

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
AT LAFAYETTE

JANE DOE, as next friend to her minor  
daughters, JOAN DOE and JILL DOE,

Civil Action No.  
Section:

v.

VERMILION PARISH SCHOOL BOARD,  
RANDY SCHEXNA YDER, Superintendent,  
BILL SEARLE, District A, ANGELA FAULK,  
District B, DEXTER CALLAHAN, District C,  
RICKY LEBOUUEF, District D, ANTHONY  
FONTANA, District E, CHARLES CAMPBELL,  
District F, CHRIS MAYARD, District G, RICKY  
BROUSSARD, District H, and DAVID DUPUIS,  
Principal, Rene A Rost Middle School.

**MOTION FOR A TEMPORARY RESTRAINING ORDER AND**  
**PRELIMINARY INJUNCTION**

Plaintiffs, by and through their next friend, hereby move, pursuant to Rule 65 of the Federal Rules of Civil Procedure and for the reasons set forth in the Complaint, in Plaintiffs' Memorandum of Law in Support of Motion for Temporary Restraining Order and Preliminary Injunction, and in the Declarations and appended exhibits submitted in support of this Motion, for the entry of a Temporary Restraining Order and Preliminary Injunction pending decision on the merits in this case, restraining and enjoining Defendants and/or any of their agents, representatives, or anyone acting on their behalf, from proceeding in their unlawful segregation of Rene A. Rost Middle School by sex in the 2009-2010 academic year, in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681; 34 C.F.R. §§ 106.31, 106.34, and the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution, 42 U.S.C. § 1983.

This relief is warranted, as Plaintiffs are likely to succeed in their legal claims, and Defendants' sex segregation will cause them irreparable harm in the form of loss of equal educational opportunities, which far outweighs any burden to Defendants that will result from enjoining the sex segregation. Moreover the injunctive relief sought would not disserve the public interest, but would affirmatively forward it. Immediate action is needed as Defendants have already implemented the discriminatory segregation, and, despite Plaintiff's good faith requests that they cease, have not done so.

Plaintiff has by counsel made good faith efforts to resolve this issue with Defendants through letters of August 12, 2009 and August 13, 2009. In response to these demands Defendants advised that they would take remedial action at the School Board meeting on August 20, 2009. Plaintiffs, in good faith, refrained from filing a lawsuit. After the Board meeting on August 20, 2009, Defendants advised Plaintiffs that they would only offer segregated classes as a truly voluntary alternative, and that the courses would be taught in exactly the same manner, using the same materials.

Late last week Plaintiffs learned that the two tracks are not equal, and that participation is not voluntary. Plaintiffs have informed Defendants that this action and the instant motion are being filed today and have given notice of the substance of the claims. Because Plaintiffs face an imminent risk of harm if Defendants are permitted to institute their discriminatory plan of sex segregation, because Plaintiffs have given Defendants notice of their intent to file this motion and of the substance of the claims; and because efforts to resolve this matter with Defendants have been unavailing, Plaintiffs ask this Court to enter an immediate order restraining Defendants from segregating Rene A. Rost

Middle School by sex or instituting any single-sex class or program at Rene A. Rost until decision on the merits in the instant case.

Dated: September 8, 2009

Respectfully submitted,

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/s/ Katie Schwartzmann  
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*(Motion for admission pro hac forthcoming)*

**RULE 65.1 CERTIFICATION AND CERTIFICATE OF SERVICE**

I hereby certify that Defendants' counsel has been provided a copy of the Complaint, Motion for Temporary Restraining Order and supporting documentation via email and facsimile this the 8<sup>th</sup> day of September, 2009.

/s/ Katie M. Schwartzmann  
Katie M. Schwartzmann