

MOTION FOR DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT, AND RESERVATION OF RIGHTS

**STATE OF INDIANA
IN THE MONROE CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT**

Mark White, M.D.,
Plaintiff, pro se,

v.

The Trustees of Indiana University,
Defendant.

Cause No. 53C06-2508-CT-002221

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT, AND RESERVATION OF RIGHTS

Plaintiff, appearing pro se, hereby moves the Court for entry of default judgment against Defendant Indiana University pursuant to Indiana Trial Rule 55, for the reasons set forth below. In the alternative, Plaintiff moves for summary judgment pursuant to Ind. Trial Rule 56. In the further alternative, Plaintiff requests that the Court (a) grant leave to amend the Complaint and to adjust damages without prejudice during any brief extension, and (b) expedite any hearing on this motion. In support, Plaintiff states as follows:

1. Plaintiff filed his Complaint on August 11, 2025.
2. A summons was issued on August 15, 2025, and the summons and complaint were returned served on Defendant on August 18, 2025. (Affidavit/return of service attached as Exhibit E.)
3. Under Indiana Trial Rule 6(C), Defendant had twenty (20) days from the date of service to file an answer or otherwise plead. The 20-day period ran from August 18, 2025, and expired on September 7, 2025. Because September 7, 2025, was a Sunday, the deadline extended to Monday, September 8, 2025. As of the date of this filing, Defendant has not filed any Answer or other responsive pleading.
4. Plaintiff served Defendant, and Plaintiff also served Defendant's counsel by email, including an acknowledgement from Defendant's counsel on September 7, 2025 that counsel had received Plaintiff's settlement communication and that further

communications should be directed to counsel. (See Exhibit F — email from Defendant's counsel acknowledging receipt.)

5. Plaintiff timely and repeatedly sought a quick and quiet resolution (settlement) and, failing that, requested a speedy trial. Plaintiff's outreach and settlement offer are not part of the merits proof and were made for settlement purposes under Ind. R. Evid. 408. However, the fact remains that Defendant has not presented any substantive factual answer or defense in response to Plaintiff's claims.
6. Under Ind. Trial Rule 55, default judgment is warranted where a defendant fails to plead or otherwise defend. Defendant has failed to timely plead or otherwise defend this action.
7. Alternatively, summary judgment is appropriate under Ind. Trial Rule 56 because there is no genuine issue as to any material fact and Plaintiff is entitled to judgment as a matter of law. Defendant has provided no facts in opposition and the record contains no material factual dispute.
8. Plaintiff has been patient and reasonable. Plaintiff has sought counsel, prepared motions, and offered a commercial avenue for resolution. But Plaintiff cannot be compelled to wait indefinitely while Defendant fails to timely respond.
9. Plaintiff expressly reserves all rights, including the right to amend his Complaint (including damages) without prejudice during any extension the Court may grant; to seek counsel and prepare for trial; and to pursue all remedies available under the law.

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Enter default judgment against Defendant pursuant to Ind. Trial Rule 55 and schedule any necessary hearing on damages; OR
- B. In the alternative, enter summary judgment in favor of Plaintiff pursuant to Ind. Trial Rule 56; OR
- C. If the Court declines to enter judgment at this time, grant Plaintiff leave to amend his Complaint and to adjust damages without prejudice for a brief limited period, and issue an order expediting resolution and setting a short schedule for any responsive pleading and/or hearing; and
- D. Grant such further and other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Mark White, M.D.

Mark White, M.D.

Plaintiff, Pro Se

Bloomington, Indiana

812-272-3189

mark@codefun.com

Dated: September 8, 2025

PROPOSED ORDER

**STATE OF INDIANA
IN THE MONROE CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT**

Mark White, M.D.,
Plaintiff, pro se,

v.

The Trustees of Indiana University,
Defendant.

Cause No. 53C06-2508-CT-002221

ORDER

The Court, having considered Plaintiff's Motion for Default Judgment, or in the Alternative, Motion for Summary Judgment and Reservation of Rights, and being duly advised:

IT IS ORDERED that Defendant shall show cause, by filing a responsive pleading or written response in this matter no later than the end of business today, September 8, 2025, and explain why default judgment should not be entered. If no responsive pleading or written response is filed by that date, the Clerk is directed to enter default against Defendant under Ind. Trial Rule 55 and to schedule a hearing on damages as soon as practical.

IT IS FURTHER ORDERED that, if Defendant files a timely response, Plaintiff's Motion will be set for expedited hearing, and the Court will consider Plaintiff's alternative request for summary judgment.

IT IS FURTHER ORDERED that Plaintiff's right to seek leave to amend his Complaint and to adjust damages without prejudice during any brief extension is expressly reserved.

SO ORDERED this 8th day of September, 2025.

Judge, Monroe Circuit Court

CERTIFICATE OF SERVICE

I certify that on September 8, 2025, I served a copy of the foregoing Motion and Proposed Order via e-mail:

Anthony Prather, Vice President and General Counsel
Indiana University
prather@iu.edu

Zachary R. Griffin, Assistant General Counsel
zrgriffi@indiana.edu

Kendall Bowers, Legal Fellow
kenbower@iu.edu

/s/ Mark White, M.D.
Mark White, M.D.
Plaintiff, Pro Se

Exhibit E

Filed: 8/15/2025 9:52 AM
Monroe Circuit Court 6
Monroe County, Indiana

SUMMONS

Case Number: 53C06-2508-CT-002221

Court: Monroe Circuit Court 6
Monroe County, Indiana

To Defendant:

Indiana University

Office of the Vice President & General Counsel

107 S. Indiana Ave.

Bloomington, IN 47405

BRYAN HALL

MONROE COUNTY SHERIFF

DATE SERVED 08-18-25

SERVED BY (NAME, #, BADGE)

B. Hersh 53.54

REMARKS copy left w/

(I.V. Legad)

TYPE PC LC NF

Angie Bowman

You are hereby notified that you have been sued by the plaintiff in the court stated above.

The nature of the suit is stated in the Complaint attached to this Summons.

You must respond to this Complaint in writing within twenty (20) days after service of this Summons (or 23 days if served by mail), or a judgment by default may be entered against you.

8/15/2025

Issued this ____ day of _____, 2025.

Yvette D. Brown
Clerk, Monroe Circuit Court

Requested by:

Mark White, MD

3309 E Mulberry Ct

Bloomington, IN 47401

Phone: 812-272-3189

Email: mark@codefun.com



COPY
AUG 19 2025
MAILED

FILED
AUG 18 2025

RECEIVED
AUG 15 2025

CLERK MONROE CIRCUIT COURT

MONROE COUNTY
SHERIFF'S DEPT.

Exhibit F

From: mark@codefun.com <mark@codefun.com>

Sent: Sunday, September 7, 2025 9:34 AM

To: 'Prather, Anthony' <prather@iu.edu>

Subject: RE: [External] Settlement Communication (Ind. R. Evid. 408) - White v. Indiana University (53C06-2508-CT-002221)

Subject: Re: Receipt — Settlement Communication (Ind. R. Evid. 408) — *White v. Indiana University* (53C06-2508-CT-002221)

Mr. Prather —

Thank you for acknowledging receipt. I will direct further communications to you and your office as requested.

Given the time-sensitive nature of the offer in the attached settlement communication, please confirm at your earliest convenience:

1. That President Whitten has been informed of the settlement submission;
2. Who at IU will be the primary decision-maker or designated university officer for resolving this matter; and
3. Whether I can expect a substantive response or acknowledgment of IU's position by 5:00 PM ET, Friday, September 12, 2025.

This communication is made for settlement purposes only under Ind. R. Evid. 408.

Respectfully,
Mark White, MD
Plaintiff, Pro Se

812-272-3189

mark@codefun.com

From: Prather, Anthony <prather@iu.edu>

Sent: Sunday, September 7, 2025 9:07 AM

To: mark@codefun.com; Griffin, Zachary Robert <zrgriffi@iu.edu>; Bowers, Kendall <kenbower@iu.edu>; Whitten, Pamela <pwhitten@iu.edu>

Subject: RE: [External] Settlement Communication (Ind. R. Evid. 408) - White v. Indiana University (53C06-2508-CT-002221)

Mr. White,

This e-mail acknowledges receipt of your communication.

Going forward, please discontinue any efforts to communication with President Whitten as she is represented by my office. All communications should be directed to me, Mr. Griffin, or Ms. Bowers.

Regards.

Anthony Prather

Vice President and General Counsel

Bryan Hall Room 211

107 S. Indiana Ave.

Bloomington, IN 47405

301 University Boulevard

University Hall 5030

Indianapolis, IN 46202

812-855-3312

<https://vpgc.iu.edu/>



From: mark@codefun.com <mark@codefun.com>

Sent: Saturday, September 6, 2025 2:33 PM

To: Prather, Anthony <prather@iu.edu>; Griffin, Zachary Robert <zrgriffi@indiana.edu>;
Bowers, Kendall <kenbower@iu.edu>; Whitten, Pamela <pwhitten@iu.edu>

Cc: Dalia, Ankur <ankdalia@iu.edu>; Dilcher, David L. <dilcher@iu.edu>

Subject: [External] Settlement Communication (Ind. R. Evid. 408) - White v. Indiana University (53C06-2508-CT-002221)

Some people who received this message don't often get email from
mark@codefun.com. [Learn why this is important](#)

This message was sent from a non-IU address. Please exercise caution when clicking links or opening attachments from external sources.

President Whitten and General Counsel Prather,

Please find attached a confidential settlement communication pursuant to Indiana Rule of Evidence 408. It sets out (i) the nature of the case, (ii) my position and motives, and (iii) a specific, time-sensitive offer to resolve this matter quietly and quickly.

For convenience, the attachment also includes:

- Motion for Leave to Amend Complaint to increase damages XXXXXXXXXXXX

- Proposed Order
- Amended Complaint
- Draft press release (for visibility into the publicity path should IU elect to litigate)

Time is of the essence. As noted in the offer, the price adjusts each Friday at 5:00 PM ET until accepted.

Please confirm receipt and advise who on your team will respond. A short reply confirming receipt is appreciated.

This communication is made for settlement purposes only under Ind. R. Evid. 408.

Respectfully,
Mark White, MD
Plaintiff, Pro Se
812-272-3189
mark@codefun.com
Bloomington, Indiana

Attachment: White_v_IU_Settlement_Package_2025-09-06.pdf (settlement communication; Ind. R. Evid. 408)

09/08/2025

Notice Issued to Parties

The Plaintiff's motion for speedy trial will be discussed at the Telephonic Conference on October 30, 2025, at 10:30 a.m. CCS notice to Plaintiff by first class mail and to counsel of record by e-notification. Kb

Notice Issued to Parties

The Plaintiff's Notice Preserving Default Rights, Demand for Jury Trial and Alternative Notice of Intent to Seek Change of Venue will be discussed at the Telephonic Conference on October 30, 2025, at 10:30 a.m. and the necessity of a hearing on this motion. CCS notice to Plaintiff by first class mail and to counsel of record by e-notification. Kb

Notice Issued to Parties

Plaintiff's Motion for Default Judgment, or in the Alternative, Motion for Summary Judgment, and Reservation of Rights will be discussed at the Telephonic Conference on October 30, 2025, at 10:30 a.m. Court notes that any mention of settlement negotiations will not be reviewed by the Court at this time because those are to remain between the parties in this case. CCS notice to Plaintiff by first class mail and to counsel of record by e-notification. Kb

09/09/2025

Automated ENotice Issued to Parties

Notice Issued to Parties ---- 9/8/2025 : Jonathan L Mayes;Kendall Blair Bowers;Lynsey David;Mark White;Zachary Robert Griffin Notice Issued to Parties ---- 9/8/2025 : Jonathan L Mayes;Kendall Blair Bowers;Lynsey David;Mark White;Zachary Robert Griffin Order of Dismissal ---- 9/8/2025 : Jonathan L Mayes;Kendall Blair Bowers;Lynsey David;Mark White;Zachary Robert Griffin Order Issued ---- 9/8/2025 : Jonathan L Mayes;Kendall Blair Bowers;Lynsey David;Mark White;Zachary Robert Griffin Order Issued ---- 9/8/2025 : Jonathan L Mayes;Kendall Blair Bowers;Lynsey David;Mark White;Zachary Robert Griffin Notice Issued to Parties ---- 9/8/2025 : Jonathan L Mayes;Kendall Blair Bowers;Lynsey David;Mark White;Zachary Robert Griffin

10/30/2025

Telephonic Attorney Conference

Session:10/30/2025 10:30 AM, Judicial Officer: Krothe, Kara E.

Comment:Plaintiff to initiate

STATE OF INDIANA

IN THE MONROE CIRCUIT COURT

COUNTY OF MONROE

CAUSE NO. 53C06-2508-CT-002221

MARK WHITE

VS

INDIANA UNIVERSITY

**ENTRY AND ORDER REGARDING LETTER/PRO SE REQUEST
OR NON-CONFORMING PLEADING**

The court receives Plaintiff's Preemptive Response to Defendants' Motion to Dismiss on August 28, 2025. The Court now:

_____ **Deems it to be correspondence by a non-party (not seeking to intervene under the Indiana Trial Rules), disregards the same, and takes no action. Filings are usually allowed by only counsel or named pro se parties. Parties can request a copy of the filing, although it is disregarded by the court.**

_____ Deems it to be a sufficiently pled motion and request for hearing and sets this matter for hearing on the following issues: _____

_____ Deems it to be a sufficiently pled Answer to Summons and determines it as such.

_____ Deems it to be a request for modification that is legally or factually without merit and denied.

☒ **X** _____ Deems said letter to be a communication that is procedurally inadequate. Accordingly, the Court takes no action on the same. Specifically, it is not a proper pleading and is instead an attempt to present information on an ex parte basis to the Court, information that would be most appropriately alleged in a proper pleading or presented in a proper hearing before the Court.

_____ _____ may file a proper (Motion/Petition/etc.). Sample petitions are available at www.in.gov. Free legal assistance is available through the counsel in the Court Program.

_____ Finds it to be submitted by a party who currently is represented by counsel; therefore, the Court strikes it from the record and takes no further action on it other than the Court provides a copy of it to the attorneys for the parties to this case. The Court advises the parties that bifurcated representation is generally prohibited under Indiana law.

____ Sets this matter for hearing consistent with the above on the ____ day of _____, 201__, at _____ .m., with _____ allotted for hearing. All parties are ordered to appear and to be prepared to address the matters before the Court.

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Counsel of record
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STATE OF INDIANA

IN THE MONROE CIRCUIT COURT

COUNTY OF MONROE

CAUSE NO. 53C06-2508-CT-002221

MARK WHITE

VS

INDIANA UNIVERSITY

**ENTRY AND ORDER REGARDING LETTER/PRO SE REQUEST
OR NON-CONFORMING PLEADING**

The court receives a Plea for Dignity from Plaintiff filed on August 31, 2025. The Court now:

_____ **Deems it to be correspondence by a non-party (not seeking to intervene under the Indiana Trial Rules), disregards the same, and takes no action. Filings are usually allowed by only counsel or named pro se parties. Parties can request a copy of the filing, although it is disregarded by the court.**

_____ Deems it to be a sufficiently pled motion and request for hearing and sets this matter for hearing on the following issues: _____

_____ Deems it to be a sufficiently pled Answer to Summons and determines it as such.

_____ Deems it to be a request for modification that is legally or factually without merit and denied.

 X Deems said letter to be a communication that is procedurally inadequate. Accordingly, the Court takes no action on the same. Specifically, it is not a proper pleading and is instead an attempt to present information on an ex parte basis to the Court, information that would be most appropriately alleged in a proper pleading or presented in a proper hearing before the Court. The Court notes that the letter contains no Certificate of Service and there is no indication the same has been served on any other Party.

_____ may file a proper (Motion/Petition/etc.). Sample petitions are available at www.in.gov. Free legal assistance is available through the counsel in the Court Program.

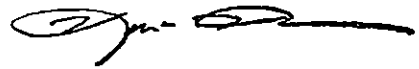
_____ Finds it to be submitted by a party who currently is represented by counsel; therefore, the Court strikes it from the record and takes no further action on it other than the Court provides a copy of it to the attorneys for the parties to this case. The Court advises the parties that bifurcated representation is generally prohibited under Indiana law.

Accordingly, the Defendant shall be required to make written submissions to the Court solely through his attorney of record.

____ Sets this matter for hearing consistent with the above on the ____ day of _____, 201__, at _____.m., with _____ allotted for hearing. All parties are ordered to appear and to be prepared to address the matters before the Court.

____ Generally DENIES any relief upon the requests, because: _____

SO ORDERED THIS 8TH DAY OF SEPTEMBER, 2025.



Kara E. Krothe, Judge
Monroe Circuit Court VI

Distribution:
Plaintiff
Counsel of record
File

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT VI

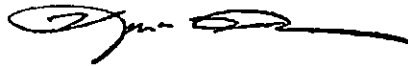
CASE NO. 53C06-2508-CT-002221

MARK WHITE)
)
 v.)
)
 INDIANA UNIVERSITY and)
 MONROE COUNTY COMMUNITY)
 SCHOOL CORPORATION)

ORDER OF DISMISSAL

Pursuant to Plaintiff's Notice of Voluntary Dismissal as to MCCSC filed on August 28, 2025, the Court orders the Plaintiff's claims against Defendant Monroe County Community School Corporation dismissed without prejudice.

SO ORDERED THIS 8TH DAY OF SEPTEMBER, 2025.



Kara E. Krothe, Judge
Monroe Circuit Court VI

Copies: Mark White
Counsel of record
File/RJO