

IN THE IOWA DISTRICT COURT FOR CEDAR COUNTY

MONICA ROUSE,)	
)	
Plaintiff,)	NO. LACV034533
)	
)	
vs.)	ORIGINAL NOTICE
)	
DURANT COMMUNITY SCHOOL)	
DISTRICT, et al.,)	
)	
Defendant.)	

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby notified that there is now on file in the office of the Clerk of the above Court, an Application for Rule to Show Cause in the above-entitled action a copy of which Application is attached hereto. The Plaintiff's attorney is Catherine Z. Cartee, whose address is 125 Kirkwood Boulevard, Davenport, Iowa 52803.

You are further notified that unless, within 20 days after service of this original notice upon you, you serve, and within a reasonable time thereafter, file a motion or answer in the Iowa District Court in and for Cedar County, at the County Courthouse in Cedar County, Iowa, judgment by default will be rendered against you for the relief demanded in the petition.

Julie Carlin
Clerk of the Above Court,
Cedar County, Iowa,

BY: Maggie Challis, Designee

NOTE: The attorney who is expected to represent the Defendants should be promptly advised by Defendant of service of this notice.

NOTE: If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 326-8607. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

IN THE IOWA DISTRICT COURT FOR CEDAR COUNTY

MONICA ROUSE,)
Plaintiff) NO. LACV034533
vs.)
DURANT COMMUNITY) ORDER FOR RUL
SCHOOL DISTRICT, et al.,) CAUSE
Defendants.)

LEKUF U.S. GOVERNMENT
CEDAR COUNTY, IOWA.

NOW on this 29 day of March, 2011, this matter comes before the Court on the Application for Rule to Show Cause; having examined said Application, having reviewed the court file and being fully advised in the premises, the Court finds that this matter should be set for hearing; that notice be given Respondents; and that he be given the opportunity to show cause why he should not be cited for contempt and punished accordingly.

IT IS THEREFORE ORDERED, Adjudged and Decreed Respondent shall be, and he is hereby ordered to appear before a Judge of this Court on the this 23 day of August, 2011 at 9:00o'clock A..m. at the Cedar County Courthouse, Tipton, Iowa, to show cause why he should not be punished for contempt for failing to comply with the Ruling of this Court.

IT IS FURTHER ORDERED, Adjudged and Decreed that a copy of the Application for Rule to Show Cause, a copy of this Order for Rule to Show Cause, be filed herein and served upon Respondents in the manner of service of an original notice at least twenty (20) days before the date of said hearing.


Paul L. Mack
JUDGE, of the Seventh Judicial District of Iowa

IN THE IOWA DISTRICT COURT FOR CEDAR COUNTY

MONICA ROUSE,)
Plaintiff) NO. LACV034533
vs.) APPLICATION FOR
DURANT COMMUNITY) CAUSE
SCHOOL DISTRICT, et al.,)
Defendants.)

CLERK OF DISTRICT COURT
CEDAR COUNTY
IOWA
2011 MAR 29 AM 11:23
SHOW 11:23

COMES NOW Plaintiff Monica Rouse, by and through her attorneys Catherine Z. Cartee and Mark R. Fowler, and in support of her Application for Rule to Show Cause respectfully states to the Court as follows:

1. That on March 11, 2011, a Ruling was entered on Plaintiff's Petition for Judicial Review, that ordered Plaintiff Monica Rouse be restored to her status as Principal of Durant High School.

2. That counsel for Plaintiff contacted Defendants' counsel after they filed the notice of appeal and offered that, in an effort to effect a smooth transition, Ms. Rouse could work from home or be placed on administrative leave until the April 22, 2011 hearing as long as she was paid her salary and benefits. Plaintiff's counsel did not receive a response to their offer.

3. That when Ms. Rouse did not receive a direct deposit on the next regular payday, Friday, March 18, 2011, Plaintiff's counsel again contacted counsel for Defendants and stated that, unless Defendants sent written confirmation of their intent regarding Ms. Rouse's reinstatement, Ms. Rouse would be appearing for work on Wednesday, March 23, 2011.

4. Plaintiff's counsel did not then hear from counsel for Defendants until after 8 p.m. on the evening of Tuesday, March 22, 2011. Defendants' counsel informed Plaintiff's counsel that he was issuing a press release (See email dated Tuesday, March 22, 2011 attached as

Plaintiff's Exhibit "1") that prevented Ms. Rouse from coming to work the following day and read as follows:

PRESS RELEASE
DURANT COMMUNITY SCHOOL DISTRICT

MARCH 22, 2011

The Court order reinstating Monica Rouse has been appealed.

The Durant Community School District is asking the Court to Stay the reinstatement order because of the serious disruption to the education process that will incur if Ms. Rouse reports to work.

The Court cannot hear the application for stay until a date in the fairly near future.

Until the School District receives further guidance from the Courts, Ms. Rouse will not be assigned any duties. Principal Matt Kingsbury will continue to administer the school.

5. That counsel for the Plaintiff replied that a press release could not stay or overturn the Ruling of this Court and that Ms. Rouse would be presenting herself to work the following day.

6. That on Wednesday, March 23, 2011, Ms. Rouse did present herself at the office of Duane Bark, Superintendent of Durant Schools, for work at the usual and customary time.

7. That Cameron Davidson, one of Defendants' counsel, was present upon Ms. Rouse's arrival and that he and Mr. Bark asked Ms. Rouse to leave, and that when she presented them with a copy of this Court's Ruling dated March 11, 2011, they still insisted she vacate the premises.

8. That following Defendant Bark and counsel for Defendants' summary refusal to allow Ms. Rouse to perform her duties according to her reinstatement by this Court, Defendants' counsel emailed Plaintiff's counsel that the Defendants were willing to pay Ms. Rouse at this time, but that they would not allow her to return to Durant High School "until the district

receives further orders from the Courts.” (See email dated Tuesday, March 22, 2011 attached as Plaintiff’s Exhibit “2”)

9. That the press release, refusal to allow Ms. Rouse to perform her duties upon reinstatement, and subsequent refusal to allow Ms. Rouse to return to Durant High School until further order of this Court evince Defendants’ willful failure to follow the Ruling of this Court dated March 11, 2011 and presently in force.

10. That the Iowa Legislature in I.C.A. §665.4 outlined the following course of action for a District Court against a party found to be in contempt:

“The punishment for contempt, where not otherwise specifically provided, shall be:

2. Before district judges, district associate judges, and associate juvenile judges by a fine not exceeding five hundred dollars or imprisonment in a county jail not exceeding six months or by both such fine and imprisonment.”

WHEREFORE the Plaintiff, Monica Rouse, prays that Defendants be required to show cause why they should not be held in contempt for preventing her from performing the duties of her position as Durant High School Principal following her reinstatement by this Court on March 11, 2011; that Defendants be ordered to immediately pay Plaintiff the year of back pay and benefits already accrued, including health insurance, IPERS, 403(b) contributions, salary increases including COLAs and raises, the cost of continuing professional education, and any and all other usual compensation appropriate to her position; and that Defendants be ordered to pay reasonable attorney fees to Plaintiff’s attorneys for instituting this contempt action and for the cost of this action; and that a hearing be had forthwith and that they be punished for contempt or otherwise be compelled to comply with the terms of the Court’s orders.

Respectfully submitted,

MONICA ROUSE, Petitioner

By: Catherine Cartee
Catherine Zamora Cartee, AT0001488
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Davenport, IA 52803
Telephone: (563) 323-2500
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STATE OF IOWA)
) ss:
COUNTY OF SCOTT)

I, MONICA ROUSE, being first duly sworn on oath, do depose and state that I am the Plaintiff named in the foregoing Application; that I have read the same, know the contents thereof, and the statements contained therein are true and correct as I verily believe.

Monica Rouse
MONICA ROUSE, Petitioner

Subscribed and sworn to before me this 29 day of March, 2011.

Catherine Cartee
NOTARY PUBLIC in and for
the State of Iowa
CATHERINE Z. CARTEE
Commission Number 177759
My Commission Expires
12-13-2014

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings as follows:

Cameron A. Davidson
Wendy Meyer
Lane & Waterman, LLP
220 North Main Street, Suite 600
Davenport, IA 52801

On 3-29, 2011
By Catherine Cartee

IN THE IOWA DISTRICT COURT FOR CEDAR COUNTY

MONICA ROUSE,)
Plaintiff) NO. LACV034533
vs.) RULE TO SHOW CAUSE
DURANT COMMUNITY)
SCHOOL DISTRICT, et al.,)
Defendants.)

TO: Defendants, Duane M. Bark and Members of the Durant School Board

Application having been made for your punishment for contempt of the above Court,
copy of which is hereto attached and herewith served upon you, the Honorable

_____, a Judge of the Seventh Judicial District, has ordered you to personally appear before the Court at the Courthouse in Tipton, Cedar County, Iowa at _____ o'clock ___.m. on the _____ day of _____, 2011, then and there to show cause why you should not be held in contempt as charged, and punished accordingly. You WILL, therefore, appear in person at said time and place for further hearing and proceedings according to law; and you may make written explanation of your conduct under oath as permitted by the Code of Iowa.

Witness my hand and seal of said Court at Tipton, Iowa, this _____ day of
_____, 2011.

Clerk of the Above-Named Court