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23 **IN THE UNITED STATES DISTRICT COURT**  
24 **EASTERN DISTRICT OF WASHINGTON**

25 A.L., by and through her next friend,  
26 T.L.,  
27 Plaintiff,

28 vs.

East Valley School District No. 361,  
Spokane County, State of Washington;  
Dr. Debra Howard, in her official  
capacity as Interim Superintendent of  
East Valley School District; Jeff Miller,  
in his official capacity as Principal of  
East Valley High School,  
Defendants.

Case No.

**PLAINTIFF A.L.'S VERIFIED  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

1 **I. INTRODUCTION**

2 1. This is a civil rights action under 42 U.S.C. § 1983 and the First and Fourteenth  
3 Amendments to the United States Constitution, brought to remedy a violation of the  
4 constitutional rights of A.L., a student at East Valley High School, located in Spokane,  
5 Washington.

6 2. Defendant East Valley School District No. 361 (the “District”) has implemented  
7 Policies which permit groups of students to meet in school rooms and facilities during the  
8 school day to “discuss, pass resolutions, and take other lawful action respecting any  
9 matter which directly concerns or affects them, whether or not it relates to school.” (*See*  
10 “Freedom of Assembly” Policy attached as Exhibit A-21.)

11 3. Plaintiff brings this suit because the Defendants are denying her right to assemble  
12 during noninstructional time with a handful of other Christian students to engage in  
13 religious expression, including religious discussion and prayer, regarding matters that are  
14 important to them.

15 4. At the same time, Defendants permit other groups of students to assemble during  
16 noninstructional time and discuss from a nonreligious perspective the same or similar  
17 matters A.L. seeks to pray about and discuss.

18 5. The Defendants are denying Plaintiff’s right to assemble with a small group of  
19 friends based solely on the religious content and viewpoint of the speech she and her  
20 friends desire to engage in.

21 6. By opening the forum permitting groups of students to assemble during the school  
22 day to discuss any matter that concerns or affects them, but denying the Plaintiff the right  
23 to assemble based solely on the religious nature of her speech, the Defendants are  
24 violating her constitutional rights.

1 **II. JURISDICTION AND VENUE**

2 7. This action arises under the United States Constitution, particularly the First and  
3 Fourteenth Amendments; and under federal law, particularly 28 U.S.C. § 2201, 42 U.S.C.  
4 §§ 1983 and 1988.

5 8. This Court is vested with original jurisdiction over these federal claims by  
6 operation of 28 U.S.C. §§ 1331 and 1343.

7 9. This Court is vested with authority to grant the requested declaratory judgment by  
8 operation of 28 U.S.C. §§ 2201 and 2202, and pursuant to Rule 57 of the Federal Rules of  
9 Civil Procedure.

10 10. This Court is authorized to issue the requested injunctive relief pursuant to 42  
11 U.S.C. §1983 and Rule 65 of the Federal Rules of Civil Procedure.

12 11. This Court is authorized to award the requested nominal damages of one (1) dollar  
13 pursuant to 28 U.S.C. § 1343.

14 12. This Court is authorized to award attorneys' fees pursuant to 42 U.S.C. § 1988.

15 13. Venue is proper in the United States District Court for the Eastern District of  
16 Washington under 28 U.S.C. § 1391(b), in that the events giving rise to the claim  
17 occurred within the district.

18 **III. IDENTIFICATION OF PLAINTIFF**

19 14. Plaintiff A.L., a minor, is a resident of Newman Lake, Washington, and is a  
20 student at East Valley High School ("EVHS").

21 15. A.L. is a professing Christian.

22 16. Pursuant to her sincerely held religious beliefs, A.L. desires to assemble with a  
23 handful of other Christian students during noninstructional times of the school day to fast,  
24 fellowship, and pray about and discuss matters that are important to them, all from a  
25 religious perspective.

26 17. During these meetings, A.L. also desires to pray about and discuss relevant issues  
27 facing students, which include, but are not limited to, EVHS administrators, teachers, and  
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1 students; current political and social topics; being a good example to other students at  
2 EVHS; promoting respect and dignity toward others; being good student leaders; serving  
3 disadvantaged members of the EVHS community; and any other prayer requests  
4 attendees may express.

5 18. T.L., next friend, is A.L.'s parent and guardian, and at all times relevant to this  
6 Complaint is a resident of Newman Lake, Washington.

#### 7 **IV. IDENTIFICATION OF DEFENDANTS**

8 19. Defendant East Valley School District No. 361, Spokane County, State of  
9 Washington, (the "District") is a body politic and corporate that may sue and be sued.

10 20. The District is organized under the laws of the State of Washington.

11 21. The District is charged with the administration and operation of EVHS.

12 22. The District is charged with overseeing the operation of EVHS and the enactment  
13 and enforcement of District policies, including those related to the freedom of students to  
14 assemble during school hours to meet and discuss any matter that concerns them.

15 23. The District is responsible for the Policies challenged herein, and for denying A.L.,  
16 pursuant to these Policies, her right to assemble and meet with other students to pray  
17 about and discuss matters important to them from a religious perspective.

18 24. The District is likewise responsible for the implementation and application of the  
19 Policies by the Superintendent and Principal.

20 25. Defendant Debra Howard is the Interim Superintendent of the District's public  
21 schools, and is responsible for administering the District's policies as they relate to  
22 students' freedom to assemble during school hours to meet and discuss any matter that  
23 concerns them. Additionally, in this capacity, she has supervisory responsibility over the  
24 Principal of EVHS and is responsible for the Policies denying A.L. her right to assemble  
25 and meet with other students to pray about and discuss matters important to them from a  
26 religious perspective. This Defendant is sued in her official capacity as Interim  
27 Superintendent.

1 26. Defendant Jeff Miller is the Principal of EVHS, and is responsible for its  
2 administration, including the enforcement of District policies related to the freedom of  
3 students to assemble during school hours, and is responsible for the Policies denying A.L.  
4 her right to assemble and meet with other students to pray about and discuss matters  
5 important to them from a religious perspective, as well as for the denial itself. This  
6 Defendant is sued in his official capacity as Principal of EVHS.

7 27. Pursuant to District Policies, Defendant Miller is denying A.L. her right to meet  
8 and assemble with like-minded students during the school day to pray about and discuss  
9 matters that are important to them.

10 28. The District acquiesces in, sanctions, and supports the actions of Defendant Miller  
11 in the enforcement of District Policies against A.L.

## 12 **V. STATEMENT OF FACTS**

### 13 **The District's Freedom Of Assembly Policies And Practice**

14 29. District Policies and practice recognize EVHS students' right to freely assemble  
15 during the school day to discuss any matter that is of interest to them.

16 30. Specifically, District Policy 3223, titled "Freedom of Assembly," states:  
17 "Individual students and student organizations may meet in school rooms or auditoriums,  
18 or at outdoor locations on school grounds, to discuss, pass resolutions and take other  
19 lawful action respecting any matter which directly concerns or affects them, whether or  
20 not it relates to school. Such activities will not be permitted to interfere with normal  
21 operation of the school."

22 31. The 2007-2008 East Valley High School Student Handbook also states that  
23 "[s]tudents have a right to assemble peacefully," and points students to District Policy  
24 3223 regarding the exercise of this right.

25 32. The District's Freedom of Assembly Policies place no restrictions on the subject  
26 matters that may be discussed by students when they assemble together.

1 33. The District's Freedom of Assembly Policies permit students to use rooms during  
2 the school day to assemble for the purpose of discussing matters that concern or affect  
3 them.

4 34. Under the District's Freedom of Assembly Policies, groups of students are allowed  
5 to meet to discuss any matter that affects them, including school teachers and  
6 administrators, homework, their relationships, politics, social issues, and many other  
7 issues that are important to and interest them.

8 35. However, pursuant to District Policies and practice, groups of students may not  
9 meet to discuss any of these matters from a religious perspective, as Defendants'  
10 enforcement of their policies prohibiting A.L.'s group from continuing to meet (described  
11 in detail below) demonstrates.

### 12 **Plaintiff's Small Group**

13 36. Pursuant to her sincerely held religious beliefs, A.L. desires to assemble with  
14 several of her Christian friends over the lunch hour to pray about and discuss from a  
15 religious perspective matters that are important to them.

16 37. A.L.'s small group, which consists of about 5 students, prays about and discusses  
17 the administrators, teachers, students, and other individuals who constitute the EVHS  
18 community. Among other things, the group prays that God bless and bring success to  
19 these individuals and to EVHS as a whole.

20 38. In addition to the above topics, A.L.'s small group also prays about and discusses  
21 from a religious perspective: being good examples to other students at EVHS; current  
22 political and social topics; promoting respect and dignity toward others; being good  
23 student leaders; serving disadvantaged members of the EVHS community; and any other  
24 prayer requests attendees may express.

25 39. Also pursuant to her sincerely held religious beliefs, and as an act of religious  
26 devotion and spiritual discipline, A.L., along with her group of friends, fasts during the  
27 lunch period. A.L. believes that in fasting, she and her friends are demonstrating to God  
28

1 the earnestness of their prayers on behalf of their school, their classmates, and all the  
2 other matters that they pray about and discuss.

### 3 **The Defendants' Enforcement Of District Policies Against Plaintiff's Small Group**

4 40. EVHS's career services room is open on Mondays, Wednesdays, and Fridays over  
5 the lunch period for small groups of students to meet and assemble to discuss matters that  
6 are important to them and to engage in group activities.

7 41. Several small groups of students currently use the room for this purpose.

8 42. One of these student groups consists of 5-7 boys.

9 43. This group of boys uses the room on Mondays, Wednesdays, and Fridays over the  
10 lunch period.

11 44. Among other things, this group of boys discusses school activities, homework  
12 assignments, and plays cards together. They also eat lunch together.

13 45. Another small group of about 4 girls regularly meets together in the career services  
14 room over the lunch period on Mondays, Wednesdays, and Fridays.

15 46. This small group of girls discusses matters like their school teachers and  
16 homework assignments, their relationships, and similar issues important to girls. This  
17 group also eats lunch together.

18 47. A.L.'s small group started meeting on Fridays in December 2007 in EVHS's career  
19 services room over the lunch period.

20 48. The groups of boys and girls described above meet at the same time and in the  
21 same room as A.L.'s group.

22 49. In addition to the many topics identified above that A.L.'s group prays about and  
23 discusses, A.L.'s group seeks to pray about and discuss from a religious perspective the  
24 topics discussed by the groups of boys and girls described above.

25 50. While A.L. uses the career services room to pray about and discuss issues over  
26 lunch, she can hear the voices of the students in the other student groups who use the  
27 room at the same time.

1 51. A.L.'s group's religious discussions and prayers are not louder, and are most likely  
2 quieter, than the discussions of the other groups of students using the career services  
3 room at the same time.

4 52. Defendant Miller became aware of A.L.'s group shortly after it began meeting and  
5 has prohibited it from continuing to meet at any time during the school day.

6 53. Defendant Miller has had several meetings with A.L. and one meeting with A.L.  
7 and her parents in which he explained that District Policies prohibit A.L.'s group from  
8 meeting.

9 54. Attached as Exhibit B is a true and accurate copy of District Policies Defendant  
10 Miller provided A.L. and her parents, and which he stated justified his decision to shut  
11 down A.L.'s group.

12 55. The arrows on Exhibit B were made by Defendant Miller. He stated that these  
13 arrows identified some of the District Policies that apply to A.L.'s religious activities, and  
14 that prohibit her group from meeting.

15 56. Specifically, Defendant Miller highlighted a District policy that states, "Religious  
16 services, programs or assemblies shall not be conducted in school facilities during school  
17 hours." (Ex. B-26.)

18 57. Defendant Miller is denying A.L. the right to assemble pursuant to this Policy  
19 based solely on the religious nature of her speech.

20 58. Defendant Miller told A.L. that permitting her group to meet would violate the  
21 separation of church and state, and that no group of students can meet at EVHS during  
22 the school day for a religious purpose or to engage in religious speech.

23 59. Defendant Miller also highlighted a District policy that prohibits student groups  
24 from meeting if their activities "materially and substantially interfere with the orderly  
25 conduct of educational activities within the school . . . ." (Ex. B-23.)

26 60. Regarding this Policy, Defendant Miller explained that he received a complaint  
27 from a single student about the religious activities of A.L.'s group, and that this single  
28



1 complaint was sufficient to deem her group's activities a material and substantial  
2 disruption under this Policy, and was therefore also sufficient to justify his prohibition on  
3 any further meetings of her group.

4 61. Defendant Miller is aware that the groups of girls and boys described above meet  
5 in the career services room to discuss matters and eat lunch together.

6 62. Defendant Miller is permitting these groups to continue to meet to discuss the same  
7 matters A.L.'s group wants to discuss from a nonreligious perspective, while prohibiting  
8 A.L.'s group from meeting based solely on the religious content and viewpoint of their  
9 speech on the same topics.

#### 10 **Plaintiff's Desire To Immediately Begin Assembling With Her Friends**

11 63. A.L. has ceased assembling with her friends to engage in the religious expression  
12 described above due to the Defendants' enforcement of District policies against her.

13 64. According to the East Valley High School Student Handbook and District Policy,  
14 violations of District Rules by students, such as the violations Defendants purport A.L. to  
15 be guilty of, are subject to progressive disciplinary measures.

16 65. Under the District's rules, if A.L. continues to assemble with her friends during the  
17 school day to pray about and discuss matters that concern or affect them, she is subject  
18 to: a warning or detention on the first offense; detention or short-term suspension on the  
19 second offense; detention, short-term suspension, or long-term suspension on the third  
20 offense; and short-term suspension, long-term suspension, or possible expulsion on the  
21 fourth offense.

22 66. A.L. desires to assemble with her friends to engage in the religious expression  
23 described above as soon as possible, without fear of discipline, suspension, or other  
24 school discipline, and without fear that the Defendants will continue to censor her  
25 religious speech.

1 **VI. ALLEGATIONS OF LAW**

2 67. All of the acts of Defendants, their officers, agents, employees, and servants were  
3 executed and are continuing to be executed by the Defendants under the color and  
4 pretense of the policies, statutes, ordinances, regulations, customs, and usages of the State  
5 of Washington.

6 68. Plaintiff is suffering irreparable harm from the conduct of Defendants.

7 69. Plaintiff has no adequate or speedy remedy at law to correct or redress the  
8 deprivation of her rights by Defendants.

9 70. Unless the conduct of Defendants is enjoined, Plaintiff will continue to suffer  
10 irreparable injury.

11 **VII. CAUSES OF ACTION**

12 **1. First Cause Of Action: Violation Of The Free Speech Clause Of The First**  
13 **Amendment**

14 71. Plaintiff realleges all matters set forth in paragraphs 1 through 66 and incorporates  
15 them herein.

16 72. Defendants' Policies and practice create an open forum by permitting groups of  
17 students to assemble in school rooms during the school day to discuss any matter that  
18 concerns or affects them, whether or not the matter relates to school.

19 73. Defendants' Policies and practice prohibit A.L. and her Christian friends from  
20 assembling and discussing matters that concern or affect them solely based on the  
21 religious speech they desire to engage in.

22 74. Defendants are prohibiting A.L.'s speech despite the fact that she desires to  
23 address the same or similar issues that other groups of students are permitted to discuss,  
24 including school administrators and teachers; their homework; their relationships;  
25 political and social issues; being good examples for other students at EVHS; promoting  
26 respect and dignity for others; being good student leaders; serving disadvantaged  
27 members of the EVHS community; and much more.

1 75. This unequal treatment of A.L. and her friends based solely on the religious speech  
2 and activities she and her friends seek to engage in is a content-based restriction in an  
3 otherwise open forum.

4 76. This denial of A.L.'s religious speech—while permitting similar, but nonreligious,  
5 speech from other groups of students regarding the same and similar matters—also  
6 constitutes viewpoint discrimination, which is unconstitutional in any type of forum.

7 77. A.L.'s group's religious speech on campus does not materially and substantially  
8 interfere with the orderly conduct of educational activity within EVHS.

9 78. The Free Speech Clause additionally recognizes and protects the right to  
10 association.

11 79. A.L.'s group of like-minded Christian students is an expressive association that  
12 desires to engage in religious expression and activities at EVHS.

13 80. Defendants violate A.L.'s right to association by denying her group the right to use  
14 school rooms and facilities to assemble and discuss matters that concern and affect  
15 them—a right the District extends to other groups of students so long as they meet to  
16 discuss matters from a nonreligious point of view—based solely on the Club's intended  
17 religious speech and beliefs.

18 81. Defendants' Policies and practice impose an unconstitutional prior restraint  
19 because they vest District officials with the unbridled discretion to permit or refuse  
20 protected religious speech equal access to the forum.

21 82. Defendants' Policies also allow District officials to act with unbridled discretion  
22 when deciding if an activity qualifies as a religious service or program.

23 83. Defendants' Policies and practice are additionally overbroad because they sweep  
24 within their ambit protected First Amendment expression.

25 84. The overbreadth of Defendants' Policies and practice chills protected speech by  
26 discouraging students and groups from exercising their First Amendment rights to  
27 assemble in school rooms to discuss matters that concern and affect them.

1 85. Defendants' Policies and practice chill, deter, and restrict A.L. and her group of  
2 Christian friends from using District facilities on an equal basis with others to discuss  
3 issues from a religious perspective.

4 86. Defendants are interpreting and applying their policy prohibiting groups of  
5 students from meeting whose activities materially and substantially interfere with school  
6 activities as an unconstitutional heckler's veto.

7 87. Defendants enforced their prohibition on student group activities that materially  
8 and substantially interfere with school activities against A.L. solely based on one  
9 student's negative reaction to A.L. and her friends' religious speech.

10 88. Protected speech, like A.L.'s, cannot be squelched simply based on a listener's  
11 reaction to the speech.

12 89. Restricting speech based on a listener's reaction to it, as Defendants have done to  
13 A.L., is an impermissible content- and viewpoint- based regulation of speech.

14 90. Defendants have interpreted and applied their Policies to disqualify A.L. from  
15 accessing equally all facilities under their control and otherwise open to groups of  
16 students who wish to discuss matters that concern and affect them, solely because of the  
17 religious nature of A.L.'s activities, as well as the religious content and viewpoint of  
18 A.L.'s speech.

19 91. Defendant's Policies, both on their face and as interpreted and applied by them to  
20 prohibit equal use of School facilities as requested by A.L., are not the least restrictive  
21 means necessary to serve any compelling interest which Defendants seek thereby to  
22 secure.

23 92. Defendants' Policies and practice prohibiting A.L. and her small group of friends  
24 from assembling and discussing matters that concern or affect them based solely on the  
25 religious nature of their intended speech, both facially and as applied, violate A.L.'s right  
26 to Free Speech as guaranteed by the First Amendment to the United States Constitution  
27 as incorporated and applied to state action under the Fourteenth Amendment.

1       WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and legal  
2 relief set forth hereinafter in the Prayer for Relief.

3       **2.       Second Cause Of Action: Violation Of The Equal Protection Clause Of The**  
4       **Fourteenth Amendment**

5       93.     Plaintiff realleges all matters set forth in paragraphs 1 through 66 and incorporates  
6 them herein.

7       94.     The Equal Protection Clause of the Fourteenth Amendment requires that the  
8 government treat similarly situated persons equally.

9       95.     By Policy and practice, Defendants have opened a forum whereby students may  
10 assemble in school rooms and facilities to discuss matters that concern or affect them.

11       96.     Defendants, however, have denied A.L. and her small group of Christian friends  
12 equal access to all school rooms and facilities.

13       97.     Defendants' Policies and practice permit groups of students to assemble and  
14 discuss any matter that concerns or affects them, including, but not limited to, school  
15 administrators and teachers; their homework; their relationships; political and social  
16 issues; being good examples for other students at EVHS; promoting respect and dignity  
17 for others; being good student leaders; and serving disadvantaged members of the EVHS  
18 community.

19       98.     At the same time, pursuant to their unconstitutional Policies and practice, the  
20 Defendants are prohibiting A.L. and her small group of friends from assembling and  
21 meeting to pray about and discuss the same and similar issues from a religious  
22 perspective.

23       99.     By discriminating against the content and viewpoint of A.L.'s speech, Defendants  
24 are treating A.L. and her friends differently than other similarly situated public school  
25 students and groups of students on the basis of the religious content and viewpoint of  
26 A.L.'s speech.

1 100. Defendants' Policies and practice violate various fundamental rights of A.L., such  
2 as rights of free speech and free exercise of religion.

3 101. When government regulations, like the District's Policies and practice challenged  
4 herein, infringe on fundamental rights, discriminatory intent is pre-seumed.

5 102. Defendants lack a rational or compelling state interest for such disparate treatment  
6 of A.L.

7 103. Defendants' denial of access to A.L. is not narrowly tailored.

8 104. Accordingly, the Policies and practice of Defendants prohibiting A.L. and her  
9 small group of friends from assembling and discussing matters that concern or affect  
10 them based solely on the religious nature of their intended speech, both facially and as  
11 applied, violate A.L.'s right to equal protection of the laws as guaranteed by the  
12 Fourteenth Amendment to the United States Constitution.

13 WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and  
14 legal relief set forth hereinafter in the Prayer for Relief.

15 **3. Third Cause Of Action: Violation Of The Free Exercise Clause Of The First**  
16 **Amendment**

17 105. Plaintiff realleges all matters set forth in paragraphs 1 through 66 and incorporates  
18 them herein.

19 106. A.L. desires to engage in the expressive activities described above on the basis of  
20 her sincerely held religious beliefs.

21 107. Defendants' Policies and practice substantially burden A.L.'s free exercise of  
22 religion by conditioning receipt of government benefits on foregoing her free exercise  
23 rights.

24 108. Defendants' Policies and practice substantially burden A.L.'s free exercise of  
25 religion by forcing her to choose between engaging in religious speech and foregoing the  
26 governmental benefit of a place for her and her friends to assemble for the purpose of  
27  
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1 praying about and discussing matters of concern to them, or foregoing the free exercise of  
2 religion to receive this benefit.

3 109. Defendants' Policies and practice also substantially burden A.L.'s free exercise of  
4 religion by denying her and her friends a place to assemble to pray about and discuss  
5 matters that are important to them, while at the same time providing other groups of  
6 students places to assemble to discuss matters from a nonreligious point of view.

7 110. Defendants' Policies and practice constitute the imposition of special disabilities  
8 on A.L. due to her religion and her intent to engage in religious expression.

9 111. The special disabilities Defendants are placing on A.L. are neither neutral nor of  
10 general applicability.

11 112. These special disabilities apply only to religious speech and exercise and to no  
12 other speech.

13 113. Defendants' Policies and practice cannot be justified by a compelling  
14 governmental interest and are not narrowly tailored to advance any such interest.

15 114. Defendants' interpretation and application of their Policies chill Plaintiff's freedom  
16 of religious discussion and exercise, both of which are fundamental rights guaranteed  
17 Plaintiff by the First Amendment.

18 115. Defendants' Policies and practice prohibiting A.L. and her small group of friends  
19 from assembling and discussing matters that concern or affect them based solely on the  
20 religious nature of their intended speech constitute an excessive burden on Plaintiff's  
21 rights to the free exercise of religion, and are violating the Free Exercise Clause of the  
22 First Amendment to the United States Constitution.

23 WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and  
24 legal relief set forth hereinafter in the Prayer for Relief.

1 **4. Fourth Cause Of Action: Violation Of The Due Process Clause Of The**  
2 **Fourteenth Amendment**

3 116. Plaintiff realleges all matters set forth in paragraphs 1 through 66 and incorporates  
4 them herein.

5 117. A.L. sought, and continues to seek, equal treatment under the District's Freedom of  
6 Assembly Policies.

7 118. Further, A.L.'s proposed meeting and activities—praying about and discussing  
8 matters that concern and affect them from a religious perspective—are precisely the type  
9 of informal meetings of students the District's Freedom of Assembly Policies permit.

10 119. Despite A.L.'s proposed activities satisfying the Freedom of Assembly Policies,  
11 Defendants' Policy prohibiting religious services or programs during the school day has  
12 been applied to prohibit equal treatment of A.L.'s small group based on her religious  
13 speech.

14 120. Defendants' Policy prohibiting religious services or programs during the school  
15 day is vague and allows for unbridled discretion in determining what activities qualify as  
16 a religious service or program.

17 121. There are no definitions or guidelines in the District's Policy banning religious  
18 services during the school day on how to determine whether an activity qualifies as a  
19 religious service or program.

20 122. Defendants' Policies and practice violate Plaintiff's rights under the Due Process  
21 Clause of the Fourteenth Amendment to the United States Constitution.

22 WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and  
23 legal relief set forth hereinafter in the Prayer for Relief.

24 **VIII. PRAYER FOR RELIEF**

25 A. That this Court issue a Preliminary and Permanent Injunction, restraining  
26 Defendants, their officers, agents, employees, and all other persons acting in active  
27 concert with them, from enforcing the Policies outlined above that prohibit Plaintiff from  
28



1 assembling in school rooms to pray about and discuss matters that concern and affect  
2 them, and ordering Defendants to permit A.L. and her friends to immediately begin  
3 assembling on the same terms as other groups are permitted to assemble under the  
4 District's Freedom of Assembly Policy;

5 B. That this Court render a Declaratory Judgment declaring as unconstitutional, both  
6 facially and as-applied to A.L.'s activities, the District's Policy prohibiting groups of  
7 students from assembling during the school day for the purpose of engaging in religious  
8 expression;

9 C. That this Court render a Declaratory Judgment declaring unconstitutional the  
10 application of Defendants' Policy prohibiting groups of students from meeting whose  
11 activities materially and substantially interfere with school activities as a heckler's veto  
12 whereby student complaints about a group's speech can silence that group's speech;

13 D. That this Court adjudge, decree, and declare the rights and other legal relations of  
14 the parties to the subject matter here in controversy, in order that such declarations shall  
15 have the force and effect of final judgment;

16 E. That this Court retain jurisdiction of this matter for the purpose of enforcing any  
17 Orders;

18 F. That this Court award Plaintiff's costs and expenses of this action, including a  
19 reasonable attorneys' fees award, in accordance with 42 U.S.C. § 1988 and other  
20 applicable law;

21 G. That this Court award nominal damages in the amount of one (1) dollar for the  
22 violation of Plaintiff's constitutional rights;

23 H. That this Court issue the requested injunctive relief without a condition of bond or  
24 other security being required of Plaintiff; and

25 I. That this Court grant such other and further relief as the Court deems equitable,  
26 just, and proper in the circumstances.

1 Respectfully submitted this the 12th day of March, 2008.

2  
3 By: s/ Jeffrey R. Smith

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17 \* Applications to appear *Pro Hac Vice* filed concurrently

18 *Attorneys for Plaintiff*

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**VERIFICATION**

I, A.L., a citizen of the United States and a resident of the District, have read the foregoing Amended Verified Complaint for Injunctive and Declaratory Relief, and declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations set forth therein are true and correct.

Executed this the 11th day of March, 2008.

  
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A.L.