

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

JERRY L. EARNEST,)
)
 Plaintiff,)
)
 v.)
)
 BOARD OF EDUCATION OF JASPER)
 COUNTY COMMUNITY UNIT SCHOOL)
 DISTRICT NO. 1, ANDREW D. JOHNSON,)
 Superintendent; Board of Education Members:)
 JON FULTON, President; GORDON MILLSAP,)
 Vice President; HOLLY FARLEY, Secretary;)
 MANDY RIEMAN, MELISSA STANLEY,)
 and ROB STREET,)
)
 Defendants.)

CASE NO.: 17-

COMPLAINT

The Plaintiff, JERRY EARNEST, by his attorney, Greg Roosevelt, for his Complaint against the Defendants, BOARD OF EDUCATION OF JASPER COUNTY COMMUNITY UNIT SCHOOL DISTRICT NO. 1, its superintendent, ANDREW D. JOHNSON, Board of Education Members JON FULTON, GORDON MILLSAP, HOLLY FARLEY, MANDY RIEMAN, MELISSA STANLEY, and ROB STREET and states as follows:

Count I
Claim for Deprivation of a Liberty Interest

1. The Plaintiff, Jerry Earnest is as resident of Jasper County Illinois and a citizen of the U.S. District Court for the Southern District of Illinois.
2. The Board of Education of Jasper County Community Unit School District No. 1 is a governmental entity located in Jasper County, Illinois and is a citizen of the Southern District of Illinois. Its Superintendent, Andrew D. Johnson, is a citizen of the Southern District of

Illinois as well as its individual members of the Board of Education including Jon Fulton, Gordon Millsap, Holly Farley, Mandy Rieman, Melissa Stanley, and Rob Street.

3. On the 7th day of April, 2015, JERRY EARNEST was elected to the Board of Education of the Jasper County Community Unit School District No. 1 in an election in Jasper County, Illinois and Jerry Earnest was sworn in to the office as a member of the Board of Education of the Defendant School District on the 20th day of April, 2015 for a four year term.

4. Subsequently, on February 23, 2017 the Board of Education and the President of the Board of Education communicated a notice to Jerry Earnest dated February 23, 2017 in which the President of the Board of Education, Jon Fulton and Superintendent, Andrew D. Johnson, and its attorney notified Board Member, Jerry Earnest that he would no longer have access to confidential board information.

5. Jerry Earnest had not been afforded any hearing or due process prior to the action of the Defendant School District. As a direct result, the Board Member, Jerry Earnest, has been denied substantial and important access to financial and other personnel matters which require board action from time to time and board member capacity as a member of the Board of Education.

6. The actions of the Defendant School District by its superintendent and president of the board have impaired and substantially denied Jerry Earnest his ability to make informed decisions on important board matters, denying the citizens who reside in the Jasper County Community Unit School District No. 1, who pay substantial taxes, who have children in the district, and who have an interest in their community and its schools being well represented, denying then a board member from the basic information that is needed for him to discharge his duties as a member of the Board of Education.

7. Such action has been taken without process of law or without any due process and was announced for an indeterminate time solely in the discretion of the board president and superintendent if and when they ever would choose to deem to allow its board member, the Plaintiff, Jerry Earnest, access to whatever information the school district by its superintendent determined that Mr. Earnest should not have access to.

8. Mr. Earnest has been irreparably harmed and denied the powers, authority, and information necessary to effectively discharge his duties as an elected member of the Board of Education of the Defendant School District.

9. Jerry Earnest has took the time, effort, and interest to run for and be elected to the position. The Plaintiff possesses a liberty interest in his service to the citizens as a member of the Board of Education his right and duty to hold such an elective office and has been denied that interest by the unlawful action of the Defendants.

10. Further, Mr. Jerry Earnest has suffered embarrassment, humiliation, and emotional distress as a result of being expected to vote on matters that are crucial to the citizens he represents by being consistently denied crucial information that would inform his decision making on best to represent not only the citizens but most importantly the students who are being educated in the school district.

WHEREFORE, Plaintiff, Jerry Earnest, requests the U.S. District Court award damages to Jerry Earnest and enter appropriate orders against the Defendants to force the Defendants to allow Mr. Earnest to have full and complete information as needed to discharge his duties and restore him to his full responsibility and authority as a duly elected member of the Board of Education and grant such other relief as allowed by law.

Count II
Declaratory Relief

The Plaintiff, JERRY EARNEST, for his action for Declaratory Relief under F.R.C.P. 57 and 28 U.S.C. 2201 realleges paragraphs 1 through 10 of Count I and further states:

11. There exists a substantial and concrete controversy between the parties.

12. Sufficient reason exists to require declaratory relief. Plaintiff has been improperly stripped by governmental action of his liberty interest under the U.S. Constitution to hold a public office to which he was duly elected and pursue his public service as a member of the Board of Education. A real federal question exists here over government action depriving a liberty interest of an elected public official in serving and the public who elected him to serve.

WHEREFORE, Plaintiff requests this Court to enter declaratory relief restoring Plaintiff fully to his elected position. Since the will of the voters is being frustrated by government action, it is requested that this matter be accelerated for an early hearing.

Respectfully submitted,

/s/Greg Roosevelt
Greg Roosevelt, #02375427
Roosevelt Law Office
610 St. Louis Street
Edwardsville, IL 62025
618-656-9160
618-692-9718 Fax
gregroosevelt@gmail.com