

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOYCE MARIE MOORE, ET AL.,

CIVIL ACTION

NO. 65-15556

VERSUS

JUDGE LEMELLE

TANGIPAHOA PARISH SCHOOL BOARD

MAGISTRATE SHUSHAN

PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL ARBITRATION

The plaintiffs, through undersigned counsel, previously invoked the provisions of R. Doc. 191 and R. Doc. 193, referencing court orders which state, Part II (Faculty, Staff and Students):

L. Teachers and administrators within the parish shall be given adequate notice of any unfavorable personnel actions taken by the School System...and the reasons for the action and shall have the right to request review from . . .

.....

4) An arbitrator from the American Arbitration Association selected cooperatively by the School Board and Tangipahoa Parish Education Association.

As shown by the attached correspondence to defendants' attorneys and the Court Compliance Officer (Exhibit 1), the plaintiffs made every effort, verbal and written, to initiate appropriate arbitration proceedings prior to resorting to this court. The defendants, however, continue their steadfast refusal to respond or cooperate.

The law in general, as well as the orders of this court, make available alternative remedies to resolve discrimination


complaints arising in the context of this school desegregation case. From the Alden Foster matter as well as other teacher-administrator issues that have come before the court involving litigation and even appeals to the Fifth Circuit, the court is well aware that litigation can be extensive, time consuming, and a drain on the resources of the court and counsel for the parties. In this instance, plaintiffs invoked the non-binding arbitration provisions authorized by order of the court with the view that resort to arbitration procedures may help to sort out the facts, avoid full blown legal proceedings, and perhaps even allow the parties to resolve the dispute without court intervention. Most certainly, this is what the court had in mind when approving arbitration before the American Arbitration Association (AAA) as an option for review of disputed adverse employment decisions.

Plaintiffs' counsel believe that this dispute, unlike the Alden Foster matter, does not require complex fact finding and judicial review of the record. Therefore, it is a matter that is suitable for arbitration. The arbitration testimony and findings of an arbitrator would greatly reduce the time for judicial review should it be necessary to bring this matter concerning a black principal for further review by the court.

Marilyn Dunn alleges that Tangipahoa Parish school officials discriminated against her on the basis of race and removed her as a principal in retaliation for her opposition to racial discrimination. Without question, there is great benefit to the court and parties in submitting this matter to arbitration for resolution or refinement of the issues prior to embarking on court review. A copy of the AAA rules regarding non-binding arbitration is attached (Exhibit 2).

The defendants do not have the option of ignoring an order of this court. The court order (R. Doc. 193) is derived verbatim from an agreement between the parties (R. Doc. 191). The plaintiffs urge the court to compel the defendants to comply with their agreements and further comply with the orders of this court without further delay.

BY ATTORNEY FOR PLAINTIFF



NELSON DAN TAYLOR
1822 N. Acadian Thruway W
Baton Rouge, LA
225-356-5252

CERTIFICATE

I hereby certify that, on this day, December 13, 2009, the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system which gives notice of filing to all counsel of record.

