

**NOTICE OF SIGNING OF JUDGMENT
AND CERTIFICATE OF MAILING
(IN COMPLIANCE WITH ARTICLE 1913 OF THE LA CCP)**

JEFF LANDRY

FIFTEENTH JUDICIAL DISTRICT

VS

PARISH OF VERMILION

SARA DUPLECHAIN ET AL

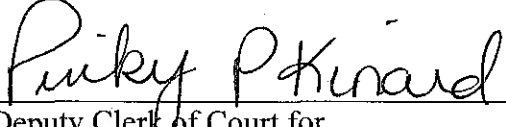
STATE OF LOUISIANA

DOCKET NUMBER: C-104728

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70163

You are hereby notified that a Judgment **** (REASONS FOR RULING) **** was signed on **NOVEMBER 8, 2018** in the above numbered and entitled cause, a certified copy of said Judgment being attached hereto and made a part hereof.

This service was ordered by **JUDGE DAVID M. SMITH** and was mailed by the Clerk of Court on the **15TH DAY OF NOVEMBER, 2018**.


Deputy Clerk of Court for
Diane Meaux Broussard
Clerk of Court

JEFF LANDRY, IN HIS OFFICIAL CAPACITY * 15TH JUDICIAL DISTRICT COURT
AS ATTORNEY GENERAL OF THE STATE
OF LOUISIANA

VERSUS * DOCKET #: 104728

SARA DUPLCHAIN, ANTHONY J. * PARISH OF VERMILION
FONTANA, JR., CHRIS GAUTREUX,
CHRIS HEBERT, STACY LANDRY, LAURA
LEBEOUF, J.B. MORENO, KIBBIE PILLETTE,
JEROME PUYAU, AND VERMILION PARISH
SCHOOL BOARD

REASONS FOR RULING

On September 10, 2018, the parties submitted a “Stipulation and Agreement to Submit the Determination of Liability of the Vermilion Parish School Board Upon Documentary Evidence and Exhibits and Bifurcating the Proceedings with Respect to Individual School Board Members.” After reviewing the memorandums, the evidence submitted by counsel, and the law, the Court now issues the following Reasons for Ruling.

This lawsuit arises out of a complaint made by a citizen concerning the conduct of the January 8th, 2018 special meeting of the Vermilion Parish School Board. The Louisiana Attorney General initiated this action against the Board, its members and its superintendent to enforce Louisiana’s Open Meetings Law on March 8th, 2018. The parties have agreed to submit the following legal questions to the Court for determination based upon the audio recording of the meeting, the video recording of the meeting, and the official court reporter’s transcript of the meeting: (1) whether the Board’s conduct of the January 8th, 2018 special meeting violated the Open Meetings Law and, if so, (2) the relief to which the Attorney General and VAE are entitled.

The plaintiffs allege the Vermilion Parish School Board violated the Open Meetings Law by not allowing public comment at the appropriate time on all of the agenda items. The version of LSA-R.S. 42:15 [which was formerly] LSA-R.S. 42:5.1] in effect on January 8, 2019 provided:

- A. Notwithstanding any other law to the contrary, each school board subject to the provisions of this Chapter, except as provided in Subsection B of this Section, shall allow public comment at any meeting of the school board prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item.

It is clear upon reviewing the video and the transcript of the proceeding that the Vermilion Parish School Board did violate LSA- R.S. 42:15 by not opening comments prior to each agenda item.

Further, the plaintiffs allege that the Vermilion Parish School Board violated the Open Meetings Law by not allowing Deyshia Hargrave to finish commenting on agenda item "Audience Concerns for the Superintendent." Ms. Hargrave was initially recognized to speak by Mr. Fontana. Once she began to comment, Mr. Fontana stopped her and indicated that her comments were not germane to the agenda item. However, she was expressing her concerns to the Superintendent regarding a pay raise he would be accepting. Her comments were most certainly germane to the agenda item "Audience Concerns for the Superintendent." Not only was she silenced, she was forcibly removed from the meeting by the security guard for the meeting, an off-duty police officer.

The board claims under LSA-R.S. 42:17 she was lawfully removed from the meeting. However, LSA-R.S. 42:17 states:

The provisions of this Chapter shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

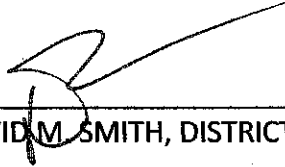
There is no indication in the evidence that Ms. Hargrave's behavior was willfully disruptive. Ms. Hargrave addressed the board respectfully. She was not loud or disruptive. It is clear that the Vermilion Parish School Board violated the Open Meetings law by not allowing Ms. Hargrave to publicly comment on the agenda item "Public Concerns for the Superintendent."

Under LSA-R.S. 42:26, the Court has wide discretion to remedy this injustice. At this time, the Court will issue an injunction directing the Board to strictly adhere to and abide by the Open Meetings Law and Board policy with respect to public comment at future meetings of the Board. All Action taken at the January 8th, 2018 special meeting of the board is null, void, and without legal effect. Further, the Court will award reasonable attorney fees and other costs of the litigation from the Vermilion Parish School Board to the Vermilion Board of Educators upon

presentation and review of itemized expenses and affidavits by the Vermilion Board of Educators.

Judgment to be signed upon adherence to the Rules and presentation to the court.

Thus done and signed in Lafayette, Louisiana on the 8th day of November, 2018.



DAVID M. SMITH, DISTRICT JUDGE

VERMILION PARISH, LA
FILED THIS DAY

2018 NOV 15 AM 11:56

Shane Orsany
CLERK OF COURT

A TRUE COPY

ATTEST: *Lucky Kinard*
Deputy Clerk of Court