

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

PLAINTIFFS' MOTION FOR FURTHER RELIEF

NOW COME the plaintiffs, through undersigned counsel, and hereby moves the court for further relief, including but not limited injunctive relief 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—together with such other and/or additional relief as to the court appears just and proper. Plaintiffs request further that the court grant an expedited hearing for the following reasons:

1. Though the review committee authorized by orders of this court certified a Black candidate for appointment as the principal of Hammond High School, the Superintendent rejected the approved Black female applicant and by letter dated July 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.<sup>1</sup> 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 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 July 20, 2010.

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

3. The Black applicant filed a complaint with the Compliance Officer, but Superintendent refused to delay his recommendation pending an investigation. See Exhibits 6 and 7. It is plaintiffs' understanding, through counsel, that the current principal of Hammond High School, Carmen Moore, is still the active principal until the first week in August 2010. The Compliance Officer has advised that she expected to complete her investigation by Friday, July 23, 2010. The refusal of a short delay to at least consider the investigative findings of the Compliance Officer is a repeat of the same unreasonable behavior of defendant school officials in the matter of Alden Foster's application to become the first Black head football coach at Amite High School.

4. Injunctive or other appropriate 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 orders that this court entered as a remedy for prior racial discrimination against Black applicants and substantially precluded them for fair, objective and equal consideration for positions as principals, supervisors, and administrators in the Tangipahoa Parish School System.

5. The court order, a remedy for racial discrimination, specifically states 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 can bypass a qualified Black applicant only where he recommends a more qualified non-black applicant. Attached are the posted State Department of Education certifications for the two candidates at issue, Mildred Johnson (Black) (Exhibit 9] and Chad Troxclair (white).[Exhibit 10]. The qualifications 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 supports the conclusion that the Chad Troxclair, the white applicant is more qualified than Mildred Johnson, the Black applicant. Among other things, Troxclair only has a provisional certification as a high school principal, while Johnson is fully certified and has substantial additional training and certification.

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. An expeditious hearing is required in the interests of justice. The non-black applicant that the Superintendent has recommended as Principal of Hammond High School is not more qualified than the Black applicant and, indeed, Chad Troxclair's certifications and credentials do not even equal those of the Mildred Johnson. The Superintendent should not be allowed to impose irreparable harm by publicly impugning the reputation of the Black applicant and further by publicly humiliating her with his clearly false misrepresentation that the non-black candidate is more qualified.

9. Racial discrimination on its face imposes irreparable harm. Though the law provides for monetary relief related to the wrongful denial of this employment opportunity, there is no amount of monetary compensation that can make Mildred Johnson whole from the embarrassment, humiliation, mental anguish and suffering imposed by acts of racial discrimination that reaffirm the longstanding systemic prejudices at the work place of her chosen career.

10. The plaintiffs move the court for appropriate orders granting relief to enjoin the defendant Tangipahoa School Board from implementing the Superintendent's recommendation to appoint Chad Troxclair as the principal at Hammond High School, together with such additional relief to which the Black applicant is entitled under the Constitution and laws of the United States. The plaintiffs further move the court to order the School Board and Superintendent to show cause why the failure to appoint the recommended Black applicant to the position of Principal at Hammond High School did not violate the orders of this court, and further order that they show cause why the defendants should not be held in contempt of court.

WHEREFORE Plaintiffs respectfully request that this Court hold an expedited hearing and grant injunctive and/or such additional or other relief as appears appropriate against the

defendants enjoining and/or vacating the appointment of Chad Troxclair 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 ATTORNEY FOR PLAINTIFF



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CERTIFICATE

I hereby certify that, on this day, July 23, 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.

