

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA CENTRAL DIVISION

<p>DRAKE UNIVERSITY, Plaintiff,</p> <p>vs.</p> <p>DES MOINES AREA COMMUNITY COLLEGE FOUNDATION and DES MOINES AREA COMMUNITY COLLEGE Defendants.</p>	<p>No. 4:24-cv-00227</p> <p><b>MOTION TO ADMIT DRAKE’S LIVE MASCOT TO PRELIMINARY INJUNCTION HEARING</b></p> <p><b>EXPEDITED RELIEF REQUESTED</b></p>
<p>DES MOINES AREA COMMUNITY COLLEGE, Counterclaim Plaintiff,</p> <p>vs.</p> <p>DRAKE UNIVERSITY, Counterclaim Defendant.</p>	

Drake University (“Drake”) hereby moves the Court for an Order permitting Drake’s Live Mascot, Griff II, to attend the upcoming hearing on Drake’s Motion for Preliminary Injunction in the above-captioned matter. In support, Drake states as follows:

1. On July 8, 2024, Drake filed a Motion for Preliminary Injunction requesting the Court temporarily enjoin Defendants’ use of certain trademarks, namely a standalone “D” and dark blue/light blue/white color scheme in connection with post-secondary educational services (the “Motion”). *See* Dkt. 4.
2. DMACC timely resisted (Dkt. 30), Drake timely replied (Dkt. 40).
3. On September 9, 2024, the Court scheduled a hearing on the Motion to be held September 24, 2024, at the Federal Courthouse in Des Moines. Dkt. 58.

4. While the Drake Brand is comprised of several elements, of particular importance is Drake's live mascot, Griff II, who frequently appears in public on behalf of Drake wearing outfits featuring elements of the Drake Brand. While Griff II is represented pictorially in the record, his true effectiveness as an ambassador of the Drake Brand lies in his physical presence.

5. Drake's counsel has contacted the Clerk's Office regarding the Court's protocols for admitting animals to the Courthouse and has been informed that animals are permitted entry under certain circumstances.

6. While Griff II is a certified therapy dog, out of respect for the dignity and decorum of these proceedings and for the elimination of doubt, Drake seeks permission from the Court directly.

7. Pursuant to Local Rule 7(k), the Parties conferred, and DMACC opposes the present motion.

**WHEREFORE**, Drake University respectfully requests that the Court issue an order permitting Griff II to attend the September 24th hearing accompanied by his professional handler.

Respectfully submitted,

Dated: September 19, 2024

**ZARLEYCONLEY PLC**

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