

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

AZADEH MARIAM YAZDI

* **DOCKET NO:** _____

*

VERSUS

* **JUDGE:** _____

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**LAFAYETTE PARISH SCHOOL
BOARD, ANNETTE SAMEC, BARBARA
PIPPIN, DR. DONALD AGUILLARD,
ROBIN OLIVIER and TIA LeBRUN**

* **MAGISTRATE:** _____

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COMPLAINT FOR DAMAGES FOR CIVIL RIGHTS VIOLATION AND TORT

NOW INTO COURT, through undersigned counsel, comes **AZADEH MARIAM YAZDI**, a resident of the full age of majority of Lafayette Parish, Louisiana, who seeks relief as against defendants herein, **LAFAYETTE PARISH SCHOOL BOARD, ANNETTE SAMEC and BARBARA PIPPIN, DR. DONALD AGUILLARD, ROBIN OLIVIER and TIA LeBRUN** for the following reasons:

1.

This is a civil action under 42 U.S.C. §1983 for denial of plaintiff's civil rights as a citizen of the State of Louisiana and the United States of America, by defendants herein.

2.

The events recited herein occurred in Lafayette Parish and damages sought exceed jurisdictional amount required by federal court.

This matter also seeks damages under Louisiana law for the torts committed by defendants herein.

3.

The Lafayette Parish School Board is a body politic located in Lafayette Parish, State of Louisiana, which body is charged with providing public education in Lafayette Parish, Louisiana; Barbara Pippin, Annette Samec, Dr. Donald Aguillard, Robin Olivier and Tia LeBrun, are and at all times pertinent hereto were employees of the Lafayette Parish School Board acting in the course and scope of their employment and pursuant to, it is believed, authority from both the board and the Superintendent. Defendants herein are guilty of violating plaintiff's civil rights existing under the Constitution of the United States of America as well as the Louisiana Constitution, and are liable to plaintiff herein for damages resulting therefrom, plus damages for Louisiana tort, as well as costs and attorney's fees to prosecute this matter for denial of civil rights, for the following reasons.

4.

Plaintiff herein was employed by the Lafayette Parish School Board as marketing and recruiting coordinator in autumn of 2016, about the month of October. The position for which plaintiff was hired by the Lafayette Parish School Board included a number of functions, some of which placed plaintiff as a person having substantial responsibility in the School Board's "Schools of Choice" program, a program devised several years ago by the Lafayette Parish System and used to provide better educational opportunities for the students within the parish as well as to promote the mixture of students of various backgrounds including race, allowing all students to gain from the relationship with one another.

5.

During the administration of the Schools of Choice program, a program that has been very popular in Lafayette Parish, Louisiana, a number of the programs became full and those programs

that were filled up, a lottery system was instituted in order to determine who would be able to get in to the particular program as there was more people interested than there were seats available.

6.

The referred to lottery system for getting into the Schools of Choice programs was devised and was to be administered in a way that persons were not given preference based upon race, color, previous education, friendship with personnel in the central office of the Lafayette Parish School Board, or whether or not these students had siblings already in the Schools of Choice program.

7.

Despite the fact that the Schools of Choice program selections were to be done on a lottery system without preference or priority to those within the lottery system, it was discovered by petitioner that certain administrators within the Lafayette Parish System made the Schools of Choice selection exactly the opposite, rendering their own mandates the final choice as to who would get in the system, and favoring those who had no preference of priority within the selection, including favoritism based on race, color, friendship, relationship by blood or marriage, and even whether the persons were children of members the employment group of the Lafayette Parish School Board as well as whether the ones applying in the lottery had siblings already in the lottery.

8.

The above was not only contrary to the lottery system set up with the Schools of Choice program, which program was presented to the federal court in the desegregation suit ending several years ago, as a means of demonstrating to the court that all persons would have equal opportunity in the school system, without regard to race, color or creed, but was a system that was set up to continue racial and socioeconomic balance at various school sites where the Schools of Choice

programs were set up, as any student within the parish, regardless of the portion of the parish in which he lived, could apply for the Schools of Choice program even in another part of the parish.

9.

It became known to petitioner that Barbara Pippin, an administrative employee of the Lafayette Parish School System, along with Robin Olivier and Annette Samec, Chief Academic Officer in Lafayette Parish, violated the Schools of Choice lottery system, and violated federal law by favoring those they choose to favor to get into the Schools of Choice programs, while taking persons who had legitimate lottery positions and advising them that they simply “had been excluded”, because there were too many students in the program.

10.

When it became clear to plaintiff that Pippin, Olivier and Samec were violating the law as well as the School Board policy for the Schools of Choice program, plaintiff herein addressed with both of them what had taken place. When plaintiff did that, it being her right as well as her obligation to bring the matter up, as it was violating state and federal law, she was disciplined with recommendation for termination by Olivier, her then supervisor, she was advised by Samec as well as Pippin that if she took action, she would be treated harshly, up to and including being terminated.

11.

Once the above contact between plaintiff and two of the defendants took place, the treatment of plaintiff herein changed dramatically and Olivier, Samec and Pippin criticized improperly, made up detrimental stories of job performance as against plaintiff, and even reported on a number of occasions with these detrimental comments, untrue, to the Superintendent, Don Aguillard. Eventually, these comments caused plaintiff herein great dismay, psychological and physical maladies for which plaintiff had to seek treatment, and eventually cost plaintiff her job

with the Lafayette Parish School System, a job she was well qualified for, enjoyed, and was doing very well.

12.

In addition to the above, the Lafayette Parish School System had in place a program known as English as a Second Language (ESL) which again was a popular program among those persons in our area who were not fluent in English but were intelligent and easily teachable. Because of the fact that Tia LeBrun, World Language Specialist and Language Immersion Academy Director, Olivier, and Samec did not favor the program, they coerced applicants for Schools of Choice that should be screened for ESL to not get screened and to not seek ESL programming, they advised, improperly and contrary to board policy and the law, that people should not choose ESL as it was not a worthwhile program. Their advice to these people was not for the good of the parent or the student, but was done in a manner to relieve LeBrun, Olivier, Samec and Pippin of the obligation of oversight of the program and to further manipulate both race, color and creed at various sites and to manipulate the enrollment of the Spanish Immersion program..

13.

Further, in order to keep the imbalance of racial makeup at various schools outside of the reporting on an annual basis in a report known as the "Hinds County Report", which report is typically sent to the federal court in Lafayette, Louisiana, in October of each year. It was discovered by petitioner that the Hinds County Report was manipulated in reference to N.P. Moss enrollment. Barbara Pippin had nothing to do with this. It was Samec and Aguiard. Also, per the Unitary Status decree they were to send the Hinds County Reports and also racial demographics of the lottery until 2016, which they did not do. Samec and Pippin would wait until after the Hinds County Report was prepared and sent to the court before making wholesale transfer of students

from schools in order to subvert the racial and socioeconomic makeup at the schools and hide discrimination which took place as a result thereof, all to violate both the federal desegregation order previously in place in Lafayette, the state and federal law giving all children, regardless of race, color or creed, the opportunity and in fact the right to a free and appropriate public education.

14.

While the above incidents were taking place, and in order to create an unfavorable atmosphere for appropriate work by plaintiff, Annette Samec on several occasions accessed the personnel file of plaintiff with the Lafayette Parish School System, without complying with clear state law protecting that access from same, and in an attempt to insert or remove items from the file so as to hinder plaintiff in her continued employment and continued inquiries of illegal and deleterious actions on behalf of Samec, Olivier and Pippin. This continued though plaintiff reported to Samec, Dr. Aguiard, and the director of Human Resources that she would report the violation of board policy, state and federal law, based upon access to her personnel file by Samec without complying with law, state or federal.

15.

In an additional attempt to control the activities of plaintiff herein, who was employed at the Lafayette Parish School System as under a specific contract, which contract was entered at the beginning of her employment, Annette Samec presented to plaintiff herein a new contract that allowed Samec or the Superintendent to terminate plaintiff without cause if Samec alone believed plaintiff was causing “trouble”, the contract being invalid and plaintiff so advising Samec that she would not sign it, at which time Same threatened retaliatory action against her.

16.

Annette Samec also made direct and assertive comments to plaintiff herein that were sexual in nature, and an attempt at sexual harassment as against plaintiff to persuade plaintiff that she should terminate her position with the Lafayette Parish School Board, the real motive of Annette Samec to get rid of someone who was reporting violations of board policy, state and federal law. Specifically, on an occasion when Annette Samec was with plaintiff alone in an office, and after there had been disagreement over a number of items, Samec, who had invited plaintiff into her office, in the course of the conversation with the two of them alone, stated "I don't know how Robin was able to focus during a meeting among the three of us, because I could not stop staring at your legs. Skirts are okay to wear, but just be mindful that your legs can be a distraction." Shocked by the comments made by Annette Samec, plaintiff left the office and left the premises of the Lafayette Parish School Board upset, dismayed, and feeling threatened by comments which were designed, it is believed, to force plaintiff to consider that she should no longer be employed in the Lafayette Parish School System and certainly that she should no longer be reporting true and accurate violations of state, and federal law as well as board policy as against Samec, Olivier, LeBrun and Pippin. Petitioner also experienced continued sexual harassment by her then supervisor, Robin Olivier, and submitted a two page letter to the director of Human Resources, which removed from her file. No disciplinary action was taken on Olivier or Samec or Human Resources. In fact, Samec instructed petitioner to "play nice in the sandbox" with her aggressor, Olivier.

17.

All of the above having taken place, and recognizing that she was going to get nothing done with the reports she was making of the untoward illegal activities of two defendants referred

to hereinabove, plaintiff then met with the Superintendent of the Lafayette Parish School Board, Donald Aguillard, and reported the incidents to him. Surprising to plaintiff, who had gotten along very well with Dr. Aguillard, Dr. Aguillard not only did nothing to address the matter as against the other two defendants herein, but on recommendation of Samec, reprimanded plaintiff and eventually terminated her services with the Lafayette Parish School Board, knowing the basis was retaliatory in nature..

18.

Plaintiff herein seeks damages as to all five defendants, Samec, Pippin, Aguillard, Olivier and LeBrun at all times acting within the course and scope of their employment with the Lafayette Parish School Board, and their actions therefore being attributable to the School Board under the doctrine of *respondeat superior*, as well as the Lafayette Parish School Board as a body politic, for the violations of law referred to hereinabove causing damages, substantial and severe, to plaintiff.

19.

In addition to damages, plaintiff herein seeks attorney's fees for redress of her civil rights violations referenced hereinabove, and seeks jury trial.

WHEREFORE, petitioner, AZADEH MARIAM YAZDI, prays that defendants be duly cited and served herewith and after due proceedings had there be judgment in her favor for amounts appropriate and for damages as well as attorneys for redress of civil rights violations.

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Respectfully submitted,

BROWN SIMS, P.C.

BY: /s/ L. Lane Roy
L. LANE ROY (#11513)
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COUNSEL FOR: **AZADEH MARIAM YAZDI**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has this date been served on all counsel of record in this proceeding by:

- | | | | |
|-------------------------------------|-----------------|--------------------------|-------------------|
| <input type="checkbox"/> | Hand delivery | <input type="checkbox"/> | Prepaid U.S. Mail |
| <input type="checkbox"/> | Facsimile | <input type="checkbox"/> | Certified Mail |
| <input checked="" type="checkbox"/> | Electronic Mail | <input type="checkbox"/> | Federal Express |

Lafayette, Louisiana, this 14th day of April, 2018.

 /s/ L. Lane Roy
L. LANE ROY

#4827-0896-3168

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

AZADEH MARIAM YAZDI

(b) County of Residence of First Listed Plaintiff LAFAYETTE (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) L. LANE ROY BROWN SIMS, PC 600 JEFFERSON STREET, LAFAYETTE, LA 70501

DEFENDANTS

LAFAYETTE PARISH SHOOL BOARD, ANNETTE SAMEC, BARBARA PIPPIN, DR. DONALD AGUILLARD, ROBIN OLIVIER and TIA LeBRUN

County of Residence of First Listed Defendant LAFAYETTE (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) DANIELLE BOUDREAU HAMMONDS, SILLS, ADKINS & GUIDCE 2431 s. ACADIAN THRUWAY #600, BATON ROUGE, LA 70808

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C 1983

Brief description of cause: Wrongful termination by public body in retaliation for whistle-blowing

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 04/14/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ L. Lane Roy (#11513)

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.