

club, the Frontline Club, was not approved to become an officially recognized club.

3. District officials denied the Club saying that no religious clubs would be allowed at the school.

4. According to Defendant Principal Brijinder Singh, “other schools may have [a Christian club], but I don’t want this in my school.”

5. Defendant Singh claimed that her denial of the Frontline Club was justified because “if I were to support the formation of a club based solely on Christian religious beliefs I would have to afford the same opportunity to any students representing another of the many religious founding within our school community. The cost of providing an advisor to any religious group interested in meeting would be prohibitive at this economically stringent time.”

6. However, Defendants Board of Education of the Hicksville Union Free School District and Principal Singh apparently saw no problem with “afford[ing] the same opportunity” to students in the Ping-Pong Club and the over 35 other officially recognized clubs such as the Ski Club, Key Club, Interact, Model United Nations, Mock Trial Club.

7. The Defendants likewise did not find the costs of providing an advisor to these other officially recognized clubs to be “prohibitive.”

8. Officially recognized clubs receive certain benefits and privileges including using school facilities for meetings before and after school, making announcements, posting flyers and advertisements for club activities, organizing and participating in field trips during the school day, engaging in fundraising, participating in Homecoming Week activities, among other benefits.

9. The Defendants have implemented policies and practices which permit official recognition of clubs that are both curriculum related and non-curriculum related.

10. District Policy 5200, entitled “Cocurricular and Extracurricular Programs,” states in

part that “Only those student organizations approved by the school administration, and to which membership is open to the entire student body, are authorized by the Hicksville Board of Education to function on district property, use school transportation, or take part in district activities. . . . Students desiring to form a cocurricular or extra-curricular activity will apply for it on a registration form obtainable from a designated school administrator. Upon satisfactory completion of the registration procedures, the school principal will inform the superintendent of the newly approved program.”

11. Further, District Policy 5200R, entitled “Administrative Regulations for Use of Facilities After School Hours by Noncurriculum Related Student Groups,” states that “Approval will be granted to groups whose purpose is not prohibited by statute or district policy and which abide by established rules and regulations as listed below. Denial of use of facilities for failure to comply as mentioned herein will result only after a hearing before the principal or his/her designee.”

12. Pursuant to Policies 5200 and 5200R and District practice (the “Policies”), the Frontline Club, however, has not been officially recognized and has been denied the benefits and privileges given to other student clubs.

13. Plaintiffs challenge the Policies both facially and as-applied to the denial of Plaintiffs’ religious Frontline Club.

14. The Frontline Club has been denied official recognition and access to all of the other club benefits.

15. The Defendants readily afford official recognition and accompanying benefits and privileges to a over thirty-five different clubs.

16. The Equal Access Act, along with the First and Fourteenth Amendments, prohibit governmental discrimination of this type and guarantee religious student clubs access and treatment

equal to that of other non-curriculum related student clubs.

17. The Frontline Club, J.M., and H.F. bring this action seeking equal treatment, and respectfully ask the Court (i) to enjoin Defendants from violating their constitutional and statutory rights, as well as the rights of others interested in the Frontline Club, and (ii) to order Defendants to immediately grant official club status to the Frontline Club, with all of the accompanying rights, benefits, and privileges given to other officially recognized student clubs.

JURISDICTION AND VENUE

18. This action arises under the United States Constitution, specifically the First and Fourteenth Amendments, and under federal law, particularly 28 U.S.C. § 2201, 2202, 42 U.S.C. §§ 1983 and 1988, and the Equal Access Act, 20 U.S.C. §§ 4071-4074.

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

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

21. This Court is authorized to grant Plaintiffs' requested injunctive relief pursuant to 28 U.S.C. § 1343(4) and Rule 65 of the Federal Rules of Civil Procedure.

22. This Court is authorized to award nominal damages under 28 U.S.C. § 1343(4).

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

24. Venue is proper under 28 U.S.C. § 1391 in the United States District Court for the Eastern District of New York because the events giving rise to the claim occurred within the District and because all parties are residents of the District.

IDENTIFICATION OF THE PLAINTIFFS

25. Plaintiff Frontline Club is an unincorporated association of like-minded students ranging from 9th-12th grade who desire to start a Christian club at HHS.

26. Plaintiff J.M., a minor, is a resident of Hicksville, New York, and a student at HHS.

27. J.M. is a professing Christian. J.M. is a leader of the Frontline Club.

28. Plaintiff H.F., a minor, is a resident of Hicksville, New York, and a student at HHS.

29. H.F. is a professing Christian. H.F. is a leader of the Frontline Club.

30. Pursuant to the Club's, J.M.'s, and H.F.'s sincerely held religious beliefs, they desire to meet with other like-minded students through the Frontline Club.

31. In accordance with their sincerely held religious beliefs, the Club, J.M., and H.F. desire to share their Christian faith with fellow members and students through Frontline Club activities.

32. Plaintiffs Frontline Club, J.M., and H.F. desires to worship, pray, study the Bible, enjoy fellowship together with other students at Frontline Club meetings, and to organize and participate in community service activities in the surrounding community.

33. At the Club meetings, Plaintiffs desire to discuss, from a Biblical perspective, a variety of issues facing students, including those related to serving others in the school and community, leadership, peer pressure, drug and alcohol abuse, abstinence, and promoting respect and dignity for others, just to name a few.

34. Roseanne Munn, next friend, is J.M.'s parent and guardian, and at all times relevant to this Complaint, is and was a resident of Hicksville, New York.

35. Donald Feltkamp, next friend, is H.F.'s parent and guardian, and at all times relevant to this Complaint, is and was a resident of Hicksville, New York.

IDENTIFICATION OF THE DEFENDANTS

36. Defendant Board of Education of the Hicksville Union Free School District (the “Board”) is a body politic and corporate and may sue and be sued in its corporate name.

37. The Board is organized under the laws of the State of New York.

38. The Board is charged with the administration, operation, and supervision of HHS.

39. The Board is responsible for the formulation, adoption, implementation, and enforcement of District policies and practices related to HHS.

40. The Board is also responsible for formulation, adoption, implementation, and enforcement of the District policies and practices, including the specific Policies challenged herein, related to the formation and organization of student clubs and the rights, benefits, and privileges afforded to such student clubs at HHS.

41. The Board has denied official club status to Plaintiffs Frontline Club, J.M., and H.F., as well as the rights, benefits, and privileges attendant to official club status, pursuant to its Policies.

42. The Board is likewise responsible for the implementation, application and enforcement by the Principal of its Policies pertaining to student clubs.

43. The Board is similarly responsible for delegating to the Principal final authority as to the official recognition of student clubs.

44. Defendant Brijinder Singh is the Principal of HHS.

45. Defendant Singh possesses responsibility, final authority, and discretion, as delegated by the Board, to administer the Policies as they relate to student activities at HHS.

46. Defendant Singh possesses responsibility, final authority, and discretion, as delegated by the Board, to administer the Policies related to the establishment of student clubs at HHS and to the benefits said clubs receive.

47. Defendant Singh is responsible for the Policies leading to the denial of official recognition and equal benefits to Plaintiffs' Frontline Club.

48. Defendant Singh has denied the Plaintiffs' Frontline Club the right to meet and attendant benefits.

49. Defendant Singh is sued individually and in her official capacity.

FACTUAL ALLEGATIONS

50. HHS is a public high school located in Hicksville, New York.

51. HHS is under the direction of the school district through the Board.

52. HHS includes grades 9 through 12.

53. HHS constitutes a secondary school under New York law.

54. Upon information and belief, HHS and the school district receive federal financial assistance.

55. The Board itself, and acting through the Principal, grants official club status to non-curriculum related student clubs at HHS.

56. The Board itself, and acting through the Superintendent and/or Principal, allows said clubs to meet on school premises at HHS during non-instructional time before and after school.

57. There are over a 35 non-curriculum related clubs currently recognized by the Board including, among others, Ski Club, Key Club, Interact, Model United Nations, Mock Trial Club, and Ping Pong Club.

58. These clubs address issues involving, among others, promoting respect and dignity for students at HHS, human rights issues, community service, and leadership.

59. Participation in such clubs is not required by school faculty in connection with curriculum course work.

60. Defendants, pursuant to their Policies, permit officially recognized non-curriculum related clubs to, among other things, conduct meetings during non-instructional time before and after school on campus, use school facilities, utilize the HHS public address system and bulletin boards for announcements and flyers, organize and participate in field trips during the school day, participate in Homecoming Week activities, and participate in fund raising activities.

61. The Board is the official policy maker and as such has enacted the Policies challenged herein.

62. From approximately 1998 to 2000, a student-led Christian club was given official recognition as a student club at HHS.

63. On information and belief, in 2000, the Christian club ceased to operate at HHS.

64. On several instances thereafter, students at HHS attempted to start a Christian religious club at HHS, but their requests were repeatedly rejected by Defendants Singh and the Board.

65. In late 2007 or early 2008, H.F.'s older brother sought permission from Defendant Singh to start a Christian religious club at HHS.

66. Defendant Singh denied the request because she required that any religious club be a "multi-faith" club for all religions and denominations. She also required that non-believers must be allowed to lead the religious club.

67. On October 6, 2010, Plaintiffs J.M. and H.F. met with Mrs. Mayr, the HHS Student Activities Director, to request permission to start the Frontline Club, a religious Christian club, at HHS.

68. At the meeting, Plaintiffs told Mrs. Mayr that there were twelve students who were willing to be active members of the Frontline Club.

69. Plaintiffs had also found a teacher willing to serve as the Frontline Club's faculty advisor.

70. The Plaintiffs provided Mrs. Mayr with a Mission Statement, described the purpose and proposed activities of the Frontline Club, and requested that the Club receive official recognition.

71. Mrs. Mayr informed the Plaintiffs that she would forward the information to Defendant Singh for approval.

72. On October 11, 2010, Mrs. Mayr contacted the Plaintiffs and told them that Defendant Singh had denied the club.

73. On October 15, 2010, Plaintiffs went to Defendant Singh's office to request an appointment to discuss why their Frontline Club had been denied by Defendant Singh.

74. On October 20, 2010, Plaintiffs again went to Defendant Singh's office to see if an appointment had been scheduled. Defendant Singh's secretary told the Plaintiffs that, despite their request, no meeting had been set because "Mrs. Singh was very busy."

75. On October 25, 2010, Plaintiffs were called to Defendant Singh's office to finally receive a date for an appointment with Defendant Singh.

76. The meeting was scheduled for October 29, 2010, two weeks after Plaintiffs had initially requested a meeting to discuss Defendant Singh's denial of their Frontline Club.

77. At the October 29, 2010 meeting, Defendant Singh again denied the Plaintiffs' request for official recognition of the Frontline Club.

78. Defendant Singh told the Plaintiffs that she was not allowing any religious clubs to receive official recognition at HHS.

79. Plaintiffs told Defendant Singh that it was their understanding that under the Equal

Access Act, the school was required to grant official recognition to the Frontline Club along with the benefits and privileges given to other non-curriculum clubs at HHS.

80. In response, Defendant Singh told the Plaintiffs that it was her decision as to whether or not to grant official recognition to the Frontline Club and that her mind was made up.

81. Plaintiffs also informed Defendant Singh that twelve other schools in Nassau County have Christian clubs.

82. Defendant Singh responded that “Other schools may have it [Christian clubs], but I don’t want this in my school.”

83. At the end of the meeting, Plaintiffs gave Defendant Singh a letter dated October 28, 2010 from Plaintiffs’ parents, along with the parents of other student leaders and members of the Frontline Club, asking her to reconsider her denial of the Plaintiffs’ request for official recognition of the Frontline Club.

84. The letter stated:

Dear Mrs. Singh,

We, the parents of a group of HHS students, are requesting for your consideration to grant permission to form “Frontline,” an after school club in Hicksville High School.

Our children are brought up in a Christian environment in our community. Over the years, the principles of Christianity they have learned have made positive impact on their values and attitudes in their lives. They would like to share their faith and life-changing experiences among themselves, as well as with their peers.

As parents, we truly believe that allowing our children to form an after-school club will give them an opportunity to fellowship with one another and will also bring positive influences to the school community through good deeds and community service.

Again, we appreciate your time to consider our children’s request under the relevant public school guidelines. If you have any questions regarding this matter, feel free to contact us.

85. On November 8, 2010, Defendant Singh responded to the letter from Plaintiffs’

parents and again refused to grant official recognition to the Frontline Club.

86. Defendant Singh told the parents:

[I]f I were to support the formation of a club based solely on Christian religious beliefs I would have to afford the same opportunity to any students representing another of the many religions found within our school community. The cost of providing an advisor to any religious group interested in meeting would be prohibitive at this economically stringent time.

87. The Defendants' Policies give the District Officials, and Defendant Singh in particular, unbridled discretion to determine whether a proposed club's purpose "is not prohibited by statute or district policy."

88. But the Policies provides no standards or guidelines as to how that determination is made.

89. Under the Policies, the Board, by itself or through the Principal, retains the sole discretion to decide whether or not official recognition will be granted to any club, including to the Frontline Club.

90. Defendants' Policies are vague and give the District officials unbridled discretion to grant or deny official status to clubs at HHS.

91. Pursuant to Defendants' Policies and practices concerning official recognition of curriculum and non-curriculum related clubs, Defendants have denied, and continue to deny, Plaintiffs Frontline Club, J.M., and H.F. the right to meet, and the rights, benefits, and privileges equal to those received by other clubs which are permitted to meet at HHS.

ALLEGATIONS OF LAW

92. Students do not shed their constitutional rights at the schoolhouse gate.

93. Religious speech is fully protected by the First Amendment.

94. All of the acts of Defendants, their officers, agents, employees, and servants were

executed and are continuing to be executed by the Defendants under the color and pretense of the policies, statutes, ordinances, regulations, customs, and usages of the State of New York.

95. Plaintiffs Frontline Club, J.M. and H.F. are suffering irreparable harm from the Policies and conduct of the Defendants by being prohibited from speaking on the same terms as and exercising the same rights as other HHS student clubs and their members.

96. The Frontline Club, J.M. and H.F. have no adequate or speedy remedy at law to correct or redress the deprivation of their rights by Defendants.

97. Unless the conduct of Defendants is enjoined, the Frontline Club, J.M. and H.F. will continue to suffer irreparable injury.

FIRST CAUSE OF ACTION: VIOLATION OF THE EQUAL ACCESS ACT

98. Plaintiffs Frontline Club, J.M., and H.F. re-allege and incorporate herein, as though fully set forth, all previous paragraphs of this Complaint.

99. HHS is a public secondary school under New York law, located in Hicksville, New York.

100. On information and belief, the school district and HHS receive federal financial assistance.

101. Defendants have created a “limited open forum” at HHS within the meaning of the Equal Access Act, 20 U.S.C. § 4071, *et seq.*, by permitting one or more non-curriculum related student groups to meet on school premises during non-instructional time.

102. Such clubs include a Ski Club, Key Club, Interact, Model United Nations, Mock Trial Club, and Ping Pong Club, among others.

103. These clubs address issues involving, among others, promoting respect and dignity for all, human rights issues, community service, and leadership, just to name a few.

104. The Frontline Club has voluntary membership.

105. The Frontline Club is open to any student at HHS.

106. The Frontline Club desires to assemble on the campus of HHS during non-instructional time for the purpose of Club meetings, exchange of ideas and information, and discussion of issues, from a religious perspective, that are significant to them.

107. Such issues include, among others, faith and religion, those related to serving others in the school and community, leadership, peer pressure, and respecting others.

108. The Frontline Club's activities are voluntary, student-initiated, and student-directed.

109. The Frontline Club, J.M., and H.F. do not desire school officials to lead, direct, plan, sponsor, or otherwise control the content or direction of the Frontline Club's meetings.

110. The Frontline Club's activities on campus will not materially and substantially interfere with the orderly conduct of educational activity within HHS.

111. Defendants have denied a fair opportunity, have discriminated against, and have denied the Frontline Club, J.M., and H.F. equal access to all school facilities, benefits, and privileges based on the content of the Club's meetings.

112. Defendants' conduct cannot be justified by a compelling governmental interest, nor is it narrowly tailored to advance any such interest.

113. Defendants have accordingly abridged and continue to violate the rights of the Frontline Club, J.M., and H.F. under the Equal Access Act, 20 U.S.C. §§ 4071-4074.

WHEREFORE, Plaintiffs Frontline Club, J.M., and H.F. respectfully ask that the Court grant the declaratory and injunctive relief set forth in the prayer for relief.

SECOND CAUSE OF ACTION: VIOLATION OF THE FREE SPEECH CLAUSE

114. Plaintiffs Frontline Club, J.M., and H.F. re-allege and incorporate herein, as though

fully set forth, all previous paragraphs of this Complaint.

115. The First Amendment's Freedom of Speech Clause prohibits censorship of religious expression.

116. Defendants have, by their Policies and practice, created an open forum by permitting the formation of student clubs at HHS.

117. Defendants' Policies and practice have lead to the lack of equal treatment to the Frontline Club's, J.M.'s, and H.F.'s religious speech in this forum.

118. Pursuant to its Policies and practice, Defendants prohibited the Frontline Club's, J.M.'s, and H.F.'s religious speech, despite the fact that Plaintiffs desire to address the same or similar issues currently being addressed by other student clubs.

119. The unequal treatment of the Frontline Club's, J.M.'s, and H.F.'s religious speech or activities is a content-based restriction in an otherwise open forum.

120. Pursuant to Defendants' Policies and practice, the denial of the Frontline Club's, J.M.'s, and H.F.'s religious speech while permitting other secular speech also constitutes viewpoint discrimination.

121. Pursuant to Defendants' Policies and practice, Defendants granted official recognition to numerous non-curriculum clubs that discuss topics such as promoting respect and dignity for students at HHS, human rights issues, community service, and leadership from a secular viewpoint.

122. However, Defendant denied official recognition to the Plaintiffs' Frontline Club that sought to discuss these same topics from a religious perspective.

123. Policies which cause such viewpoint discrimination are unconstitutional in any type of forum.

124. The Free Speech Clause also recognizes and protects the right to association.

125. Plaintiffs' Frontline Club is an expressive association that desires to advocate its religious message and viewpoints at HHS.

126. Defendants, by and through the Policies, violate the Frontline Club's, J.M.'s, and H.F.'s right to association by denying the Club's status as an officially recognized student club, and all the rights, privileges, and benefits attendant thereto, which have the effect of discriminating against the Frontline Club's, J.M.'s, and H.F.'s religious speech, ideologies, philosophies, and beliefs.

127. Defendants' Policies are vague and allow unbridled discretion because they do not provide guidance regarding whether a club's purpose "is...prohibited by statute or district policy."

128. Defendants' Policies impose an unconstitutional prior restraint because they vest District officials, and specifically Defendant Singh, with the unbridled discretion to permit or refuse protected speech equal access to the forum.

129. In addition to Defendants' written Policies relating to official recognition of student clubs, they have added a practice amounting to a Policy that prohibits religious clubs at HHS.

130. Defendants' Policies are overbroad because they sweep within their ambit protected First Amendment rights in the form of religious and political speech.

131. The overbreadth of Defendants' Policies chills protected speech by discouraging individuals and groups from applying for recognition in the forum for purposes of engaging in certain protected speech.

132. Defendants' Policies chill, deter, and restrict the Frontline Club, J.M., and H.F. from using District facilities on an equal basis with others and from discussing issues from a religious perspective.

133. Defendants have interpreted and applied the Policies to disqualify the Frontline Club,

J.M., and H.F. from accessing equally all facilities under the Defendants' control and otherwise open to student groups, thereby discriminating against the religious content and viewpoint of the Frontline Club's, J.M.'s, and H.F.'s speech and activities.

134. Defendants' Policies, as interpreted and applied by them to prohibit equal use as requested by the Frontline Club, J.M., and H.F., are not the least restrictive means necessary to serve any compelling interest which Defendants seek thereby to secure.

135. Defendants' Policies are not reasonably related to any legitimate pedagogical concerns.

136. Censoring students' religious speech *per se* is not and cannot be a legitimate pedagogical concern.

137. Defendants' Policies accordingly violate the Frontline Club's, J.M.'s, and H.F.'s right to Free Speech as guaranteed by the First Amendment to the United States Constitution as incorporated and applied to state action under the Fourteenth Amendment.

WHEREFORE, Plaintiffs Frontline Club, J.M., and H.F. respectfully ask that the Court grant the declaratory and injunctive relief set forth in the prayer for relief.

THIRD CAUSE OF ACTION: VIOLATION OF THE EQUAL PROTECTION CLAUSE

138. Plaintiffs Frontline Club, J.M., and H.F. re-allege and incorporate herein, as though fully set forth, all previous paragraphs of this Complaint.

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

140. Defendants have opened the forum by permitting the formation of other student clubs and must allow the Plaintiffs' Frontline Club equal access to this forum regardless of the content or the viewpoint expressed by its members.

141. Defendants, however, through their Policies, have denied the Frontline Club, J.M., and H.F. equal access to club benefits and privileges.

142. Defendants' Policies have the effect of treating the Frontline Club, J.M., and H.F. differently from other similar situated public school students and student clubs and of discriminating against the religious content and viewpoint the Frontline Club's, J.M.'s, and H.F.'s speech.

143. Defendants' Policies violate various fundamental rights of the Frontline Club, J.M., and H.F., such as rights of free speech, equal protection, and free exercise.

144. Defendants' Policies have in fact, and in practice, discriminated the Frontline Club's, J.M.'s, and H.F.'s rights of free speech, equal protection, and free exercise of religion.

145. When government regulations, like the Defendants' Policies challenged herein, infringe on fundamental rights, discriminatory intent is presumed.

146. Defendants lack a rational or compelling state interest for their Policies which are causing the disparate treatment of the Frontline Club, J.M., and H.F.

147. The denial of access to the Frontline Club, J.M., and H.F. caused by the Defendants' Policies is not narrowly tailored as applied because the speech does not implicate any legitimate interests Defendants might have.

148. Defendants' Policies are over inclusive because they prohibit the Frontline Club's, J.M.'s, and H.F.'s religious expression even though it is not disruptive.

149. The Defendants' Policies, both facially and as applied, accordingly violate the Frontline Club's, J.M.'s, and H.F.'s right to equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs Frontline Club, J.M., and H.F. respectfully ask that the Court grant the declaratory and injunctive relief set forth in the prayer for relief.

FOURTH CAUSE OF ACTION: VIOLATION OF THE DUE PROCESS CLAUSE

150. Plaintiffs Frontline Club, J.M., and H.F. re-allege and incorporate herein, as though fully set forth, all previous paragraphs of this Complaint.

151. Defendants allegedly base their decision to deny official status to the Frontline Club on its Policies that allow District Officials to determine whether they believe a club's purpose "is not prohibited by statute or district policy."

152. Defendants' Policies are vague and allow for unbridled discretion in determining which student clubs do and do not satisfy club criteria and thus qualify to receive official club status.

153. Defendants' Policies grant unbridled discretion in that they lack any definitions or guidelines as to how to determine whether a student club's purpose satisfies "district policy."

154. These vague terms utilized in the Defendants' Policies leave censorship of student speech and recognition of official club status to the whims of the Defendants and District officials.

155. Defendants' Policies, both facially and as applied, accordingly violate the Frontline Club's, J.M.'s, and H.F.'s rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs Frontline Club, J.M., and H.F. respectfully ask that the Court grant the declaratory and injunctive relief set forth in the prayer for relief.

FIFTH CAUSE OF ACTION: VIOLATION OF THE FREE EXERCISE OF RELIGION CLAUSE

156. Plaintiffs Frontline Club, J.M., and H.F. re-allege and incorporate herein, as though fully set forth, all previous paragraphs of this Complaint.

157. The Frontline Club, J.M., and H.F. desire to engage in expressive activities on the basis of their sincerely held religious beliefs and to share their beliefs with others.

158. Defendants' Policies substantially burden the Frontline Club's, J.M.'s, and H.F.'s free

exercise of religion by denying them permission to access all facilities equally in order to meet with like-minded individuals to discuss religious topics and to spread their message.

159. Defendants' Policies substantially burden the Frontline Club's, J.M.'s, and H.F.'s free exercise of religion by denying their ability to receive all of the same club benefits and privileges received by other clubs.

160. Defendants' conduct constitutes the imposition of special disabilities on the Frontline Club, J.M., and H.F. due to their religion and their intent to engage in religious expression through the Frontline Club.

161. These special disabilities placed on the Frontline Club, J.M., and H.F. are neither neutral nor of general applicability.

162. Defendants' Policies which lead to the denial of the Frontline Club selectively impose a burden on religious expression by singling out the Frontline Club's, J.M.'s, and H.F.'s expression for discriminatory treatment.

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

164. Defendants' interpretation and application of its Policies chill the Frontline Club's, J.M.'s, and H.F.'s freedom of religious discussion and exercise, both of which are fundamental rights guaranteed by the First Amendment.

165. Defendants' Policies, both facially and as applied, constitute an excessive burden on the Frontline Club's, J.M.'s, and H.F.'s rights to freedom in the exercise of religion and have violated the Free Exercise Clause of the First Amendment to the United States Constitution.

WHEREFORE, Plaintiffs Frontline Club, J.M., and H.F. respectfully ask that the Court grant the declaratory and injunctive relief set forth in the prayer for relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Frontline Club, J.M., and H.F. respectfully pray for judgement as follows:

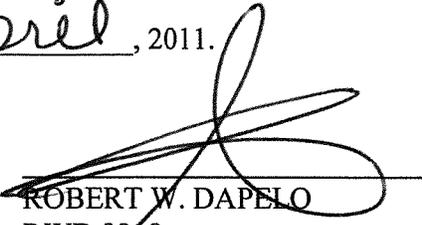
- a. That this Court issue a Preliminary and Permanent Injunction, restraining Defendants, their officers, agents, employees, and all other persons acting in active concert with them from enforcing the Policies that prohibit the Frontline Club from receiving official recognition and equal access to all club benefits and privileges, thereby requiring Defendants to immediately approve the Frontline Club for official recognition and equal access;
- b. That this Court render a Declaratory Judgment declaring District Policies 5200 and 5200R that prohibit the Frontline Club, J.M., H.F., and other Frontline Club members from receiving official recognition and equal access to all club rights, benefits, and privileges, to be unconstitutional on their face and as-applied;
- c. That this Court adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declarations shall have the force and effect of final judgment;
- d. That this Court retain jurisdiction of this matter for the purpose of enforcing any orders;
- e. That the Court award the Frontline Club, J.M., and H.F. the costs and expenses of this action, including a reasonable attorneys' fees award, in accordance with 42 U.S.C. §§ 1988 and the Equal Access Act;
- f. That this Court award nominal damages for the violation of the Frontline Club's, J.M.'s, and H.F.'s constitutional rights;
- g. That this Court issue the requested injunctive relief without a condition of bond or

other security being required; and

- h. That the Court grant such other and further relief as the Court deems equitable and just in the circumstances.

Respectfully submitted this 27th day of April, 2011.

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* Application for admission *pro hac vice* filed herewith

VERIFICATION

I, J.M., a citizen of the United States and a resident of the State of New York, have read the foregoing Verified Complaint and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

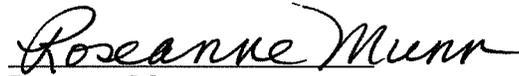
Executed this 28th day of April, 2011, in Hicksville, New York.

J.M.
J.M.

VERIFICATION

I, Roseanne Munn, a citizen of the United States and a resident of the State of New York, have read the foregoing Verified Complaint and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 28th day of April, 2011, in Hicksville, New York.


Roseanne Munn

VERIFICATION

I, H.F., a citizen of the United States and a resident of the State of New York, have read the foregoing Verified Complaint and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 28th day of April, 2011, in Hicksville, New York.

H.F.
H.F.

VERIFICATION

I, Donald Feltkamp, a citizen of the United States and a resident of the State of New York, have read the foregoing Verified Complaint and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 28th day of April, 2011, in Hicksville, New York.


Donald Feltkamp