

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**REVEREND DARCY ROAKE AND  
ADRIAN VAN YOUNG, ON BEHALF OF  
THEMSELVES AND ON BEHALF OF  
THEIR MINOR CHILDREN, A.V AND S.V,  
ET AL.**

**CIVIL ACTION NO. 3:24-CV-0517  
JUDGE JOHN W. DEGRAVELLES  
MAGISTRATE JUDGE SCOTT D.  
JOHNSON**

**VERSUS**

**CADE BRUMLEY, IN HIS OFFICIAL  
CAPACITY AS LOUISIANA STATE  
SUPERINTENDENT OF EDUCATION ET  
AL.**

**RULE 12(B)(1) MOTION TO DISMISS AND  
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION  
ON BEHALF OF DEFENDANT ORLEANS PARISH SCHOOL BOARD**

**NOW INTO COURT**, through undersigned counsel, and in accordance with the Amended Briefing Scheduled in this case (R. Doc. 34) comes Defendant, Orleans Parish School Board (“OPSB”), who without waiving and expressly maintaining all objections, motions, and defenses, and pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, respectfully moves the Court to dismiss all claims Plaintiffs assert against OPSB in this action for lack of Article III standing.

For the reasons set forth in the attached memorandum, the Court should grant OPSB’s motion. Plaintiffs’ children attend charter schools in Orleans Parish, which, as a matter of law, are independent public schools operated by nonprofit organizations rather than by OPSB. Irrespective of whether Plaintiffs may have suffered an injury in fact, the injury was not caused by OPSB and cannot be redressed by judicial relief against OPSB. As a result, Plaintiffs lack standing to bring this action against OPSB and the court should grant OPSB's motion to dismiss. For the same reason

that Plaintiffs lack standing to bring this action against OPSB, the Court should deny Plaintiffs' Motion for Preliminary Injunction as to OPSB (R. Doc. 20).<sup>1</sup>

**WHEREFORE**, OPSB respectfully requests that the Court grant its Rule 12(b)(1) motion and dismiss all claims by Plaintiffs against OPSB, *with prejudice*.

Respectfully submitted,

**PHELPS DUNBAR LLP**

/s/ Rebecca Sha

Rebecca Sha (#35317)  
Dan Zimmerman (#2202)  
365 Canal Street, Suite 2000  
New Orleans, Louisiana 70130-6534  
Telephone: 504-566-1311  
Facsimile: 504-568-9130  
Email: rebecca.sha@phelps.com  
dan.zimmerman@phelps.com

**ATTORNEYS FOR ORLEANS PARISH  
SCHOOL BOARD**

---

<sup>1</sup> OPSB maintains that Plaintiffs do not have standing to proceed against OPSB in this action and that OPSB is not otherwise a proper defendant, based upon the allegations in the Complaint or the Motion for Preliminary Injunction. If the Court denies this Motion to Dismiss, OPSB does not waive any objections, motions, and defenses to the Complaint and Motion for Preliminary Injunction. OPSB also does not seek to prejudice or inhibit any arguments, objections, and defenses raised by the other named Defendants.