

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

HEATHER WEATHERS

Versus

CIVIL ACTION NO.: _____

**LAFAYETTE PARISH SCHOOL
BOARD, JAMES H. EASTON
Superintendent of Schools, Lafayette
Parish School System,
JOSEPH CRAIG,
Principal, Comeaux High School**

COMPLAINT

INTRODUCTION

1. This is an action pursuant to 42 U.S.C. § 1983, for damages to redress Defendants' violations of the First and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

2. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 (b). At all times relevant, all parties were residents of this District.

THE PARTIES

4. Plaintiff, Heather Weathers, is an individual presently residing in Jefferson Parish, Louisiana, however, at all times relevant, she was residing in the parish of Lafayette, within the district of this Court.
5. Defendant, Lafayette Parish School Board, is a political subdivision of the State of Louisiana, organized pursuant to LSA R.S. 7:51 *et seq.* for the purpose of providing public education to the school children of Lafayette Parish. The School Board has the right and power to sue and be sued.
6. Defendant, James H. Easton, is and at all times pertinent was, the Superintendent of Schools of Lafayette Parish. He is sued in his official capacity.
7. Defendant, Joseph Craig, is, and at all times pertinent was, the principal of Comeaux High School. He is sued in his official capacity.

FACTS

8. Heather Weathers, a Katrina evacuee, was employed by the Lafayette Parish School Board as an art teacher at Comeaux High School.
9. Weathers has enjoyed a long career as an educator, having taught in New York and New Orleans.
10. Weathers worked as an art teacher in Orleans Parish School System for three years, teaching elementary and secondary school students.
11. Weathers was displaced as a result of Hurricane Katrina, at which time she applied for and received a position with the Lafayette Parish School System, teaching art at Comeaux High School.

12. Weathers is also a noted artist who maintains a website displaying her art which, among other things, consists of political and social commentary and satire.
13. In introducing herself to her students at Comeaux High School, Weathers explained that she is an artist, but that her art is for adults, not children.
14. Some students conducted an internet search of Weathers name and discovered her website.¹
15. The website informs visitors that it contains art in which some nudity is depicted and warns that only adults aged 18 or over may enter.
16. Some of Weathers' students disobeyed the website warning and entered.
17. On the last day of Weathers first week at Comeaux High School, the principal, Defendant Joseph Craig, informed Weathers that parents of the disobedient students had informed him of the students' discovery of the Weathers website on the internet.
18. Defendant Craig then informed Weathers that she could not continue to teach at Comeaux or any other Lafayette Parish school.

A. First Cause of Action

20. At all times relevant, Defendants were acting under color of law within the meaning of 42 U.S.C. § 1983.
21. 42 U.S.C. § 1983 provides Weathers redress for the deprivation of her rights guaranteed under the United States Constitution.
22. The termination of Weathers' employment with the Lafayette Parish School Board was an unlawful consequence of the Lafayette Parish School Board's suppression

¹ www.heatherweathers.com

of Weathers' right to free speech and expression guaranteed under the First Amendment to the United States Constitution.

23. As a result, Weathers is due punitive and compensatory damages in the form of wage loss, loss of earning opportunity and benefits, along with damages for grievous emotional distress.

B. Second Cause of Action

24. Defendants' summary dismissal of Plaintiff deprived Weathers of her due process rights and is in violation of the Fourteenth Amendment to the United States Constitution.

Wherefore, Plaintiff Heather Weathers prays for compensatory damages in an amount sufficient to fully compensate her along with an award of costs and attorney fees pursuant to 42 U.S.C. § 1988 and all other just and equitable relief as this Court deems proper.

Respectfully Submitted

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