



Susan Hill TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

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Susan Hill TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION.doc (54KB)

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOUISIANA**

SUSAN HILL,

et al.

Plaintiffs,

v.

BOBBY JINDAL, Governor of the State of
Louisiana, in his official capacity,

GARETT GRAVES, in his official capacity

DAVID MILLER, in his official capacity

SCOTT ANGELLE, in his official capacity

WILLIAM ANKNER, in his official capacity

DAVID FRUGE, in his official capacity

MARY GINN, in her official capacity

MARK FALCON, in his official capacity

BOB HARPER, in his official capacity

KIRK RHINEHART, in his official capacity

CIVIL ACTION

NO. 08-426-RET-DLD

CHRIS WILLIAMS, in his official capacity	§
	§
CHRIS KNOTTS, in his official capacity	§
	§
DIANE SMITH, in her official capacity	§
	§
KARIM BELHADJALI, in his official capacity	§
	§
ED HAYWOOD, in his official capacity	§
	§
et. al.	§
	§
Defendants	§
	§
	§
	§

**EX PARTE EMERGENCY TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Petitioner, SUSAN HILL's, request for a Temporary Restraining Order and Preliminary Injunction are hereby GRANTED according to the following terms:

Defendants are hereby enjoined and immediately stopped from acting on their stated intent to terminate Susan Hill from her employment as a Coastal Resources Scientist Supervisor and intent to remove her from classified Louisiana Civil Service effective August 29, 2008. Defendants shall immediately place Susan Hill on Special Paid Leave from her position as a Coastal Resources Scientist Supervisor with the Louisiana Department of Natural Resources with no change in status of all the accompanying salary, benefits, and conditions of her position

for a period of time until all her legal claims related to the egregious unconstitutional deprivation of her rights can be discovered and resolved.

Baton Rouge, Louisiana, August 29, 2008.

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	§
	§
	§

**MEMORANDUM IN SUPPORT OF MOTION FOR EX PARTE EMERGENCY
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Petitioner, SUSAN HILL, respectfully moves this Court ex parte to Order Bobby Jindal, Governor of the State of Louisiana, in his official capacity and/or his designees and appointees, and state employees to be enjoined and immediately stopped from acting on their stated intent to terminate Susan Hill from her employment as a Coastal Resources Scientist Supervisor and intent to remove her from classified Louisiana Civil Service effective August 29, 2008.

Because of defendants' refusal to stop the ongoing continuing violations of her Constitutional and civil rights, and because defendants' misconduct has prevented Susan Hill from being able to understand, know, or identify all of the claims and harms suffered, Susan Hill requests to be

immediately placed on Special Paid Leave from her position as a Coastal Resources Scientist Supervisor with the Louisiana Department of Natural Resources with no change in status of all the accompanying salary, benefits, and conditions of her position for a period of time until all her legal claims related to the egregious unconstitutional deprivation of her rights can be discovered and resolved.

It is known to defendants that Susan Hill was diagnosed with cancer. Susan Hill demands that her and her daughter's health insurance and life insurance and all other terms and conditions of her employment be maintained or returned to how they were before deprivation of her First Amendment, Fourteenth Amendment and other Constitutional and civil rights.

Susan Hill is entitled to preliminary injunctive relief under 42 U.S.C. § 1983, U.S.C. § 1985 U.S.C. § 1986 because of defendants continuing ongoing Constitutional and civil rights violations under color of state law including violations of First Amendment free speech rights, violations of Fourteenth Amendment substantive and procedural due process rights, and violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a).

Defendants are not entitled to qualified immunity, because pursuant to the Ex parte Young exception, the Eleventh Amendment is not a bar to suits for prospective relief against a state employee acting in his official capacity. *Stroman Realty, Inc. v. Wercinski* , 513 F.3d 476, 482 (5th Cir. 2008), petition for cert. filed , 76 U.S.L.W. 3611 (U.S. May 5, 2008) (No. 07-1387). Thus, "prospective injunctive or declaratory relief against a state [official] is permitted." Brennan

v. Stewart , 834 F.2d 1248, 1253 (5th Cir. 1988).

Susan Hill attempted to seek redress for violations of her rights through participation in a grievance process in March, April, and May of 2007 related to being subjected to illegal extortion by Kirk Rhinehart, discrimination, retaliation, harassment, hostile work environment, assault, battery, among other claims. However, Susan Hill has continued to be subjected to these illegal actions which have adversely affected the terms, conditions and privileges of her employment; and defendants have failed and refused to take appropriate action to remedy the effects of illegal discriminatory and retaliatory treatment.

By approximately April 14, 2008, Mary Ginn received a copy of the EEOC Right to Sue letter issued to Susan Hill and defendants were on notice that Susan Hill had 90 days to file a suit or forever lose the right to sue for the discrimination, harassment, retaliation, and hostile work environment created by defendants.

During this time, in violation of Susan Hill's right of access to courts, defendants conspired and increasingly engaged in intimidation, threats, malicious disciplinary actions based on false statements and bad faith investigations. Defendants ultimately stated their intention to terminate Susan Hill from her employment. As defendants escalated their illegal conduct toward Susan Hill they caused her physical and emotional condition to increasingly deteriorate because of these malicious and retaliatory actions.

Defendants and Susan Hill's staff and RTS coworkers were on notice of her continually declining health and she informed them it was because of the constant job stress. Because of the constant stress defendants subjected her to she suffered greatly and Susan Hill notified them that among other consequences of the job stress they place her under, she was not able to sleep more than a few hours each night and she had to now take sleeping pills, she was constantly nauseous, her weight dropped to 93 pounds, her blood pressure was excessively elevated and she informed them she had to now take blood pressure medicine (she also had a blood pressure monitor readily visible on her desk.)

This harm that has occurred to Susan Hill was foreseeable and actually known and it is continuing and ongoing. The state actors' behavior shocks the conscience and has rendered plaintiffs more vulnerable to danger. State actors used their authority to create and opportunity for increasing harm to be inflicted upon plaintiffs that otherwise would not have existed.

Susan Hill was caused by defendants' actions to suffer [REDACTED]

[REDACTED] during the past weeks and unable [REDACTED]

any of the actions [REDACTED]. For consecutive weeks Susan Hill was [REDACTED]

[REDACTED] Susan Hill's daughter was [REDACTED]

[REDACTED]. During this time, Susan Hill made requests for use of her earned annual leave.

At this time, Susan Hill had approximately 174 hours of annual leave she had earned and was available for use, Karim Belhadjali allowed Susan Hill to use only one day of her earned annual leave and subsequently rejected all her other annual leave requests. Kirk Rhinehart placed her on leave without pay status and her salary was withheld from her.

On Thursday, June 26, 2008, Susan Hill became aware that she was being subjected to more malicious retaliation in the form of disciplinary suspension of her pay for 3-days based on falsified official documents, misrepresentations and factually inaccurate claims, false accusations, and defamatory statements. Susan Hill recognized it was a futile pursuit with defendants and their ongoing misconduct.

LEGAL STANDARD

Plaintiff must prove four pre-requisites to be entitled to the extraordinary relief of a preliminary injunction: (1) a substantial likelihood of success on the merits; (2) a substantial threat of immediate and irreparable harm, for which they have no adequate remedy at law; (3) that greater injury will result from denying the preliminary injunction than from its being granted; and (4) that a preliminary injunction will not disserve the public interest. *Canal Author. v. Callaway*, 489 F. 2d 567, 572 (5th Cir. 1974) (en banc).

PLAINTIFF MEETS THE LEGAL STANDARD FOR A PRELIMINARY INJUNCTION

First, Plaintiff has established a substantial likelihood of success on the merits. The documents that are an appendix to this motion clearly delineate a timeline of plaintiff

engaging in protected activity and suffering retaliation because of objections to illegal discrimination and other illegal activities. Plaintiff was extorted by Kirk Rhinehart for a period of time and defendants failed to protect her subsequent to the grievance process she was put through. Defendants created more danger for her by leaving her under the supervision and control of all the individuals she had lodged complaints against.

Second, Plaintiff is being subjected to an ongoing violations of her Constitutional and civil rights and she is suffering ongoing irreparable harm. Susan Hill has been caused to suffer [REDACTED] because of defendants' actions. Susan Hill has been deprived of her salary for nearly a month. Susan Hill as been unable to secure the services of an attorney because she has been deprived of her salary by defendants' misconduct which caused her to not have the funds to pay a lawyer's fees. Susan Hill has had to proceed pro se at this time [REDACTED] to try to stop the egregious Constitutional and civil rights violations of defendants being inflicted upon her. Susan Hill was unable to pay her daughter's college tuition when it was due. Susan Hill has cancer and must have health insurance for herself and her daughter. Susan Hill has suffered irreparable harm since 2004 because of defendants and she continues to suffer irreparable harm.

Third, Plaintiff faces defendants' stated intent of termination and removal from Louisiana State Civil Service employment effective August 29, 2008. This action must be stopped so that Susan Hill does not suffer even further irreparable harm.

Fourth, the public interest of Louisiana would be best served by state officials and employees following the laws and not acting with deliberate indifference to its citizen's constitutional rights. Plaintiff has an imminent threatened injury with the proposed deprivation of her property right to continued employment.

Respectfully submitted,

By: _____

Plaintiff, SUSAN HILL, Pro Se

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