

CV 03-0785 #1

FILED
LODGED
ENTERED
RECEIVED
APR 03 2003
MR
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRUTH, an unincorporated association, SARICE
UNDIS, a minor, by and through her father,
LARRY UNDIS and JULIANNE STEWART, a
minor, by and through her parents, PAUL and
ANNA STEWART,

Plaintiffs,

v

KENT SCHOOL DISTRICT, BARBARA
GROHE, Superintendent of Kent School District,
MIKE ALBRECHT, Principal of Kentridge High
School and ERIC ANDERSON, Assistant
Principal of Kentridge High School, in their
official capacities.

Defendants

CV03-0785P

COMPLAINT FOR CIVIL RIGHTS
VIOLATION AND FOR INJUNCTIVE
AND DECLARATORY RELIEF AND
NOMINAL DAMAGES

I
INTRODUCTION

1 1 This is a civil rights action under 42 U S C § 1983, the First Amendment, the
Fourteenth Amendment, and the Equal Access Act, brought to safeguard the federal rights of
Truth, the members of Truth, Sarice Undis who is a twelfth grade student at Kentridge High
School and member of Truth, and Julianne Stewart who is an eleventh grade student at

COMPLAINT FOR INJUNCTIVE AND DECLARATORY
RELIEF AND DAMAGES - 1

ELLIS, LI & MCKINSTRY PLLC
Attorneys at Law

Two Union Square
601 Union Street Suite 4900
Seattle WA 98101-3906
206 652 0765 Fax 206 625 1052

ORIGINAL

1 Kentridge High School and member of Truth, in order to establish a religious student club
2 known as Truth (hereinafter referred to as the "Bible Club") on an equal basis with other
3 noncurriculum-related clubs at their school

4 1 2 Defendants have unlawfully prohibited Plaintiffs from obtaining equal access
5 and equal rights on the stated grounds that the proposed Bible Club is religious in nature

6 1 3 The Equal Access Act, First Amendment, and Fourteenth Amendment explicitly
7 forbid such governmental conduct and guarantee access and treatment of religious student clubs
8 equal to that of other noncurriculum-related clubs

9 1 4 This suit is brought to enjoin Defendants from violating these rights and to order
10 them to give the proposed Bible Club rights and recognition equal to other student groups

11 II
12 JURISDICTION AND VENUE

13 2 1 Jurisdiction for this case is based upon 28 U S C §§ 1331, 1343, 2201, 2202,
14 and 42 U S C §§ 1983 and 1988, the Equal Access Act, 20 U S C §§ 4071-4074

15 2 2 Venue is proper under 28 U S C § 1391 in the Western District of Washington
16 because this claim arose there Each and all of the acts alleged herein were done by
17 Defendants, under the color and pretense of state law, statutes, ordinances, regulations,
18 customs, usages, and policy of the Kentridge High School, the Kent School District, and the
19 State of Washington

20 III
21 IDENTIFICATION OF PLAINTIFFS

22 3 1 Plaintiff Sarice Undis is a minor, and was at all times relevant to this Complaint a
23 resident of King County, Washington, and a twelfth grade student at Kentridge High School

3 2 She desires to establish and participate in the Bible Club as a noncurriculum-related

1 student club in her high school

2 3 3 The Bible Club will focus on religious issues of concern to Christian students

3 3 4 Larry Undis, next friend, is Sarice Undis's father and guardian, and at all times
4 relevant to this Complaint, a resident of the City of Maple Valley, Washington

5 3 5 Plaintiff Julianne Stewart is a minor, and was at all times relevant to this Complaint
6 a resident of the City of Kent, Washington, and an eleventh grade student at Kentridge High
7 School

8 3 6 She desires to establish and participate in the Bible Club as a noncurriculum-related
9 student club in her high school

10 3 7 The Bible Club will focus on religious issues of concern to Christian students

11 3 8 Paul Stewart, next friend, is Julianne Stewart's father and guardian, and at all times
12 relevant to this Complaint, a resident of the City of Kent, Washington

13 3 9 Anna Stewart, next friend, is Julianne Stewart's mother and guardian, and at all
14 times relevant to this Complaint, a resident of the City of Kent, Washington

15 3 10 Truth is an unincorporated association of students from Kentridge High School that
16 is named as a party to this suit pursuant to Rule 17(b) of the Federal Rules of Civil Procedure
17 Truth asserts and seeks to protect the individual interests of its members' right to participate
18 and associate as an official club as set forth herein Truth further asserts and seeks to protect
19 the individual interests of other students that have a desire to participate and associate with the
20 Bible Club The individuals represented by Truth have suffered injury by not being afforded
21 equal recognition, rights, treatment, and access because of the religious nature of the proposed
22 Bible Club Hereinafter, reference to "Truth" shall include members and other students that
23 have a desire to participate and associate with the Bible Club

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

IV
IDENTIFICATION OF DEFENDANTS

4 1 Defendant Kent School District is a political subdivision of the State of Washington, is a body corporate, and organized under the laws the State of Washington

4 2 It is charged with the administration and operation of Kentridge High School and may sue and be sued in its corporate name

4 3 At all times relevant to this Complaint, the conduct of this Defendant was under color and authority of state law

4 4 Defendant Barbara Grohe, is now and at all times relevant hereto, Superintendent of Kent School District

4 5 Among other things, she is charged with the responsibility for administering the District's policy, and state and federal laws, as they relate to student religious activities and student club activities on campus, including the establishment of "Bible-based" or religious student clubs

4 6 Additionally, in this capacity, she has administrative oversight responsibility of defendants Mike Albrecht and Eric Anderson

4 7 At all times relevant to this Complaint, the conduct of this Defendant was under color and authority of state law

4 8 This Defendant is sued in her official capacity as Superintendent, Kent School District

4 9 Defendant Mike Albrecht, is now and at all times relevant hereto, principal of Kentridge High School

4 10 Among other things, he is charged with the responsibility of the administration of

1 Kentridge High School, including but not limited to permissible student activities, including
2 student clubs, at the school

3 4 11 Additionally, in this capacity, he has administrative oversight responsibility of
4 defendant Eric Anderson

5 4 12 At all times relevant to this Complaint, the conduct of this Defendant was under
6 color and authority of state law

7 4 13 This Defendant is sued in his official capacity as principal of Kentridge High
8 School, Kent School District

9 4 14 Defendant Eric Anderson, is now and at all times relevant hereto, assistant
10 principal of Kentridge High School

11 4 15 He is charged with the responsibility of the administration of student affairs and the
12 Associated Student Body (hereafter "ASB") at Kentridge High School, including but not
13 limited to permissible student activities, including student clubs, at the school

14 4 16 At all times relevant to this Complaint, the conduct of this Defendant was under
15 color and authority of state law

16 4 17 This Defendant is sued in his official capacity as assistant principal of Kentridge
17 High School, Kent School District

18 V
19 STATEMENT OF FACTS

20 5 1 Kentridge High School is an educational facility located in the City of Kent,
21 Washington

22 5 2 This facility is a public school teaching grades ten through twelve

23 5 3 Kentridge High School constitutes a secondary school under Washington law

1 5 4 Upon information and belief, Kentridge High School and Kent School District
2 receive federal financial assistance

3 5 5 Defendant Kent School District, acting through defendants Albrecht and Anderson,
4 as principal and assistant principal of Kentridge High School, grant permission to one or more
5 noncurriculum-related student groups (clubs) to meet on school premises of Kentridge High
6 School during noninstructional time.

7 5 6 Participation in such clubs is not required nor directly encouraged by school faculty
8 in connection with curriculum course work

9 5 7 Such student clubs are allowed to conduct meetings during noninstructional time
10 on campus, advertise their activities, and be recognized in the school yearbook

11 5 8 Such clubs are allowed to have employees of the school present at their meetings,
12 and are officially recognized as student clubs or organizations by Kentridge High School

13 5 9 Such clubs or organizations also have certain rights to display advertisements for
14 club activities on the school campus and to have club activities announced over the public
15 address system

16 5 10 Noncurriculum clubs that are currently officially recognized by Kentridge High
17 School include, but are not limited to, the Gay-Straight Alliance, Chess Club, MultiCultural
18 Student Union, Snowriders Club, DECA, FBLA, Girl's Honor, Men's Honor, Link Crew, and
19 the Key Club

20 5 11 Plaintiff Sarice Undis and Julianne Stewart are Christian students

21 5 12 They, and other Christian students at Kentridge High School, wish to establish a
22 noncurriculum-related club at Kentridge High School founded on the religious principles set
23 forth in the Bible

1 5 13 The Bible Club would exist for the purpose of celebrating the Gospel of Jesus
2 Christ and sharing the Bible's religious message with Bible Club members and other students
3 desiring to study the Bible and to grow spiritually in Christian faith

4 5 14 The content of the speech at the Bible Club meetings would include speech that is
5 religious

6 5 15 Plaintiffs, Sarice Undis and Julianne Stewart, have applied to establish the
7 noncurriculum-related Bible Club at Kentridge High School

8 5 16 The Bible Club was to be voluntary and student initiated

9 5 17 The name of the Bible Club was to be "Truth "

10 5 18 In approximately September or October of 2001, Ms Undis submitted an
11 application, also known as a "Charter," to the Associated Student Body (hereinafter referred to
12 as "ASB") as directed by defendant Anderson

13 5 19 The Charter is a formal application pre-designed by Kent School District and
14 Kentridge High School with questions regarding the proposed club

15 5 20 Each club is required to submit the club's Charter to the ASB when initially
16 forming and seeking official recognition by the Kentridge High School

17 5 21 The ASB consists of selected students who act as representatives of the student
18 body at Kentridge High School

19 5 22 At that meeting, numerous students objected to the formation of the Bible Club
20 "Truth "

21 5 23 The ASB then decided to discuss the Charter with defendant Anderson, who was
22 not present at that meeting

23 5 24 Shortly thereafter, Ms Undis was told by defendant Anderson that he and

1 defendant Albrecht were going to speak with the school's attorney

2 5 25 From approximately October of 2001 through June of 2002, Ms Undis requested
3 defendant Anderson to make a decision on her Charter on at least ten (10) occasions

4 5 26 Each time, defendant Anderson stated that they had not yet made a decision on her
5 application

6 5 27 She was further informed that defendant Anderson and defendant Albrecht were
7 going to instruct all present clubs to resubmit new Charters

8 5 28 Defendant Anderson stated that the Charters were going to be "tweaked" by the
9 School District's attorney to make them appear more like curriculum related clubs

10 5 29 As a result, defendant Albrecht and defendant Anderson would then claim the
11 ability to deny Ms Undis the right to establish the Bible Club

12 5 30 In Spring of 2002, all clubs were ordered to resubmit their Charters

13 5 31 Defendant Anderson again stated that he needed to speak with defendant Albrecht
14 and the School District's attorney

15 5 32 Between approximately September of 2001 and June 2002, Ms Stewart had spoken
16 with Ms Undis on at least four occasions to learn of the status of Defendant's decision
17 regarding the Bible Club

18 5 33 During September through December of 2002, Ms Undis again made numerous
19 requests of defendant Anderson to make a decision regarding the formation of the Bible Club

20 5 34 Although defendant Anderson stated he would "get back" to Ms Undis, he never
21 responded with approval, thereby denying Ms Undis and Ms Stewart their right to formal club
22 status and benefits for the proposed Bible Club

23 5 35 In approximately February of 2003, Ms Stewart questioned defendant Anderson as

1 to the status of the Bible Club's approval

2 5 36 Defendant Anderson responded by demanding that a new Charter be submitted for
3 approval

4 5 37 On behalf of the Bible Club, its members, Ms Undis, and Ms Stewart, Ms Stewart
5 submitted a new Charter to Defendants for the Bible Club in February of 2003

6 5 38 On March 28, 2003, Defendant's, by and through defendant Anderson, scheduled
7 and held an ASB meeting wherein the ASB was to vote on whether to approve or deny the right
8 of the Bible Club to exist on campus

9 5 39 Ms Stewart was presented with various questions pertaining to the religious
10 purpose and religious nature of the Bible Club

11 5 40 No vote was taken at that meeting but, instead, the ASB was scheduled to
12 reconvene on April 1, 2003

13 5 41 On April 1, 2003, the ASB again met to discuss the Bible Club

14 5 42 In that April 1, 2003 meeting, defendant Anderson stated that if the ASB approved
15 the Bible Club, the ASB approval would then be subjected to review by school administration
16 in order to determine whether the Bible Club could legally exist on campus

17 5 43 If denied by the ASB, the Bible Club would have no right to exist on campus
18 Defendant Anderson also stated that it was illegal for the Bible Club to provide that only
19 members professing belief in the Bible and in Jesus Christ may vote as voting members

20 5 44 Defendant Anderson asserted that there were problems with the name "Truth"
21 because it would make others question if they are "believing a lie "

22 5 45 Defendant Anderson stated that the Bible Club may not create a positive
23 atmosphere for the rest of the school because some students may feel condemned

5 46 Defendant Anderson further stated that the ASB could not legally allocate funds to
the Bible Club

5 47 Following defendant Anderson's comments, the ASB denied and rejected the Bible
Club's Charter and its request to exist, meet and be recognized as an official noncurriculum
club

5 48 On information and belief, there are no written or oral policies that provided
objective standards to the ASB for their decision making process

5 49 The Bible Club has no further administrative remedy because the ASB's decision is
the final administrative decision denying formal club status for the proposed Bible Club

5 50 Defendants have denied, and continue to deny, Sarice Undis, Julianne Stewart, the
Bible Club, and the Bible club members and participants, the right to establish and commence
the Bible Club at Kentridge High School

5 51 Defendants have denied, and continue to deny, the proposed Bible Club
recognition, rights, treatment, and access to school facilities equal to all other noncurriculum-
related clubs

5 52 Sarice Undis, Julianne Stewart, the Bible Club, and the members and participants
of the Bible Club, have not been afforded such equal recognition, rights, treatment, and access
because of the religious nature of the proposed Bible Club

VI STATEMENT OF LAW

6 1 Each and all of the acts of the Defendants, their officers, agents, employees and
servants, were executed or are threatened to be executed by Defendants, not as individuals, but
under the color and pretense of the statutes, ordinance, regulation, customs and usages of the

1 State of Washington and the Kent School District

2 6 2 Defendants have created a “limited open forum” by allowing noncurriculum-
3 related clubs to access and use school facilities for expressive activities

4 6 3 Defendants have engaged in content and viewpoint based discrimination of
5 expression in refusing to allow Sarice Undis, Julianne Stewart and Truth, the right to establish a
6 Bible Club

7 6 4 Defendants’ content- and viewpoint-based discrimination of expression is not
8 supported by a compelling governmental interest nor is it narrowly tailored

9 6 5 Plaintiffs, Sarice Undis, Julianne Stewart and Truth, are suffering irreparable injury
10 from the conduct of Defendants

11 6 6 Unless the conduct of Defendants is enjoined, Sarice Undis, Julianne Stewart and
12 Truth, will continue to suffer irreparable injury

13 VII
14 FIRST CAUSE OF ACTION
15 VIOLATION OF THE EQUAL ACCESS ACT

16 7 1 The allegations contained in paragraphs 1 1 through 6 6 of the Complaint are
17 incorporated herein by reference

18 7 2 Defendants have created a “limited open forum” within the meaning of the Equal
19 Access Act, Title 20 U S C § 4071, et seq at Kentridge High School by permitting one or
20 more noncurriculum-related student groups to meet on school premises during noninstructional
21 time

22 7 3 The proposed Bible Club would have a voluntary membership and be open to any
23 student

24 7 4 The Bible Club would assemble on the campus of Kentridge High School during

1 noninstructional time for the purpose of Bible Club meetings, exchange of ideas, information,
2 and discussion of religious issues of importance to them

3 7 5 The proposed Bible Club's meetings would be voluntary, student-initiated, and
4 student-directed

5 7 6 School employees or agents would be present at meetings only in a
6 nonparticipatory capacity

7 7 7 No official school sponsorship is requested

8 7 8 Sarice Undis, Julianne Stewart and Truth do not desire school officials to lead,
9 direct, plan, sponsor or otherwise control the content of the Bible Club's meetings

10 7 9 Nonstudents will not direct, conduct, plan, control or regularly attend the proposed
11 Bible Club's meetings during noninstructional time on school premises

12 7 10 The proposed Bible Club's meetings will be on campus during noninstructional
13 time

14 7 11 The proposed Bible Club's meetings will not materially and substantially interfere
15 with the orderly conduct of educational activity within Kentridge High School or any other
16 secondary school within the school district

17 7 12 Defendants have denied Sarice Undis, Julianne Stewart and Truth equal access to,
18 and a fair opportunity to exercise, their student club rights and privileges on school premises,
19 discriminating against plaintiff on the basis of the religious content of their speech and
20 association at such requested meetings

21 7 13 Defendants' conduct cannot be justified by a compelling governmental interest nor
22 is it narrowly tailored to advance any such interest

23 7 14 Therefore, Defendants have thereby abridged and continue to violate the rights of

1 Sarice Undis, Julianne Stewart and Truth under the Equal Access Act, 20 U S C §§4071-4074

2 WHEREFORE Plaintiffs respectfully pray that the Court grant the declaratory and

3 injunctive relief set forth hereinafter in the prayer for relief

4

VIII

SECOND CAUSE OF ACTION

5

VIOLATION OF THE FREE SPEECH CLAUSE

6 8 1 The allegations contained in paragraphs 1 1 through 7 14 of the Complaint are

7 incorporated herein by reference

8 8 2 Defendants have created a designated or limited public forum under the First

9 Amendment at Kentridge High School by permitting one or more noncurriculum-related

10 student groups to meet on school premises during noninstructional time

11 8 3 Defendants denied Sarice Undis, Julianne Stewart and Truth the right to establish a

12 Bible Club on the same terms and conditions as other noncurriculum-related clubs because of

13 the religious nature of the proposed Bible Club's expressive activities

14 8 4 Defendants' conduct cannot be justified by a compelling governmental interest nor

15 is it narrowly tailored to advance any such interest

16 8 5 Defendant's policies and practices regarding recognition of student clubs vest

17 Defendants with unbridled discretion and ad hoc enforcement powers

18 8 6 Defendant's improperly delegated unbridled decision making authority to the ASB

19 because no objective standards were established for making a decision

20 8 7 Therefore, Defendants have violated the Free Speech Clause of the First

21 Amendment, United States Constitution

22 WHEREFORE Plaintiffs respectfully pray that the Court grant the declaratory and

23 injunctive relief set forth hereinafter in the prayer for relief

IX
THIRD CAUSE OF ACTION
VIOLATION OF THE FREE EXERCISE OF RELIGION CLAUSE

9 1 The allegations contained in paragraphs 1 1 through 8 7 of the Complaint are
4 incorporated herein by reference

5 9 2 Plaintiff Sarice Undis, Julianne Stewart and Truth desire to establish a Bible Club
6 on the basis of a sincerely held religious belief to share the message of their religious speech
7 with others

8 9 3 Defendants' conduct constitutes the imposition of special disabilities on Sarice
9 Undis, Julianne Stewart and Truth because of religion, and their intent to engage in religious
10 expression in the proposed Bible Club

11 9 4 These special disabilities placed on Sarice Undis, Julianne Stewart and Truth are
12 not neutral and of general applicability

13 9 5 The Defendants' conduct cannot be justified by a compelling governmental interest
14 nor is it narrowly tailored to advance any such interest

15 9 6 Therefore, Defendants' conduct has violated the Free Exercise Clause of the First
16 Amendment, United States Constitution

17 WHEREFORE Plaintiffs respectfully pray that the Court grant the declaratory and
18 injunctive relief set forth hereinafter in the prayer for relief

X.
FOURTH CAUSE OF ACTION
VIOLATION OF THE ESTABLISHMENT OF RELIGION CLAUSE

21 10 1 The allegations contained in paragraphs 1 1 through 9 6 of the Complaint are
22 incorporated herein by reference

23 10 2 Defendants have a duty under the Establishment Clause of the First Amendment to

1 the United States Constitution to be neutral in their treatment of religion and religious beliefs

2 10 3 The conduct of Defendants, however, is not neutral toward religion, particularly the
3 religious beliefs of Sarice Undis, Julianne Stewart and Truth

4 10 4 Rather, by forbidding equal access and equal rights because Plaintiffs' Bible Club
5 is of a religious nature, while favoring other nonreligious student clubs, Defendants have
6 demonstrated hostility toward religion and specific religious beliefs in violation of the
7 Establishment Clause

8 10 5 Therefore, instead of neutrality, Defendants have discriminated against Sarice
9 Undis, Julianne Stewart and Truth on the basis of the religious content and viewpoint of their
10 speech

11 10 6 This discrimination is a violation of the Establishment Clause of the First
12 Amendment, United States Constitution

13 WHEREFORE Plaintiffs respectfully pray that the Court grant the declaratory and
14 injunctive relief set forth hereinafter in the prayer for relief

15
16 XI
17 FIFTH CAUSE OF ACTION
18 VIOLATION OF THE EQUAL PROTECTION CLAUSE
19

20 11 1 The allegations contained in paragraphs 1 1 through 10 6 of the Complaint are
21 incorporated herein by reference

22 11 2 By discriminating against the content and viewpoint of Sarice Undis, Julianne
23 Stewart and Truth's speech, Defendants are treating plaintiff differently from other similarly
situated public school students within the school district on the basis of the religious content of
the Plaintiffs' speech and views

1 11 3 Defendants' conduct cannot be justified by a compelling governmental interest nor
2 is it narrowly tailored to advance any such interest

3 11 4 Therefore, the conduct of Defendants violates Sarice Undis, Julianne Stewart,
4 Truth's rights to equal protection of the laws as guaranteed by the Fourteenth Amendment.
5 United States Constitution

6 WHEREFORE Plaintiffs respectfully pray that the Court grant the declaratory and
7 injunctive relief set forth hereinafter in the prayer for relief

8 PRAYER FOR RELIEF

9 Wherefore, Plaintiffs pray for judgment as follows

10 A That this Court preliminarily and permanently enjoin the conduct of Defendants,
11 their officers, agents, servants, and employees which violates the First and Fourteenth
12 Amendments of the United States Constitution,

13 B That this Court preliminarily and permanently enjoin Defendants, their officers,
14 agents, servants, and employees from denying Sarice Undis, Julianne Stewart and Truth equal
15 access and equal rights based on the religious content and viewpoint of their speech,

16 C That this Court preliminarily and permanently enjoin Defendants, their officers,
17 agents, servants, and employees from prohibiting the establishment of a Bible Club at
18 Kentridge High School with rights and access equal to all other noncurriculum-related groups,

19 D That this Court preliminarily and permanently enjoin Defendants, their officers,
20 agents, servants, and employees from denying Sarice Undis, Julianne Stewart and Truth's
21 rights under the Equal Access Act, 20 U S C §§ 4071-4074, in any manner so as to deny their
22 Bible Club equal access and equal rights on the same terms and conditions as other
23 noncurriculum-related student clubs, and

1 E That this Court preserve the status quo during the pendency of this litigation by
2 preliminarily enjoining Defendants, their agents, servants, employees, officials or any other
3 person acting in concert with them or on their behalf, prohibiting them from taking any action
4 to remove, close or otherwise alter the current student club organization policy and
5 administration thereof, except as necessary to afford full and equal access, recognition and
6 benefits for Plaintiffs' proposed Bible Club

7 F That this Court render a Declaratory Judgment declaring the complained of conduct
8 denying equal access and equal rights to Plaintiffs' Bible Club, to be invalid and
9 unconstitutional in all respects under the First and Fourteenth Amendments to the United States
10 Constitution,

11 G That this Court render a Declaratory Judgment declaring that Defendants' refusal to
12 allow Sarice Undis, Julianne Stewart and Truth equal access and equal rights, because of the
13 religious content of their speech, is unconstitutional and constitutes content and view point
14 discrimination against the speech and religious beliefs of plaintiff, which violates Plaintiffs'
15 First Amendment rights to freedom of speech and free exercise of religion,

16 H That this Court render a Declaratory Judgment that allowing other clubs rights and
17 access to meet in all designated areas while denying Sarice Undis, Julianne Stewart and Truth
18 the same use and rights of school facilities because of the religious content of their speech,
19 violates Plaintiffs' Fourteenth Amendment equal protection rights,

20 I That this Court render a Declaratory Judgment declaring that Defendants' denial of
21 access to exercise student rights and privileges because of the religious nature of Sarice Undis,
22 Julianne Stewart and Truth's activities, violates Plaintiffs' First Amendment free exercise of
23 religion rights,

1 J That this Court render a Declaratory Judgment declaring that Defendants' refusal to
2 allow the Bible Club equal use of school facilities while making the same available to other
3 student noncurriculum-related groups constitutes a denial of official recognition and equal
4 access in violation of the Equal Access Act, 20 U S C §§ 4071-4074,

5 K That this Court render a Declaratory Judgment declaring that Defendants' denial to
6 Sarice Undis, Julianne Stewart and Truth of equal rights and equal access to its campus
7 facilities on the basis of the religious content of their speech constitutes hostility and a lack of
8 neutrality to religion and violates the First Amendment's Establishment Clause,


9 L Grant nominal damages to vindicate the past constitutional injury suffered by
10 Plaintiffs

11 M Grant to Plaintiffs an award of their costs of litigation, including reasonable
12 attorneys' fees and expenses

13 N Grant such other and further relief as this Court deems just and proper

14 Respectfully submitted this 3rd day of April, 2003

15 By


Keith A. Kemper WSBA #19438
Kyle D. Netterfield WSBA #27101
Ellis, Li & McKinstry PLLC
601 Union Street, Suite 4900
Seattle, Washington 98101
(206) 682-0565

19 Robert H. Tyler - California Bar #179572 *
20 ALLIANCE DEFENSE FUND
43460 Ridge Park Drive, Suite 220
Temecula, California 92590
21 (909) 699-5050 Ext 213

Benjamin W. Bull - Arizona Bar #009940 *
Gary S. McCaleb - Arizona Bar #018848 *
ALLIANCE DEFENSE FUND
15333 N. Pima Road, Suite 165
Scottsdale, Arizona 85260
(480) 444-0020

22 * Applications for Leave to Appear Pro Hac Vice will be submitted to this Court under separate
23 cover

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS TRUTH, an unincorporated association, SARICE UNDIS, a minor, by and through her father, LARRY UNDIS and JULIANNE STEWART, a minor, by and through her parents PAUL and ANNA STEWART

(b) County of Residence of First Listed Plaintiff King

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS KENT SCHOOL DISTRICT, BARBARA GROHE, Superintendent of Kent School District MIKE ALBRECHT, Principal of Kentridge High School and ERIC ANDERSON, Asst. Principa

County of Residence of First Listed King

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

See Attached

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON

Attorneys (If Known)

Mike Harrington

Kent School District

12033 SE 256th Street

Kent, WA 98030

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Remanded or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause)

Do not cite jurisdictional statutes unless diversity) 20 U.S.C. SS 4071-4074 - Violation of Plaintiffs' constitutional rights of Equal Access, Free Speech, Freedom of Religion by denying them the ability to form a Bible Club at Kentridge High School.

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$

CHECK YES only if demanded in complaint.

JURY DEMAND

☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

ORIGINAL