

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

- (1) **MUNEER AWAD,** )
- (2) **ADAM SOLTANI,** )
- (3) **IMAD ENCHASSI,** )
- (4) **DOUGLAS MOCK, and** )
- (5) **PATRICIA SCHWAGMEYER,** )

Plaintiffs, )

-vs- )

**No. CIV-10-1186-M**

- (1) **PAUL ZIRIAX,** Secretary of the Oklahoma State )  
Election Board; )
- (2) **STEVE CURRY,** Chairman of the Oklahoma )  
State Election Board; )
- (3) **TOM MONTGOMERY,** Vice-Chairman of the )  
Oklahoma State Election Board; )
- (4) **VACANT POSITION,** Member of the Oklahoma )  
State Election Board; and )

Other persons who receive actual notice of an )  
order including alternate members of the )  
Oklahoma State Election Board, the parties, the )  
parties' officers, agents, servants, employees, and )  
attorneys; as well as other persons who are in )  
active concert or participation with anyone )  
described in Fed.Rul.Civ.Pro. 65(d)(2)(A) or (B) )

Defendants. )

**FIRST AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF**

**(Violation of Establishment and Free Exercise Clauses of the First Amendment,  
Due Process and Equal Protection Clauses of the Fourteenth Amendment, and  
Supremacy Clause in Art. VI, cl. 2 of the Constitution of the United States)**

## I. -Preliminary Statement-

1. On November 2, 2010, Oklahoma voters approved State Question 755 (“SQ755”), which would add the “Save Our State Amendment” to the Oklahoma Constitution. SQ755 forbids Oklahoma courts and other adjudicative bodies from considering “Sharia Law.” The ballot title presented to voters defined “Sharia Law” as “Islamic law” and stated that Sharia is “based on two principal sources, the Koran and the teaching of Mohammed.” SQ755’s sponsors and supporters touted the amendment as a preemptive strike necessary to protect Oklahoma’s judicial system from being infiltrated and taken over by Sharia law, and presumably, Muslims. It was a solution in search of a problem. As the U.S. Court of Appeals for the Tenth Circuit observed in upholding this Court’s preliminary injunction against certification: The State could not identify “even a single instance where an Oklahoma court had applied Sharia law or used the legal precepts of other nations or cultures, let alone that such applications or uses had resulted in concrete problems in Oklahoma.” *Awad v. Ziriax*, 670 F.3d 1111, 1130 (10th Cir. 2012).

2. Because SQ755 singles out Sharia law and Islamic religious teachings for official disapproval and rejection, its certification by Defendant members of the Oklahoma State Election Board would have the immediate effect of stigmatizing and marginalizing Islam and its adherents, including Plaintiffs Muneer Awad, Adam Soltani, and Imad Enchassi, who would thereby suffer immediate and concrete condemnation injury to their religious beliefs. In condemning Plaintiffs’ faith in this manner, SQ755, if allowed to take effect, would relegate these Plaintiffs and all Oklahoman Muslims to second-class citizenship on the basis of their religion.

3. By disfavoring Islam, SQ755, if certified, also would engender imminent injury by depriving Plaintiffs Awad, Soltani, and Enchassi of access to state courts and other adjudicative

bodies on the same terms as every other citizen. It would impose on these Plaintiffs special disabilities and burdens not faced by Oklahomans of any other faith: Upon certification, Muslims seeking relief from a state adjudicative body would be required to ensure that their legal claims, defenses, evidence, and arguments are scrubbed of all references to their faith – even where relevant – because “Sharia Law” may not be considered at all under SQ755. Where Plaintiffs’ and other Muslims’ religion is essential to an adjudicative matter, SQ755 would further unduly burden the practice of Islam *because* it is Islamic, and the matter would effectively become non-justiciable. SQ755’s treatment of Sharia Law and Islam, therefore, violates both the Establishment Clause and the Free Exercise Clause of the First Amendment to the U.S. Constitution.

4. SQ755 also instructs Oklahoma courts and other adjudicative agencies to disregard the “legal precepts of other nations or cultures” and “international law.”

5. If SQ755 is certified by these Defendants, these additional provisions of SQ755 would harm Oklahoma residents married in a foreign country, including Plaintiffs Douglas Mock and Patricia Schwagmeyer, who were wed in Scotland, as well as persons binding themselves to other contracts under, or involving, foreign law. Specifically, SQ755 would effectively prevent adjudicative bodies from recognizing marriages solemnized under foreign law, violating both the Equal Protection Clause and the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

6. Under SQ755, Plaintiffs Mock and Schwagmeyer would be forced to assume substantial additional burdens to prove the existence of their marriage within the State of Oklahoma and would be denied the right to prove a foreign marriage by reference to the foreign law under which it was solemnized, or by use of international law conventions to authenticate foreign legal

documents evidencing such marriages within countries signatory to the Hague Convention of October 5, 1961. As a result, SQ755 could significantly impede Plaintiffs' ability to defend their marital status and relationship for various benefits, such as qualification for benefits through the Oklahoma Teacher Retirement System ("OTRS") where a spouse must execute a spousal consent form before a member's retirement becomes effective. See OTRS Regulation 715:10-15-12. Spousal Consent. Both Plaintiffs Mock and Schwagmeyer are nearing retirement and will be required to prove their marital relationship and status.

7. If certified, SQ755 would also command its judges to ignore international law and conventions which other states are bound not only to consider but to enforce. Such rejection of international law contravenes the Supremacy Clause which declares ". . . all treaties made, or which shall be made, under the authority of the United States . . . the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding." U.S. Const., Art. VI, cl. 2.

8. Oklahoma cannot reject all international law. The Supreme Court has held that "a narrow class of international norms" remains enforceable in domestic courts. *Sosa v. Alvarez-Machain*, 542 U.S. 692, 737 (2004). "[B]ecause some international law is part of the federal law that state judges and justices are bound to enforce," *e.g.*, treaties and customary international law, SQ755 would make Oklahoma adjudicators scofflaws and deny persons with controversies before them justice under the supreme law of the land. *See The Paquete Habana*, 175 U.S. 677, 700 (1900) ("International law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction . . ."); *see also First Nat'l City Bank v. Banco Para El Comercio Exterior de Cuba*, 462 U.S. 611, 622-23 (1983).

9. Plaintiffs show a substantial likelihood of prevailing on the merits of this action opposing the grave constitutional infirmities of SQ755 and are entitled to preliminary and permanent injunctive relief enjoining its certification by the Defendant members of the State Election Board.

10. If certified, SQ755 will irreparably harm Plaintiffs' basic fundamental rights of religion, marriage, and equal protection and the application of the Supremacy Clause of the United States Constitution.

## **II. -Jurisdiction and Venue-**

11. Jurisdiction is conferred by: 28 U.S.C. §1343 (civil rights violations); 28 U.S.C. §1331 (federal questions) which provides for original jurisdiction of this Court in suits that arise under the Constitution, laws, or treaties of the United States; 28 U.S.C. §2201 (declaratory relief); and 28 U.S.C. §2202 (further relief).

12. Plaintiffs' causes of action arise under 42 U.S.C. §1983 to redress the deprivation under color of State law of rights, privileges, and immunities secured by the Constitution of the United States and laws. These claims are predicated on violations of the First and Fourteenth Amendments, and the Supremacy Clause (Art. VI, cl. 2) of the Constitution of the United States.

13. The First Amendment of the United States Constitution prevents the establishment of religion and protects free exercise.

14. The Fourteenth Amendment provides for due process and equal protection of the laws and also makes the First Amendment applicable to state actors such as the Defendants through its due process clause.

15. The Supremacy Clause declares ". . . all treaties made, or which shall be made, under the authority of the United States . . . the supreme Law of the Land; and the Judges in every State

shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding.” U.S. Const., Art. VI, cl. 2.

16. Plaintiffs also assert a fee entitlement for a prevailing party pursuant to 42 U.S.C. §1988.

17. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) in that at least one Defendant(s) resides in this District, has an office located in this District, and receives mail in this District. On information and belief, this Court has jurisdiction over the subject matter of this action and can acquire in personam jurisdiction over Defendants named in this action, any additional defendants who might be named, or any persons subject to injunctive relief pursuant to Fed. Rul. Civ. Pro. 65.

18. Plaintiff Awad is the subject of a preliminary injunction granted by this Court enjoining election certification of SQ755 thereby staying its effectiveness. (Doc. 020, 11/29/2010), *affirmed, Awad v. Ziriya*, 670 F.3d 1111 (10<sup>th</sup> Cir. 2012). Plaintiffs in addition to Muneer Awad seek all equivalent and necessary forms of declaratory and injunctive relief to enjoin certification of SQ755 including a temporary restraining order, a preliminary injunction, and a permanent injunction all as provided by Fed. Rul. Civ. Pro. 65.

### **III. -Plaintiffs-**

19. All factual allegations contained in the preceding paragraphs are incorporated herein as if set out in full.

20. Plaintiff Muneer Awad is a U.S. citizen born in Ann Arbor, Michigan, who has lived in the State of Oklahoma and has been an employee of the Council on American Islamic Relations-Oklahoma (“CAIR-OK”) for the duration of this litigation. He is a devout adherent of the Muslim

faith. Plaintiff Awad's purpose and that of CAIROK and CAIR nationwide is to empower Muslims in Oklahoma and other states to become politically involved so as to enhance the understanding and acceptance of Islam, and to defend the civil rights of Muslims in Oklahoma and the United States. To advance that purpose Awad is moving to New York to accept a position with a CAIR affiliate there while continuing to maintain strong ties to Oklahoma and CAIR-OK. Plaintiff Awad will remain an Assistant Executive Director for CAIR-OK and will also consult with CAIR-OK on various issues. Plaintiff Awad will be required to return to Oklahoma on an occasional basis over the next several months and on other occasions beyond that.

21. Plaintiff Adam Soltani is a U.S. citizen born in the United States who resides in Oklahoma and is also an employee of CAIR-OK. He is a devout adherent of the Muslim faith and shares the purposes of Plaintiff Awad to enhance the understanding and acceptance of Islam and to defend the civil rights of Muslims.

22. Plaintiff Imad Enchassi is a U.S. citizen who resides in Oklahoma. He is a devout adherent of the Muslim faith. He is the Imam of the Islamic Society of Greater Oklahoma City ("ISGOC"). As Imam, Enchassi leads prayer and worship at the mosque, provides guidance in the tenets of Islam and worship to Muslim adherents in Oklahoma, and provides educational information regarding Islam to nonadherents. He also carries out a wide range of religious clerical duties, including solemnizing marriages. Enchassi has studied the Islamic religion in several formal Islamic educational settings, earned academic degrees in Islamic studies from educational institutions in Lebanon and other certifications of his training and education under the law of Lebanon. The validity, authentication, and acceptance of his degrees and religious credentials in the United States depend upon consideration of foreign law.

23. Plaintiff Douglas Mock and Plaintiff Patricia Schwagmeyer are U.S. citizens who reside in Oklahoma. They are both tenured faculty members at a state university in Oklahoma. Dr. Mock is a Research Professor of Biology. Dr. Schwagmeyer is a Professor of Biology. They were married in Scotland in 1983 in compliance with the laws of Scotland. Their marriage has never been solemnized within the United States and the only formal documentary evidence of their 1983 marriage is an official certified record containing an extract from the Register of Marriages from the Scottish District where the marriage was performed. The authentication of this marriage certificate and validity of this ceremonial marriage within the United States and the State of Oklahoma depend upon consideration of an international law convention on the authentication of foreign documents and consideration of foreign laws.

#### **IV. -Defendants-**

24. All factual allegations contained in the preceding paragraphs are incorporated herein as if set out in full.

25. Defendant Paul Zirix is the Secretary of the Oklahoma State Election Board. Oklahoma statutes provide that the Secretary of the Senate is also Secretary of the Oklahoma State Election Board. 26 Okla. §2-101.6. The Oklahoma Constitution authorizes the Oklahoma State Legislature to create an Election Board. Okla. Const., Art. III, §2. The Oklahoma State Election Board consists of three (3) members and two (2) alternate members appointed by the Governor with the advice and consent of the Senate. An alternate serves on the Board at any meeting which the member for whom the person is an alternate is unable to attend. 26 Okla. Stat. §2-101.

26. Defendant Steve Curry is the Chairman of the Oklahoma State Election Board. The Chairman and Vice-Chairman are elected every four years. 26 Okla. Stat. §2-107.7.

27. Defendant Tom Montgomery is the Vice-Chairman of the Election Board.

28. The third position on the Election Board is presently vacant as the previously appointed member, Jim Roth, was not confirmed by the Oklahoma State Senate.

29. There are two alternate members of the Election Board, Jerry Buchanan and Dr. Tim Mauldin. One of these persons will serve as a member of the Election Board until a new appointee to the Board by the Governor is confirmed by the Senate.

30. There may be other persons who receive actual notice of an order, including alternate members of the Oklahoma State Election Board, the parties, the parties' officers, agents, servants, employees, and attorneys; as well as other persons who are in active concert or participation with anyone described in Federal Rule of Civil Procedure 65(d)(2)(A) or (B) who are subject to the authority of injunctions issued by this Court. It is the intention of these Plaintiffs that such persons be bound by the existing preliminary injunction enjoining certification and by any further orders of this Court, and Plaintiffs respectfully ask that any such persons be joined as party defendants to this action as may appear proper to the Court.

#### **IV. ADDITIONAL FACTS**

31. All factual allegations contained in the preceding paragraphs are incorporated herein as if set out in full. Although allegations may be identified with regard to particular Plaintiffs and Defendants, it is intended that, if any allegation may be applied to other Plaintiffs or Defendants, the allegation should be construed to apply to them.

##### **A. PASSAGE OF SQ755.**

32. On January 10, 2010, Rep. Rex Duncan introduced House Joint Resolution 1056 ("HJR 1056") in the Oklahoma State House. Sen. Anthony Sykes sponsored the same measure in

the State Senate.

33. As introduced, HJR 1056 expressly singled out “Sharia Law.” The measure was amended to include a second reference that allowed courts to consider the law of other U.S. states, “provided [that] the law of the other state does not include Sharia Law.”

34. On May 18, 2010, the House voted to approve HJR 1056. The Senate followed suit on May 24, 2010. HJR 1056 eventually became State Question 755.

35. The resolution approved placing a state question on the next electoral ballot seeking voter approval of a constitutional amendment entitled the “Save Our State Amendment.” Section C of the Resolution declared that:

The Courts provided for in subsection A of this section when exercising their judicial authority, shall uphold and adhere to the law as provided in the United States Constitution, the Oklahoma Constitution, the United States Code, federal regulations promulgated pursuant thereto, established common law, the Oklahoma Statutes and rules promulgated pursuant thereto, and if necessary the law of another state of the United States provided the law of the other state does not include Sharia Law, in making judicial decisions. The courts shall not look to the legal precepts of other nations or cultures. Specifically, the courts shall not consider international law or Sharia Law. The provisions of this subsection shall apply to all cases before the respective courts including, but not limited to, cases of first impression.

36. Under Section A, SQ755 would apply to nearly all adjudicative bodies in the state, including the Senate, sitting as a Court of Impeachment; the Oklahoma Supreme Court; the Court of Criminal Appeals; the Court on the Judiciary; the State Industrial (Workers’ Compensation) Court; the Court of Bank Review; the Court of Tax Review; intermediate appellate courts; district courts; municipal courts; and such boards, agencies, and commissions created by the State Constitution or established by statute that exercise adjudicative authority or render decisions in individual proceedings.

37. Defendants admit that there is no evidence that any Oklahoma body has ever

improperly imposed “Sharia Law” in its proceedings. Nevertheless, the resolution’s primary sponsors claimed, without any support or explanation, that SQ755 was necessary to preempt the threat posed by Sharia law to what they view as America’s Judeo-Christian heritage. While HJR 1056 included provisions relating to foreign and international law, the anti-Sharia provisions were key to its passage, and legislators would not have approved it without them.

38. Joint resolutions for state questions generally include a proposed ballot title. When a resolution is passed by both houses, it is sent to the Secretary of State who must forward the resolution to the Attorney General for a review as to the legal sufficiency of the ballot title. 34 Okla. Stat. §9(C) (2009). Section 9(C)(1) requires that the Attorney General notify, in writing, “the Secretary of State, the President Pro Tempore of the Senate and the Speaker of the House of Representatives whether or not the proposed ballot title complies with applicable laws” and “state with specificity any and all defects found.” 34 Okla. Stat. §9(C)(1) (2009).

39. “The Attorney General shall . . . within ten (10) business days of determining that the proposed ballot title is defective, prepare a preliminary ballot title which complies with the law and furnish a copy of such ballot title to the Secretary of State, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The Attorney General may consider any comments made by the President Pro Tempore of the Senate or the Speaker of the House of Representatives and shall file a final ballot title with the Secretary of State no sooner than ten (10) business days and no later than fifteen (15) business days after furnishing the preliminary ballot title.” 34 Okla. Stat. §9(C)(1) (2009).

40. After passing HJR 1056, the Legislature sent it to the Attorney General for the review required by 34 Okla. Stat. §9(C)(1)(2009). Determining that the proposed ballot title did not

“adequately explain the effect of the proposition” because it failed to define “what either Sharia law or international law is,” the Attorney General prepared a revised ballot title, which provided:

This measure amends the State Constitution. It changes a section that deals with the courts of this state. It would amend Article 7, Section 1. It makes courts rely on federal and state law when deciding cases. It forbids courts from considering or using international law. It forbids courts from considering or using Sharia Law.

International law is also known as the law of nations. It deals with the conduct of international organizations and independent nations, such as countries, states and tribes. It deals with their relationship with each other. It also deals with some of their relationships with persons.

The law of nations is formed by the general assent of civilized nations. Sources of international law also include international agreements, as well as treaties.

Sharia Law is Islamic law. It is based on two principal sources, the Koran and the teaching of Mohammed.

Shall the proposal be approved?

41. After the Attorney General submitted this revised preliminary ballot title to the Secretary of State, Senate President Pro Tempore, and House Speaker for review, it was placed on the ballot as State Question No. 755. There is no evidence that legislative leaders objected to or expressed any concerns about the proposed revision to the ballot title. The Attorney General made no further changes to the preliminary ballot title, finalized its language, and returned it to the Secretary of State.

42. Because the title is the only reference to the amendment seen by the voters on their ballots, under Oklahoma law, “. . . when construing a constitutional amendment that was proposed by the Legislature,” courts must “read the ballot title together with the text of the measure, even if the text of the measure contains no ambiguities or absurdities.” *Southwestern Bell Tel. Co. v. Oklahoma State Bd. of Equalization*, 231 P.3d 638, 642 (Okla. 2009).

43. On November 2, 2010, just over 70% of Oklahomans who voted approved SQ755. However, the amendment will not officially take effect until after the Defendant Oklahoma State Election Board certifies the results of the election and, as a ministerial act, the Governor proclaims the measure “approved by the people.” 34 Okla. Stat. §5 (1992).

44. Like state legislators, voters understood the measure to be a preemptive strike against Sharia Law and would not have approved the measure without its anti-Sharia provisions. On information and belief, in the months leading up to the election, robocalls supporting SQ755 concentrated solely on its anti-Sharia provisions, and media coverage emphasized the measure’s focus on Sharia and Islam. SQ755’s international and foreign law provisions, standing alone, are incomplete and incapable of being executed in accordance with the intent of the Legislature and voters.

45. SQ755’s specific, emphatic rejection of “Sharia Law” means that if certified it will discriminate among religions in violation of the Establishment Clause and can survive only if it is “closely fitted to the furtherance of any compelling interest asserted.” “Strict scrutiny is required when laws discriminate among religions because “[n]eutral treatment of religions [is] ‘the clearest command of the Establishment Clause.’” “The First Amendment mandates governmental neutrality between religion and religion.... The State may not adopt programs or practices ... which aid or oppose any religion.... This prohibition is absolute.” *Awad v. Ziriax*, 670 F.3d at 1127 quoting *Larson v. Valente*, 456 U.S. 228, 244, 246, 255 (1982). SQ755 fails the test of strict scrutiny.

**B. SQ755's HARMFUL IMPACT ON PLAINTIFFS AWAD, ENCHASSI, SOLTANI, AND OTHER MUSLIMS.**

46. Plaintiffs Awad, Enchassi, and Soltani live their lives in accordance with a set of

religious principles set forth in the Quran, the Muslim Holy Book, and the teachings of the Prophet Mohammed, which are collected in religious guides called “Hadiths.” Such teachings and Quranic dictates comprise the foundation from which many clergy and believers have derived the content of their religious obligations. Plaintiffs Awad, Soltani, and Enchassi refer to these religious obligations collectively as “Sharia law” and it serves as a guide for them and other Muslims to apply and practice their faith in everyday life, covering topics that include even mundane matters such as dress, grooming, and social interactions.

47. Plaintiff Enchassi solemnizes marriages within the Islamic faith in accordance with what SQ755 describes as “Sharia law” and records that solemnization on marriage licenses issued by court clerks within the State of Oklahoma. Those licenses are returned to the Court Clerk for recording as public records of new marriage relationships.

48. While Sharia law is defined by reference to certain primary sources, it does not exist in a uniform, monolithic state. There is no single document that exhaustively contains Sharia law. Rather, the meaning and requirements of Sharia law are subject to individual and communal interpretations and thus differ from region to region, across denominations, and among individual Muslims. One central tenet of Sharia – that Muslims live in accordance with the law of the nation in which they reside – provides for such differences. Thus, as Plaintiffs Awad, Enchassi, and Soltani practice their religion, following U.S. and Oklahoma law is paramount to living a virtuous and faith-abiding life.

49. Upon learning about the “Save Our State Amendment,” Plaintiff Awad immediately became concerned that it “was basically going to forbid the consideration of Islam in our courtrooms, and in the process enshrine Islam in a negative light in our State’s Constitution.”

Specifically, Awad was disturbed that the measure's sponsors seemed "to go out of their way to specifically isolate Sharia," which he observed was the "only religious faith mentioned" in SQ755 and ballot title. Awad feels that SQ755 denigrates his faith – characterized by SQ755 proponents "as a threat to the State of Oklahoma" – and, if certified, will effectively erect a wall between him and his own state legislators. He believes that SQ755 would "shine a negative, condemning and demonizing light on my faith" and that, "as Muslims in this community, we felt somewhat attacked by our own politicians." Awad objects to and is offended by this official disapproval of his faith.

50. Moreover, Awad is disturbed that the proposed amendment purports to define, or asks Oklahoma courts to define, what constitutes "Sharia Law," which, as noted above, is a religious practice that varies by geography, denomination, and individual adherent. Awad has stated, "I don't think it's the place of the court to define what aspects of my religion are Sharia and which parts aren't."

51. Similarly, Plaintiff Soltani followed the coverage of SQ755 and saw how the ballot initiative and its proponents stigmatized and attached disabilities to his religious beliefs. Plaintiff Soltani experienced directly how consideration of SQ755 cast Islam in a negative and denigrating light, how it would isolate and marginalize Muslims such as the Plaintiffs and their beliefs as a matter of Oklahoma law, encouraged attacks on Islam by others, and designated him and other Muslims as "outsiders" within their own State. Plaintiff Soltani's colleagues questioned him about the contents of his faith, having been influenced by the message of condemnation that SQ755 broadcasts about Islam. Soltani objects to and is offended by this official disapproval of his faith.

52. Plaintiff Enchassi likewise believes that SQ755 denigrates and condemns his faith. This condemnation makes him feel like a political outsider in Oklahoma. He believes that, once

certified, SQ755 will isolate and marginalize Muslims, encourage attacks on Islam by others, and designate Muslims as political “outsiders” within their own State. Enchassi objects to and is offended by this official disapproval of his faith.

53. In addition, Plaintiff Awad is deeply concerned that SQ755, once certified, could disable a court from probating his last will and testament, which incorporates by reference aspects of what SQ755 defines as Sharia law. Awad believes that Sharia imposes requirements on “every aspect of a Muslim’s life, even up until death.”

54. In drafting his will, Plaintiff Awad specifically wanted to incorporate aspects of his faith that he felt were appropriate with respect to how he would be buried and also with respect to how to devise his property after death.

55. Plaintiff Awad’s will directs the executor to donate portions of his estate to “charities that advance the civil liberties of Muslims in a manner that does not exceed the proscribed limitations found in Sahih Bukhari, Volume 4, Book 51, Number 7. Awad explains that he incorporated by reference this element of Sharia law because, “in line with my faith, I wish to give a significant amount of my property to charity upon my death,” noting that “[i]n Islam, it is mandated how one can give to charity upon his death. There are certain rules. One should not give too much; one shouldn’t neglect their family.”

56. Awad’s will also requests that, after death, his body should be prepared in a manner that “comports precisely with the Hadith enumerated in Sahih Bukhari, Volume 2, Book 23, Number 345.” It further requests that, “in compliance with my Islamic faith, the Executor shall also arrange for a burial plot that allows my body to be interned [sic] with my head pointed in the direction of Mecca,” and that a prayer be organized “in accordance with Sahih Al-Bukhari, Chapter 28, Section

LIII, Number 1255 and the first paragraph of Section LV.”

57. Plaintiff Awad incorporated these provisions into his will as part of his religious exercise because he believes that Sharia law requires funerals and burials to be conducted in a specific way and because he chooses to live his life in the example that the prophet set for his followers. Awad considers it a matter of his religious exercise to choose how to be buried upon death.

58. Plaintiff Soltani is also deeply concerned that SQ755, once certified, could disable a court from probating his last will and testament, which incorporates by reference aspects of what SQ755 defines as Sharia law.

59. In drafting his will, Plaintiff Soltani specifically wanted to incorporate aspects of his faith that he felt were appropriate with respect to how he would be buried, how his grave is to be marked, and also with respect to how to devise his property after death.

60. Plaintiff Soltani’s will directs the executor to donate portions of his estate to “charities that advance the civil liberties of Muslims in a manner that does not exceed the proscribed limitations found in Sahih Bukhari, Volume 4, Book 51, Number 7.”

61. Plaintiff Soltani’s will also directs that, after death, his body should be prepared in a manner that described in “Sahih Bukhari, Volume 2, Book 23, Number 357.” He directs no autopsy or embalming to be done on his body, that his grave site face Mecca, Saudi Arabia, and that his grave, if it must be marked, to be marked with a simple rock.

62. Plaintiff Awad attended college at the University of Georgia, a public educational institution in Athens, Georgia, where he took various classes in Islamic studies from Dr. Kenneth Honerkamp. Awad took further classes in Islamic studies in Morocco under the aegis of the

University of Georgia and Dr. Honerkamp, and other classes in Islamic studies at local Moroccan universities as a part of this “study abroad” program. Each of these classes involved teachings of the prophet Muhammad, the Quran, and the examples of the life of the prophet and are part of Sharia. If SQ755 is certified, Plaintiff Awad, or any other person who completes classes in Islamic studies or Sharia outside the State of Oklahoma would be unable to transfer such study credits to public schools including colleges and universities within the State of Oklahoma in that such transfer would require an adjudicative evaluation of course content that considers Sharia and Islamic studies, consideration forbidden by SQ755.

63. On November 29, 2010, this Court issued a preliminary injunction based on Plaintiff Awad’s Establishment Clause and Free Exercise claims recited in the original Complaint in this cause. (Doc. 020, 11/29/2010). The U.S. Court of Appeals for the Tenth Circuit affirmed that decision and upheld the injunction. *Awad v. Ziriax*, 670 F.3d 1111 (10<sup>th</sup> Cir. 2012).

64. Plaintiff Enchassi has earned a Bachelor’s degree, a Master’s degree, and a doctoral degree from the University Institute of Vocation for Islamic Studies in Lebanon. The University Institute is a public education institution credentialed by the Department of Higher Education of Lebanon. His degrees in Islamic studies involve the study of Islamic law and the teachings of Mohammed including the Hadiths and Sharia. Plaintiff Enchassi’s degrees are issued under the law of Lebanon and authenticated by the Lebanese Government. The degree documents have also been authenticated by the United States Embassy in Lebanon for use within the United States.

65. Plaintiff Enchassi has used these authenticated credentials in Oklahoma for various registrations as an Imam or religious person. If SQ755 becomes law, each time that Plaintiff Enchassi’s credentials are subject to review by an Oklahoma court or adjudicative body, they must

be rejected because SQ755 requires that a court or adjudicative body “not consider . . . Sharia Law” or the “. . . legal precepts of other nations or cultures.”

66. For example, Plaintiff Enchassi regularly performs marriages in Oklahoma solemnized under Sharia and Islamic law. During his service in Oklahoma, Enchassi has performed at least 1,000 such marriages. It is a regular religious exercise performed as a part of his duties as Imam. Like clerics of other religions, Enchassi has complied with state law regarding marriages. Oklahoma law requires that “[a]ll marriages must be contracted by a formal ceremony performed or solemnized by . . . an ordained or authorized preacher or minister of the Gospel, priest or other ecclesiastical dignitary of any denomination who has been duly authorized by the church to which he or she belongs to preach the Gospel, or a rabbi and who is at least eighteen (18) years of age.” 43 Okla. Stat. §7(A). “The preacher, minister, priest, rabbi, or ecclesiastical dignitary who is a resident of this state shall have filed, in the office of the court clerk of the county in which he or she resides, a copy of the credentials or authority from his or her church or synagogue authorizing him or her to solemnize marriages.” 43 Okla. Stat. §7(B)(2).

67. Each time Enchassi performs such a marriage, he is obligated to complete the marriage license issued by the court clerk of the state district court. *See* 43 Okla. Stat. §43. The solemnization of the marriage performed by Enchassi is in accordance with Islamic law. When a marriage license is returned to a court clerk or judge who issued the certificate, the state official receiving the completed form must ascertain whether the returned certificate complies with Oklahoma law. This would appear to include a review of whether Enchassi is authorized to perform marriage solemnization in Oklahoma based upon his previously filed credentials issued in accordance with Islamic law and a review of compliance of completion and return of the Marriage

License.

68. If SQ755 is certified by Defendants, a court clerk would be forbidden from “considering” Sharia law and therefore would be required to refuse to acknowledge Enchassi’s credentials or recognize a marriage solemnized by him in accordance with Sharia Law. Because it imposes an obligatory prohibition against consideration of Sharia Law, if SQ755 is certified by Defendants, persons marrying within the State of Oklahoma in accordance with Sharia Law would be unable to have their marriage registered upon the return of the license to the court clerk.

69. SQ755, if certified, would also interfere with other activities Enchassi performs as a cleric. Title 12 Okla. Stat. §2505(B) authorizes an evidentiary privilege “to refuse to disclose and prevent another from disclosing his confidential communications made to a clergyman acting in his professional capacity.” Subsection (C) provides, “The cleric is presumed to have authority to claim the privilege but only on behalf of the communicant.”

70. Subsection A(1) provides that a “cleric” is a “. . . minister, priest, rabbi, accredited Christian Science practitioner or other similar functionary of a religious organization, or any individual reasonably believed to be a cleric by the person consulting with the cleric.” Subsection A(2) provides that a “. . . communications is ‘confidential’ if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communications.”

71. In the performance of his duties as Imam, Plaintiff Enchassi frequently counsels with jail and prison inmates on religious issues and other matters of a personal and confidential nature. He also provides religious counseling to members of the ISGOC and others. However, if SQ755 is certified by Defendants, a court or adjudicative body would not be permitted to consider Plaintiff

Enchassi's credentials as an Imam because they are based upon Sharia Law, and the evidentiary privilege could, therefore, be abrogated. Indeed, even if Enchassi were never called to testify in any proceeding, the mere uncertainty that SQ755 would create over the privilege would significantly hinder Enchassi's ability to provide religious counseling to others while clerics of all other religions would be able to provide privileged counseling.

72. As an Imam, Enchassi is also personally authorized to seek certain tax exemptions ordinarily available to priests, ministers, or other religious personnel within the State of Oklahoma, but which would be unavailable to him if SQ755 is certified because eligibility for such exemptions would involve consideration of Sharia law.

73. For example, the Oklahoma Tax Commission ("OTC") is authorized to "exercise adjudicative authority or render decisions in individual proceedings" relating to income, expenses, and deductions taken by Oklahoma taxpayers or other statutory matters assigned to the OTC. Plaintiff Enchassi is an Oklahoma taxpayer and receives compensation or remuneration for the performance of his official duties as Imam. Oklahoma law exempts from the definition of "wages" ". . . remuneration paid . . . for services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order." 68 Okla. Stat §2385.1(e)(5).

74. A determination by the OTC of compensation or "remuneration" received by Plaintiff Enchassi requires consideration of aspects of Sharia Law in order to determine whether Enchassi's activities are related to the "exercise of his ministry" or the "exercise of duties required by such order" and, as such, determine whether Plaintiff Enchassi may properly exclude such remuneration from his "wages."

75. If SQ755 is certified by Defendants, the OCT could not “consider” Sharia Law in any individual determination of Enchassi’s right to exclude such remuneration from wages. Consequently, Enchassi would be denied the benefit of this tax exemption because his religious beliefs are disfavored by the State in violation of the First Amendment. Enchassi would be treated differently from other “duly ordained, commissioned, or licensed minister[s] of a church in the exercise of his ministry or . . . member[s] of a religious order in the exercise of duties required by such order” in violation of the equal protection clause of the Fourteenth Amendment.

76. As an agent and representative of the ISGOC, Enchassi is also responsible for various financial and social transactions of the local mosque. He is authorized to seek and procure eligibility for various tax exemptions ordinarily accorded to religious institutions under Oklahoma law.

77. Oklahoma maintains a property tax system known as an “ad valorem tax.” An ad valorem tax is a tax levied in proportion to the value of the thing(s) being taxed. Exclusive of exemptions, use-value assessment laws, and the like, the property tax is an ad valorem tax.

78. Oklahoma law also allows certain exemptions from the ad valorem tax which include “all property used exclusively and directly for fraternal or religious purposes within this state.” 68 Okla. Stat. §2887(7). Such exemption would ordinarily exclude from the ad valorem tax all property maintained by ISGOC for religious purposes including its Mosque. Plaintiff Enchassi, as a representative of the ISGOC, is involved in securing this exemption from ad valorem tax based upon the religious activities conducted by the ISGOC.

79. Oklahoma law also allows an exemption from taxation by ad valorem of “[a]ll libraries and office equipment of ministers of the Gospel actively engaged in ministerial work in the State of Oklahoma where said libraries and office equipment are being used by said ministers in

their ministerial work” which property is “deemed to be used exclusively for religious purposes.” 68 Okla. Stat. §2887(11). The common understanding of the term “Gospel” is an account, often written, that describes the life of Jesus of Nazareth. The most widely-known examples of gospel are the four canonical gospels of Matthew, Mark, Luke, and John.

80. Plaintiff Enchassi possesses libraries and office equipment used in his ministerial work, although he is an Imam and not a minister of the Gospel as that term is commonly understood, but such property should otherwise be entitled to a *ad valorem* tax exemption if used for “ministerial purposes.”

81. A determination by the OTC or other state taxing authorities that “exercise adjudicative authority or render decisions in individual proceedings” requires consideration of the “religious purposes” or “ministerial work” to which such real or personal property is put to use as a condition of the exemption. As to Plaintiff Enchassi and ISGOC, such a determination of “religious purpose” or “ministerial work” would require consideration of Sharia law in order to determine its eligibility for exemption.

82. If SQ755 is certified by Defendants and becomes law, a taxpayer, the Oklahoma Tax Commission, and other state taxing authorities could not consider Sharia Law in the determination of eligibility for exemption from *ad valorem* tax by ISGOC, Enchassi, or any other taxpayer.

**C. SQ755’s IMPACT ON FOREIGN MARRIAGES**

83. Plaintiffs Mock and Schwagmeyer are husband and wife.

84. Plaintiffs Mock and Schwagmeyer were married in Scotland in 1983 under Scottish law. The solemnization of their marriage is evidenced by a document containing an extract of an entry in a Register of Marriages in the District of Canongate and Portobello and certified by the

Registrar of the District as provided by the law of Scotland.

85. A foreign document such as this certified copy of the extract of entry of the Registrar of Marriages may be authenticated under a convention of the Hague Conference. The Hague Conference on Private International Law is “a global intergovernmental” organization that “develops and services multilateral legal instruments.”<sup>1</sup> *Leser v. Berridge*, 668 F.3d 1202, 1204 (10<sup>th</sup> Cir. 2011).

86. Documents from foreign countries such as the document extract of entry of the Register of Marriages of Plaintiffs Mock and Schwagmeyer are authenticated for use in other countries by Hague Convention 12 entitled “Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.”<sup>2</sup> The certification of a document from one of the signatory countries permits its use for legal purposes in all the other signatory states and is known as an “apostille” (from the French: “certification”). This Convention is also known as the “Apostille Convention” or the “Apostille Treaty.” The United States and Scotland are both signatories to the Hague Apostille Convention.

87. For various purposes, Plaintiffs Mock and Schwagmeyer must establish and be able to prove that they are married to one another. They must do so to establish eligibility for and obtain certain benefits and privileges afforded to married persons and their spouses by the State of Oklahoma and by their employer, a state university, including property interests in vested retirement and death benefits adjudicated and administered by the Oklahoma Teachers Retirement System

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<sup>1</sup> See <[http://www.hcch.net/index\\_en.php?act=text.display&tid=26](http://www.hcch.net/index_en.php?act=text.display&tid=26)> last visited 7/21/2012.

<sup>2</sup> See < [http://www.hcch.net/index\\_en.php?act=conventions.text&cid=41](http://www.hcch.net/index_en.php?act=conventions.text&cid=41)> last visited 7/21/2012.

(“OTRS”), a state agency.

88. If SQ755 is certified by the Defendants, however, Plaintiffs Mock and Schwagmeyer will be unable to prove the existence of their certificated ceremonial marriage before courts and adjudicative agencies in the State of Oklahoma because their marriage in Scotland relies upon “legal precepts of other nations or cultures” and its proof in the United States relies upon the Hague Conference Apostille Convention. SQ755 forbids consideration of “international law” and the “legal precepts of other nations or cultures” by any court or adjudicative agency.

89. Instead, if SQ755 is certified by the Defendants, Plaintiffs Mock and Schwagmeyer will be required to assume special burdens to prove that they are married under Oklahoma law and will be denied the right to prove the existence of their marriage as solemnized in Scotland and evidenced by the documentary extract of record from the Registrar of Records.

90. Plaintiffs Mock and Schwagmeyer are both nearing the time of retirement and will be entitled to benefits under OTRS. As a part of their application for retirement, they will be required to execute spousal consent forms before retirement becomes effective.<sup>3</sup> The OTRS is an

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<sup>3</sup> See OTRS Regulation 715:10-15-12. Spousal Consent:

When selecting a retirement option, a TRS Acknowledgment of Spousal Consent Form shall be completed. If the member is married at the time of retirement, the retiring member's spouse must complete Part A, acknowledging that the retirement options available to the member have been explained to the spouse and the spouse concurs with the retirement option selected by the retiring member. If the member is unmarried at the time of retirement, the member must complete Part B, certifying that he or she is unmarried or that at the time of retirement the whereabouts of the spouse is unknown and cannot be located. The Spousal Consent form is an integral part of the application for retirement and must be filed with the retirement contract before the member's retirement becomes effective. [Source: Amended at 16 Ok Reg 743, eff 10-5-98 through 7-14-99 (emergency)1; Amended at 17 Ok Reg 204, eff 9-8-99 (emergency); Amended at 16 Ok Reg 3567, eff 9-13-99; Amended at 17 Ok

(continued...)

adjudicative agency that decides grievances and complaints. *See* OTRS Reg. 715:1-1-10. Grievances and complaints. Certification of SQ755 by Defendants would require both Mock and Schwagmeyer to assume special burdens to prove the existence of a marriage since they will be unable to prove marriage by certificate under the laws of Scotland.

91. SQ755 will burden fundamental rights of marriage of persons including Plaintiffs Mock and Schwagmeyer who have formalized or choose to formalize their marital relations under the law of a foreign country and who seek to bring proof of that marriage to the State of Oklahoma in the form of a certification granted under the Apostille Convention. Such persons will be required to assume special burdens to prove an existence of a marriage within the State of Oklahoma when they would otherwise rely upon marriage solemnizations performed in a foreign country.

92. If SQ755 is certified by Defendants, Plaintiffs Mock and Schwagmeyer will be subject to unequal treatment and denial of due process involving their fundamental right to marry when their ceremonial marriage was performed in accordance with the law of Scotland. SQ755 will deny Plaintiffs Mock and Schwagmeyer the same status and relationship as others who are married ceremonially in another state or in Oklahoma.

**D. FACTORS ENTITLING PLAINTIFFS TO INJUNCTIVE RELIEF**

93. STATUS QUO. A grant of injunctive relief will preserve the pre-litigation status quo. Even if this were a mandatory injunction, Plaintiffs satisfy a heightened standard for injunctive relief.

94. IRREPARABLE HARM. If SQ755 is certified by Defendants, those Plaintiffs of the

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<sup>3</sup>(...continued)  
Reg 3071, eff 7-13-00]

Islamic faith will suffer irreparable harm to First Amendment rights. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also, e.g., Pacific Frontier v. Pleasant Grove City*, 414 F.3d 1221, 1235-36 (10th Cir. 2005) (noting presumption of irreparable harm where First Amendment rights are implicated). “A plaintiff suffers irreparable injury when the court would be unable to grant an effective monetary remedy after a full trial because such damages would be inadequate or difficult to ascertain.” *Dominion Video Satellite, Inc. v. EchoStar Satellite Corp.*, 269 F.3d 1149, 1156 (10th Cir. 2001). Furthermore, “[w]hen an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.” *Kikumura v. Hurley*, 242 F.3d 950, 963 (10th Cir. 2001). Plaintiffs Mock and Schwagmeyer will suffer irreparable harm to their fundamental right to marry. *Loving v. Virginia*, 388 U.S. 1 (1967).

95. BALANCE OF HARM. The balance of harm as to irreparable injury to Plaintiffs in comparison to the “harm” to Defendants weighs in Plaintiffs’ favor. When a law that voters wish to enact is likely unconstitutional, their interests do not outweigh those of the Plaintiffs in having their constitutional rights protected. *Awad v. Ziriya*, 670 F.3d at 1132 *citing Coal. for Econ. Equity v. Wilson*, 122 F.3d 692, 699 (9th Cir. 1997).

96. PUBLIC INTEREST. The granting of preliminary and permanent relief and declaratory judgment will be in the public interest in that there is always a public interest in the protection of constitutional rights, especially fundamental rights. “[I]t is always in the public interest to prevent the violation of a party’s constitutional rights.” *Awad v. Ziriya*, 670 F.3d at 1132 *quoting G & V Lounge, Inc. v. Mich. Liquor Control Comm’n*, 23 F.3d 1071, 1079 (6th Cir. 1994). (“While the public has an interest in the will of the voters being carried out. . . the public has a more

profound and long-term interest in upholding an individual's constitutional rights." *Id.*; *see also Cate v. Oldham*, 707 F.2d 1176, 1190 (10th Cir. 1983) (noting "[t]he strong public interest in protecting First Amendment values"). Additionally, such relief will be in the public interest by preserving the status quo in many other respects that underpin social and commercial activities in Oklahoma. For example, if SQ755 is certified:

- A. contracts ( *e.g.*, for goods, services, insurance) that incorporate foreign law or international law may not be considered by Oklahoma courts and adjudicative agencies. Foreign companies that execute contracts (including reinsurance contracts) consistent with the law of their domicile will shun Oklahoma;
- B. documents authenticated or which originate in a foreign country, including but not limited to marriage licenses and certificates, birth and death certificates, academic credentials, foreign passports, powers of attorney, wills, court records ( *e.g.*, adoption and divorce decrees, judgments), and negotiable instruments issued under the law of a foreign country or transactions based upon international law may not be considered by Oklahoma courts and adjudicative agencies;
- C. records of ownership that incorporate or depend upon foreign law or international law ( *e.g.*, deeds, bills of sale, corporate stock) may not be considered by Oklahoma courts and adjudicative agencies.

97. NO ADEQUATE LEGAL REMEDY. Plaintiffs have no adequate remedy at law for the denial of their fundamental constitutional rights.

## VI. -Claims-

Plaintiffs come before the Court and incorporate the allegations previously stated and make the following claims against these Defendants:

### A. Establishment Clause Violation (42 U.S.C. §1983)

1. SQ755 violates the Plaintiffs' rights under the Establishment Clause of the First Amendment to the U.S. Constitution and the Fourteenth Amendment to the U.S. Constitution.

2. By singling out Islam and its adherents, SQ755 facially discriminates among religions. Because the amendment is not narrowly tailored or closely fitted to, and does not serve, a compelling governmental interest, this facial discrimination violates the Establishment Clause. *See Larson v. Valente*, 456 U.S. 228 (1982).

3. SQ755 also improperly conveys and endorses a message of disapproval for one faith, Islam, in violation of the Establishment Clause. A reasonable, objective observer, familiar with SQ755's history and text, as well as the context in which it was passed, would conclude that it broadcasts a message of official condemnation of Islam. *See Am. Atheists, Inc. v. Duncan*, 616 F.3d 1145, 1156 (10th Cir. 2010).

4. SQ755, in addition, has the impermissible primary purpose and effect of inhibiting religion, namely, the exercise of Islam. It also excessively entangles the State with religion in violation of the Establishment Clause. *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

5. Unless restrained by this Court, Defendants will certify SQ755, causing the law to take immediate effect. As a result, Plaintiffs Awad, Soltani, and Enchassi will be irreparably injured by the official condemnation of their religious beliefs. If certified, SQ755 also will subject Plaintiffs to disfavored and unequal treatment under Oklahoma law by imposing on them special

disabilities and legal burdens that are not faced by non-Muslim citizens.

6. Plaintiffs have no adequate remedy at law for the denial of their fundamental Establishment Clause rights.

**B. Free Exercise Clause Violation (42 U.S.C. §1983)**

7. SQ755 violates the Plaintiffs rights under the Free Exercise Clause of the First Amendment of the U.S. Constitution.

8. SQ755 is not neutral. It expressly targets and discriminates against Islamic religious doctrine and beliefs. Because the amendment is not narrowly tailored or closely fitted to, and does not serve, a compelling governmental interest, this facial discrimination violates the Free Exercise Clause. *See Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531 (1993).

9. Unless restrained by this Court, Defendants will certify SQ755, causing the law to take immediate effect. As a result, Plaintiffs Awad, Soltani, and Enchass will be unable to freely exercise their faith and will be irreparably injured due to the disfavored and unequal treatment, and special disabilities and legal burdens, imposed on them by SQ755.

10. Plaintiffs have no adequate remedy at law for the denial of their fundamental Free Exercise rights.

**C. Due Process and Equal Protection Clauses Violation (42 U.S.C. §1983)**

11. SQ755 violates due process and equal protection under the Fourteenth Amendment as to the fundamental right to marriage. If SQ755 is certified by Defendants, Plaintiffs Mock and Schwagmeyer will be subject to unequal treatment and denial of due process involving their fundamental right to marry when their ceremonial marriage was performed in accordance with the law of Scotland. SQ755 will deny Plaintiffs Mock and Schwagmeyer the same status and

relationship as others who are married ceremonially in another state or in Oklahoma and will require them to assume special burdens to prove the existence of their marriage under Oklahoma law.

**D. Supremacy Clause Violation (42 U.S.C. §1983)**

12. SQ755 violates the Supremacy Clause of the Constitution. If SQ755 is certified by Defendants, Plaintiffs Mock and Schwagner will be unable to rely upon the Apostille Convention of the Hague Conference to prove the authenticity of their marriage certificate and its validity in Scotland and will also be denied the normal aspects of comity under customary international law.

**VII. -Prayer for Relief-**

**WHEREFORE**, Plaintiffs incorporate the allegations previously stated and make the following prayer for relief from this Court:

1. Assume jurisdiction of the cause to determine this controversy and set this case down promptly for hearing.

2. Grant Plaintiffs preliminary and permanent injunctive relief on all claims. On November 29, 2010, this Court issued a preliminary injunction based on Plaintiff Awad's Establishment Clause and Free Exercise Clause claims. (Doc. 020, 11/29/2010) The U.S. Court of Appeals for the Tenth Circuit affirmed that decision and upheld the injunction. *Awad v. Ziriax*, 670 F.3d 1111, 1132 (10th Cir. 2012). As alleged above, the anti-Sharia language was integral to SQ755, and neither the Legislature nor the voters would have passed SQ755 without the anti-Sharia language. Accordingly, SQ755's foreign and international law provisions, standing alone, are incomplete and incapable of being executed in accordance with intent of the Legislature and the voters. As a result, the amendment is not severable and Plaintiffs are entitled to a permanent injunction barring certification of the entire amendment, including the Sharia Law, foreign law, and

international Law provisions. In the event that Defendants contend and the Court determines, however, that the amendment is severable, Plaintiffs are entitled to and request (a) permanent injunctive relief enjoining certification of the Sharia Law provision of SQ 755 and (b) preliminary and permanent injunctive relief enjoining the certification of the foreign law and international law provisions of SQ755 based on the additional claims asserted herein.

3. Declare, pursuant to 28 U.S.C. §2201- 02 and Fed.Rul.Civ.Pro. 57, that SQ755 is unconstitutional as provided herein.

4. Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure and 42 U.S.C. §1988, Plaintiffs should be allowed their costs and attorney fees herein against Defendants as permitted by law.

5. Any and all such other and further relief as this Court deems just and equitable against appropriate parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Salem', is written over a horizontal line. The signature is stylized and somewhat cursive.

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ATTORNEY FOR PLAINTIFFS  
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ADAM SOLTANI  
IMAD ENCHASSI  
DOUGLAS MOCK and  
PATRICIA SCHWAGMEYER

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically transmitted the above and foregoing document to which this certification is attached and any attached exhibits to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF Registrants:

**Patrick Wyrick**  
Solicitor General  
Oklahoma Attorney General's Office  
313 N.E.21st Street  
Oklahoma City, Oklahoma City, 73105

this 29<sup>th</sup> day of JULY, 2012.

  
MICHEAL SALEM (OBA #7876)