

SERVICE COPY

*Extended 30 days
as per Mike Johnson
11 Feb 19.*



D1323468

CITATION

JORDYN CROSS, ET AL
(Plaintiff)

NUMBER C-678790 SEC. 26

VS

19th JUDICIAL DISTRICT COURT

**LOUISIANA HIGH SCHOOL ATHLETIC
ASSOCIATION, ET AL**
(Defendant)

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

**TO: UNIVERSITY ACADEMY OF CENTRAL LOUISIANA
THROUGH ITS REGISTERED AGENT:
VESTON MARC KELLY, JR.
39 SHADOW WOOD DRIVE
BOYCE, LA 71409**

GREETINGS:

Attached to this citation is a certified copy of the petition*. The petition tells you what you are being sued for.

You must EITHER do what the petition asks OR, within fifteen (15) days after you have received these documents, you must file an answer or other legal pleading in the office of the Clerk of Court at 300 North Boulevard, Baton Rouge, Louisiana. If you do not do what the petition asks, or if you do not file an answer or legal pleading within fifteen (15) days, a judgment may be rendered against you without further notice.

This citation was issued by the Clerk of Court for East Baton Rouge Parish on **JANUARY 30, 2019**.



Alice Momas

**Deputy Clerk of Court for
Doug Welborn, Clerk of Court**

**Requesting Attorney: MOYER, DAVID S
985 3081509**

*The following documents are attached:

**PLAINTIFF'S PETITION FOR DAMAGES, ATTACHMENT WITH EXHIBIT
SERVICE INFORMATION:**

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____, served on the above named party as follows:

PERSONAL SERVICE: On the party herein named at _____

DOMICILIARY SERVICE: On the within named _____, by leaving the same at his domicile in this parish in the hands of _____ a person of suitable age and discretion residing in the said domicile at _____

SECRETARY OF STATE: By tendering same to the within named, by handing same to _____

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ or his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this _____ day of _____, 20____.

IN THE 19th JUDICIAL DISTRICT COURT
FOR EAST BATON ROUGE PARISH, STATE OF LOUISIANA

NO. _____ DIVISION _____
JORDYN CROSS, JEREMY CROSS AND ANDREA CROSS

VERSUS .

LOUISIANA HIGH SCHOOL ATHLETIC ASSOCIATION AND UNIVERSITY ACADEMY
OF CENTRAL LOUISIANA

FILED: _____ DEPUTY CLERK

PLAINTIFF'S PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Jordyn Cross, Jeremy Cross and Andrea Cross and submits their Petition for Damages against the Louisiana High School Athletic Association and University Academy of Central Louisiana and states and alleges as follows:

Parties

1.

Plaintiffs herein are, Jordyn Cross ("Jordyn"), a person of eighteen years of age, a permanent resident of Pitkin, Vernon Parish, Louisiana, a former student athlete at University Academy of Central Louisiana.

2.

Additional Plaintiffs herein, are Jeremy and Andrea Cross ("Mr. & Mrs. Cross") parents of Jordyn Cross, permanent residents of Pitkin, Vernon Parish, Louisiana, who are persons over the age of eighteen years.

3.

Made Defendant herein, is Louisiana High School Athletic Association ("LHSA") a private Louisiana entity, who governs Louisiana High School athletics and has its principal place of business in East Baton Rouge Parish, Louisiana.

4.

Made Defendant herein is University Academy of Central Louisiana ("University Academy"), who is a member of LHSA, is a private school who charged tuition for attendance, and was the prior school of Jordyn, and has its principal place of business in Rapides Parish, Louisiana.

Jurisdiction and Venue

5.

Jurisdiction is proper in East Baton Rouge Parish pursuant to Louisiana Code of Civil Procedure Article 2.

6.

Venue is proper in East Baton Rouge Parish pursuant to Louisiana Code of Civil Procedure Article 42, and Louisiana R.S. Article 13:3201 and 13:3202.

Factual Allegations

7.

Jordyn Cross was enrolled as a student and ultimately graduated from University Academy in May 2018. Jordyn was also an elite high school athlete who played for the Girls Basketball team and University Academy, received scholarship offers from several colleges, and is presently playing college basketball on scholarship.

8.

Jordyn complied with all of the rules, regulations and requirements of University Academy, LHSAA and the State of Louisiana related to her academics, and was at all times during her high school career, compliant with all of her courses, grades and ultimately timely graduated from University Academy.

9.

On or about February 1, 2018, Jordyn and Mr. and Mrs. Cross were informed by University Academy and the LHSAA that Jordyn was academically ineligible to participate in high school athletics, including Girls Basketball at University Academy.

10.

As a result of this wrongful and illegal decision, Jordyn was banned from participating in numerous basketball games for University Academy, as well as the Louisiana High School playoffs.

11.

In the Fall of 2017-2018 Academic School year, LHSAA performed a routine audit on all student athletes at University Academy, and stamped Jordyn's transcript as "LHSAA Approved." (Please see Redacted Transcript Attached as Exhibit 1 and incorporated herein by reference).

12.

At no point prior to February 1, 2018, did any administrator, counselor, coach, teacher, principal, or any other person at University Academy, or the LHSAA inform Jordyn or Mr. and Mrs. Cross that Jordyn was academically ineligible to participate in high school athletics.

14.

At no point prior to February 1, 2018, did any administrator, counselor, coach, teacher, principal, or any other person at University Academy, or the LHSAA inform Jordyn or Mr. and Mrs. Cross that Jordyn was did not have the requisite course credits to be an eligible student athlete pursuant to LHSAA Rules and Regulations.

15.

On or about February 1, 2018, the LHSAA ruled Jordyn ineligible to the remainder of the 2017-2018 academic year for violating LHSAA Rule 5.11.3.3.

LHSAA Rule 5.11.3.3 provides: **Use of ineligible student due to negligence of school officials to adequately check rules, regulations, and records:**

3. The school shall be fined \$100 per student/per contest/per sport if the violation is reported by a source outside of the school or discovered by the LHSAA staff (not to exceed \$400 per student/per sport).

16.

To date, neither the LHSAA or University Academy has informed Jordyn or Mr. and Mrs. Cross why Jordyn was deemed ineligible, nor the negligence which was committed by University Academy.

17.

In reality, Jordyn was NEVER ineligible, and was at all times compliant with each and every LHSAA Rule and Regulation for academic eligibility, and never should have been declared ineligible for the LHSAA.

18.

LHSAA Rule 1.10.4 applies to Academic Eligibility for Senior Student Athletes. LHSAA Rule 1.10.4 provides:

“A senior (12th grade) student who has accumulated 20 or more units shall be required to take any combination of at least four (4) half (.5) units per semester, none of which shall be units the student has previously taken and passed. The combination of four (4) required half (.5) units may include college courses that have been approved by the State Department of Education and/or the Louisiana Board of Regents. Under the 4 x 4 block system, a senior must be enrolled in a minimum of two (2) units per semester to be eligible to compete. A senior who experiences an eight-period day or an A/B block and

has accumulated 23 credits shall be required to take any combination of at least two (2) half (.5) units per semester, none of which shall be units the student has previously taken and passed. A senior who experiences a 4 x 4 block and has accumulated 23 credits shall be required to take at least one unit per semester, none of which shall be units the student has previously taken and passed. A senior attempting a combination of four half units in the first semester must pass all units to be eligible in the second semester. Likewise, a senior attempting a combination of five half units in the first semester must pass all units, and a senior taking a combination of six or more half units in the first semester must pass any combination of six half units for second semester eligibility.

Jordyn had 24 credits at the completion of her junior year. She was only required to take 2 full units of classes in the fall and spring semesters of her senior year. Jordyn satisfied those requirements by taking and passing English IV a full unit class in the fall semester, and Speech another full unit class, which she passed. Additionally, Jordyn took Civics and Environmental Science, full unit classes, which she passed in the Spring Semester of her senior year. Jordyn was at all times academically eligible to participate in high school athletics, and never should have been declared ineligible by the LHSAA or University Academy.

19.

University Academy failed and refused to appeal the negligent and wrongful decision of the LHSAA, which compounded the damages suffered by Jordyn and Mr. and Mrs. Cross.

20.

LHSAA does not train, or provide training to their investigators. LHSAA uses former principals to conduct their investigations, and LHSAA relies on the principals to receive training from their schools.

21.

LHSAA has not disclosed who reviewed Jordyn's school transcript, and when questioned by Mr. and Mrs. Cross, LHSAA disputed the LHSAA Approved stamp on Jordyn's transcript was their stamp.

22.

LHSAA did not require or ask for the principal of University Academy to appear before the Executive Director or the Executive Committee to answer any charges, in violation of their own rules.

23.

The investigation, ruling and issuance of sanctions without due process was negligent, and abuse of discretion by the LHSAA, was arbitrary and capricious, not supported by

sustainable evidence, a violation of LHSAA's own procedures, a violation of federal law and violates the United States and Louisiana Constitutions, and the ruling is due to be set aside in whole, and Jordyn and Mr. and Mrs. Cross have suffered emotional and physical damages as a result of the negligent actions of Defendants LHSAA and University Academy, including, but not limited to having to seek medical treatment, pain and suffering, as well as embarrassment and humiliation.

24.

LHSAA did not conduct any hearing with respect to any of the alleged rule violations as required by LHSAA Rule 2.1.3.

COUNT ONE:

JUDICIAL REVIEW OF JORDYN CROSS'S PUNISHMENT AND LHSAA EXECUTIVE DIRECTOR ISSUED PUNISHMENT

25.

The Plaintiff restates and realleges each and every allegation herein and incorporates them herein by reference.

26.

The Plaintiff is entitled to judicial review of her punishment and the LHSAA's Executive Director issued punishment.

27.

The Punishment/Decision is not a fair and logical interpretation or application of the LHSAA's own rules for the aforementioned reasons, facts and argument.

28.

The Punishment/Decision of the Executive Director of LHSAA and the Executive Committee of LHSAA to uphold the punishment, is in disregard of the facts, is illegal, is arbitrary and capricious, not supported by substantial evidence, is overreaching, results in disparate treatment under state law, is excessive, offends the basic notions of fairness, and shocks the conscience.

29.

That the Punishment/Decision is contrary to constitutional right, power, privilege or immunity (all pursuant to Louisiana law) for the aforementioned reasons, facts and argument.

30.

The Punishment/Decision process is contrary to LHSAA's own rules, and the Rules were applied in an arbitrary and capricious manner, are inconsistent, are overbroad and vague, and are illegal by their terms.

31.

That the Punishment/Decision is without observance of procedure required by LHSAA's own rules, and the Constitutions of the United States and the State of Louisiana.

32.

Judicial Review is permitted in circumstances such as these pursuant to *Rabb v. State Board of Certified Public Accountants of Louisiana*, 893 So.2d 904 (La.4 Cir. 12/22/04).

33.

The Punishment/Decision is unsupported by substantial evidence for the aforementioned reasons, facts and argument.

WHEREFORE, for the above and foregoing reasons, Plaintiffs request that this Court reverse the punishment/decision of the LHSAA Executive Director and Executive Committee for the above-referenced reasons, and for all other just and proper relief in the premises.

COUNT TWO:

DECLARATORY JUDGMENT

34.

The Plaintiff restates and realleges each and every allegation herein and incorporates them herein by reference.

35.

As a result of the conduct of the LHSAA and its rulings, declaratory relief clarifying the invalidity of the decision and punishment of the LHSAA and the Executive Committee would serve a useful purpose by determining and affording relief from uncertainty.

WHEREFORE, for the above and foregoing reasons, Plaintiffs respectfully request that this Court issue a declaratory judgment declaring that the punishment of Jordyn and the subsequent LHSAA Executive Committee to uphold that punishment, is in disregard of the facts, is illegal, is arbitrary and capricious, not supported by substantial evidence, is overreaching, results in disparate treatment under state law, is excessive, offends the basic notions of fairness, and shocks the conscience, incorporate herein all other relief requested in other Counts, and for all other just and proper relief in the premises.

COUNT THREE:

NEGLIGENCE OF LHSAA and UNIVERSITY ACADEMY

36.

The Plaintiff restates and realleges each and every allegation herein and incorporates them herein by reference.

37.

It is the duty and responsibility of LHSAA to conduct its investigations, hearings and to make its rulings fairly, impartially, competently and to render its decisions based on its policies and procedures while strictly adhering to the facts.

38.

LHSAA does not train its investigators, and does not provide any guidance to them whatsoever. LHSAA relies on their assigned investigators to already have appropriate experience. LHSAA does not vet, interview or otherwise make any inquiries as to the experience and capabilities of the persons it sends to investigate cases.

39.

The investigators in this case ruled Jordyn academically ineligible, and cited the negligence of University Academy as the basis for their ruling.

40.

The investigators in this case, despite being provided accurate documentation and transcripts, and knowing Jordyn was a senior, and had complied with ALL LHSAA academic eligibility rules, still ruled Jordyn ineligible, without any reason, justification or basis in fact. The ruling was so arbitrary and capricious that is rising to the level of negligence, and Jordyn and Mr. and Mrs. Cross suffered embarrassment, humiliation, physical and mental anguish which required doctors care as a proximate cause of the negligence of the LHSAA.

41.

LHSAA Rules require that upon receiving evidence, the principal of the offending school is required to appear before the Executive Director and Executive Committee and answer the charges. No hearing was conducted in this case, prior to a ruling being made.

42.

LHSAA owes a duty of care to its member institutions and to the student athletes who play for them.

43.

This duty of care requires LHSAA to competently investigate claims, and to include all evidence and supporting documentation in their reports. The duty of care requires the LHSAA to follow its published procedures and rules.

44.

The LHSAA held a careless, haphazard investigation, failed to follow its own rules and procedures, failed to hold a hearing, failed to include all evidence and information in its report, issued a careless, arbitrary and capricious decision not based upon any fact or evidence, and was so careless and negligent that they did in fact cause serious damage to Jordyn Cross by banning her, without any reason whatsoever from playing high school basketball.

45.

The LHSAA has negligently and carelessly violated Jordyn and Mr. and Mrs. Cross's due process rights by ruling her ineligible to play high school athletics without a hearing, as required by their own rules, and denying him the opportunity to be heard, or otherwise present evidence.

46.

University Academy owes a duty of care to protect its students, and to accurately and properly reflect and convey their student's academic progress to the LHSAA. University Academy was found by the LHSAA to be negligent in accurately and properly reflecting Jordyn's academic progress. University Academy at no point informed Jordyn or Mr. and Mrs. Cross that Jordyn's academic eligibility was in jeopardy. No University Academy administrator, teacher, counselor, principal or coach ever informed Jordyn she was not taking the proper course load, or was ever in jeopardy of losing her academic eligibility to participate.

47.

University Academy owes a duty to its student and parents to honestly and truthfully inform them of anything that may adversely impact the students on campus experience. University Academy failed to inform and notify Jordyn or Mr. and Mrs. Cross about any LHSAA issues, failed to inform Jordyn or Mr. and Mrs. Cross that University Academy was found negligent by the LHSAA, and University Academy failed to appeal, request a hearing, or otherwise protect Jordyn or Mr. and Mrs. Cross's due process rights with respect to the LHSAA.

48.

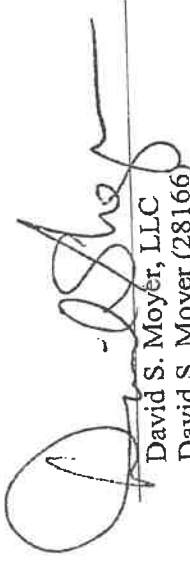
As a result of University Academy's failure to report, negligence found by the LHSAA, failure to advise Jordyn, or otherwise challenge the LHSAA, University Academy did negligently injure Jordyn and Mr. and Mrs. Cross who suffered embarrassment, humiliation, physical and mental anguish which required doctors care as a proximate cause of the negligence of University Academy.

49.

LHSAA and University Academy was negligent by not fairly, logically applying and following their own rules and procedures and insisting the rules be followed, which damaged Jordyn and Mr. and Mrs. Cross.

WHEREFORE, Plaintiff prays that Defendant LHSAA and University Academy be found negligent and damages assessed against them on behalf of Jordyn Cross and Mr. and Mrs. Cross, and prays for any further and different relief as may be proper.

Respectfully submitted,



David S. Moyer, LLC
David S. Moyer (28166)
13551 River Road
Luling, LA 70070
985-308-1509
985-308-1521 (Fax)

PLEASE SERVE:

LHSAA

Though its Registered Agent:
Eddie Bonine
12720 Old Hammond Hwy
Baton Rouge, LA 70816

University Academy of Central Louisiana
Through its Registered Agent:
Veston Marc Kelly, Jr.
39 Shadow Wood Drive
Boyce, LA 71409

Grading Scale
 A = 90.000 - 100.000
 B = 80.000 - 89.999
 C = 70.000 - 79.999
 D = 60.000 - 69.999

SIDNO 5018630
 Birthdate 10/05/1989

Permanent Record

UNIVERSITY ACADEMY OF CENTRAL LA
 CROSS JORDYN BAILEE
 120 HERMAN WILLIS RD
 PITKIN, LA 70856

GPA Scale
 A = 3.500 - 4.000
 B = 2.500 - 3.499
 C = 1.500 - 2.499
 D = 1.000 - 1.499

LLHSAA APPROVED

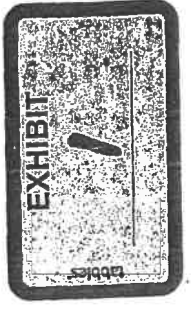
Sex F Ethnic 0 GRD-12
 SSN

Group Course	Sem 1 Yr	Sem 2 Yr	Final	Yr	CP	CE	H	G	State Code	Grade Source
English										
ENGLISH I		4	A	15	4	5	1.0	1.0	120331	619001University
ENGLISH II	3	B	16			6	1.0	1.0	120332	619001University
ENGLISH III DE						7	1.0	1.0	D 120333	402006LOUISIANA STATE
Computer Education										
COMPUTER TECH/II		4	A	15	4	15	1.0	1.0	D 061101	206001LA Technical
Math										
ADV MATH - PRE-C		80	B	17	80	17	1.0	1.0	160346	619001University
ALGEBRA I	3	B	15			15	1.0	1.0	160321	619001University
ALGEBRA II	79	C	17			79	1.0	1.0	160322	619001University
GEOMETRY	1	D	16			16	1.0	1.0	160323	619001University
Social Studies										
CIVICS (DE)		4	A	16	4	16	1.0	0.0	D 220501	402006LOUISIANA STATE
U.S. HISTORY						17	1.0	1.0	220403	619001University
WESTERN CIVIL DE		3	B	15	3	15	1.0	1.0	D 220446	402006LOUISIANA STATE
WORLD GEOGRAPHY						17	1.0	1.0	220300	619001University
Science										
BIOLOGY II	90	A	17			17	1.0	1.0	150302	619001University
BIOLOGY	4	A	15			4	1.0	1.0	150301	619001University
CHEMISTRY		3	B	16	3	16	1.0	1.0	150401	619001University
Health & PE										
H & PE ELEC I	4	A	16			4	1.0	1.0	D 190189	402006Louisiana State
H & PE ELEC II						4	1.0	1.0	D 190197	402006Louisiana State
H & PE I	4	A	15			4	1.0	1.0	190101	619001University
H & PE II		4	A	15	4	15	1.0	1.0	190102	619001University
Foreign Languages										
FRENCH I	2	C	16			2	1.0	1.0	D 121001	402006Louisiana State
FRENCH II						3	1.0	1.0	D 121002	402006Louisiana State
Voc Electives										
JOURNEY TO CA (1						3	1.0	1.0	080403	040035PLAINVIEW HIGH
PUB. I (YEARBOOK	4	A	16			4	1.0	1.0	050603	619001University
Gen Ed Electives										
FINE ARTS SURVEY	3	B	15			3	1.0	1.0	D 030332	206001LA TECHNICAL
PSYCHOLOGY	4	A	16			4	1.0	1.0	222001	619001University
Total							25.0	24.0		Total Units 24.0

Year Entered Grade 9: 2014 Cohort: Rank: 0/0
 Cumulative GPA 3.44000 NO

The above named student has passed all required components of the Graduation Test.

EAST BATON ROUGE PARISH C-678790
 Filed Jan 29, 2019 1:42 PM 26
 Deputy Clerk of Court
 FAX Received Jan 24, 2019



EdgeStar - Software that empowers educators

