

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHILD EVANGELISM FELLOWSHIP OF PENNSYLVANIA, INC., a not-for-profit corporation, Burnham, Pennsylvania; and DR. STEVEN D. LANDMAN, Bryn Mawr, Pennsylvania,	)	
	)	
Plaintiffs,	)	CASE NO.
	)	
v.	)	<b>VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF</b>
	)	
SCHOOL DISTRICT OF HAVERFORD TOWNSHIP, Havertown, Pennsylvania; and DR. WILLIAM KEILBAUGH, individually and in his official capacity as Superintendent of the School District of Haverford Township, Havertown, Pennsylvania,	)	(Civil Rights Action, 42 U.S.C. §1983)
	)	
Defendants.	)	
	)	

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Plaintiffs Child Evangelism Fellowship of Pennsylvania, Inc., a Pennsylvania not-for-profit corporation, and Dr. Steven D. Landman, by and through counsel, and for their Complaint against Defendants School District of Haverford Township and Dr. William Keilbaugh, state as follows:

**I. INTRODUCTION**

1. This is a civil rights action under 42 U.S.C. § 1983; the First and Fourteenth Amendments to the United States Constitution; the Pennsylvania Religious Freedom Protection Act, 71 PA. STAT. ANN. §§ 2401-2407; and Article I, §7 of the Pennsylvania Constitution, brought to challenge the Defendants’ prohibition of Plaintiffs, Child Evangelism Fellowship of Pennsylvania, Inc., and Dr. Steven D. Landman, from informing parents, through distribution of take-home flyers to students, about their after-school Good News Club meetings for children.

2. Defendants, by policy and practice, permit community groups which include, among others, Cub Scouts, YMCA, neighborhood associations, a local Art Center, Fresh Air Fund (a non-profit located out of state that provides free vacations for underprivileged kids), Delaware County Community College, and various nonprofit organized youth sports leagues to avail themselves of the take-home flyer forum.

3. By granting such access to community groups, Defendants permit the distribution of flyers to students and parents that promote recreational, cultural, community, charitable, and education-related activities.

4. Yet Plaintiffs remain outsiders – unable to gain access to the take-home flyer forum because of the religious content and viewpoint of their flyers and after-school meeting activities – despite the fact that their flyers promote similar educational, cultural, charitable, community, and recreational activities.

5. The Defendants' exclusion of Plaintiffs from its take-home flyer forum violates well-established First Amendment rights to engage in free speech in a public forum.

6. Plaintiffs accordingly challenge herein both the application of Defendants' policies withholding from them access to the take-home flyer forum, and the facial validity of the policies construed to apply to Plaintiffs' religious speech.

## **II. JURISDICTION AND VENUE**

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

8. This Court possesses jurisdiction over Plaintiffs' claims by operation of 28 U.S.C. §§ 1331 and 1343.

9. This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.

10. This Court is vested with authority to grant Plaintiffs' requested declaratory relief by operation of 28 U.S.C. §§ 2201 and 2202, and pursuant to Rule 57 of the Federal Rules of Civil Procedure.

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

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

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

14. Venue is proper under 28 U.S.C. § 1391 in the United States District Court for the Eastern District of Pennsylvania because the events giving rise to the claim occurred within the District.

### **III. IDENTIFICATION OF THE PLAINTIFFS**

15. Plaintiff Dr. Steven D. Landman is an adult male and a resident of Bryn Mawr, Pennsylvania.

16. Dr. Landman is a professing Christian.

17. Pursuant to his sincerely held religious beliefs, Dr. Landman volunteers his time and efforts to teach after-school Good News Clubs sponsored by co-plaintiff Child Evangelism Fellowship of Pennsylvania, which meet weekly in Defendants' elementary schools and neighboring school districts.

18. Also pursuant to his sincerely held religious beliefs, and in relation to his duties as a Good News Club volunteer, Dr. Landman desires to send Club flyers home with students in Defendants' elementary schools via full access to Defendants' take-home flyer forum.

19. Plaintiff Child Evangelism Fellowship of Pennsylvania, Inc. ("CEF"), is a 501(c)(3) not-for-profit corporation organized under the laws of the Commonwealth of Pennsylvania.

20. Pursuant to its mission and goals, CEF provides friendly outreach and support to children in elementary schools across Pennsylvania – including children in Defendants' elementary schools – to whom no one is reaching with the good news of the Gospel of Jesus Christ.

21. As a crucial part of its community outreach and support efforts, CEF, among other activities, conducts weekly after-school Good News Club meetings in Defendants' elementary schools and in schools in neighboring districts, where children recite Bible verses, sing songs, play games, learn Bible stories, and pray under the leadership of trained staff and volunteers.

22. These weekly Good News Club meetings assist parents in the character development of their children through recreational, musical, artistic and educational activities from a traditional evangelical Christian viewpoint.

23. Both Dr. Landman and CEF desire to distribute Good News Club flyers to students attending schools in the District for the same reason other community groups desire to have their flyers distributed – to let parents know about upcoming Club meetings and activities so that they may make an informed decision as to whether their child can stay after school and participate.

#### **IV. IDENTIFICATION OF THE DEFENDANTS**

24. Defendant School District of Haverford Township (the "District") is a body politic and corporate organized under the laws of the Commonwealth of Pennsylvania.

25. The District may sue and be sued in its corporate name.

26. The District is charged with the administration and operation of all schools under its control, which include Chatham Park, Chestnutwold, Coopertown, Lynnewood, and Manoa Elementary Schools.

27. The District is responsible for the enactment, enforcement, and existence of policies and practices related to access by community groups to the flyer forum, in which elementary students take home approved flyers to their parents distributed by community groups.

28. The District is responsible for excluding Plaintiffs from the take-home flyer forum pursuant to its policy and practice, through implementation by its Legal Counsel and otherwise.

29. The District is likewise responsible for the implementation and application by the Superintendent of its policies and practices pertaining to access to its take-home flyer forum.

30. The District is similarly responsible for delegating to the Superintendent final authority as to the approval and denial of the distribution of flyers through its take-home flyer forum by community groups.

31. Defendant Dr. William Keilbaugh is the Superintendent of the District's public schools.

32. Defendant Keilbaugh possesses responsibility, final authority, and discretion, as delegated by the District, as to administration of District policies as they relate to the District's flyer forum, in which elementary students take home flyers to their parents distributed by community groups

33. Defendant Keilbaugh is responsible for the Policies and practice leading to the denial of take-home flyer forum access to the Plaintiffs, as well as for the denial itself.

34. Defendant Keilbaugh is sued both in his individual capacity and in his official capacity.

35. Defendant Keilbaugh made the decision to deny Plaintiffs access to the flyer forum pursuant to the Policy and practice implementation and direction of the District, and through its Legal Counsel.

36. This decision by Defendant Keilbaugh to deny flyer forum access to Plaintiffs was made at the direction of the District.

## **V. ALLEGATIONS OF FACTS**

### Defendants' Flyer Forum

37. The District is a public school system located in Haverford Township, Pennsylvania.

38. Among the elementary school campuses operated by the District are Chatham Park, Chestnutwold, Coopertown, Lynnewood, and Manoa Elementary Schools.

39. The District, acting through Defendant Keilbaugh as Superintendent, permits a broad range of community groups not only to utilize school facilities for after-school meetings, but also to send home with students informational flyers about upcoming group meetings and/or activities.

40. Access to this take-home flyer forum allows groups to utilize a valuable communicative channel in informing parents about upcoming group activities and meetings, so that parents can decide whether to permit their children to attend.

41. The flyers Defendants permit to be sent home through the flyer forum include, but are not limited to, those from groups such as the Cub Scouts, YMCA, neighborhood associations, a local Art Center, Fresh Air Fund (a non-profit located out of state that provides free vacations for underprivileged kids), Delaware County Community College, and various nonprofit organized youth sports leagues.

42. The topics of these flyers include information about community, charitable, and education-related activities, cultural, recreational, and sporting events, and other issues related to each community group's mission and goals.

#### Plaintiffs' Desired Access to the Flyer Forum

43. To inform Coopertown Elementary students and their parents about the first Good News Club meeting of the year, slated for February 19, 2008, Plaintiffs desired to utilize the same communicative channel provided by Defendants to other community groups for communication with District parents – the flyer forum in which students take home flyers to their parents.

44. Based on past outreach efforts in neighboring school districts, Plaintiffs were cognizant of the fact that they would experience a sizeable difference in student turnout for Good News Club meetings if permitted to utilize the District's take-home flyer forum.

45. In fact, when permitted to send flyers home with students in neighboring districts, Plaintiffs routinely witness the number of elementary children who subsequently attend Good News Club meetings spike to over *seven times* the number of children in attendance when other, less effective, communicative avenues are utilized.

#### Defendants' Exclusion of Plaintiffs from the Flyer Forum

46. On January 15, 2008, Dr. Landman, pursuant to his sincerely held beliefs and in accordance with his role as a CEF Good News Club volunteer, telephoned the Principal of Coopertown Elementary School, Angela Sorrentino, to request access to the take-home flyer forum.

47. Ms. Sorrentino informed Dr. Landman that due to the religious nature of the Good News Club's proposed flyer and the Club's religious after-school meeting activities, Plaintiffs could not have access to the take-home flyer program.

48. Confused, Dr. Landman respectfully informed Principal Sorrentino that based on his understanding, religious community groups must be treated exactly the same as secular groups with equal rights and privileges to the flyer distribution forum.

49. Ms. Sorrentino first reiterated that the flyer could not be distributed within District elementary schools, including Coopertown, because of its religious nature.

50. Ms. Sorrentino then connected Dr. Landman via telephone to the Assistant Superintendent of the District, Nancy Donahue.

51. After Dr. Landman again explained his desire to utilize the flyer forum for distribution of Good News Club flyers at both Coopertown Elementary and all other elementary schools within the District, Ms. Donahue instructed Dr. Landman to get her a copy of a sample Good News Club flyer so that the District could make a decision as to whether to grant or deny access to the flyer forum.

52. Dr. Landman brought to Ms. Donahue a sample Good News Club flyer distributed through a take-home flyer forum in a neighboring school district (A true and accurate copy of the referenced Good News Club flyer is attached as Exhibit 1.) Dr. Landman conveyed that while the dates, times, and locations of the sample flyer would obviously be changed to reflect meetings held in the District's elementary schools (rather than in neighboring schools), the remainder of the flyer, including descriptions of the Club's after-school activities, events, and overall purpose, would not be altered.

53. Later that day, and after reviewing the flyer, Assistant Superintendent Donahue called Dr. Landman to inform him that, pursuant to District Policies and practice, and at the direction of the Superintendent, Good News Club flyers could not be send home with students because it would



be promoting religion in the District's schools in violation of the so-called "separation of church and state."

54. Several days later, Dr. Landman called Assistant Superintendent Donahue to request that the District reconsider the exclusion of Plaintiffs from the take-home flyer forum.

55. During this conversation, Dr. Landman reiterated that the Goods News Club did not relinquish its constitutional rights simply because it was religious in nature, and that the Club was entitled to receive all of the rights and benefits given to other after-school clubs (including access to the flyer forum).

56. Dr. Landman's request for equal access was again denied.

57. Dr. Landman then informed Ms. Donahue that he had obtained legal advice regarding the District's denial of equal access, and reiterated to her his belief that the constitution required that the Good News Club be granted equal access to the flyer forum.

58. Assistant Superintendent Donahue assured Dr. Landman that the District's own Legal Counsel would be apprised of the situation, and that she would try to contact Dr. Landman by January 17, 2008 as to a change, if any, with respect to the District's denial of access to the flyer forum.

59. On February 1, 2008, Ms. Donahue sent Dr. Landman a letter that reiterated the denial, but also gave a new, additional reason-- that only materials "sponsored by the school district or township" would be distributed.

60. This newly created reason is not only belied by the actual flyers distributed, it remains a recipe for religious discrimination as the district appears to "sponsor" all groups except for those that are religious.

61. Unable to locate a written policy, Plaintiffs have sought to confirm the district's policy through their actual practice, and have taken the last several months gathering actual flyers that have been distributed by Defendants.

62. These flyers prove that Defendants routinely allow groups to access their flyer distribution forum that are similar to Plaintiffs group, but from a secular viewpoint.

63. Plaintiffs remain unable to access the take-home flyer forum to promote their ongoing Good News Club meetings – including the meetings that are currently taking place in district schools.

64. The CEF meetings that are taking place in Defendants' school facilities have a much lower attendance (up to 7 times lower) than similar meetings that are occurring in neighboring school districts where CEF is permitted to distribute its flyers along with similar secular groups.

65. Pursuant to their Policies and practice, Defendants have denied, and continue to deny, Plaintiffs access to the flyer forum due to the religious nature of the flyers and the religious content and viewpoint of Plaintiffs' Club's meetings and activities.

## **VI. ALLEGATIONS OF LAW**

66. All of the acts of Defendants, their officers, agents, employees, and servants were executed and are continuing to be executed by the Defendants under the color and pretense of the policies, statutes, ordinances, regulations, customs, and usages of the Commonwealth of Pennsylvania.

67. Plaintiffs are suffering irreparable harm from the conduct of Defendants.

68. Plaintiffs have no adequate or speedy remedy at law to correct or redress the deprivation of their rights by Defendants.

69. Unless the conduct of Defendants is enjoined, Plaintiffs will continue to suffer irreparable injury.

**FIRST CAUSE OF ACTION: VIOLATION OF THE RIGHT TO FREEDOM OF SPEECH UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND UNDER ARTICLE I, § 7 OF THE PENNSYLVANIA CONSTITUTION**

70. Plaintiffs re-allege and incorporate herein, as though fully set forth, all previous paragraphs of this Complaint.

71. Defendants have, by Policy and practice, created a public forum by opening the take-home flyer forum for use by a variety of community groups and organizations, which include, but are not limited to groups such as the Cub Scouts, YMCA, neighborhood associations, a local Art Center, Fresh Air Fund (a non-profit located out of state that provides free vacations for underprivileged kids), Delaware County Community College, and various nonprofit organized youth sports leagues.

72. Through its creation of a public forum and the attendant access given to the above mentioned groups and others, Defendants permit the distribution of flyers to students and parents that promote recreational, cultural, community, charitable, and education-related activities.

73. Plaintiffs proposed flyers promote similar educational, cultural, charitable, community, and recreational activities, albeit from a religious perspective, but Plaintiffs are barred from distributing their flyers through the take-home flyer program.

74. Defendants readily permit other community groups access to the flyer forum, while excluding Plaintiffs, for no other reason than the religious content and viewpoint of Plaintiffs' flyers and after-school Good News Club meetings and activities.

75. This unequal treatment of Plaintiffs premised on their religious speech or activities is a content-based restriction in an otherwise open forum.

76. Defendants' denial of Plaintiffs' religious speech while permitting other secular speech also constitutes viewpoint discrimination.

77. Such viewpoint discrimination is unconstitutional in any type of forum.

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

79. If Defendants claim they have no written policies relating to the take-home flyer forum, their practices amount to a Policy.

80. Moreover, if Defendants possess no specific written policies to guide their actions as to approving and denying access to the take-home flyer forum, this too amounts to an unconstitutional prior restraint.

81. Nor does Defendants' creation claiming that only "school-sponsored" organizations cure the unconstitutionality of their policy.

82. Defendants' lack of specific written policies and guidelines permit District officials to exercise unbridled discretion in permitting or refusing protected speech on the basis of the religious content and/or viewpoint of a community group's proposed speech.

83. Defendants' Policies and practice are also overbroad because they sweep within their ambit protected First Amendment rights in the form of religious expression.

84. The overbreadth of Defendants' Policies and practice chills protected speech by discouraging individuals and groups from seeking access to the flyer forum for purposes of engaging in certain protected speech.

85. Defendants' Policies and practice chill, deter, and restrict Plaintiffs from using District-provided communicative channels on an equal basis with others to discuss issues or to convey information that is religious in nature.

86. Defendants have interpreted and applied the Policies to disqualify Plaintiffs from accessing equally all communicative avenues under their control and otherwise open to community groups, solely because of the religious nature of Plaintiffs' flyers and the religious content and viewpoint of the Good News Club's activities.

87. Defendant's Policies, as interpreted and applied by them to prohibit equal use as requested by Plaintiffs, are not the least restrictive means necessary to serve any compelling interest.

88. Accordingly, Defendants' Policies and practice, both facially and as-applied, violate Plaintiffs' rights to Free Speech as guaranteed by the First Amendment to the United States Constitution as incorporated and applied to state action under the Fourteenth Amendment, and by Article I, § 7 of the Pennsylvania Constitution.

WHEREFORE, Plaintiffs respectfully pray that the Court grant the declaratory and injunctive relief set forth hereinafter in the Prayer for Relief.

**SECOND CAUSE OF ACTION: VIOLATION OF THE EQUAL PROTECTION  
CLAUSE OF THE FOURTEENTH AMENDMENT**

89. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1-69 of this Complaint.

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

91. Defendants have opened the take-home flyer forum to Plaintiffs by permitting its use by a variety of community groups seeking to communicate information regarding educational, cultural, charitable, community, and recreational activities.

92. Defendants, however, have denied Plaintiffs equal access to the take-home flyer forum.

93. Defendants are treating Plaintiffs differently than other similar situated community groups on the basis of the religious nature of their organization and the religious content and viewpoint of their speech.

94. Defendants' Policies and practice violate various fundamental rights of Plaintiffs, such as rights of free speech and free exercise.

95. Defendants lack a rational or compelling state interest for such disparate treatment.

96. Defendants' denial of access to Plaintiffs is not narrowly tailored.

97. Accordingly, the Policies and practice of Defendants, both facially and as applied, violate Plaintiffs' right to equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs respectfully pray that the Court grant the declaratory and injunctive relief set forth hereinafter in the Prayer for Relief.

**THIRD CAUSE OF ACTION: VIOLATION OF THE DUE PROCESS CLAUSE  
OF THE FOURTEENTH AMENDMENT**

98. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1-69 of this Complaint.

99. Plaintiffs sought, and continue to seek, equal access to the take-home flyer program afforded to other community groups.

100. Further, Plaintiffs' flyers promote cultural, charitable, community, and recreational activities similar to the above named groups and others, that fit squarely within the contours of the District's take-home flyer forum.

101. Despite Plaintiffs' satisfaction of all relevant criteria, Defendants' Policies and practice have been written and applied to prohibit Plaintiffs' equal access to the forum based on their religious speech.

102. Defendants' Policies and practice are vague and allow for unbridled discretion to grant or deny a flyer distribution request, by Plaintiffs or other groups, for any reason or for no reason at all.

103. Even the term "school-sponsored" can be stretched or narrowed to fit any group, or deny any group, based on the district's agreement, or disagreement, with the group's message.

104. Consequently, Defendants' Policies and practice, both on their face and as-applied, violate Plaintiffs' rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs respectfully pray that the Court grant the declaratory and injunctive relief set forth hereinafter in the Prayer for Relief.

**FOURTH CAUSE OF ACTION: VIOLATION OF THE FREE EXERCISE  
OF RELIGION CLAUSE OF THE FIRST AMENDMENT**

105. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1-69 of this Complaint.

106. Plaintiffs desire to engage in expressive activities on the basis of sincerely held religious beliefs and to share those beliefs with others, including children attending schools within the District.

107. Defendants' Policies and practice substantially burden Plaintiffs' free exercise of religion by conditioning receipt of government benefits, such as access to the take-home flyer program, on foregoing their protected free exercise rights.

108. Defendants' Policies and practice force Plaintiffs to select between engaging in religious speech and foregoing the governmental benefit of equal access to the take-home flyer forum, or foregoing the free exercise of religion so as to receive equal access.

109. Defendants' Policies and practice substantially burden Plaintiffs' free exercise of religion by denying them permission to access all communicative channels, including the take-home flyer forum, equally so as to promote Good News Club meetings and activities.

110. Defendants' Policies and practice substantially burden Plaintiffs' free exercise of religion by denying them the ability to send home informational Club flyers with elementary students within the District in order to let students' parents know about upcoming Club meetings and events.

111. Defendants' conduct constitutes the imposition of special disabilities on Plaintiffs due to their religion and their intent to engage in religious expression through distribution of Good News Club flyers.

112. These special disabilities placed on Plaintiffs are not neutral, nor are they of general applicability.

113. Defendants' conduct cannot be justified by a compelling governmental interest and is not narrowly tailored to advance any such interest.

114. Defendants' interpretation and application of their Policies chill Plaintiffs' freedom of religious discussion and exercise, both of which are fundamental rights guaranteed to Plaintiffs by the First Amendment.

115. Defendants' Policies and practice, both facially and as applied, constitute an excessive burden on Plaintiffs' rights to freedom in the exercise of religion and have violated the Free Exercise Clause of the First Amendment to the United States Constitution.

WHEREFORE, Plaintiffs respectfully pray that the Court grant the declaratory and injunctive relief set forth hereinafter in the Prayer for Relief.



**FIFTH CAUSE OF ACTION: VIOLATION OF THE PENNSYLVANIA RELIGIOUS  
FREEDOM PROTECTION ACT, 71 PA. STAT. ANN. §§ 2401-2407**

116. Plaintiffs re-allege and incorporate herein, as though fully set forth, paragraphs 1-69 of this Complaint.

117. Plaintiffs desire to engage in expressive activities on the basis of sincerely held religious beliefs and to share those beliefs with others, including children attending elementary schools within the District.

118. Defendants' Policies and practice substantially burden Plaintiffs' free exercise of religion by conditioning receipt of government benefits (*i.e.*, access to the take-home flyer program) on foregoing their protected free exercise rights.

119. Defendants' Policies and practice force Plaintiffs to choose between engaging in religious speech and foregoing access to the take-home flyer forum, or foregoing the free exercise of religion so as to receive equal access.

120. Defendants' Policies and practice substantially burden Plaintiffs' free exercise of religion by denying them permission to access all communicative channels – including the take-home flyer forum – equally so as to promote Good News Club meetings and activities.

121. Defendants' Policies and practice substantially burden Plaintiffs' free exercise of religion by denying them the opportunity to send home informational Club flyers with elementary students within the District in order to let parents know about upcoming Club meetings and events.

122. Defendants' imminent intent to continue to enforce their Policies and practice related to the take-home flyer forum threatens to substantially burden Plaintiffs' rights to the free exercise of religion.

123. Defendants' conduct constitutes the imposition of special disabilities on Plaintiffs due to their religion and their intent to engage in religious expression through distribution of Good News Club flyers.

124. These special disabilities placed on Plaintiffs are neither neutral, nor of general applicability.

125. Defendant's Policy and practice significantly constrains and inhibits Plaintiffs' conduct or expression which is mandated by their sincerely held religious beliefs—that is to share their faith in all manners possible—including through the CEF meetings and through the advertising inviting all students to such meetings .

126. By denying access to the forum, Defendants' Policy and practice significantly curtails Plaintiffs' ability to express adherence to the their religious faith.

127. Defendant's Policy and practice denies Plaintiff a reasonable opportunity to engage in activities which are fundamental to their religion—such as sharing their faith and inviting others to attend.

128. Defendants' conduct cannot be justified by a compelling governmental interest, and is not narrowly tailored to further any such interest.

129. Defendants' Policies and practice, both facially and as applied, accordingly violate the Pennsylvania Religious Freedom Protection Act, 71 PA. STAT. ANN. §§ 2401-24-7.

WHEREFORE, Plaintiffs respectfully pray that the Court grant the declaratory and injunctive relief set forth hereinafter in the Prayer for Relief.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray for judgment as follows:

a. That this Court issue a Preliminary and Permanent Injunction, restraining Defendants,

their officers, agents, employees, and all other persons acting in active concert with them from enforcing the Policies that exclude Plaintiffs from distributing flyers through the take-home flyer program, thereby granting Plaintiffs equal access to the flyer forum;

- b. That this Court render a Declaratory Judgement declaring as unconstitutional, both facially and as-applied, the District's Policies and practices that bar Plaintiffs from distributing flyers to students through the take-home flyer program and from receiving equal access to all channels of communication afforded to other community groups and organizations;
- c. That this Court adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declarations shall have the force and effect of final judgment;
- d. That this Court retain jurisdiction of this matter for the purpose of enforcing any Orders;
- e. That the Court award Plaintiffs' costs and expenses of this action, including a reasonable attorneys' fees award, in accordance with 42 U.S.C. §§ 1988.
- f. That this Court award nominal damages of one (1) dollar for the violation of Plaintiffs' constitutional rights;
- g. That this Court issue the requested injunctive relief without a condition of bond or other security being required of Plaintiffs; and
- h. That the Court grant such other and further relief as the Court deems equitable and just in the circumstances.

Respectfully submitted this 20<sup>th</sup> day of October, 2008.

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\*Application for admission *pro hac vice*  
submitted concurrently with this Complaint

*Attorneys for Plaintiffs*

VERIFICATION OF COMPLAINT

I hereby verify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing factual allegations are true and correct.

Executed this 17<sup>th</sup> day of October, 2008, in Berwyn, Pennsylvania.




Mark Wyland, Executive State Director  
Child Evangelism Fellowship of Pennsylvania, Inc. ("CEF")

**VERIFICATION OF COMPLAINT**

I hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing factual allegations are true and correct.

Executed this 17<sup>th</sup> day of October, 2008, in Bryn Mawr, Pennsylvania.

  
\_\_\_\_\_  
Steve Landman