

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, ET AL.

MAGISTRATE SHUSHAN

VERIFIED PETITION FOR INJUNCTIVE RELIEF,

NOW COME the plaintiffs, through undersigned counsel, and hereby move this Court pursuant to Fed. R.Civ.P. 65 for a preliminary injunction restraining and enjoining the Tangipahoa Parish School Board from bypassing the recommendation of the review committee established by R. Doc. 866 [Exhibit 1], regarding the procedure to hire principals, supervisors, and administrators. Plaintiffs respectfully request an expedited hearing on a motion for preliminary injunction for the following reasons:

1. Though the committee certified a black candidate for appointment as the principal of Hammond High School, the Superintendent has rejected the black female applicant and by letter dated August 8, 2010 [Exhibit 2], gave notice that he intended to recommend the hiring of a white male candidate. Pursuant to the mandate of R. Doc. 866, plaintiffs' counsel responded and objected on grounds that the Superintendent had

stated nothing that would qualify as superior qualifications of the white applicant that exceeded the qualifications of the black applicant.¹ See, Exhibit 3. The Superintendent responded with another letter attempting to justify his decision to recommend the white applicant [Exhibit 4], to which plaintiffs' counsel responded, again pointing out that the Superintendent had said nothing that would suffice as superior qualifications of the white candidate. See Exhibit 5

2. On yesterday, July 19, 2010, plaintiffs' counsel contacted defendants' counsel, Charles Patin, by phone and urged that defendant school board delay any decision on the appointment of a principal at Hammond High School until the court could review this matter. Defense counsel refused to delay and indicated that, unless the court ordered otherwise, the Superintendent would proceed to recommend the white candidate for appointment and approval at the school board meeting scheduled for today at 6:00 P.M., July 20, 2010.

3. The black applicant filed a complaint with the Compliance Officer, but Superintendent has refused to delay his recommendation pending an investigation. See Exhibits 6 and 7.

¹ The Compliance Officer was on vacation and pursuant to R. Doc. 866, the Superintendent's notice came to plaintiffs' counsel.

4. Injunctive relief is necessary to protect the black applicant from the public notoriety of a racially discriminatory nonselection that on its face appears to be a flagrant violation of the order of this court issued as a remedy for prior racial discrimination that substantially discriminated against black applicants and precluded them for fair and equal consideration for positions as principals, supervisors, and administrators in the Tangipahoa Parish School System.

5. The court's orders as a remedy for racial discrimination specifically state in pertinent part:

When vacancies occur for principals, central office administrators, or other supervisory positions which include but are not limited to directors, supervisors, coordinators, principals, assistant principals and administrative assistants, the school system shall hire or appoint a qualified Black person who has submitted an application to fill them to achieve a diversity goal of 40 percent Black and 60 percent white in each category or to achieve the a percentage of Black school-site administrators that will approximate the percentage of Black students enrolled in the school system as shown in Attachment C to the Desegregation Plan filed by Defendants in this matter, whichever is greater...

Until such times as the racial diversity goals are met, if any of the qualified applicants are Black, the Black applicant should be recommended for the open position. If the Superintendent chooses not to recommend a Black applicant because a more qualified non-black applicant has timely applied, the name of the proposed applicant as well as written reasons as to why a Black applicant was not recommended must be submitted to the Court Compliance Officer and the Chief Desegregation

Implementation Officer at least 5 working days prior to the school board's personnel committee and at least 7 working days prior to Board approval. If the Compliance Officer is unavailable, the notice shall be sent to the attorneys for the plaintiff.

R. Doc. 866. Exhibit 8.

6. The Superintendent is allowed to bypass a qualified black applicant only where there is a more qualified white applicant. Plaintiffs attach the State Department of Education certifications for the two candidates at issue Mildred Johnson (Black) (Exhibit 9] and Chad Troxclair (white).[Exhibit 10]. The certifications of the Black applicant are clearly superior to those of the white applicant. There is nothing in any of the correspondence from the Superintendent that demonstrates that white applicant is more qualified than the black applicant.

7. No Black person has ever been appointed to the position of principal at Hammond High School. The correspondence of the Superintendent indicates that Hammond High School will become the flagship high school in Tangipahoa Parish. The recommendation of the Superintendent continues the longstanding white only occupancy of the principalship at Hammond High School.

8. Injunctive relief and an expeditious hearing is required in the interests of justice. The non-black applicant that the Superintendent intends to recommend as Principal of Hammond High School is not more qualified than the Black

applicant and, indeed, his certifications and credentials do not equal those of the Black applicant. The Superintendent should not be allowed to impose irreparable harm by publicly impugning the reputation of the Black applicant with the clearly untrue misrepresentations of the Superintendent that the non-black candidate is more qualified.

9. The plaintiffs urge the court to grant injunctive relief enjoining the defendant Tangipahoa School Board from implementing the Superintendent's recommendation to appoint Chad Troxclair as the principal at Hammond High School, further ordering the Superintendent to show cause why his proposed recommendation does not violate the orders of this court, and why the defendants should not be held in contempt if they choose to go forward.

10. Attorneys for the plaintiffs consulted with counsel for the defendants and advised that this petition for injunctive relief would be filed with the court today, July 20, 2010, in advance of the scheduled school meeting.

WHEREFORE Plaintiffs respectfully request that this Court hold an expedited hearing and grant injunctive relief against the defendant enjoining and/or vacating the appointment of Chad Troxclar as Principal of Hammond High School, and requiring the defendants to comply with the orders of this court and appoint

MILDRED LENNET CRAWFORD JOHNSON as the first Black Principal of Hammond High School.

AFFIDAVIT

Under the penalties of perjury, the attorneys for the plaintiffs certify that the foregoing is true and correct to the best of their knowledge and belief.

BY ATTORNEYS FOR PLAINTIFFS

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CERTIFICATE

I hereby certify that, on this day, July 20, 2010, 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.

/s/ James A. Gray II