

The Schindler Law Firm, P.C.

Attorneys at Law

141 North Meramec, Suite 201
Saint Louis, Missouri 63105

Phone: (314) 862-1411

Facsimile: (314) 862-1701

Email: josh@schindlerlawfirm.com

August 6, 2013

TRANSMITTED VIA HAND-DELIVERY

Dr. Eric D. Knost
Superintendent
3120 Lemay Ferry Road
Saint Louis, MO 63125

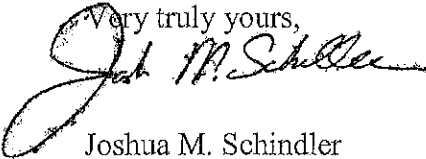
Re: Mehlville School District R-9 Board of Education

Dear Dr. Knost:

Please be advised that this firm represents the Children's Education Alliance of Missouri ("CEAM") and three families residing in the Riverview Gardens School District ("Riverview") who completed transfer applications pursuant to §167.131 RSMo, but were refused admission to the Mehlville School District R-9 ("Mehlville").

Enclosed is a Petition for Declaratory Judgment and Injunctive Relief against the Mehlville School District R-9 Board of Education because it impermissibly limited the number of students allowed to transfer from unaccredited school districts in the same or adjoining county in violation of §167.131 RSMo.

Please contact my office immediately to discuss this matter, as we wish to resolve this issue amicably and without litigation. If we do not hear from you or we are unable to reach a resolution, we will file this Petition in Saint Louis County Circuit Court on **Thursday, August 8, 2013, at noon.**

Very truly yours,

Joshua M. Schindler

Enclosures

cc: Robert A. Useted (via e-mail)

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

LAJUNTA BROWN, INDIVIDUALLY)
AND AS NEXT FRIEND TO A.B.,)
APRIL JONES, INDIVIDUALLY AND)
AS NEXT FRIEND TO J.S. AND G.J.,)
AND TENA WILSON, INDIVIDUALLY)
AND AS NEXT FRIEND TO J.J.W.,)

Plaintiffs,)

v.)

MEHLVILLE SCHOOL DISTRICT R-9)
BOARD OF EDUCATION,)
(Hold Service))

Defendant.)

Case No.: _____

Division: _____

VERIFIED PETITION

COME NOW Plaintiffs Lajunta Brown, April Jones, and Tena Wilson (collectively referred to hereinafter as "Plaintiffs") and state the following in support of their Petition:

1. Plaintiff Lajunta Brown ("Brown") sues in her individual capacity, as well as in her capacity as duly appointed next friend of her natural child described hereinafter. Brown is an individual residing in St. Louis County, State of Missouri, with her natural child, A.B. Brown's residence is located in the Riverview Gardens School District ("RGSD").

2. Plaintiff April Jones ("Jones") sues in her individual capacity, as well as in her capacity as duly appointed next friend of her natural children described hereinafter. Jones is an individual residing in St. Louis County, State of Missouri, with her natural children, J.S. and G.J. Jones's residence is located in the RGSD.

3. Plaintiff Tena Wilson ("Wilson") sues in her individual capacity, as well as in her capacity as duly appointed next friend of her natural child described hereinafter. Wilson is an

individual residing in St. Louis County, State of Missouri, with her natural child, J.J.W.

Wilson's residence is located in the RGSD.

4. Each of Plaintiffs' children are presently eligible to attend schools maintained by RGSD.

5. Riverview Gardens School District Board of Education ("RGSDBE") does not maintain, nor has it maintained at any time relevant hereto, any accredited schools within the meaning of §167.131 RSMo. RGSD is governed by the Special Administrative Board of Riverview Gardens ("SABRG") which assumed the powers of the RGSDBE pursuant to §§162.081 and 162.083 RSMo. The geographical territory that comprises the RGSD is situated wholly within St. Louis County, State of Missouri.

6. Defendant Mehlville School District R-9 Board of Education ("Defendant" or "MSDBE") is a Seven-Director District within the meaning of §162.211, *et seq.*, RSMo, and is responsible for the governance of the Mehlville School District R-9 ("MSD"). The geographical territory that comprises the MSD is situated wholly within St. Louis County, State of Missouri.

7. MSDBE maintains, and has maintained at all times relevant hereto, accredited schools within the meaning of § 167.131(1) RSMo.

8. RGSD and MSD are both located in St. Louis County, State of Missouri.

COUNT I
DECLARATORY JUDGMENT AGAINST
(527.010, et. seq., RSMo)

9. Pursuant to §167.131 RSMo, accredited school districts are obligated to accept all students requesting transfer from an unaccredited district in the same or adjoining county.

10. On or about July 9, 2013, RGSD selected MSD as the district to which it would provide transportation for students electing to transfer out of the district.

11. Plaintiffs have submitted applications to transfer their children to MSD pursuant to §167.131 RSMo.

12. MSDBE has limited the number of students allowed to transfer from unaccredited school districts to MSD.

13. MDSBE's limitation on the number of students allowed to transfer from unaccredited school districts in the same or adjoining county to MSD are impermissible under §167.131 RSMo, and MSDBE must admit all such students requesting transfer to MSD.

14. A justiciable controversy exists between the Plaintiffs and the Defendant concerning the nature and extent of the legal obligations and rights created by and existing under §167.131 RSMo, by virtue of the factual circumstances alleged in this Petition.

15. Plaintiffs lack an adequate remedy, as an alternative to this declaratory judgment action, to resolve the controversies described in this Petition, or to otherwise cause Defendant MSDBE to fulfill its obligations pursuant to §167.131 RSMo.

WHEREFORE, Plaintiffs request that this Court enter a judgment in their favor providing:

(a) a declaration that, pursuant to §167.131 RSMo, Defendant MDSBE is under a statutory mandate to accept all students requesting transfer from an unaccredited district in the same or adjoining county;

(b) a declaration that, pursuant to §167.131 RSMo, Defendant MDSBE is under a statutory mandate to accept all students requesting transfer from RGSD;

(c) Plaintiffs' costs and attorneys fees incurred herein; and

(d) for such other and further relief as the Court deems just and proper.

COUNT II
INJUNCTIVE RELIEF

16. Plaintiffs incorporate by reference Paragraphs 1 through 15 as though fully set forth herein.

17. The MSD academic school year begins on August 15, 2013.

18. Plaintiffs lack an adequate remedy to resolve the controversies described in this Petition, or to otherwise cause MSDBE to fulfill its obligations pursuant to §167.131.

19. Plaintiffs and their children will suffer immediate and irreparable injury if the Court does not issue emergency injunctive relief.

WHEREFORE, Plaintiffs request that this Court enter a judgment in their favor providing:

(a) temporary, preliminary and permanent injunctive relief prohibiting Defendant MSDBE from limiting or attempting to limit the number of students allowed to transfer from unaccredited school districts in the same or adjoining county to MSD under §167.131 RSMo;

(b) temporary, preliminary and permanent injunctive relief prohibiting Defendant MDSBE from denying admission to any student requesting transfer from RGSD under §167.131 RSMo;

(c) Plaintiffs' costs and attorneys fees incurred herein; and

(d) for such other and further relief as the Court deems just and proper.

[Affiant Name]

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

[Affiant Name], being duly sworn, on oath deposes and states that the facts stated in the foregoing Verified Petition, are true and correct according to her best knowledge, information, and belief.

[Affiant Name]

Subscribed and sworn to before me this ____ day of _____, 2013.

Notary Public

My Commission Expires: _____

Respectfully submitted,
THE SCHINDLER LAW FIRM, P.C.,

Joshua M. Schindler, #37891
141 North Meramec, Suite 201
Saint Louis, MO 63105
Tel: (314) 862-1411
Fax: (314) 862-1701
josh@schindlerlawfirm.com

Attorneys for Plaintiffs

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

LAJUNTA BROWN, INDIVIDUALLY)
AND AS NEXT FRIEND TO A.B.,)
APRIL JONES, INDIVIDUALLY AND)
AS NEXT FRIEND TO J.S. AND G.J.,)
AND TENA WILSON, INDIVIDUALLY)
AND AS NEXT FRIEND TO J.J.W.,)

Plaintiffs,)

v.)

MEHLVILLE SCHOOL DISTRICT R-9)
BOARD OF EDUCATION,)
(Hold Service))

Defendant.)

Case No.: _____

Division: _____

[PROPOSED] TEMPORARY RESTRAINING ORDER

The Court, being duly advised, and after hearing and considering argument of counsel present, hereby finds and orders:

The Plaintiffs have made a showing that they will suffer irreparable harm if this emergency injunctive relief is not issued. Plaintiffs' Verified Petition avers that Defendant Mehlville School District R-9 Board of Education has limited the number of students allowed to transfer from unaccredited school districts in the same or adjoining county to Mehlville School District R-9; that Defendant must admit all students from unaccredited school districts in the same or adjoining county requesting transfer under §167.131 RSMo; that Plaintiffs lack an adequate remedy to otherwise cause Defendant to fulfill their obligations pursuant to §167.131 RSMo; and that the Plaintiffs will suffer immediate and irreparable injury if emergency injunctive relief is not issued.

The Court hereby enters its temporary order immediately enjoining and restraining

Defendant Mehlville School District R-9 Board of Education, its affiliated agents, employees, and other individuals or entities over which they have control, from:

a. limiting or attempting to limit the number of students allowed to transfer from unaccredited school districts in the same or adjoining county to Mehlville School District R-9 pursuant to §167.131 RSMo; and

b. denying admission to any students requesting transfer from Riverview Gardens School District to the Mehlville School District R-9 under 167.131 RSMo.

A preliminary injunction hearing is scheduled for August ____, 2013, at ____ a.m./p.m. in this Division.

Plaintiffs' cash bond posted with the clerk of this Court in the amount of [Dollar Amount] remains in place to support this order.

SO ORDERED:

[Judge]

Date: _____

Time: _____

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

LAJUNTA BROWN, INDIVIDUALLY)
 AND AS NEXT FRIEND TO A.B.,)
 APRIL JONES, INDIVIDUALLY AND)
 AS NEXT FRIEND TO J.S. AND G.J.,)
 AND TENA WILSON, INDIVIDUALLY)
 AND AS NEXT FRIEND TO J.J.W.,)

Plaintiffs,)

v.)

MEHLVILLE SCHOOL DISTRICT R-9)
 BOARD OF EDUCATION,)
 (Hold Service))
 Defendant.)

Case No.: _____

Division: _____

**PLAINTIFFS' VERIFIED MOTION FOR TEMPORARY
RESTRAINING ORDER**

COME NOW Plaintiffs Lajunta Brown, April Jones, Tena Wilson (collectively referred to hereinafter as "Plaintiffs") and for their motion for a temporary restraining order pursuant to Rule 92.02(a)(3), state as follows:

1. This action challenges Defendant Mehlville School District R-9 Board of Education's ("Defendant") limitations on the number of students allowed to transfer to Mehlville School District R-9 ("MSD") from unaccredited school districts pursuant to §167.131 RSMo. See Verified Petition, filed [Date].

2. This Court should grant this motion for a temporary restraining order, because absent an order restraining the Defendant from impermissibly limiting the number of students allowed to transfer to MSD from unaccredited districts, Plaintiffs will be forced to leave their children in unaccredited school districts or enroll their children in less desirable school districts.

3. Even at this early stage of this litigation, it is apparent the Plaintiffs likely will

prevail on the merits of this case. Turner v. School Dist. of Clayton, 318 S.W.3d 660, 669 (Mo. 2010)(en banc)(holding “§167.131.2 does not give an accredited school chosen by a student discretion to deny admission to that student.”).

4. This motion is accompanied by a Verified Petition.

WHEREFORE, Plaintiffs request that this Court:

a. issue a temporary order immediately enjoining and restraining Defendant, its affiliated agents, employees, and other individuals or entities over which it have control, from limiting or attempting to limit the number of students allowed to transfer from an unaccredited district in the same or adjoining county to MSD under 167.131 RSMo;

b. issue a temporary order immediately enjoining and restraining Defendant, its affiliated agents, employees, and other individuals or entities over which it have control, from denying admission to any students requesting transfer from Riverview Gardens School District to the MSD under 167.131 RSMo.

c. set this matter for a preliminary injunction hearing; and

d. provide Plaintiffs with such other and further relief that this Court deems just and proper.

Respectfully submitted,

THE SCHINDLER LAW FIRM, P.C.,

Joshua M. Schindler, #37891
141 North Meramec, Suite 201
Saint Louis, MO 63105
Tel: (314) 862-1411
Fax: (314) 862-1701
josh@schindlerlawfirm.com

Attorneys for Plaintiffs

DRAFT