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14 *Motion to permit appearance *pro hac vice* submitted concurrently

15 Attorneys for Plaintiff

16
17 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 **SAN JOSE DIVISION**

19 P.A., a minor by and through her next friend,
N.A.)

CASE NO.

20 Plaintiff,)

21 v.)

22 DIANE GORDON, MATTHEW DEAN,)
MARGIE MITCHELL, PAM PARKER, and)

VERIFIED COMPLAINT

23 ROYCE PETERSON, all individually and in)
their official capacities as Members of the)

Nature of Action: Civil Rights Suit Pursuant
to 42 U.S.C. § 1983

24 Campbell Union High School District Board)
of Trustees; RHONDA FARBER, in her)

25 individual capacity and in her official capacity)
as Superintendent of the Campbell Union High)

26 School District; and OWEN HEGE, in his)
individual capacity and in his official capacity)

27 as Principal of Westmont High School,)

28 Defendants.)

VERIFIED COMPLAINT

1 COMES NOW the Plaintiff, P.A., by and through her next friend, N.A.¹, pursuant to the
2 Federal Rules of Civil Procedure, and for her causes of action against Defendants avers the
3 following:

4 I.

5 INTRODUCTION

6 1. This is a civil rights action under 42 U.S.C. § 1983, the Equal Access Act, 20 U.S.C.
7 § 4071, *et seq.*, and the First and Fourteenth Amendments to the United States Constitution, brought
8 to remedy a violation of the constitutional and statutory rights of P.A., a student at Westmont High
9 School, located in Campbell, California.

10 2. Plaintiff brings this action for the reason that her student pro-life club, currently
11 named “Live Action,” is denied rights, benefits, and privileges equal to those received by all other
12 officially recognized student clubs at Westmont High School.

13 3. Defendants have implemented policies and practices which permit chartering of clubs,
14 *i.e.*, official recognition, that are both curriculum related and non-curriculum related.

15 4. Along with official recognition, student clubs are granted certain benefits and
16 privileges.

17 5. Plaintiff’s Club, while technically permitted to meet on campus, is nonetheless denied
18 equal access to rights, benefits and privileges provided to other student clubs due to the religious and
19 political nature of the Club.

20 6. Indeed, Defendants’ unlawfully censor Plaintiff’s intended speech and deny her Club
21 equal rights, benefits, and privileges, by: (i) prohibiting Plaintiff from even discussing the Club with
22 other students at her school; (ii) denying Plaintiff access to morning public address announcements
23 to convey information about upcoming Club activities; (iii) denying Plaintiff access to school
24 bulletin boards to display informative information about the club and its activities; (iv) prohibiting
25 Plaintiff from advertising Club activities and recruiting new members through respectful and non-

26
27 ¹Pursuant to Civil L.R. 3-17(a)(2), P.A. is identified by her initials, rather than her full name,
28 in order to maintain the privacy of her identity. For this reason also, P.A.’s parent’s name is herein
indicated only by her initials.

1 disruptive flyer distribution efforts during non-instructional time; (v) proscribing Plaintiff's right to
2 freely select a descriptive name for the Club to convey the Club's intended purpose and ideals (*e.g.*,
3 by forbidding Plaintiff to include the phrase "pro-life" in the official club name); (vi) barring
4 Plaintiff from having the Club listed alongside other recognized student clubs on the Westmont High
5 School website; and (vii) denying Plaintiff the opportunity to announce Club meetings and activities
6 on the Westmont High School "Daily Bulletin," made accessible to students online via the school's
7 website.

8 7. Defendants provide all of the previously mentioned rights, benefits, and privileges
9 to other recognized clubs at the school, such as the Gay Straight Alliance, B-Buoy (a break dancing
10 club); Chess Club; Sci-Fi/Horror Movie Club; Running Club; Key Club, Culture Club, Link Crew,
11 Color Talk, Christian Club, and Anime Club, just to name a few.

12 8. The Equal Access Act, along with the First and Fourteenth Amendments, prohibit
13 governmental discrimination of this type and guarantee access and treatment of religious and
14 political student clubs equal to that of other non-curriculum related student clubs.

15 9. Plaintiff brings this action (i) to enjoin Defendants from violating her constitutional
16 and statutory rights, as well as the rights of others interested in Live Action (hereinafter, "Pro-Life
17 Club"), and (ii) to order Defendants to provide to the Club all of the rights, benefits, and privileges
18 they provide to other officially recognized student clubs.

19 II.

20 JURISDICTION AND VENUE

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

24 11. This Court possesses jurisdiction over Plaintiff's claims by operation of 28 U.S.C.
25 §§ 1331 and 1343.

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

1 sexual abstinence; keeping and raising children in the event of pregnancy; human rights issues;
2 promoting respect and dignity toward others at WHS; and equality of, and respect for, all human life.

3 24. N.A., next friend, is P.A.'s parent and guardian, and at all times relevant to this
4 Complaint, is a resident of Campbell, California.

5 V.

6 **IDENTIFICATION OF THE DEFENDANTS**

7 25. Defendant DIANE GORDON is the President of the Campbell Union High School
8 District Board of Trustees. Defendant Gordon is sued individually, and in her official capacity.

9 26. Defendant MATTHEW DEAN is a Member of the Campbell Union High School
10 District Board of Trustees. Defendant Dean is sued individually, and in his official capacity.

11 27. Defendant MARGIE MITCHELL is a Member of the Campbell Union High School
12 District Board of Trustees. Defendant Mitchell is sued individually, and in her official capacity.

13 28. Defendant PAM PARKER is a Member of the Campbell Union High School District
14 Board of Trustees. Defendant Parker is sued individually, and in her official capacity.

15 29. Defendant ROYCE PETERSON is a Member of the Campbell Union High School
16 District Board of Trustees. Defendant Peterson is sued individually, and in her official capacity.

17 30. The above-named five Defendants (collectively "Board") are responsible for the
18 enactment, enforcement, and existence of policies and practices related to the rights, benefits, and
19 privileges afforded to student clubs at the School.

20 31. The Board bears responsibility for denying Plaintiff's Club the same rights, benefits,
21 and privileges given to other student clubs at the school pursuant to its policies and practice.

22 32. The Board is likewise responsible for the implementation and application by the
23 Superintendent and Principal of its policies and practices pertaining to student clubs.

24 33. The Board is similarly responsible for delegating to the Superintendent and Principal
25 final authority as to the official recognition of student clubs.

26 34. The Board acquiesced in and approved of Defendant Farber's denial of Plaintiff's
27 request to form a pro-life club.

1 35. Defendant RHONDA FARBER is the Superintendent of the Campbell Union High
2 School District.

3 36. Defendant Farber possesses responsibility, final authority, and discretion, as delegated
4 by the Board, as to the administration of Board policies as they relate to student activities on campus.

5 37. Defendant Farber possesses responsibility, final authority, and discretion, as delegated
6 by the Board, as to the administration of Board policies related to the establishment of student clubs
7 and to the benefits said clubs receive.

8 38. In this capacity, Defendant Farber possesses final supervisory responsibility over the
9 Principal of Westmont High School.

10 39. Defendant Farber is responsible for the Policies and practice leading to the denial of
11 equal benefits to Plaintiff's Club.

12 40. Defendant Farber is also responsible for the denial of equal benefits to Plaintiff's
13 Club.

14 41. Defendant Farber instructed Defendant Hege to deny Plaintiff's request to form a pro-
15 life club.

16 42. Defendant Farber is sued both in her individual capacity and in her official capacity
17 as Superintendent of the District.

18 43. Defendant OWEN HEGE is the Principal of Westmont High School.

19 44. Defendant Hege is charged with the administration of Westmont High School,
20 including Board-delegated responsibility, authority, and discretion as to enforcement of Board
21 policies relating to student clubs.

22 45. Defendant Hege is responsible for the Policies and practice leading to the denial of
23 equal benefits to Plaintiff's Club.

24 46. Defendant Hege is also responsible for denying equal benefits to Plaintiff's Club.

25 47. Defendant Hege is sued both in his individual capacity and in his official capacity as
26 Principal of Westmont High School.

27 48. Defendant Hege made the decision to deny equal benefits to Plaintiff's Club pursuant
28 to the Policy and practice implementation and direction of the Board.

1 59. Participation in such clubs is not directly encouraged by WHS faculty in connection
2 with curriculum course work.

3 60. Defendants, pursuant to their Policies and practice, permit officially recognized non-
4 curriculum related clubs to conduct meetings during non-instructional time on campus.

5 61. Defendants, pursuant to their Policies and practice, permit recognized non-curriculum
6 related clubs access to morning public address announcements to convey information about any
7 upcoming club meetings or planned activities to the student body.

8 62. Additionally, Defendants, pursuant to their Policies and practice, provide recognized
9 non-curriculum related clubs with access to school bulletin boards so that club members may display
10 informative information about any upcoming club activities and/or meetings.

11 63. Defendants also, pursuant to their Policies and practice, permit recognized non-
12 curriculum related clubs to advertise club activities and meetings through respectful and non-
13 disruptive flyer distribution activities on WHS grounds during non-instructional time.

14 64. Further, Defendants, pursuant to their Policies and practice, permit recognized non-
15 curriculum related clubs to have a descriptive club name of their own choosing, so that the club may
16 adequately convey its purpose and ideals to interested students.

17 65. Defendants also permit, pursuant to their Policies and practice, recognized non-
18 curriculum related clubs to have their club name and a description of the club listed on the WHS
19 website.

20 66. Additionally, Defendants allow, pursuant to their Policies and practice, recognized
21 non-curriculum related clubs to announce Club meetings and/or activities on the WHS “Daily
22 Bulletin,” made accessible to students via the school’s website.

23 **Defendants’ Denial of Equal Benefits and Privileges to Plaintiff and her Pro-Life Club**

24 67. In October, 2007, Plaintiff, pursuant to her sincerely held religious and political
25 beliefs, submitted a written request to Defendants requesting to start a pro-life club at WHS.

26 68. Plaintiff requested that her Club to be granted official club status, with all attendant
27 rights, benefits, and privileges.

28 69. Plaintiff also asked that the Club’s official name be “Live Action – Pro-Life Club.”

1 70. In response to Plaintiff’s request, Defendants proceeded to technically permit Plaintiff
2 and other Club members to meet during non-instructional time, but denied (and continue to deny)
3 Plaintiff and fellow Club members any avenue through which they might tell other students about
4 the Club.

5 71. For example, Defendants prohibit Plaintiff from even telling other students at WHS
6 about the Club’s existence, let alone the Club’s intended pro-life message, as it is “too
7 controversial.”

8 72. Defendants also bar Plaintiff access to morning P.A. announcements to convey
9 information about upcoming Club activities to the student body.

10 73. Defendants additionally deny Plaintiff access to school bulletin boards to display
11 informative information about the Club and its activities.

12 74. Moreover, Defendants prevent Plaintiff from advertising Club meetings through
13 respectful and non-disruptive flyer distribution activities.

14 75. Defendants also prohibit Plaintiff from selecting an appropriate and descriptive club
15 name, so that the club might adequately convey its purpose and ideals to interested students.

16 76. Indeed, Defendants specifically barred, and continue to bar, Plaintiff from using the
17 term “pro-life” in the club name because the name would be “too controversial,” compelling Plaintiff
18 to instead choose the less desirable and less descriptive club name “Live Action.”

19 77. Defendants also prohibit Plaintiff from listing the Club on the WHS website under
20 a section identifying and describing other student clubs at the school.

21 78. In addition, Defendants proscribe Plaintiff from announcing Club meetings and
22 activities on the WHS “Daily Bulletin,” made accessible to students online via the school’s website.

23 79. Incredibly, Defendants even refused to provide Plaintiff with information regarding
24 any policies, guidelines, or procedures related to student clubs even though she specifically requested
25 such information.

26 80. Defendants, acting pursuant to their Policies and practice, denied equal access to the
27 above described rights, benefits, and privileges because of the religious and political nature and
28 speech of the Club.

1 **VII.**

2 **ALLEGATIONS OF LAW**

3 81. All of the acts of Defendants, their officers, agents, employees, and servants were
4 executed and are continuing to be executed by the Defendants under the color and pretense of the
5 policies, statutes, ordinances, regulations, customs, and usages of the State of California.

6 82. Plaintiff is suffering irreparable harm from the conduct of Defendants.

7 83. Plaintiff has no adequate or speedy remedy at law to correct or redress the deprivation
8 of her rights by Defendants.

9 84. Unless the conduct of Defendants is enjoined, Plaintiff will continue to suffer
10 irreparable injury.

11 **FIRST CAUSE OF ACTION: VIOLATION OF THE EQUAL ACCESS ACT**

12 85. Plaintiff re-alleges and incorporates herein, as though fully set forth, all previous
13 paragraphs of this Complaint.

14 86. WHS is a public secondary school under California law, located in Campbell,
15 California.

16 87. The Board and WHS receive federal financial assistance.

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

20 89. Such clubs include the Gay Straight Alliance, Key Club, Culture Club, Link Crew,
21 Color Talk, Christian Club, and Invisible Children.

22 90. These clubs address issues including, among others, promoting respect, dignity, and
23 safety for students at WHS; premarital sex, including homosexual behavior; community service and
24 involvement; leadership; supporting freshman facing difficult decisions and/or situations; cultural
25 identity and study; equality of, and respect for, all human life regardless of color; faith and religion;
26 and various human rights issues.

27 91. Plaintiff’s Pro-Life Club has voluntary membership.

28 92. The Pro-Life Club is open to any student at WHS.

1 93. The Pro-Life Club desires to assemble on the campus of WHS during non-
2 instructional time for the purpose of Club meetings, exchange of ideas and information, and
3 discussion of issues, from a religious and political perspective, that are significant to them.

4 94. Such issues include, among others, those related to faith and religion; community
5 service; personal responsibility; leadership; sexual abstinence; keeping and raising children in the
6 event of pregnancy; human rights issues; equality of, and respect for, all human life; promoting
7 respect and dignity toward others at WHS; and assisting underclassmen at WHS, including
8 freshman, who are faced with difficult decisions and/or situations.

9 95. The Pro-Life Club's activities are voluntary, student-initiated, and student-directed.

10 96. Plaintiff does not desire school officials to lead, direct, plan, sponsor, or otherwise
11 control the content or direction of the Club's meetings.

12 97. Non-WHS students do not direct, conduct, plan, control, or attend Pro-Life Club
13 meetings during non-instructional time on school premises.

14 98. The Pro-Life Club's activities on campus do not materially and substantially interfere
15 with the orderly conduct of educational activity within WHS.

16 99. Defendants have denied a fair opportunity, have discriminated against, and have
17 denied Plaintiff and her fellow Club members equal access to all school facilities, benefits, and
18 privileges, because of the religious and political content of the speech and association at the Pro-Life
19 Club meetings.

20 100. Defendants' Policies and practice cannot be justified by a compelling governmental
21 interest, nor are they narrowly tailored to advance any such interest.

22 101. Defendants' Policies and practice, both facially and as applied, accordingly abridged
23 and continue to violate the rights of Plaintiff under the Equal Access Act, 20 U.S.C. §§ 4071-4074.

24 WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive
25 relief set forth hereinafter in the Prayer for Relief.

26 **SECOND CAUSE OF ACTION: VIOLATION OF THE FREE SPEECH CLAUSE**

27 102. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1
28 through 84 of this Complaint.

1 103. Defendants have, by Policy and practice, created an open forum by permitting the
2 formation of student clubs at WHS.

3 104. Defendants' Policies and practice prohibit the equal treatment of Plaintiff's Club
4 sponsored by religious students and containing religious and political speech in this forum.

5 105. Defendants are prohibiting Plaintiff's speech despite the fact that she desires to
6 address the same or similar issues currently being addressed by other student clubs, including issues
7 related to faith and religion; community service; personal responsibility; leadership; sexual
8 abstinence; keeping and raising children in the event of pregnancy; human rights issues; equality of,
9 and respect for, all human life; promoting respect and dignity toward others at WHS; and assisting
10 underclassmen at WHS, including freshman, who are faced with difficult decisions and/or situations.

11 106. The unequal treatment of Plaintiff's Club containing religious speech or activities is
12 a content-based restriction in an otherwise open forum.

13 107. Defendants' denial of Plaintiff's religious and political speech while permitting other
14 secular speech also constitutes viewpoint discrimination.

15 108. For example, Defendants readily permit the Gay Straight Alliance, which discusses
16 issues that are controversial in nature.

17 109. Yet Defendants deny Plaintiff's religious and political speech for the stated reason
18 that it is controversial.

19 110. Such viewpoint discrimination is unconstitutional in any type of forum.

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

21 112. Plaintiff's Club is an expressive association that desires to advocate its Christian
22 message and viewpoints at WHS.

23 113. Defendants violate Plaintiff's Club's right to association by denying them official
24 status as a recognized student club, and all the rights, privileges, and benefits attendant thereto, based
25 solely on the Club's intended religious and political speech, ideologies, philosophies, and beliefs.

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

1 115. If Defendants claim they have no written policies relating to official recognition of
2 student clubs, their practices amount to a Policy.

3 116. Moreover, if Defendants possess no specific written policies to guide their actions
4 as to official recognition of student clubs, this too amounts to an unconstitutional prior restraint.

5 117. Defendants' lack of specific written policies permit District officials to exercise
6 unbridled discretion in permitting or refusing protected speech on the basis of the religious content
7 and/or viewpoint of a student club's proposed speech.

8 118. Defendants' Policies and practice are overbroad because they sweep within their
9 ambit protected First Amendment rights in the form of religious speech.

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

13 120. Defendants' Policies and practice chill, deter, and restrict Plaintiff from using District
14 facilities on an equal basis with others to discuss issues from a religious perspective.

15 121. Defendants have interpreted and applied the Policies to disqualify Plaintiff from
16 accessing equally all facilities under their control and otherwise open to student groups, solely
17 because of the religious and political nature of Plaintiff's activities, as well as the religious and
18 political content and viewpoint of the Club's speech.

19 122. Defendant's Policies, as interpreted and applied by them to prohibit equal use as
20 requested by Plaintiff, are not the least restrictive means necessary to serve any compelling interest
21 which Defendants seek thereby to secure.

22 123. Defendants' Policies and practice, both facially and as applied, accordingly violate
23 Plaintiff's right to Free Speech as guaranteed by the First Amendment to the United States
24 Constitution as incorporated and applied to state action under the Fourteenth Amendment.

25 WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive
26 relief set forth hereinafter in the prayer for relief.

1 **THIRD CAUSE OF ACTION: VIOLATION OF THE EQUAL PROTECTION CLAUSE**

2 124. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1
3 through 84 of this Complaint.

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

6 126. Defendants have opened the forum to Plaintiff’s Club by permitting the formation
7 of other student clubs.

8 127. Defendants, however, have denied Plaintiff’s Club equal access to all school facilities,
9 benefits, and privileges.

10 128. By discriminating against the content and viewpoint of Plaintiff’s speech, Defendants
11 are treating Plaintiff and Plaintiff’s Club differently than other similar situated public school students
12 and student clubs on the basis of the religious content and viewpoint of Plaintiff’s speech.

13 129. Defendants’ Policies and practice violate various constitutional rights of Plaintiff,
14 such as rights of free speech, equal protection, and free exercise.

15 130. Defendants lack a rational or compelling state interest for such disparate treatment
16 of Plaintiff.

17 131. Defendants’ denial of access to Plaintiff is not narrowly tailored.

18 132. Accordingly, the Policies and practice of Defendants, both facially and as applied,
19 violate Plaintiff’s right to equal protection of the laws as guaranteed by the Fourteenth Amendment
20 to the United States Constitution.

21 WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive
22 relief set forth hereinafter in the Prayer for Relief.

23 **FOURTH CAUSE OF ACTION: VIOLATION OF THE DUE PROCESS CLAUSE**

24 133. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1
25 through 84 of this Complaint.

26 134. Plaintiff sought, and continues to seek, equal access to all of the rights, benefits, and
27 privileges provided to other student clubs.

1 135. Further, Plaintiff's Club satisfies the Policies' criteria for student club recognition,
2 whether labeled by Defendants as a non-curriculum or co-curriculum club.

3 136. Despite Plaintiff's satisfying the Policies' criteria, Defendants' Policies and practice
4 have been written and applied to prohibit Plaintiff and her Club from gaining equal access to relevant
5 benefits and privileges due to the Club's religious and political speech.

6 137. Defendants' Policies and practice are vague and allow for unbridled discretion in
7 determining which student clubs do and do not satisfy student club criteria and thus qualify for all
8 club rights, benefits, and privileges.

9 138. Defendants' Policies grant unbridled discretion in that they lack any definitions or
10 guidelines as to how to determine whether a student club satisfies club criteria and thereby qualifies
11 for access to all club rights, benefits, and privileges.

12 139. Defendants' Policies fail to include any definitions or guidelines as to what might
13 constitute "controversial" student club speech.

14 140. As such, Defendants are afforded discretion pursuant to their vague Policies to permit
15 controversial speech by the Gay Straight Alliance student club but deny Plaintiff's religious and
16 political speech for the stated reason that it is controversial.

17 141. Defendants' Policies and practice, both facially and as applied, accordingly violate
18 Plaintiff's rights under the Due Process Clause of the Fourteenth Amendment to the United States
19 Constitution.

20 WHEREFORE, Plaintiff respectfully prays that the Court grant the declaratory and injunctive
21 relief set forth hereinafter in the Prayer for Relief.

22 **FIFTH CAUSE OF ACTION: VIOLATION OF THE FREE EXERCISE**
23 **OF RELIGION CLAUSE**

24 139. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1
25 through 84 of this Complaint.

26 140. Plaintiff desires to engage in expressive activities on the basis of sincerely held
27 religious beliefs and to share her beliefs with others.

1 141. Defendants’ Policies and practice substantially burden Plaintiff’s free exercise of
2 religion by conditioning receipt of government benefits on foregoing her free exercise rights.

3 142. Defendants’ Policies and practice force Plaintiff to choose between engaging in
4 religious speech and foregoing the governmental benefit of equal access to the Club, or foregoing
5 the free exercise of religion to receive the access.

6 143. Defendants Policies and practice substantially burden Plaintiff’s free exercise of
7 religion by denying her permission to access all facilities equally in order to meet with like-minded
8 individuals to discuss religious topics and to spread her message.

9 144. Defendants’ Policies and practice substantially burden Plaintiff’s free exercise of
10 religion by denying her (i) the ability to even discuss the Club with other students at school; (ii)
11 access to morning P.A. announcements to convey information about upcoming club activities; (iii)
12 access to school bulletin boards to display informative information about the club and its activities;
13 (iv) an opportunity to advertise club meetings through respectful and non-disruptive flyer
14 distribution activities; (v) the ability to select a descriptive name for the club to adequately convey
15 the Club’s purpose and ideals (*i.e.*, inclusion of the term “pro-life” in the official club name); (vi)
16 the ability to be listed on the WHS website along with other recognized student clubs; and (vii) the
17 ability to announce Club meetings and activities on the WHS “Daily Bulletin,” made accessible to
18 students online via the school’s website.

19 145. Defendants’ Policies and practice constitutes the imposition of special disabilities on
20 Plaintiff due to her religion and her intent to engage in religious expression through her Club.

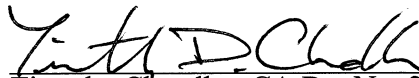
21 146. These special disabilities placed on Plaintiff are neither neutral nor of general
22 applicability.

23 147. Defendants’ Policies and practice cannot be justified by a compelling governmental
24 interest and is not narrowly tailored to advance any such interest.

25 148. Defendants’ interpretation and application of their Policies chill Plaintiff’s freedom
26 of religious discussion and exercise, both of which are fundamental rights guaranteed Plaintiff by
27 the First Amendment.

1 Dated this 10th day of January, 2008.

2
3 Respectfully submitted,

4 

5 Timothy Chandler, CA Bar No. 234325

6 Local Counsel

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30 *Motion to permit appearance *pro hac vice* submitted concurrently

31
32 *Attorneys for Plaintiff*

VERIFICATION

I, P.A., a citizen of the United States and a resident of the State of California, have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 10 day of January, 2008 in Campbell, California.

P.A.

P.A.