

**IN THE CIRCUIT COURT OF TEXAS COUNTY, MISSOURI**

**HOUSTON R-1 SCHOOL DISTRICT,** )

**PLAINTIFF,** )

**v.** )

**MISSOURI STATE HIGH SCHOOL** )

**Case No:** 23TE-CC00397

**ACTIVITIES ASSOCIATION, a voluntary** )

**non-incorporated association, by and** )

**through its Board of Directors: MARK** )

**LINNEMAN, TRAVIS DITTEMORE,** )

**DANIEL CLEMENS, KEVIN SMITH,** )

**JOSH HOENER, JOSH SCOTT, CRAIG** )

**GIBBS, DAVID JONES, and AARON VITT,** )

**DEFENDANTS.** )

**ORDER**

Upon consideration of the pleadings in Petitioner’s Motion for Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction, the Court hereby enters the following findings:

1. Petitioners have demonstrated that immediate and irreparable loss would result in the absence of relief. The scheduling of events involving future opponents in a fixed playoff schedule are such the schedule may not be reasonably disrupted to allow Plaintiff to pursue its claims without injunctive relief.

2. Petitioners have demonstrated that the facts herein warrant the relief sought regarding the Temporary Restraining Order. Specifically, that MSHSAA acted in an arbitrary and capricious manner as follows:

- a. MSHSAA failed to conduct a good faith investigation of the charity event in question, to include all schools in the district.

- b. MSHSAA failed to follow its own By-Laws, which clearly and unambiguously state that student athletes are allowed to participate in non-school competitions when they, like the athlete in question, don't wear a school uniform, participate voluntarily, and provide their own transportation.
- c. The decision by MSHSAA would take away a championship earned by this team because one member volunteered her time on a Saturday to raise money for Breast Cancer prevention, an activity clearly allowed by MSHSAA, and would award the championship to another team who also had members participate in the same charity event, for the sole reason that Houston was the only school who self-reported the activity.
- d. MSHSAA abused its discretion in applying the most severe means of punishment available to it under its By-Laws for what is, even if looked at in the light most favorable to MSHSAA, an unintentional and very minor infraction.
- e. MSHSAA treats, by its own policies, some athletes as professional celebrities profiting off of their ability to play in high school sports, while in the matter before the Court, punishing in the most severe way possible an act of charity, which in no way violated its By-Laws.

Accordingly, the Court hereby enters its Temporary Restraining Order enjoining the Defendants from requiring the forfeiture of Houston's class 2 district 8 Volleyball championship, reinstating the District Championship to Houston, and resuming the scheduled state volleyball playoffs, until such time as evidence can be presented and a preliminary or permanent injunction be heard. Petitioners required to post \$500.00 bond.

**SO ORDERED.**

Not an Official Court Document

*R. David Ray*

Honorable Robert David Ray

October 26, 2023, 4:22 pm

Date and Time of Order



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