

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - LOUISIANA**

### **Edmiston v. Louisiana Small Business Development Center**

**United States Court of Appeals, Fifth Circuit - July 24, 2019 - F.3d - 2019 WL 3312503**

Former employee of Louisiana Small Business Development Center (LSBDC) brought action against LSBDC alleging she was fired because of her age, in violation of Age Discrimination in Employment Act (ADEA), and in an act of retaliation, in violation of Title VII.

United States District Court adopted report and recommendation of Joseph H. L. Perez-Montes, United States Magistrate Judge, and dismissed action. Former employee appealed.

The Court of Appeals held that:

- Under Louisiana law, as predicted by the Court of Appeals, LSBDC was not an independent juridical entity capable of being sued, and
- It would have been futile for former employee to amend her complaint to include Board of Supervisors as defendant.

Under Louisiana law, as predicted by the Court of Appeals, Louisiana Small Business Development Center (LSBDC) was not an independent juridical entity capable of being sued, but rather, was an arm of state university's Board of Supervisors, and thus Board of Supervisors should have been named as defendant in former LSBDC employee's ADEA and Title VII action; LSBDC office was established and operated by state university and made subject to constitutional authority of Board of Regents and Board of Supervisors for the state university system.

Board of Supervisors of state university system was an arm of the state entitled to sovereign immunity against ADEA claim brought by former employee of Louisiana Small Business Development Center (LSBDC), and thus it would have been futile for former employee to amend her complaint to include Board of Supervisors as proper defendant in her action.