

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA 2010 DEC 17 P 3:07

NO. 2005-12244

DIVISION "N"
DISTRICT COURT

EDDY OLIVER, ET AL.
VERSUS
ORLEANS PARISH SCHOOL BOARD, ET AL.

NOTICE OF CLASS ACTION LITIGATION
(Post-Katrina Wrongful Termination Case)
[LONG FORM NOTICE]

DEAR SIR/MADAM:

Pursuant to Louisiana Code of Civil Procedure Article 594 and the Orders of the Civil District Court, Parish of Orleans, Judge Ethel Simms Julien presiding, this is to advise you that there is now pending in this Court a Class Action for damages arising out of the termination of tenured, certified and permanent employees of the Orleans Parish School Board in the aftermath of Hurricane Katrina.

DEFINITION OF CLASS

Pursuant to the Court's judgment dated December 10, 2008, defining "The Class", the class upon whose behalf this action is being maintained is defined as:

TO : All current or former employees of the Orleans Parish School Board prior to Hurricane Katrina [August 29, 2005], who were terminated and/or forced to retire at the threat of wrongful termination from employment by the Orleans Parish School Board, and claim to have sustained economic injury and/or mental anguish and emotional distress as a result of termination and/or being forced to retire at the threat of wrongful termination from employment.

Sub-Class 1: Tenured, Certified Teachers

Former employees of the OPSB who, prior to August 29, 2005 [Hurricane Katrina], held valid teachers' certificates issued by the State of Louisiana. They were employed by the Defendant OPSB as certified, tenured, state-approved public school teachers of regular or permanent status, pursuant to La. R.S. 14:461, et. seq.

Sub-Class 2: Tenured, Certified Teachers Promoted to Positions of Higher Salary

Former employees of the OPSB who, prior to August 29, 2005 [Hurricane Katrina], held valid teachers' certificates issued by the State of Louisiana. They were employed by the Defendant OPSB as certified, tenured, state-approved public school teachers of regular or permanent status, pursuant to La. R.S. 14:461, et. seq. Additionally, they had been promoted by the Defendant OPSB from a position of lower salary to a position of higher salary [management employees within the New Orleans Public School System], and had acquired the protection of a statutory contract for a period of at least two (2) years, pursuant to La. R. S. 14:463, et. seq.

Sub-Class 3: Employees with “permanent status” other than classroom teachers

Former employees of the OPSB who, prior to August 29, 2005 [Hurricane Katrina], were designated as “permanent employees” of the OPSB other than classroom teachers and school site administrators. They had acquired regular or permanent employment status with the OPSB, pursuant to the provisions of La. R.S. 17:521, et. seq.

Sub-Class 4: Employees forced to retire under duress

Former employees of the OPSB who, prior to August 29, 2005 [Hurricane Katrina], were tenured employees of the OPSB and met the definition of Sub-Classes 1 through 3 above. These class members claim that they were forced into retirement as a result of the actions or omissions of the defendants.”

BRIEF SUMMARY OF LITIGATION

This Class Action Lawsuit is filed against the Orleans Parish School Board (OPSB), the State of Louisiana, the State Board of Elementary and Secondary Education, the Louisiana State Department of Education, and the Recovery School District (collectively referred to as the “State Defendants”). The lawsuit alleges, among other things, that tenured, certified and permanent employees were unlawfully terminated from their job positions following Hurricane Katrina. They are seeking monetary damages for lost wages and emotional distress, which they claim to have suffered as a direct result of losing their jobs.

The OPSB and State Defendants deny these allegations and assert that, at all times, their actions and business practices have been lawful and appropriate. The Court has not ruled on the merits of the claims. This means that there has been no ruling as to who wins and who loses.

**CONSEQUENCES OF CLASS MEMBERSHIP
ELECTION TO OPT OUT OF CLASS**

If you fit the above description of a class member, you have a choice whether or not to remain a member of the class on whose behalf this lawsuit and the claims upon which it was based were maintained. If you want to be **EXCLUDED** from the class, and **DO NOT WISH TO PARTICIPATE IN ANY CLASS SETTLEMENT OR BE BOUND BY ANY JUDGMENT IN THIS CASE**, you must send an **Opt Out Form** to the Clerk of Court by regular mail postmarked no later than the **31st day of March, 2011**.

If you choose to opt-out, then you must obtain an Opt-Out Form. Opt-Out forms are available for download at www.nopsejustice.com. An Opt-Out Form is attached to this Long Form Notice for your convenience.

To be effective as an opt-out of this Class Action, the Opt-Out Form must be completed, signed and sent by regular mail, postmarked no later than March 31, 2011, to the Clerk of Court, Parish of Orleans, 421 Loyola Avenue, Room 402, New Orleans, Louisiana 70112, Attn: NOPSE JUSTICE CLASS ACTION.

If you do not submit an Opt-Out Form in the manner stated above, then you will be considered a Class Member. Class Counsel will continue to represent your legal interest in the lawsuit.

By making this election to be excluded:

1. You will not be eligible to continue as a class member; you will not be able to object to any settlement; and you will not share in the settlement proceeds, if any, available for distribution to the class as a result of the settlement of this lawsuit, if any;
2. You will not be bound by any Judgment rendered in this Class Action lawsuit.
3. You may present claims against the OPSB and State Defendants, by hiring your own counsel to file your own lawsuit pursuant to applicable law.

ALL MEMBERS WHO DO NOT TIMELY EXCLUDE THEMSELVES ARE BOUND BY ANY SETTLEMENT OR FINAL JUDGMENT IN THIS CLASS ACTION LAWSUIT.

If you want to remain a member of the above class, then there is no action that must be taken by you at this time.

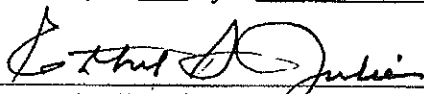
ATTORNEYS REPRESENTING THE CLASS

The attorneys representing the class are: Willie M. Zanders, Sr. (Lead Counsel), Suzette P. Bagneris (Liaison Counsel), Roderick Alvendia, Anthony D. Irpino, Juana Marine- Lombard, Clarence Roby, Jr., Larry Samuel, and Walter I. Willard.

If you have any questions or concerns regarding this Class Action Lawsuit, or if you need an Opt-Out Form, you may call Willie M. Zanders, Sr. (Lead Counsel) at (504) 247-9761 or reach Class Counsel at www.nopsejustice.com.

Do not call the Clerk of Court or the Court regarding this Notice; address all inquiries to Willie M. Zanders, Sr., Lead Counsel, c/o Plaintiffs' Legal Committee, OPSB Class Action Lawsuit, 909 Poydras Street, Suite 1625, New Orleans, Louisiana 70112.

Signed at New Orleans, Louisiana, this 17 day of Dec, 2010.



Hon. Ethel Simms Julien
Judge, Division "N"