

EXHIBIT B

Targeted Blackline / Key Deltas (First Amended Complaint → Proposed Second Amended Complaint)

This exhibit is a targeted comparison highlighting the principal deltas that bear on scope, relief, and prejudice. It is not intended to reproduce a full document-wide blackline.

1. Federal-State Coordination and “Firewall” (No OP 77.13 / Transcript Relief in This Court)

FAC (prior language)

FEDERAL-STATE COORDINATION / NONINTERFERENCE

24. Plaintiff maintains a separate, exhibit free state action seeking only a prompt, public name-clearing/FERPA amendment hearing and neutral annotation; no damages are sought there. The federal claims here (§ 504/Title II/§ 1983) seek distinct remedies and do not require this Court to enjoin or review any state court order. No relief requested here would interfere with any state proceeding or order, and abstention is unwarranted.

Proposed SAC (new / clarified language)

3. FIREWALL / NO OP 77.13 RELIEF. Plaintiff does not ask this Court to enforce TTUHSC’s education-record amendment/annotation procedure (HSC OP 77.13) or Tex. Gov’t Code § 559.004, and Plaintiff does not seek any order directing changes to, removal of, or annotation of Plaintiff’s transcript or other education records. Any reference to education-record inspection/access or transcript notations is pleaded solely to explain timing and continuing publication and to describe resulting injuries, and does not request adjudication of record accuracy or OP 77.13 / § 559.004 compliance in this Court.

SEPARATE PROCEDURE-ONLY STATE MATTER; NON-DUPLICATION. Plaintiff pursues OP 77.13/§ 559.004 record-procedure mechanics only in a separate, narrowly limited state-court action concerning Defendants’ post-December 30, 2025 implementation of inspection/review and response steps for an OP 77.13 request. That state matter expressly disclaims damages and any request that a state court adjudicate the merits of the underlying disciplinary decision or the truth/falsity of record content. Plaintiff seeks only non-duplicative federal relief here, including damages and declaratory relief for federal statutory/constitutional violations and limited prospective process relief (e.g., name-clearing), relief not available in the state record-procedure matter.

28. Separate state “record-procedure” matter limited to Defendants’ post-December 30, 2025 implementation of inspection/review and response mechanics. After filing this federal action, Plaintiff filed a separate, narrowly limited state-court petition in Lubbock County seeking only prospective, official-capacity relief to compel TTUHSC officials to perform ministerial steps required by TTUHSC’s published education-record procedure (HSC OP 77.13)

and Texas Government Code § 559.004 for an OP 77.13 request initiated on December 30, 2025—a written amendment/annotation request. That state petition expressly disclaims damages, expressly disclaims any request that a state court adjudicate the merits of the underlying disciplinary decision, and asserts no federal cause of action.

29. No duplication; not a substitute. Plaintiff does not seek in this federal action any OP 77.13 enforcement, any education-record amendment/annotation order, or any order directing changes to the official transcript record. The federal claims here involve disability discrimination in an adjudicative proceeding, retaliation, and the publication of threat-imputing communications and the denial of a name-clearing process—relief not available in the state “record-procedure” matter. Any reference to the state “record-procedure” matter is for scope clarification only and is not intended to adopt or incorporate the state pleading’s allegations, and is not an admission that the matters are parallel or that adjudication of the state matter would resolve any claim here.

2. Transcript Annotation/Correction Relief Removed from Federal Prayer

FAC (requested transcript annotation/correction)

69. Plaintiff requests the Court’s straightforward Ex parte Young inquiry for prospective relief against appropriate officials, limited to halting ongoing violations and setting a prompt, ADA-compliant name-clearing process. See *Verizon Md., Inc.*, 535 U.S. at 645–46. Plaintiff is prepared to post a nominal bond in any amount the Court deems appropriate under Rule 65(c).

69A. Pending judgment, the Court should (i) order the Registrar to annotate any issued transcript with “Disputed; correction/annotation process pending,” and after the ordered name-clearing process, to append the corrective hearing record (or, if no change is ordered, Plaintiff’s statement) to future disclosures; and (ii) enjoin new or continued dissemination of outbound CTW/ban/exclusion directives to affiliates, except as required by law, while the name-clearing process proceeds.

G. Order interim annotation/issuance of a corrected transcript pending the name-clearing hearing (nonstigmatizing, status-neutral — e.g., “Disputed; correction/annotation process pending”), identify prior transcript recipients, and, upon final judgment for Plaintiff on Count 4 and/or ADA/§ 504 claims, expunge or amend the “Administrative Dismissal Effective 01112024” notation and require TTUHSC to notify, at its expense, all third parties to whom the notation or stigmatizing statements were disseminated during the limitations period that the notation has been removed or corrected.

Proposed SAC (expressly disclaims transcript correction/annotation in this Court)

Plaintiff does not seek in this action any order directing changes to the official transcript record or enforcing OP 77.13 / Tex. Gov’t Code § 559.004 record-procedure requirements. Plaintiff does not seek a transcript correction, expungement, or annotation order in this Court.

IX. PRAYER FOR RELIEF. WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and grant the following relief: (A) Declare that the challenged practices and continuing disclosures alleged in ¶¶56–58 and the violations pleaded in Counts 1–7 violate Title II of the ADA, § 504 of the Rehabilitation Act, and the First and Fourteenth Amendments as applicable, to the extent they continue or are likely to recur; (B) Award economic damages proximately caused by the violations pleaded (including the economic losses pleaded in ¶55) and nominal damages where permitted, against the proper defendants and only to the extent authorized for each claim; (C) Enter prospective injunctive relief pursuant to *Ex parte Young* and Fed. R. Civ. P. 65, limited to non-duplicative, non-record-procedure relief only. [excerpt continues]

3. Added Individual-Capacity Defendant: David Trotter, Ph.D.

FAC (Trotter appears in factual allegations, but was not pleaded as a defendant)

27A. In a recorded November 2023 meeting, Student Conduct Administrator Dr. David Trotter told Plaintiff that any consolidated hearing would be “broken into sections” in a way that maximized Plaintiff’s protection: first, the Board would hear and decide Plaintiff’s grievances and mistreatment complaints against faculty and administrators; only after those decisions were made would the Board move to the conduct complaints and negative evaluations. Dr. Trotter stated that hearing the grievances first “would provide [Plaintiff] the most protection” and that it “wouldn’t make sense” to hear “the conduct stuff” first and only later consider the mistreatment concerns. Plaintiff prepared for the December 11, 2023 hearing in reliance on this promised format, but as described in ¶27 and ¶42, TTUHSC instead stacked hours of adverse testimony and conduct allegations before allowing any meaningful opportunity for Plaintiff to present his grievances or a coherent response.

27B. In the same November 2023 conversations, Dr. Trotter told Plaintiff that TTUHSC was willing to resolve all pending matters only if Plaintiff withdrew from the School of Medicine with no possibility of re-enrollment and that, absent such a withdrawal, “they want this to move to a hearing.” Plaintiff declined to withdraw and proceeded to prepare for the December 11, 2023 hearing in reliance on the grievance-first structure described in ¶27A. Plaintiff alleges that this withdrawal ultimatum, coupled with the later abandonment of the promised format, underscores the coercive and pretextual nature of the process.

Proposed SAC (adds Trotter as an individual-capacity defendant)

23A. Defendant David Trotter, Ph.D., served as TTUHSC’s Student Conduct Administrator for Plaintiff’s disciplinary matter, including the pre-hearing consolidation notice and hearing-procedure communications described below. He is sued in his individual capacity.

4. Name-Clearing Relief Clarified / Pleaded as a Distinct Prospective Claim (Count 7)

FAC (name-clearing referenced in stigma-plus count and prayer)

60B. Clearly Established Law / Qualified Immunity. At the time of the events alleged, it was clearly established that government officials may not publish materially false, stigmatizing accusations in connection with an alteration of legal status without providing a meaningful name-clearing hearing. See *Paul v. Davis*, 424 U.S. 693 (1976); *Codd v. Velger*, 429 U.S. 624 (1977); *Hughes v. City of Garland*, 204 F.3d 223, 226–28 (2000); *Bledsoe v. City of Horn Lake*, 449 F.3d 650, 653–55 (2006).

69. Plaintiff requests the Court’s straightforward *Ex parte Young* inquiry for prospective relief against appropriate officials, limited to halting ongoing violations and setting a prompt, ADA-compliant name-clearing process. See *Verizon Md., Inc.*, 535 U.S. at 645–46. Plaintiff is prepared to post a nominal bond in any amount the Court deems appropriate under Rule 65(c).

69A. Pending judgment, the Court should (i) order the Registrar to annotate any issued transcript with “Disputed; correction/annotation process pending,” and after the ordered name-clearing process, to append the corrective hearing record (or, if no change is ordered, Plaintiff’s statement) to future disclosures; and (ii) enjoin new or continued dissemination of outbound CTW/ban/exclusion directives to affiliates, except as required by law, while the name-clearing process proceeds.

Proposed SAC (adds a cabined, prospective name-clearing count under Ex parte Young)

COUNT 7 - Name-Clearing Hearing (Prospective Relief) via § 1983 and Ex parte Young - Against McSween, Cobbs, Williams, Rice-Spearman, and D’Agostino (Official Capacities)

77. Defendants, acting under color of state law, have caused and continue to cause dissemination of stigmatizing, materially false threat-imputing implications to third parties in connection with pleaded alterations of Plaintiff’s legal status, including emergency removal, campus-access/criminal-trespass restrictions, and termination of Plaintiff’s student status. For purposes of this claim, “made public” includes dissemination by state actors outside internal need-to-know channels to third parties such as non-TTUHSC affiliate personnel, gatekeepers, and distribution-list recipients, and does not rely on any self-publication by Plaintiff. The falsity alleged here is not a dispute that Defendants issued exclusion or status measures; it is the materially false implication that Plaintiff posed a safety threat requiring security escalation and exclusion absent any adjudicated finding of dangerousness.

77A. The official-capacity defendants named in Count 7 are sued only to the extent each has a sufficient implementation connection to the prospective process relief requested: (a) McSween, as registrar/status-verification gatekeeper for non-transcript status communications (§53); (b) Cobbs and Williams, as student-affairs/academic-affairs officials alleged to have participated in and maintained the challenged exclusion directives and

communications (¶48-49); and (c) Rice-Spearman and D'Agostino, only to the extent of their cabined authority described in ¶46B.

77B. Plaintiff continues to face ongoing and imminent harm from the continuing risk of disclosure and re-issuance of the challenged threat-imputing communications and status verifications. See ¶56-57.

78. Plaintiff requested a name-clearing hearing addressing the stigmatizing implication that he posed a safety threat. Defendants have refused and/or failed to provide such a hearing.

78A. The December 11, 2023 disciplinary proceeding did not satisfy the constitutional name-clearing requirement for the dangerousness stigma. The proceeding was not convened, noticed, or structured as a name-clearing hearing focused on the narrow question whether Plaintiff posed a safety threat requiring security escalation. The proceeding's structure and evidence gating prevented Plaintiff from creating a meaningful record focused on rebutting the threat-imputing implication later disseminated to third parties, and disability-related communication supports were denied.

79. Plaintiff seeks only prospective, procedural relief: (a) an order requiring Defendants to provide a constitutionally adequate name-clearing hearing within a timeframe set by the Court, limited to the stigmatizing implication that Plaintiff posed a safety threat and with reasonable disability accommodations; and (b) pending that process, an order requiring that any new non-transcript exclusion/status communications about Plaintiff to third-party clinical affiliates or gatekeepers be limited to neutral status information and not include new threat-imputing characterizations (as defined in ¶79A) except as required by a specific legal obligation.

Plaintiff does not seek in this action any order directing changes to the official transcript record or enforcing OP 77.13 / Tex. Gov't Code § 559.004 record-procedure requirements. Plaintiff does not seek a transcript correction, expungement, or annotation order in this Court. (¶79A continues.)