



These stars raised more than a few eyebrows the day they came 'out.'



# Judge rules he does have authority to hear case against LHSAA

## Court has authority in transfer case

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A Baton Rouge state judge threw the Louisiana High School Athletic Association for a loss Friday and ruled he does have the authority to preside over a lawsuit that claims the LHSAA misapplied its transfer rules when it declared a Livonia High School freshman ineligible earlier this year.

LHSAA attorney Bradley Lewis had asked District Judge Todd Hernandez during a hearing Friday morning to throw out the suit on several grounds, including that the judge lacked subject matter jurisdiction to, as Lewis put it, interfere in the internal affairs of the private corporation. Hernandez rejected that argument later in the day in a short written ruling.

LHSAA Executive Director Kenny Henderson declined comment on the judge's decision or on the possibility of an appeal.

Hernandez, who hinted during the hearing that he expected an appeal, set an Oct. 28 trial date. "Maybe now this young man can finally have his day in court to prove the baselessness of the LHSAA ruling," Rob Marionneaux, an attorney for the student and his mother, Tessie Mouton, said after learning of the judge's decision.

Carroll Devillier, who also represents the mother and son, argued during the hearing that the LHSAA trampled on the student's constitutional rights when it declared him ineligible for athletic competition earlier this year.

Lewis repeatedly referred to the LHSAA's private status and said the decision of the association's executive committee is final.

"This is still America that we live in. There have to be checks and balances," Devillier told the judge. "It's shocking to me that the LHSAA is taking this position and standing behind it. The LHSAA has its head buried in the sand."

The LHSAA earlier this year declared the then-freshman ineligible because of an alleged violation of the association's transfer rules and ordered Livonia to forfeit 18 baseball games and seven football games in which the ninth-grader played in 2013-14.

The LHSAA also required the student to sit out seven football games and 18 baseball games in 2014-15. Devillier argued the transfer rules aren't supposed to apply to incoming freshmen.

Marionneaux earlier this year distributed a document that included statements Henderson made during a deposition regarding a pending lawsuit in the Lake Charles area. When asked about transfer students, Henderson states in the deposition, "now if you're a ninth-grader entering the first year, we do not consider you a transfer."

The football sanctions against Livonia for 2013-14 included returning the 3A runner-up trophy the school won as well as gate receipts from three playoff games. Pointe Coupee Parish School Board attorney Danielle Boudreaux said during Friday's hearing that those gate receipts totaled some \$20,000. She called the ordered return of the receipts "a taking of public funds."

The forfeited 2013-14 baseball games initially caused Livonia to be left out of the Class 3A baseball playoffs, but Hernandez — in the suit filed by the parents of six seniors and the freshman — ordered the LHSAA in May to insert the team into the bracket, even though the tournament had already begun. The Livonia freshman was not allowed to play. Livonia won its first game but lost its next.

Mouton and her son's biological father were never married, according to the suit, and never filed any custody proceedings in any court regarding his custody arrangement. The suit said Mouton and her son live with her niece in the Pointe Coupee Parish town of Livonia. The mother and son previously lived with several family members, all in Livonia and the outlying area, the suit states.

The student attended seventh and eighth grades at Opelousas Catholic High School in St. Landry Parish, which is not in the same parish or attendance zone as Livonia High. Mouton drove him back and forth from Livonia to Opelousas while he was enrolled at Opelousas Catholic.

"Due to the difficulty of transporting her son ... family hardships, financial constraints and other economic burdens, Mrs. Mouton chose to enroll (her son) in the public school located less than one half mile from her residence for the start of his ninth grade school term," the suit says.

The Louisiana Supreme Court ruled in early 2013 that the LHSAA is a private corporation that is not subject to the Open Meetings Law and cannot be audited by the state.