

10/06/2025 Notice Issued to Parties

The Court will discuss the Plaintiff's Motion to Deny Further Enlargement of Time to Enforce the Law as Written at the Telephonic Conference on October 30, 2025, at 10:30 a.m. CCS notice to Plaintiff by first class mail and to counsel for Defendant by e-notification. kb

1. On August 11, 2025, Plaintiff filed the Complaint as his initial pleading.
2. Plaintiff seeks nominal damages and declaratory judgment, challenging IU's use of a certain codon table in its educational instruction to its students. His Complaint contains three counts, consisting of a couched educational malpractice theory ("false advertising," "educational fraud and negligence," and "violation of public trust").
3. None of Plaintiff's counts are legally cognizable. Accordingly, on the face of his Complaint, Plaintiff has failed to state a claim upon which relief can be granted.

4. First, Plaintiff does not have proper standing to bring this attempted causes of action because he has not sufficiently alleged an injury, nor has established sufficient interest in IU beyond taxpayer standing, which is not dispositive.
5. Second, Plaintiff's Complaint asserts a claim for educational malpractice, a tort claim which Indiana law does not recognize as a cause of action.
6. Plaintiff's claims fail as a matter of law because they are not legally cognizable under any circumstances. IU therefore respectfully requests that the Court dismiss Plaintiff's Complaint in its entirety. *See Baker v. Town of Middlebury*, 753 N.E.2d 67, 74 (Ind. Ct. App. 2001).

WHEREFORE, IU respectfully moves this Court to dismiss all claims against IU in Plaintiff's Complaint and render such further relief as is just and proper.

Respectfully submitted,

/s/Kendall B. Bowers

Kendall B. Bowers (ATTY # 39493-49)

Zachary R. Griffin (ATTY #35769-49)

kenbower@iu.edu

zrgriffi@iu.edu

Telephone: (317) 274-7460

Fax: (317) 274-7470

Attorneys for Defendant, The Trustees of Indiana University

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 7, 2025 a copy of the foregoing was filed electronically. Notice of this filing will be sent to the parties listed below by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Mark White, MD
Mark White, MD
3309 E. Mulberry Ct
Bloomington, IN 47401
mark@codefun.com

/s/Kendall B. Bowers

TABLE OF CONTENTS

<i>Andre v. Pace Univ.</i> , 655 N.Y.S.2d 777 (N.Y. Sup. Ct. 1996).....	11
<i>Baker v. Town of Middlebury</i> , 753 N.E.2d 67 (Ind. Ct. App. 2001).....	12
<i>Carley v. Arizona Bd. of Regents</i> , 153 Ariz. 461 (Ariz. Ct. App. 1987).....	10
<i>CenCor, Inc. v. Tolman</i> , 868 P.2d 396 (Colo. 1994).....	11
<i>City of E. Chicago, Indiana v. E. Chicago Second Century, Inc.</i> 908 N.E.2d 611 (Ind. 2009).....	6
<i>Delisle v. McKendree Univ.</i> , 73 F.4th 523 (7th Cir. 2023).....	10,11
<i>Gasbi, LLC v. Sanders</i> , 120 N.E.3d 614 (Ind. Ct. App. 2019).....	6
<i>Gociman v. Loyola Univ. of Chicago</i> , 41 F.4th 873 (7th Cir. 2022).....	10
<i>In re Guardianship of A.J.A.</i> , 991 N.E.2d 110 (Ind. 2013)	7
<i>Kitchell v. Franklin</i> , 997 N.E.2d 1020 (Ind. 2013)	6
<i>Norris v. Bd. of Educ. of Greenwood Cmty. Sch. Corp.</i> , 797 F.Supp. 1452 (S.D. Ind. 1992)	10
<i>Parks v. Madison County</i> , 783 N.E.2d 711 (Ind. Ct. App. 2002)	6
<i>Pence v. State</i> , 652 N.E.2d 486 (Ind. 1995)	8
<i>Ross v. Creighton Univ.</i> , 957 F.2d 410 (7th Cir. 1992)	9,10
<i>Schloss v. City of Indianapolis</i> , 553 N.E.2d 1204 (Ind. 1990)	7

<i>Solarize Indiana, Inc. v. Southern Indiana Gas and Electric Co.</i> , 182 N.E.3d 212 (Ind. 2022)	7
<i>Terre Haute Gas Corp. v. Johnson</i> , 45 N.E.2d 484 (Ind. 1942)	8
<i>Timms v. Metro Sch. Dist.</i> , 722 F.2d 1310 (7th Cir. 1983)	10

I. INTRODUCTION

Plaintiff's Complaint fails to state any claim upon which relief may be granted against Indiana University. Plaintiff makes nonlegal assertions, and seeks extraordinary relief for educational malpractice, a cause of action not cognizable in the State of Indiana. Specifically, Plaintiff alleges that the "flat codon table" is outdated, and that his own "spherical codon map known as the "G-ball" should be taught instead. Defendant, Trustees of Indiana University ("IU"), by counsel, hereby submits this Memorandum in Support of its Motion to Dismiss (the "Motion").

The Motion should be granted because Plaintiff makes non-legal assertions and seeks extraordinary relief for causes of action that are not based in any cognizable legal theory. Specifically, Plaintiff has fails to state a claim for which relief can be granted because:

1. Plaintiff does not have proper standing to bring this attempted causes of action because he has not sufficiently alleged an injury, nor has established sufficient interest in IU beyond taxpayer standing, which is not dispositive; and,
2. Plaintiff's Complaint asserts a claim for educational malpractice, a tort which Indiana law does not recognize as a cause of action.

II. BACKGROUND

IU is a public institution of higher learning established under state law. *See* Ind. Code § 21-20-1-1 *et seq.*; Compl. ¶ 7. Plaintiff has brought his claims against Indiana University, who is governed by a body politic, the Trustees of Indiana University. Ind. Code §§ 21-20-2-2, 21-20-3-2; *Id.* Plaintiff, Mark White, MD, is a taxpayer, former IU student, parent, and a practicing physician. Compl. ¶ 5. At all times relevant to the allegations set forth in his operative complaint, Plaintiff was neither a student nor an employee of IU.

Plaintiff's Complaint asserts that IU is "teach[ing] and promot[ing] a scientifically invalid representation of the genetic code" and that such instruction constitutes "false advertising, educational malpractice, and institutional fraud." Compl. ¶¶ 3-4. Plaintiff alleges that the "flat codon table" is the scientific theory currently taught at IU—and "widespread in textbooks, classrooms, and university lectures"—and that such theory is "mathematically invalid." Compl. ¶¶ 11-12. He further alleges that there is "a mathematically correct model – the spherical codon map known as the 'G-Ball'." Compl. ¶ 13.

Plaintiff asserts that he has communicated these "facts" to IU and that IU has "refused to engage, continued to use the false model, and continued to advertise their programs as delivering valid scientific instruction." Compl. ¶ 15.

III. LEGAL STANDARD

A pro se plaintiff, whose pleadings shall be construed broadly, will not be held to a lesser standard. *Parks v. Madison County*, 783 N.E.2d 711, 723 (Ind. Ct. App. 2002). "A Trial Rule 12(B)(6) motion to dismiss for failure to state a claim upon which relief can be granted tests the legal sufficiency of a claim, not the supporting facts." *Kitchell v. Franklin*, 997 N.E.2d 1020, 1025 (Ind. 2013) (citations omitted). The court will "view the complaint in the light most favorable to the non-moving party and draw every reasonable inference in favor of that party." *Gasbi, LLC v. Sanders*, 120 N.E.3d 614, 617 (Ind. Ct. App. 2019) (citations omitted). A motion to dismiss will not be affirmed "unless it is apparent that the facts alleged in the challenged pleading are incapable of supporting relief under any set of circumstances." *City of E. Chicago, Indiana v. E. Chicago Second Century, Inc.*, 908 N.E.2d 611, 617 (Ind. 2009) (quoting *Couch v. Hamilton County*, 609 N.E.2d 39, 41 (Ind. Ct. App. 1993)).

IV. ARGUMENT

Plaintiff's Complaint fails to state a claim upon which relief can be granted. Plaintiff's Complaint identifies False Advertising, Educational Fraud and Negligence, and Violation of Public Trust as his three causes of action, none of which are applicable here. While Plaintiff attempts to couch his claim as other torts, Plaintiff's Complaint, in substance, asserts a claim for educational malpractice. Plaintiff admits that the challenged codon table has been widely represented in science education since the 1960s. Nonetheless, Plaintiff claims he is entitled to judgment because the codon table IU teaches—one in textbooks, classrooms and university lectures not including Defendant—is allegedly incorrect. 

As a threshold issue, Plaintiff's claims must be dismissed because he does not have proper standing to bring a claim against IU regarding what theories or concepts are taught in its classrooms. Second, assuming Plaintiff has standing, which he does not, Plaintiff's claims must still fail, as his claim(s) for educational malpractice are not cognizable under Indiana law.

A. Plaintiff does not have proper standing to bring this attempted causes of action because he has not sufficiently alleged an injury, nor has established sufficient interest in IU beyond taxpayer standing, which is not dispositive.

Plaintiff is “a resident of Monroe County, a taxpayer, a former IU student, a parent, and a practicing physician with a professional interest in the integrity of science education.” Compl. ¶

5. Plaintiff is not a current student at IU, nor is he an IU employee.

Standing is a threshold issue, and if it is lacking, the court cannot consider the merits of the claim. *See Solarize Indiana, Inc. v. Southern Indiana Gas and Electric Co.*, 182 N.E.3d 212, 215 (Ind. 2022). Or put differently, “[t]he threshold issue of standing determines whether a litigant is entitled to have a court decide the substantive issues of a dispute.” *Id.* at 216. A plaintiff must be a “‘proper person’ to invoke the court’s authority.” *Id.* Lastly, a party’s standing

“to invoke this authority can be conferred either through common law or by statute.” *Id.*; *see also Schloss v. City of Indianapolis*, 553 N.E.2d 1204, 1206 (Ind. 1990) (common law); *In re Guardianship of A.J.A.*, 991 N.E.2d 110, 113 (Ind. 2013) (statute). For the court to have jurisdiction, there must be an actual dispute involving those harmed:

For the disposition of cases and controversies, the Court requires adverse parties before it. Standing focuses generally upon the question whether the complaining party is the proper person to invoke the Court’s power. However, more fundamentally, standing is a restraint upon this Court’s exercise of its jurisdiction in that *we cannot proceed where there is no demonstrable injury to the complainant before us.*

Pence v. State, 652 N.E.2d 486, 488 (Ind. 1995) (citations omitted) (same).

Plaintiff’s Complaint does not articulate an actual injury suffered. Even if he could articulate a specific injury, which he cannot, Plaintiff does not have proper standing to bring this suit against IU. Plaintiff is not currently a student or an employee at IU, nor does he allege when exactly he was enrolled at IU, if ever. While Plaintiff could attempt to assert taxpayer standing, Indiana common law has long held that “the availability of taxpayer or citizen standing may not be foreclosed in extreme circumstances, it is clear that such status will rarely be sufficient.” *Id.* Further, “it is not sufficient that he has merely a general interest common to all members of the public.” *Terre Haute Gas Corp. v. Johnson* (1942), 221 Ind. 499, 505, 45 N.E.2d 484, 486. Plaintiff’s suit may be an interest of the public, but that reasoning alone is insufficient to be brought before the Court. Plaintiff has failed to plead any facts which establish the requisite elements necessary for him to have standing to bring the instant suit. Therefore, Plaintiff’s Complaint must be dismissed.

B. Plaintiff’s Complaint asserts a claim for Educational Malpractice, which Indiana does not recognize as a cause of action, and case law holds that

**Courts should defer to educational institutions when it comes to purely
academic matters.**

Plaintiff’s claim of educational malpractice – which he refers to as educational fraud and negligence – fails to state a claim upon which relief can be granted, as the tort of educational malpractice is not recognized in the state of Indiana. Plaintiff alleges that IU has “a duty to provide students with scientifically accurate education.” Compl. ¶ 19. His claims, apparently, seek an evaluation of the educational experience and services that IU provides to students. *Id.* ¶¶ 14-23. His allegations involve the “codon table,” a scientific map that translates “all the possible codons – essential components of DNA and RNA molecules – and the amino acids they represent.”¹ *Id.* ¶ 10. Plaintiff acknowledges that this table has been in use since the 1960s and has been widely accepted “in textbooks, classrooms, and university lectures.” *Id.* ¶ 11. Plaintiff further alleges that there is another “mathematically correct model” that he created—the “G-Ball”². *Id.* ¶ 13.

Plaintiff, through his Complaint, is asking the Court to assess the quality of the scientific education that IU provides its students by teaching his model instead of the current model which is taught at Universities throughout the United States. His claims must fail, as his alleged tortious harm of “educational fraud and negligence,” otherwise known as “educational malpractice”, is not recognized in Indiana.

Educational malpractice is a claim for which courts have identified numerous policy concerns. *See, e.g., Ross v. Creighton Univ.*, 957 F.2d 410, 414 (7th Cir. 1992). First, such claims “lack...a satisfactory standard of care by which to evaluate an educator”; second, such claims

¹ <https://science.howstuffworks.com/life/genetic/codon-chart.htm> (last accessed October 1, 2025).

² <https://arxiv.org/abs/q-bio/0702056> Plaintiff’s authored article; *see also* <https://www.heraldtimesonline.com/story/news/2014/09/12/amateur-inventor-creates-game-that-anyone-can-play-and-can-explore-the-origins-of-the-universe/117466446/> (

include “inherent uncertainties...about the cause and nature of damages”; third, allowing such claims presents “a flood of litigation against schools”; and finally, “it threatens to embroil the courts into overseeing the day-to-day operations of schools.” *Id.* Indiana courts have never recognized a claim for educational malpractice. *Timms v. Metro Sch. Dist.*, 722 F.2d 1310, 1319 n.6 (7th Cir. 1983). (“[The district court] entered summary judgment on the state common law claim because Indiana does not recognize the tort of educational malpractice that the plaintiffs asserted some of the defendants had committed.”); *Norris v. Bd. of Educ. of Greenwood Cmty. Sch. Corp.*, 797 F.Supp. 1452, 1463 (S.D. Ind. 1992) (“Plaintiffs admit that no Indiana court has recognized that cause of action stated in this Count. In fact, no published Indiana appellate decision has even discussed the possibility of establishing this cause of action.”).

There are policy concerns that are presented with codifying such an injury or having courts decide what is taught in classrooms. *See, e.g., Ross*, 957 F.2d at 414 (“This oversight might be particularly troubling in the university setting where it necessarily implicates considerations of academic freedom and autonomy.”); *Gociman v. Loyola Univ. of Chicago*, 41 F.4th 873, 882 (7th Cir. 2022) (“Given the many policy concerns that counsel against allowing educational malpractice claims..., courts will not second-guess the professional judgment of a university in academic matters, regardless of how a claim is packaged.”); *see also Carley v. Arizona Bd. of Regents*, 153 Ariz. 461, 464 (Ariz. Ct. App. 1987) (“Various courts have expressed their reticence to intervene in academic decision making,” and such reluctance “is based on the belief that such decisions are best made by those who have expertise in education.”). Courts have repeatedly rejected plaintiffs’ attempts at establishing educational malpractice into other causes of actions, despite plaintiffs’ attempts to disguise their educational malpractice claims. *See, e.g., Ross*, 957 F.2d at 416 (“[T]he policy concerns that preclude a cause

of action for educational malpractice apply with equal force to bar a breach of contract claim attacking the general quality of an education.”); *Delisle v. McKendree Univ.*, 73 F.4th 523, 525 (7th Cir. 2023) (“...students may not come to court to question the quality of their education or to challenge academic decisions made by their universities.”); *Andre v. Pace Univ.*, 655 N.Y.S.2d 777, 779 (N.Y. Sup. Ct. 1996) (“The public policy considerations underlying judicial noninterference in tort-based educational malpractice claims is equally applicable when the action ... is formulated in contract.”). “Such claims in reality raise questions concerning the reasonableness of conduct by educational institutions in providing particular educational services to students—questions that must be answered by reference to principles of duty, standards of care, and reasonable conduct....” *CenCor, Inc. v. Tolman*, 868 P.2d 396, 399 (Colo. 1994).

Plaintiff’s Complaint asks this Court to stray from precedent and “[i]ssue a declaratory judgment that the flat codon table, as currently taught, is scientifically false,” and further requests that the Court conduct an “independent review of [IU’s] science and curriculum materials for accuracy.” The decisions regarding what scientific theories are taught at IU are not for the Court to make.. *See Delisle*, 73 F.4th at 525. Plaintiff’s allegations “necessarily entail[s] an evaluation of...the effectiveness of the pedagogical method chosen” by not only IU, but other universities, and would require the Court to “engage[] in a comprehensive review of a myriad of educational and pedagogical factors, as well as administrative policies that enter into the consideration of whether the method of instruction...was appropriate.” *Andre*, 655 N.Y.S.2d at 779. These evaluations are “best left to the educational community,” not the judiciary, as has been established by precedent. *Id.* at 780.

Therefore, Plaintiff fails to state a claim for educational malpractice and his Complaint should be dismissed.

V. CONCLUSION

Plaintiff's claims fail as a matter of law because they are not legally cognizable under any circumstances. IU therefore respectfully requests that the Court dismiss Plaintiff's Complaint in its entirety. *See Baker v. Town of Middlebury*, 753 N.E.2d 67, 74 (Ind. Ct. App. 2001).

Respectfully submitted,

/s/Kendall B. Bowers

Kendall B. Bowers (ATTY # 39493-49)

Zachary R. Griffin (ATTY # 35769-49)

kenbower@iu.edu

zrgriffi@iu.edu

Telephone: (317) 274-7460

Fax: (317) 274-7470

*Attorneys for Defendant, The Trustees of Indiana
University*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 7, 2025 a copy of the foregoing was filed electronically. Notice of this filing will be sent to the parties listed below by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Mark White, MD
Mark White, MD
3309 E. Mulberry Ct
Bloomington, IN 47401
mark@codefun.com

/s/Kendall B. Bowers



Monroe County

STATE OF INDIANA

**NOTICE
SETTING HEARING OR TRIAL**

STATE OF INDIANA

) IN THE MONROE CIRCUIT COURT 6

COUNTY OF MONROE

)
) CASE NO. 53C06-2508-CT-002221

MARK WHITE

V.

INDIANA UNIVERSITY

This case is set for Hearing on Motion to Dismiss on October 30, 2025 at 10:30 AM in the Monroe Circuit Court 6, 301 North College Ave Bloomington Indiana 47404.

Ordered on this the 8th day of October, 2025.

Judge/Magistrate

Monroe Circuit Court 6

Distribution: Mark White
Indiana University
Kendall Blair Bowers
Zachary Robert Griffin

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 MEMORANDUM IN OPPOSITION TO DEFENDANT’S MOTION TO DISMISS
AND REQUEST FOR CONVERSION TO SUMMARY JUDGMENT**

Comes now the Plaintiff, pro se, and respectfully submits this Memorandum in Opposition to Defendant’s Motion to Dismiss, filed October 7, 2025, and its accompanying Memorandum in Support. For the reasons that follow, the Motion should be denied—or, in the alternative, treated as one for summary judgment under Indiana Trial Rule 12(C).

I. INTRODUCTION

This case asks whether a public university, supported by taxpayers, may teach a mathematical falsehood as scientific truth. Defendant does not deny the facts alleged in the Complaint. Instead, it asserts that truth and falsity in science are beyond the reach of law. Plaintiff submits that this case does not challenge academic freedom, but rather defends the public’s right to honesty in publicly funded education.

Defendant’s argument is not that the flat codon table is true. It is that no one may question it in court. If accepted, that principle would shield falsehood from accountability wherever it is most publicly funded.

II. THE MOTION ADMITS THE FACTS AND DISAVOWS RESPONSIBILITY

Defendant’s memorandum presumes the existence of the “flat codon table,” acknowledges that Plaintiff claims it is false, and offers no factual defense. Instead, it argues that even if

the table is false, the Court lacks power to intervene. The Motion therefore concedes the facts and seeks refuge in jurisdictional immunity.

The question before this Court is not scientific—it is legal. When the State, through its university, promotes a false model as true, does that fall within the protection of academic freedom, or outside it as misrepresentation and waste of public funds?

III. THIS IS NOT AN ACTION FOR “EDUCATIONAL MALPRACTICE”

Defendant’s central argument mischaracterizes the claim. Plaintiff does not allege negligent teaching or poor pedagogy. He alleges false public representation by a state institution funded by taxpayers.

Courts refuse to entertain “educational malpractice” suits because they cannot measure the quality of instruction between private parties. But this case is not about the subjective quality of teaching. It is about an objectively false model being represented as fact in a publicly funded curriculum. That is not educational malpractice—it is public deception and misuse of funds.

IV. TAXPAYER STANDING AND PUBLIC DUTY

A taxpayer has standing to prevent illegal, unconstitutional, or wasteful expenditure of public money. (*Solarize Indiana, Inc. v. SIGECO*, 182 N.E.3d 212 (Ind. 2022)). Teaching a false model as true—and using state funds to do so—constitutes precisely the kind of harm this doctrine protects against.

Plaintiff’s standing arises from his role as a taxpayer and citizen. He is compelled to finance a falsehood. That injury is direct, ongoing, and remediable.

V. ACADEMIC FREEDOM IS NOT A LICENSE TO DEFRAUD

Academic freedom protects inquiry, not deception. It ensures that scientists may question truth, not that institutions may enshrine falsehood.

When a public university misrepresents facts under the banner of science, it is no longer engaging in protected academic inquiry—it is exercising government speech. The First Amendment does not immunize false government speech funded by taxpayers.

Defendant’s argument would expand “academic freedom” into a doctrine of permanent impunity. That is neither law nor logic.

VI. THE COURT HAS JURISDICTION AND DUTY

This Court is not being asked to decide the details of biology. It is asked to determine whether the State may knowingly teach false science without consequence.

To deny jurisdiction is to declare that the judicial branch has no role in upholding truth when the executive branch funds falsehood. Such abdication would nullify the rule of law and invite the very institutional corruption this case exposes.

VII. THE DEFENSE ARGUES SUMMARY JUDGMENT, NOT DISMISSAL

Defendant's Memorandum is rich with factual assumptions and extra-record assertions about what IU teaches and why. Under Indiana Trial Rule 12(B), when a motion to dismiss relies on facts outside the pleadings, the motion must be treated as one for summary judgment under Rule 56.

Defendant asks the Court to accept as true the contents and meaning of its own curriculum—facts not in evidence. If IU wants to convert this into a question of fact, then Plaintiff welcomes summary judgment and discovery.

VIII. IN THE ALTERNATIVE, THE COURT SHOULD CONVERT THE MOTION TO DISMISS INTO ONE FOR SUMMARY JUDGMENT

Plaintiff respectfully requests that if the Court considers matters beyond the pleadings, and it formally convert the Motion to Dismiss into one for summary judgment. Plaintiff stands ready to proceed with discovery, to depose IU's experts, and to examine the evidence IU claims supports the flat codon table.

If Defendant believes there is "no genuine issue of material fact," then it should gladly produce the scientific and curricular evidence it says the law forbids this Court to examine.

IX. PROCEDURAL PATH FORWARD

Plaintiff recognizes that whichever course this Court takes—dismissal, summary judgment, or discovery—the result will necessarily proceed to appellate review. The legal issues are novel and of public importance. Plaintiff therefore respectfully requests that the

Court act decisively, one way or another, to permit timely appeal and efficient use of judicial resources.

Should the Court prefer to direct settlement discussions or limited discovery before ruling, Plaintiff will participate in good faith. However, continued delay without resolution serves no interest of justice. If the Court wishes to bring this matter to its proper appellate forum, the simplest course is to rule on one of the pending motions and allow the process to advance.

Procedural Posture. Defendant moves to dismiss under Indiana Trial Rule 12(B)(6). If the pleadings are deemed closed, the issue is one of law and judgment may be entered on the pleadings under Rule 12(C). If, however, the Court considers matters outside the pleadings—as Defendant’s memorandum invites—then the motion must be treated as one for summary judgment under Rule 56. In any posture, the facts are undisputed and Plaintiff is entitled to judgment as a matter of law.

The court’s timing demonstrates the asymmetry now before it.

Defendant was granted more than fifty days to prepare and file its Motion to Dismiss. Plaintiff, by contrast, was effectively given about fifty minutes before the Court responded by setting hearing solely on the Defendant’s motion. The record therefore shows not malice but imbalance: when the State acts, time expands; when the citizen acts, time contracts. That imbalance itself is why this case exists and why it must proceed to review on the merits.

The pattern of dismissal now stands on the record.

For decades, scientific institutions have declined to engage Plaintiff’s findings, preferring to treat them as a curiosity or nuisance rather than addressing their substance. This case makes that pattern visible under law. The same reflex appears here: the Defendant seeks avoidance rather than examination, and the Court’s immediate scheduling of its motion, without affording Plaintiff equal time, extends that reflex into the legal sphere. The record now captures what science could once ignore.

X. PUBLIC INTEREST IN A COMPLETE RECORD

Plaintiff respectfully notes that an appeal following dismissal would concern only procedure, not substance, and would therefore serve the public interest less than an appeal from a reasoned summary judgment. The citizens of Indiana deserve a clear legal and factual record on whether a publicly funded institution may teach false information as scientific truth. A summary judgment ruling—whether for Plaintiff or Defendant—would

allow appellate review on the merits, not merely on form. For that reason, Plaintiff urges the Court to rule on the merits rather than dismiss on procedure.

XI. CONCLUSION

Defendant's motion asks this Court to declare itself powerless to correct falsehood in publicly funded science. Plaintiff asks instead that the Court affirm the law's continuing power to distinguish truth from error, fact from fiction, and justice from convenience.

For these reasons, Plaintiff respectfully requests that the Motion to Dismiss be denied, or, in the alternative, converted to summary judgment under Indiana Trial Rule 12(B) and 56, so that discovery may proceed and the case may be decided on its merits.

Respectfully submitted,

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

PROPOSED ORDER

**IN THE MONROE CIRCUIT COURT 6
STATE OF INDIANA**

Mark White, M.D.,
Plaintiff,

v.

The Trustees of Indiana University,
Defendant.

Cause No. 53C06-2508-CT-002221

ORDER ON DEFENDANT’S MOTION TO DISMISS

Comes now the Court, having considered Defendant’s Motion to Dismiss, Plaintiff’s Memorandum in Opposition, and the record herein, and being duly advised, now finds:

1. The material facts alleged in the Complaint are undisputed.
2. The Defendant has offered no factual evidence contesting Plaintiff’s claim that the “flat codon table” misrepresents the genetic code and that said model is used in public instruction at Indiana University.
3. The Defendant’s arguments sound in law, not in fact.
4. Pursuant to Indiana Trial Rule 12(B), where matters outside the pleadings are not excluded, the motion shall be treated as one for summary judgment under Rule 56.
5. The Court finds that no genuine issue of material fact exists and that Plaintiff is entitled to judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant's Motion to Dismiss is **DENIED**, and the Court **finds Plaintiff is entitled to judgment as a matter of law.**

So ordered this 8th day of October, 2025.

\

Hon. Kara E. Krothe

Judge, Monroe Circuit Court 6

Distribution:

All parties of record via ECF

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Memorandum in Opposition to Defendant's Motion to Dismiss was served on counsel of record for Defendant Indiana University by electronic service through the Court's ECF system on this 8th day of October, 2025.

/s/ Mark White, M.D.

Plaintiff, Pro Se