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PUBLIC MEETINGS - LOUISIANA

Livingston Parish School Board v. Kellett

Court of Appeal of Louisiana, First Circuit - May 18, 2023 - So.3d - 2023 WL 3556635 - 2022-1240 (La.App. 1 Cir. 5/18/23)

Parish school board sued elementary school student's mother seeking injunctive relief to stop her from publicly discussing school board, special education program, and other individuals after she allegedly made social media posts that defamed and slandered the reputations of school board and school staff, based on communications recorded by electronic devices in her child's clothing.

After school board obtained a temporary restraining order (TRO) and then a preliminary injunction prohibiting mother from using electronic devices and from making or publishing any defamatory, slanderous, libelous, frivolous, and/or fraudulent claims concerning school board and its employees, mother filed motion for dissolution of the preliminary injunction. The District Court granted the motion in part with respect to the prohibition on use of the electronic device and denied the motion in all other respects. Mother appealed. Court of Appeal issued and then recalled show cause order.

The Court of Appeal held that:

- Preliminary injunction against mother making defamatory statements was an unconstitutional prior restraint on speech, and
- Dissolution of portion of preliminary injunction prohibiting mother from engaging in any form of written or verbal disparagement was warranted.

Preliminary injunction enjoining elementary school student's mother from making certain public statements about school board and its employees that were purportedly defamatory, including allegations of criminal conduct, constituted an unconstitutional prior restraint on speech protected by the First Amendment, where there had been no judicial determination that words allegedly spoken by mother and accusations purportedly made by her were defamatory or defamatory per se, nor did the trial court, in considering school board's motion for preliminary injunctive relief, determine that mother in fact made the challenged statements and was liable for defamation.