

IN THE CHANCERY COURT OF LOWNDES COUNTY
STATE OF MISSISSIPPI

MARTHA LIDDELL

PLAINTIFF

VERSUS

CAUSE NO: _____

COLUMBUS MUNICIPAL SCHOOL DISTRICT
BOARD OF TRUSTEES

DEFENDANTS

COMPLAINT FOR INJUNCTIVE RELIEF AND DECLARATORY JUDGMENT

COMES NOW, Plaintiff, Martha Liddell (Dr. Liddell), and files this her Complaint for Injunctive Relief and Declaratory Judgment and in support thereof, would state as follows:

FACTS

1. Martha Liddell was the Superintendent of the Columbus Municipal School District. She was appointed by the Columbus Municipal School District Board of Trustees and contract for employment was entered on June 1, 2012 (Attached hereto as Exhibit "A").
2. The Columbus Municipal School District Board of Trustees is comprised of Corrie Fisher, Jason Spears, Glenn Lautzenhiser, Aubra Turner, and Angela Verdell.
3. On June 11, 2013, a special meeting of the board was conducted to inquire into certain matters pertaining to the Columbus Municipal School District. This hearing was declared an "Executive Session" and the board met for over three hours.
4. Dr. Liddell was present at this meeting and available for questioning throughout the night. The meeting ended with no action being taken by the board and without the board requesting discussions with Dr. Liddell.

5. Dr. Liddell appeared at the regular session of the Columbus Municipal School District board meeting on Monday, June 17, 2013. At this time, the agenda contained no mention of disciplinary or personnel matters pertaining to Dr. Liddell.
6. Prior to Open Forum, board member Lautzenhiser moved to move the Executive Session to the beginning of the meeting, seconded by Spears. At some point during this meeting the purpose of the Executive Session was amended to discuss Dr. Liddell's employment. Dr. Liddell had been provided with no notice of the hearing determining her employment status or the nature of the allegations against her.
7. After requesting an explanation from the board members as to the nature of the hearing, the board, upon advice of its counsel, refused to provide a description or explanation of the nature of the Executive Session and the board requested that Dr. Liddell remove herself from the session. Upon returning, the board members began questioning Dr. Liddell, often questioning her about documents that were not provided to her.
8. At the end of about four and one half hours, Dr. Liddell was brought before the board and notified of her termination by a vote of 3-2. The three votes were Lautzenhiser, Turner and Spears.
9. The disciplinary hearing conducted by the board during the regular Monday night session was done so illegally and causes Dr. Liddell irreparable injury. This Court must intervene to restore the rights of the plaintiff, namely reinstate her as Superintendent.
10. On Sunday night June 16, 2013 at 8:26 p.m. an email (Attached hereto as Exhibit "B") was forwarded to Dr. Liddell on her school district email from David Dunn, board attorney:

“I have been directed by three CMSD Trustees, Aubra Turner, Jason Spears, and Glenn Lautzenhiser, to direct you to answer questions during the personnel matter portion of the executive session at the meeting tomorrow night. Of course they hope your attorney will be present.”

This email indicated that at some point after June 11, 2013 a meeting was held between three or less members of the board, without notice of a meeting and without notice to board president Fisher and member Verdell. Interestingly enough, the three members that “directed” the board attorney to act were the same three that voted to terminate Dr. Liddell the next night. While the actions of certain board members were done “under the cover of darkness”, Liddell was entitled to proper notice that the intent of certain board members was to terminate her at the regular meeting.

11. The actions of certain members of the board was contrary to the law, i.e. illegal, violated due process rights of Dr. Liddell, concealed board actions from public view, and violated the board’s own policy and procedures.

12. During the drafting of this Complaint, attorney for Dr. Liddell has received an email with attachment (Attached hereto as Exhibit “C”). Attached to the email from board attorney Christopher D. Hemphill is a preliminary termination letter signed by “President” Jason Spears. The letter was received today, June 21, 2013 after repeated requests regarding its whereabouts throughout the week.

13. Interestingly, Mr. Spears dated the letter June 19, 2013 and demands a response within five business days from the date of the letter. By the admission of the board’s own attorney, the letter was not signed until the night of June 20, 2013 and was not forwarded to Dr. Liddell or myself until 7:42 a.m. on June 21, 2013. In light of the recent behavior of certain

board members, it is difficult to interpret this "oversight" as anything other than political gamesmanship in an effort to jeopardize Dr. Liddell's rights.

14. Also of interest in the board's letter is Mr. Spears' statement that "under the above statute, you as a superintendent, are not legally entitled to a public hearing on the charges against you, but the Columbus Municipal School District will grant you a hearing if requested." It is baffling that the "President" of the Columbus Municipal School District School Board of Trustees cites Mississippi law and in the same sentence indicates that following said law is not necessary based on his authority.

15. The actions of certain members of this board created confusion regarding Dr. Liddell's rights and position as Superintendent to have a full and public hearing on these matters hints at intention and makes it necessary to ask this Court's direction in the absence of the board's ability to do so.

WHEREFORE premises considered, the Plaintiff prays as follows:

INJUNCTIVE RELIEF

16. The facts and assertions contained in paragraphs 1-15 are herein incorporated by reference.

17. This is the plaintiff's first request for injunctive relief.

18. Further that,

- a) There is a substantial likelihood that plaintiff will prevail on the merits;
- b) The injunction is necessary to prevent a substantial and irreparable injury;
- c) The injury to the plaintiff significantly outweighs the harm the injunction could cause the defendant; and

- d) Entry of an injunction is consistent with the public interest.
19. That the plaintiff's request is made to protect the plaintiff from irreparable injury and to preserve the Court's power to render a meaningful decision after a trial or hearing on the merits.
20. That the Court, upon a hearing and proper determination of what, if any, security is to be posted, issue a preliminary injunction restoring Martha Liddell as superintendent of the Columbus Municipal School District until a legitimate hearing may be had relating to her position.

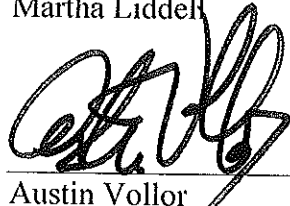
DECLARATORY JUDGMENT

21. The facts and assertion contained in paragraphs 1-15 are herein incorporated by reference.
22. Plaintiff has joined in this lawsuit all persons who claim any interest which may be affected by a determination of this action.
23. That this Court enter a declaratory judgment declaring the rights and obligations of the parties hereto with respect to the preliminary termination letter dated "June 19, 2013" as it relates to the Plaintiff's right to a due process hearing and/ or appeal.
24. That this Court grant such other and further relief as it is deemed equitable and just.

Dated this the 21st day of June, 2013.

Respectfully Submitted,

Martha Liddell

By: 
Austin Vollar
Attorney for Petitioner

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