizabeth Adkins, )  
Undergraduate Student Body President; )  
Sarah Leck, )  
Chief of Staff, Undergraduate Executive Branch; )  
Emily Blackburn, )  
Co-Chair, Academic Affairs Committee; )  
Tori Wentz, )  
Co-Chair, Academic Affairs Committee; )  
DEFENDANTS. )

**ORDER DENYING  
MOTION TO DISMISS**

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I. BACKGROUND

Plaintiff Kenneth Echeverria applied to be a member of the Academic Affairs Committee of the Undergraduate Executive Branch of Student Government. Plaintiff also serves as the Speaker Pro Tempore of the Undergraduate Student Senate. Defendants Elizabeth Adkins, Sarah Leck, Emily Blackburn, and Tori Wentz initially extended an offer to Plaintiff to join the committee, but later rescinded the offer.

Defendants filed an unsuccessful motion to dismiss, which this Court rejected at a pretrial hearing held November 8, 2017. Following that pretrial hearing, Defendants filed an additional motion to dismiss on the grounds that this Court “fail[ed] to appropriately provide Defendants with crucial information related to their case and den[ied] the Defendants the opportunity to completely and appropriately respond to Plaintiff’s claims.”

II. ANALYSIS

Defendants’ claims rest on two questions of law: (1) Did this Court fail to adhere to the letter and spirit of the Student Code in determining the timeline of this case? and (2) If so, did the Defendants suffer harm from this Court’s actions, necessitating that, as a matter of justice, the matter before this Court be dismissed from further consideration?

Concerning the first point, Defendants point to III S.G.C. §752(A), which reads:

*Within twenty-four (24) hours after the commencement of an action in the Supreme, the Marshal of the Supreme Court shall make service of process upon each in the action. In the case that a commencement of actions is filed by verbal, the Marshal of the Supreme Court shall make service of process upon each within twenty-four (24) hours of a written filing not to exceed three (3) days after verbal notice.*

This Court received verbal notice that Plaintiff intended to file a complaint on Friday, September 22, 2017 at 4:26 P.M. However, in filing such notice, Plaintiff did not name a Defendant nor provide a basis for his pending lawsuit. Nevertheless, this Court accepted Plaintiff's notice, as it has in the past, as the Student Code does not define what information must be supplied in a verbal notice. As such, this Court has historically accepted verbal notices as simply notification to this Court of an intent to file a complaint as a matter of policy.

Therefore, pursuant to III S.G.C. §711, which allows the Chief Justice to set a time period to file a complaint following a verbal petition to this Court, "not longer than fourteen days after verbal commencement," this Court set a deadline of Monday, October 9, 2017 at 3:30 P.M.—11 class days following verbal notice—for Plaintiff to file the complaint in this matter. The complaint was received on Monday, October 9, 2017 at 2:33 P.M. Consistent with III S.G.C. §752(A), this Court served the complaint to Defendants on Monday, October 9, 2017, at 3:03 P.M., well within the three-day window established in III S.G.C. §752(A).

Having established that this Court did not err in establishing a timeline for this case, the second question Defendants raise in their motion is moot.

### III. ORDER

ACCORDINGLY,

Defendants' motion to dismiss is denied.

*It is so ordered.*

Done this 9th day of November, 2017, at TIME P.M.