

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**EAST BATON ROUGE FEDERATION  
OF TEACHERS**

**CIVIL ACTION NO. 3:08-CV-671**

**VERSUS**

**JUDGE JAMES BRADY**

**EAST BATON ROUGE PARISH  
SCHOOL BOARD**

**MAGISTRATE JUDGE DALBY**

**CONSENT PRELIMINARY INJUNCTION**

The East Baton Rouge Federation of Teachers ("Federation") filed a civil action challenging the legality of four of the East Baton Rouge parish School Board's ("the School Board's") policies and/or practices regarding teachers who are injured during the course and scope of their employment. The Federation has since filed a motion for preliminary injunction with regard to one of those policies and/or practices, specifically, its claim that the School Board compels teachers to submit to drug tests following an accident or near miss of an accident, where the teachers are not suspected of using illegal drugs.

The School Board contends that it no longer operates under the policies referenced and complained of by the Federation. Thus, the Federation's motion for a preliminary injunction is moot, and there is no need for a preliminary injunction. However, the Federation contends that the challenged policies are still in effect and, in any event, its motion for a preliminary injunction is not moot.

AGREEMENT

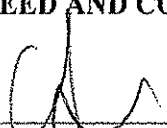
In an effort to resolve their differences with regard to the Federation's motion for preliminary injunction expeditiously, the parties have agreed to enter into this Consent Preliminary Injunction. It is hereby agreed by the parties and ordered by the Court as follows:

1. The Drug and Alcohol Testing Policy that the Federation complains of and has attached as Exhibit B to its motion for preliminary injunction is suspended and no longer in effect.
2. During the existence of this preliminary injunction, the School Board will not require its teachers to take drug and alcohol tests after suffering on-the-job accidents or near misses of accidents unless reasonable suspicion exists that a teacher was under the influence of an illegal drug or alcohol at the time of the accident.
3. The School Board has instructed all of its affiliated health care providers to refrain from drug and alcohol testing any of its teachers who are injured on the job and sent to them for treatment unless the School Board, through an appropriate representative, instructs them that testing is warranted due to a reasonable suspicion that drugs or alcohol was a cause of the injury and/or accident. This instruction will remain in effect during the existence of this preliminary injunction.
4. This consent judgment constitutes the entire agreement between the parties relating to this civil action, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not contained in this Injunction, shall be enforceable.
5. This preliminary injunction will remain in effect until final adjudication of the above entitled and numbered cause.

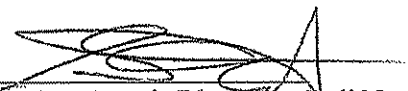
SO ORDERED this 15<sup>th</sup> day of January, 2009.

**THE HONORABLE JUDGE JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE**

**AGREED AND CONSENTED TO:**

  
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On Behalf of Plaintiff East Baton Rouge Federation of Teachers

  
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On Behalf of Defendant East Baton Rouge Parish School Board