

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DORIS J. HUBBARD and  
JESUS MAYOR, M.D.

Plaintiffs

VS.

LONE STAR COLLEGE SYSTEM, DR. RICHARD CARPENTER, DAVID HOLSEY, KYLE A. SCOTT, STEPHANIE MARQUARD, ROBERT J. ADAM, DAVID VOGT, BOB WOLFE, LINDA S. GOOD, RON TROWBRIDGE, PRISCILLA KELLY, ALL IN THEIR OFFICIAL CAPACITY AS MEMBERS OF THE BOARD OF TRUSTEES OF LONE STAR COLLEGE SYSTEM

## Defendants

[illegible]

Civil Action No.

**PLAINTIFFS' ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiffs, DORIS J. HUBBARD and JESUS MAYOR, M.D. (hereinafter referred to as “Plaintiffs”), and files this Original Complaint complaining of Defendants, LONE STAR COLLEGE SYSTEM, DR. RICHARD CARPENTER, current Chancellor, DAVID HOLSEY, KYLE A. SCOTT, STEPHANIE MARQUARD, ROBERT J. ADAM, DAVID VOGT, BOB WOLFE, LINDA S. GOOD, RON TROWBRIDGE, PRISCILLA KELLY, each in their official capacities as members of

the Lone Star College System Board of Trustees (hereinafter referred to as “Defendants”), and in support thereof would show the Court as follows:

**I.**

**INTRODUCTION**

1. Lone Star College System is the fastest growing college or university in Texas based on enrollment.
2. Nearly a majority of Lone Star College System’s students are minority.
3. There are significant numbers of African-American and Latino citizens in the district that live geographically close to one another, for example in the Acres Homes and Aldine Communities.
4. Lone Star College System has one of the largest, if not the largest, student enrollments of any college or university in Texas, even considering Texas A & M, the University of Houston and the University of Texas at Austin.
5. The Lone Star College System Board has nine members who are elected at-large.
6. Despite large numbers of Latino citizens residing in the district, no Latino candidate has ever been elected to the Board.
7. Despite large numbers of African-American citizens residing in the district, few African-American candidates have been elected to the Board. Recently, the African-American Board Chair was defeated in the election where an Anglo supported candidate prevailed.

8. The at-large election scheme, as opposed to a single member district system, has the effect of preventing African-American and Latino citizens from electing and retaining the candidates of their choice.
9. The at-large election scheme was developed with the purpose, and has the effect, of minimizing and reducing the voting strength of minority populations in the Lone Star College System voting area.
10. Plaintiffs, as minority residents and citizens of the Lone Star College System, bring this suit, under the Voting Rights Act and other federal laws, in order to establish a single-member election district system in the Lone Star College System.

## **II.**

### **JURISDICTION AND VENUE**

11. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, 1357, and 2284; and pursuant to 42 U.S.C. §§ 1973 & 1973j(f). Plaintiffs' action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201, 2202, and 2284, as well as by Rules 57 and 65 of the Federal Rules of Civil Procedure. Venue is proper pursuant to 28 U.S.C. §§ 1391(b).

### **III.**

#### **PARTIES**

12. Plaintiffs are citizens and registered voters residing in the Lone Star College System service area. Plaintiffs have standing to bring this action under 42 U.S.C. § 1983 to redress injuries suffered through the deprivation, under color of state law, of rights secured by the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973, 1973c, and by the United States Constitution.
13. Plaintiff Doris J. Hubbard is an African-American citizen of the United States and is a resident of the Lone Star College System. Plaintiff Doris Hubbard is registered to vote in Harris County at this address: 2005 Dewalt Street, Houston, Texas 77088.
14. Plaintiff Jesus Mayor, Sr., M.D. is a Latino citizen of the United States and is a resident of Lone Star College System. Plaintiff Dr. Jesus Mayor, Sr., M.D, is registered to vote in Harris County at this address: 9103 Rock Cliff, Houston, Texas 77037.
15. Defendant LONE STAR COLLEGE SYSTEM, is a state chartered institution of higher education. Lone Star College System's headquarters are located at 5000 Research Forest Drive, The Woodlands, Texas 77381 and it may be served with process at this address through its Board President or Chancellor. Defendant has campuses in Houston, unincorporated Harris County, unincorporated Montgomery

County, Texas and other areas. Lone Star College System's Chancellor, Dr. Richard Carpenter, may be served with process at 5000 Research Forest, The Woodlands, Texas 77381.

16. Defendant, DAVID HOLSEY, is sued in his official capacity as a Lone Star College System Board of Trustee member. He may be served at 5000 Research Forest, The Woodlands, Texas 77381.
17. Defendant, KYLE A. SCOTT, is sued in his official capacity as a Lone Star College System Board of Trustee member. He may be served at 5000 Research Forest, The Woodlands, Texas 77381.
18. Defendant, STEPHANIE MARQUARD, is sued in her official capacity as a Lone Star College System Board of Trustee member. She may be served at 5000 Research Forest, The Woodlands, Texas 77381.
19. Defendant, ROBERT J. ADAM, is sued in his official capacity as a Lone Star College System Board of Trustee member. He may be served at 5000 Research Forest, The Woodlands, Texas 77381.
20. Defendant, DAVID VOGT, is sued in his official capacity as a Lone Star College System Board of Trustee member. He may be served at 5000 Research Forest, The Woodlands, Texas 77381.

21. Defendant, BOB WOLFE, is sued in his official capacity as a Lone Star College System Board of Trustee member. He may be served at 5000 Research Forest, The Woodlands, Texas 77381.
22. Defendant, LINDA S. GOOD, is sued in her official capacity as a Lone Star College System Board of Trustee member. She may be served at 5000 Research Forest, The Woodlands, Texas 77381.
23. Defendant, RON TROWBRIDGE, is sued in his official capacity as a Lone Star College System Board of Trustee member. He may be served at 5000 Research Forest, The Woodlands, Texas 77381.
24. Defendant, PRISCILLA KELLY, is sued in her official capacity as a Lone Star College System Board of Trustee member. She may be served at 5000 Research Forest, The Woodlands, Texas 77381.

#### **IV.**

#### **FACTS**

25. Every ten years, under U.S. Constitution, Art. I, Sec. 2, Cl. 3, a federal census is performed.
26. The latest census figures demonstrate the total population within the Lone Star College System is 1,780,850 of which 32% are Latino, 16% are African-American, and 46.1% are Anglo.

27. The Lone Star College System has a greater population than 12 entire states and the District of Columbia.
28. If the Lone Star College System were a city, it would be the 5th largest city in the United States.
29. The Lone Star College System has a total 2011 student enrollment of 75,680 students. Forty-seven percent (47%) of Defendant, Lone Star College's student enrollment is made up of minority students.
30. The Lone Star College System student population has grown approximately 58% in the last five years.
31. The voting population in the Lone Star College System is highly racially polarized.
32. The African-American citizen voting population is sufficiently large and geographically compact to constitute a majority in a single-member district.
33. The Latino citizen voting population sufficiently large and geographically compact to constitute a majority in a single-member district.
34. The Latino citizen voting population is politically cohesive.
35. The African-American citizen voting population is politically cohesive.
36. The Anglo majority votes sufficiently as a bloc to enable it - in the absence of special circumstances - usually to defeat the minority's preferred candidate or measure.

37. There is a lack of proportional representation by minority supported candidates.
38. Plaintiffs can prove they are entitled to relief under a “totality of circumstances” utilizing the factors the Supreme Court has laid out in *Village of Arlington Heights v. Metropolitan Housing Development Corp*, 429 U.S. 252 (1977)).

**V.**

**CLAIMS**

**Count 1**

39. Plaintiffs reallege the facts set forth above.
40. The Lone Star College System’s at-large voting scheme (the Plan) violates Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, in that, under the totality of the circumstances, Plaintiffs and minority voters are denied an equal opportunity to participate effectively in the political process and to elect candidates of their choice to the Board of Trustees. The Plan also violates Section 2 of the Voting Rights Act, 42 U.S.C. §1973, because, under the totality of circumstances, Plaintiffs and minority voters are denied an equal opportunity to participate effectively in the political process and to have any meaningful or significant influence in elections for Members of the Board of Trustees.

**Count 2**

41. Plaintiffs reallege the facts set forth above.

42. The Plan violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution because it intentionally discriminates against Latino and African-American persons by denying Plaintiffs and these voters an equal opportunity to participate in the political process, to elect candidates of their choice to the Board of Trustees, and to have any meaningful or significant influence in elections for members of the Board of Trustees.

**VI.**

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that this Court:

1. Assume jurisdiction of this action.
2. Issue a declaratory judgment, pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rules of Civil Procedure Rule 57, declaring that the at-large election scheme for Board of Trustees of Lone Star College System: (1) dilutes the voting strength of minority voters (African-American and Latinos) in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and in violation of the Equal Protection Clause; (2) is an unconstitutional election system in violation of the First and Fourteenth Amendments to the United States Constitution and Article I of the United States Constitution; and (3) cannot be administered in elections any longer.

3. Issue preliminary and permanent injunctions enjoining the Defendants, their agents, employees, and those persons acting in concert with them, from enforcing or giving any effect to an at-large election system, including enjoining Defendants from conducting any elections for the Board of Trustees for Lone Star College System utilizing the Plan.
4. Issue preliminary and permanent injunctions requiring the Defendants, their agents, employees, and those persons acting in concert with them, to call and hold an election for all nine trustee positions, at the earliest available uniform election date under state law, utilizing a lawful and constitutional single member district election map.
5. Make all further orders as are just, necessary, and proper to ensure complete compliance with this Court's Declaratory and injunctive orders in this case.
6. Issue an order requiring Defendants to pay Plaintiffs' costs, expenses and reasonable attorneys' fees incurred in the prosecution of this action, as authorized by the Civil Rights Attorneys' Fees Awards Act of 1976, 42 U.S.C. § 1988
7. Grant such other and further relief as it seems is proper and just.

Dated June 3, 2013

Respectfully Submitted,

**BRAZIL & DUNN**

/s/ Chad W. Dunn

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