IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
FRANKFORT DIVISION

SAMANTHA WIGGINTON, et al., Plaintiffs, v. COMMONWEALTH OF KENTUCKY, et al., Defendants.	Civil Action No. 3:26-cv-00035-CHB **PLAINTIFFS' NOTICE OF FILING SUPPLEMENTAL AUTHORITY**

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Plaintiffs, by counsel, hereby give notice of and file as supplemental authority the recent Eleventh Circuit opinion in *Denton v. Board of Governors for the State University System of Florida*, No. 24-10567, slip op. 2026 WL 1660092 (11th Cir. June 9, 2026)(*per curiam*), a case concerning Florida Agricultural and Mechanical University ("FAMU"), Florida's only public HBCU. A copy of the opinion is attached hereto as Exhibit A.

Plaintiffs submit *Denton* for its persuasive relevance to the student-standing issues raised in Defendants' pending motions to dismiss. The decision addressed a putative class action brought by current FAMU students alleging that state higher-education officials violated Title VI, the Equal Protection Clause, and *United States v. Fordice*, 505 U.S. 717 (1992), by chronically underfunding and underresourcing FAMU and by maintaining curricular policies that left FAMU with fewer unique, high-demand programs than historically white institutions. *Denton*, slip op. at 2-7.

BRIEF SYNOPSIS OF RELEVANCE TO STUDENT STANDING

Denton is important because it confirms that students at a public HBCU may plead Article III standing by alleging diminished educational opportunities caused by statewide underfunding, underresourcing, program-duplication, and curricular-policy decisions affecting

their institution. The Eleventh Circuit held that current FAMU students adequately alleged injury in fact where they claimed reduced educational opportunities from, among other things, absence of unique high-demand programs, lower per-student funding, unnecessary duplication of programs at historically white institutions, underdeveloped facilities and infrastructure, lower faculty pay, and fewer resources for students and faculty. *Id.* at 10-13.

The court further held that these injuries were concrete and particularized even though they were shared by a proposed class of students. *Id.* at 12-13. That point is directly relevant to Defendants' repeated attempts to characterize student injuries as institutional, generalized, derivative, speculative, or belonging only to the university. *Denton* recognizes that current students suffer their own cognizable injury when challenged state policies allegedly diminish the educational opportunity available to them at the HBCU they attend.

Denton is also significant on traceability. The Eleventh Circuit emphasized that standing does not require proximate cause and does not require a plaintiff to allege that a defendant's action is the very last step in the causal chain. Harms that flow indirectly from challenged funding and curricular policies can still be fairly traceable to the officials and entities responsible for those policies. *Id.* at 14-16.

Finally, *Denton* confirms redressability where the defendants have legal authority over funding, resources, program approval, curricular offerings, or related implementation. The Eleventh Circuit held that an injunction requiring increased funding, resources, or curricular offerings would substantially likely redress students' diminished educational opportunities. *Id.* at 16-18. That reasoning supports Plaintiffs' position that prospective relief against officials with authority over KSU funding, program review, mission implementation, admissions, debt-related implementation, fiscal controls, or remedial compliance can redress at least part of Plaintiffs' injuries.

Denton's standing analysis is especially probative because it arises in the same HBCU/*Fordice*/Title VI higher-education context and rejects the premise that current students lack standing merely because the challenged policies operate through institutional funding, resources, programs, or statewide governance structures. For these reasons, Plaintiffs respectfully request that the Court consider *Denton* as supplemental persuasive authority when resolving the pending motions to dismiss, particularly as to Article III injury, traceability, and redressability.

Respectfully submitted,

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