

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MINNESOTA

CHILD EVANGELISM FELLOWSHIP	)	
OF MINNESOTA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	
ELK RIVER AREA SCHOOL DISTRICT,	)	
#728	)	
	)	
Defendant.	)	

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**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, PRELIMINARY  
AND PERMANENT INJUNCTIVE RELIEF AND DAMAGES**

COMES NOW the Plaintiff, CHILD EVANGELISM FELLOWSHIP OF MINNESOTA (hereinafter "Plaintiff" or "CEF"), by and through its undersigned counsel, and files this civil action and respectfully requests this Court to issue injunctive relief, declaratory judgment and award damages for violations of the United States Constitution by Defendant, THE ELK RIVER AREA SCHOOL DISTRICT #728 (hereafter "the District"). In support thereof, Plaintiff shows unto the Court as follows:

1. Plaintiff seeks preliminary and permanent injunctive relief enjoining the District, its agents, servants and employees and those acting in active concert and with actual notice thereof, from enforcing District Policy 1011, 4.1, entitled "Distribution of Official and Nonschool-sponsored Materials" (hereinafter "Policy") and from violating Plaintiff's right to freedom of speech, equal protection, and free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. Plaintiff also prays for declaratory judgment to determine the constitutionality of the Policy and the District's actions in denying Plaintiff the opportunity to exercise its Constitutional rights and to declare the Policy, both on its face and as applied, unconstitutional as a direct violation of the First and Fourteenth Amendments to the United States Constitution.

3. Plaintiff also seeks damages.

4. An actual controversy exists between the parties involving substantial constitutional issues, in that the challenged Policy, on its face and as applied, violates the United States Constitution.

#### **JURISDICTION AND VENUE**

5. This action arises under the First and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983.

6. This Court has jurisdiction of this claim under, and by virtue of, 28 U.S.C. §§ 1331, 2201-02.

7. Venue is proper under 28 U.S.C. § 1391 (b). Each and all of the acts alleged herein were done by the District under the color and pretense of the statutes, ordinances, regulations, customs, policies, procedures, and law of the Elk River Area School District #728 and/or the State of Minnesota.

8. This Court is authorized to grant declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, implemented through Rule 57 of the Federal Rules of Civil Procedure, and to issue the injunctive relief requested by Plaintiff under Rule 65 of the Federal Rules of Civil Procedure.

9. This Court is authorized to grant Plaintiff's prayer for relief regarding costs,

including a reasonable attorney's fee, under 42 U.S.C. § 1988.

### **PARTIES**

10. Child Evangelism Fellowship of Minnesota (hereafter "CEF") is a not-for-profit religious organization, incorporated in Missouri.

11. Defendant Elk River Area School District #728 is the governing body for public schools in Elk River, MN, with the authority to sue and be sued, and was at all times relevant herein, acting within the course and scope of its authority and under color of law.

### **STATEMENT OF FACTS**

12. The Good News Club is a club for children sponsored by CEF, that encourages learning, spiritual growth, and service to others by providing religious and moral education through lessons from the Bible, encouraging the memorization of Bible verses, singing hymns and reading stories.

13. CEF wants to use District facilities to hold Good News Clubs.

14. The Good News Club is sponsored by CEF.

15. The Good News Club is open to all boys and girls between the ages of five and twelve, regardless of religious background, or lack of religious belief.

16. There is no charge or fee for attendance. No fees, tithes or contributions, other than no-obligation offerings for overseas missionaries, are taken during meetings, nor are commercial or fundraising activities permitted.

17. Good News Club meetings are designed only for elementary-age students and include Bible lessons, creative learning activities, stories about missionaries and biblical figures, songs, and scripture memory.

18. Children are taught biblical principles, moral values, character qualities, respect for authority, relationships, morals, character development, and issues of importance to the community.

19. Good News Clubs are nondenominational.

20. As Good News Clubs are nondenominational, the Clubs do not meet in churches.

21. As Good News Clubs are for elementary-aged children, the meetings are conducted on elementary school campuses after school.

22. Due to the difficulty with parents having to provide transportation off school premises, the elementary school provides the best location for such clubs.

23. Good News Clubs do not provide separate transportation, and most parents are not capable of providing transportation to and from Good News Club meetings. However, the central location of an elementary school allows parents to send their children to a Good News Club and to pick up the children in a convenient locale.

24. Using elementary schools for Good News Club meetings is also done for safety. Transporting young children away from the school, or requiring them to walk off campus, increases the risk of injury, abduction and death. Parents and their children need a safe, familiar place where they may attend after-school activities that begin as soon as school ends. There are no other suitable nor available options in which to provide meetings for the elementary school students to meet.

25. District Policy 1011, 4.1, entitled, "Distribution of Official and Nonschool-sponsored Materials" (hereinafter "Policy") states: "Materials for distribution by giving the students for the students or for delivery to parents shall be restricted to materials directly relating to official and school-sponsored activities and materials directly in support of school activities. Materials from organizations that fall within the category of 'designated patriotic youth organizations' as defined

by the No Child Left Behind Act will also, subject to staff review, be eligible for distribution to parents and/or directly to students.” (A copy of the Policy is attached to the Complaint as Exhibit A).

26. Pursuant to the Policy, organizations that are listed under the No Child Left Behind Act are granted permission to distribute their literature at such events as Open Houses, and using the school bulletin boards.

27. Some of the organizations listed under the Act are: Boy Scouts of America, Boys & Girls Clubs of America, Future Farmers of America, Girls Scouts, and Little League Baseball. CEF is not listed under the Act.

28. CEF is similar to these organizations but for its religious content and viewpoint.

29. The District has created a limited public forum.

30. The District has in fact permitted the Boy Scouts and similar organizations to distribute its literature throughout the schools in the District.

31. Good News Clubs address many of the same subjects addressed by Boy Scouts, except these subjects are addressed from a religious, and particularly a Christian, viewpoint. Good News Clubs support the ideals of Scouting by teaching children to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. Good News Clubs teach moral and character development.

32. The Good News Clubs in Elk River begin each meeting by reciting the Pledge of Allegiance.

33. Much of the focus of the Good News Clubs is on teaching the children on how to become good citizens, they are taught respect for authority, to be responsible, and how to develop

leadership skills. All of these facets of the Good News Club aids the children in becoming good citizens and patriots of the United States.

34. Each year, the Elk River School District hosts two Open Houses at the beginning of the school year. One Open House is for kindergartners and the second Open House is for first through fifth graders.

35. Parents are invited to meet teachers at the Open Houses and be informed of various programs that are afforded to the students. Upon information and belief the groups allowed to attend the Open Houses distribute their literature about their programs to students and their parents.

36. Upon information and belief groups such as Boy Scouts, Girl Scouts, the local youth hockey team and others have been granted access to be present at these Open Houses and/or to distribute their literature at these events.

37. On or about August 28, 2007, Sharilyn Nydam as District Director for CEF, met with Jana Hennen-Burr, the Assistant Superintendent for the District (hereinafter "Asst. Superintendent Hennen-Burr"), about allowing CEF to be present at the following night's Open House and the ability to distribute its literature for the coming year.

38. Asst. Superintendent Hennen-Burr told Ms. Nydam that CEF would not be permitted to attend the Open House unless CEF could prove that it was a patriotic organization under the No Child Left Behind Act.

39. Counsel for CEF wrote a letter to the District on August 28, 2007, stating that CEF should be allowed to be present at the Open House the following night and also should be able to distribute its literature on the same basis as the Boy Scouts and other similar organizations. (A copy of the letter is attached to the Complaint as Exhibit B).

40. That same day, Counsel for CEF received a response from Mr. Ivars Krafts, Legal Counsel for the District, indicating that since CEF was not an organization listed under Title 36 of the United States Code, it would not be allowed to be present at the Open House nor to distribute its literature. (A copy of the response is attached to the Complaint as Exhibit C).

41. Counsel for CEF wrote another letter to the District on August 29, 2007, stating that it was irrelevant that CEF was not an organization listed under Title 36 since the District had opened its forum to groups similar to CEF such as the Boy Scouts and similar organizations.(A copy of the letter is attached to the Complaint as Exhibit D).

42. The letter again requested that CEF be permitted to attend that evening's Open House and be given permission to distribute its literature to the students. See *id.*

43. The District refused to allow CEF to participate in the kindergarten Open House of August 29, 2007, and the first through fifth grade Open House the following night.

44. The District has again denied CEF's request to distribute its literature for this school year, or even to distribute its literature to parents and families arriving at the Open Houses by means of flyers handed out by CEF representatives stationed on the sidewalks outside the Open Houses.

45. The refusal by the District to allow CEF to be present at the Open Houses and to distribute its literature caused a dramatic reduction in the attendance of GNC's in four of the five elementary schools in the Elk River School District from the 2006-2007 school year to the 2007-2008 school year, from approximately 45% to almost 70%.<sup>1</sup>

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<sup>1</sup> School	No. of students who attended GNC in 2006-2007	2007-2008
Hassan	22	12
Meadowvale	18	8
Otsego	22	7
Parker	29	14

46. Plaintiff 's counsel met with Defendant's representatives on August 25, 2008, including Attorney Ivars Krafts, Asst. Superintendent Hennen-Burr, and Mark Bezek, the District Superintendent.

47. At this meeting, the Defendant again affirmed its earlier position and refused to allow CEF to be present at the Open Houses for the upcoming school year, and also prohibited CEF from distributing its literature to the students on the same basis as other similarly situated groups.

48. In 2001, the United States Supreme Court ruled in *Good News Club v. Milford Central School District*, 533 U.S. 98 (2001), that a public school may not deny privileges to groups such as CEF when those privileges have been extended to Boy Scouts and other similar organizations.

49. The Policy and actions of the District are clear, blatant and intentional violations of well-established law.

50. The District's denial of the request to attend the Open Houses and distribute its literature violates CEF's rights.

51. The Policy is discriminatory as it allows the Boy Scouts and similar organizations to  
enjoy privileges that have been denied to CEF.

52. Due to the District's unconstitutional Policy and actions, CEF has been irreparably

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From the above numbers it is apparent that the District's actions have had an adverse effect on the attendance at GNC's in Elk River. From 91 students at these four schools in the school year 2006-2007, to only 41 in 2007-2008. These numbers translate into an average drop in each club of about 45%.



harmed.

**COUNT I - VIOLATION OF PLAINTIFF'S FREEDOM OF SPEECH UNDER THE  
UNITED STATES CONSTITUTION**

53. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1 through 52.

54. The Free Speech Clause of the First Amendment to the United States Constitution, in conjunction with the Fourteenth Amendment, prohibits the District from abridging Plaintiff's freedom of speech.

55. The Policy, on its face and as applied, denies CEF the ability to communicate with the students in the District on the same basis as the Boy Scouts or other organizations listed under Title 36.

56. The Policy, on its face and as applied, discriminates on the basis of content and viewpoint.

57. There is no compelling government interest sufficient to justify the District's action in applying the Policy to Plaintiff.

58. The Policy, on its face and as applied, is not the least restrictive means to accomplish any permissible government purpose sought to be served.

59. The Policy, on its face and as applied, is not a narrowly tailored restriction on free speech.

60. The Policy, on its face and as applied, does not serve a significant government interest.

61. The Policy, on its face and as applied, does not leave open ample alternative channels

of communication.

62. The Policy, on its face and as applied, is unreasonable, and imposes unjustifiable and unreasonable restrictions on constitutionally-protected speech.

63. The Policy, on its face and as applied, unconstitutionally chills and abridges the right of Plaintiff to engage in free speech guaranteed by the First Amendment.

64. Plaintiff has no adequate remedy at law to correct the continuing deprivation of its most cherished constitutional liberties.

65. As a direct and proximate result of the District's continuing violations of Plaintiff's rights, Plaintiff has in the past and will continue to suffer in the future direct and consequential damages, including but not limited to, the loss of the ability to exercise its constitutional rights.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth herein.

#### **COUNT II - VIOLATION OF PLAINTIFF'S RIGHT TO EQUAL PROTECTION**

66. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1 through 52.

67. Plaintiff's right to equal protection under the laws is protected by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

68. The Policy, on its face and as applied, is an unconstitutional abridgement of the Plaintiff's right to equal protection of the laws and is not facially neutral.

69. The Policy, on its face and as applied, is an unconstitutional abridgement of Plaintiff's right to equal protection of the law because the District is permitted to treat Plaintiff differently from other similarly situated groups on the basis of the content and viewpoint of Plaintiff's message.

70. The Policy, on its face and as applied, is not supported by a compelling governmental interest sufficient to justify its enactment.

71. The Policy, on its face and as applied, is not the least restrictive means to accomplish any permissible government purpose sought to be served by the actions.

72. The Policy, on its face and as applied, does not leave open ample alternative channels of communication.

73. The Policy, on its face and as applied, imposes irrational and unjustifiable restrictions on Plaintiff.

74. The District, in violation of the Equal Protection Clause, has caused, and will continue to cause, Plaintiff to suffer undue and actual hardship and irreparable injury.

75. Plaintiff has no adequate remedy at law to correct the continuing deprivations of Plaintiff's most cherished constitutional liberties.

76. As a direct and proximate result of the District's continuing violations of Plaintiff's rights, Plaintiff has in the past and will continue to suffer in the future direct and consequential damages, including but not limited to, the loss of the ability to exercise its constitutional rights.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth herein.

**COUNT III - VIOLATION OF THE RIGHT TO FREE EXERCISE OF RELIGION  
UNDER THE UNITED STATES CONSTITUTION**

77. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1 through 52.

78. The Policy and the District's actions violate the Plaintiff's right to free exercise of religion, as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

79. Plaintiff has a religious belief that it is to teach the Bible and provide spiritual and moral guidance to children.

80. Plaintiff carries out this religious belief through sponsoring Good News Club meetings in school facilities during after school hours.

81. Plaintiff's religious beliefs are sincerely and deeply held.

82. The Policy and the District's actions substantially burden Plaintiff's sincerely-held religious beliefs.

83. The Policy and the District's actions target religious speech.

84. There is no compelling government interest sufficient to justify the Policy and the District's actions.

85. The Policy and the District's actions are not the least restrictive means to accomplish any permissible government purpose sought to be served.

86. The Policy and the District's actions are not narrowly-tailored restrictions on Plaintiff's free exercise of religion, as guaranteed by the First Amendment to the United States Constitution.

87. The District has failed or refused to accommodate Plaintiff's sincerely-held religious beliefs.

88. As a direct and proximate result of the District's continuing violations of Plaintiff's rights, Plaintiff has in the past and will continue to suffer in the future direct and consequential damages, including but not limited to, the loss of the ability to exercise its constitutional rights.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth herein.

**COUNT IV - VIOLATION OF THE ESTABLISHMENT CLAUSE UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION**

89. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs numbered 1 through 52.

90. The Establishment Clause of the First Amendment, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits government from establishment of religion.

91. The Establishment Clause prohibits excessive government entanglement with religion.

92. The Establishment Clause prohibits the government from showing hostility toward religion.

93. The District has granted access and literature distribution abilities to secular non-profit organizations that use District facilities to teach character development and morals to children.

94. The District has refused to extend these same privileges to Plaintiff, because it is not a secular group.

95. The District, through the Policy, on its face and as applied, has and will continue to cause, the Plaintiff to suffer undue and actual hardship and irreparable injury.

96. Plaintiff has no adequate remedy at law to correct the continuing deprivations of its most cherished constitutional liberties.

97. As a direct and proximate result of the District's continuing violations of the Plaintiff's rights, the Plaintiff has in the past and will continue to suffer in the future direct and consequential damages, including but not limited to, the loss of its ability to exercise its

constitutional rights.

WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive relief set forth herein and award such damages to the Plaintiff as are reasonable and just.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

A. That this Court issue Preliminary and Permanent injunctions, enjoining the Policy, and enjoining the District, the District's officers, agents, employees and all other persons acting in active concert with them, from enforcing the Policy against Plaintiff so that:

1. The District must allow Plaintiff to be present at future Open Houses and also distribute its literature within the District on an equal basis with non-religious groups that are permitted to use the school facilities and to distribute their literature.
2. The District will not use the Policy in any manner whatsoever to infringe on Plaintiff's Constitutional rights.

B. That this Court render a Declaratory Judgment declaring the Policy unconstitutional under the United States Constitution, on its face and as applied to Plaintiff, and declaring that the District, its officers, agents, employees and other persons acting in active concert with them, unlawfully obstructed Plaintiff from exercising Plaintiff's constitutionally-protected rights, so that:

1. The District must allow Plaintiff to be present at future Open Houses and also distribute its literature within the District on an equal basis with non-religious groups that are permitted to use the school facilities and to distribute their literature.
2. The District will not use the Policy in any manner whatsoever to infringe on Plaintiff's Constitutional rights.

D. That this Court adjudge, decree, and declare the rights and other legal relations with the subject matter here in controversy, in order that such declaration shall have the force and effect of final judgment;

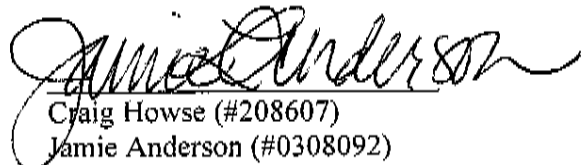
E. That this Court retain jurisdiction of this matter for the purpose of enforcing this Court's order;

F. That this Court award Plaintiff the reasonable costs and expenses of this action, including attorney's fees, in accordance with 42 U.S.C. § 1988.

G. That this Court award Plaintiff such damages as are just and appropriate.

H. That this Court grant such other and further relief as this Court deems equitable and just under the circumstances.

Respectfully Submitted,



Craig Howse (#208607)  
Jamie Anderson (#0308092)  
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3189 Fernbrook Lane N.  
Plymouth, MN 55447  
Telephone: (763) 577-0150  
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Attorneys for Plaintiff

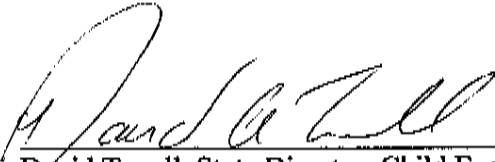


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Attorneys for Plaintiff

\* Pro Hac Vice Motions Submitted

**VERIFICATION**

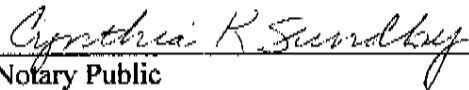
Under penalty of perjury, I declare that I have read the foregoing; that the facts alleged are true, to the best of my knowledge and belief. I understand that a false statement in this affidavit will subject me to penalties of perjury.



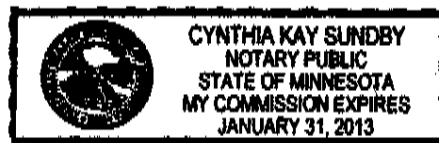
David Tunell, State Director, Child Evangelism Fellowship of Minnesota

Dated this 10<sup>th</sup> day of September, 2008.

The foregoing instrument was acknowledged before me this 10 day of Sept, 2008, by David Tunell, who is personally known to me of who has produced WI Drivers License as identification and who took an oath/affirmed.

  
Notary Public

My Commission expires: 1-31-2013





JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p><b>I. (a) PLAINTIFFS</b></p> <p>(b) County of Residence of First Listed Plaintiff <u>Warren County, MO</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) <b>Howse &amp; Thompson, PA, 3189 Fernbrook Lane N., Plymouth, MN 55447 (763-577-0150)</b></p>	<p><b>DEFENDANTS</b></p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) <b>Ivars Krafts, P.O. Box 279, Circle Pines, MN 55014 (763-784-2210)</b></p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <p><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p><b>PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 851 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSJD Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Thud Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. 1983

Brief description of cause:  
violation of freedom of speech, right to equal protection, exercise religion

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS injunction and declaratory jmt

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 9-11-08

SIGNATURE OF ATTORNEY OF RECORD: JAMES R. ANDERSON

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_