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16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE DISTRICT OF ARIZONA**  
18 **PHOENIX DIVISION**

19 First Baptist Church of Maricopa, an  
Arizona nonprofit organization; and  
20 Jimmy L. Johnson, Pastor,  
21 Plaintiffs,  
22 v.  
23 Maricopa Unified School District No.  
24 20,  
25 Defendant.

Case No.

**VERIFIED COMPLAINT FOR  
INJUNCTIVE AND DECLARATORY  
RELIEF**

28

1 **I. INTRODUCTION**

2 1. This is a civil rights action brought under 42 U.S.C. § 1983, the First and  
3 Fourteenth Amendments to the United States Constitution, and the Arizona Religious  
4 Freedom Restoration Act, to remedy the violation of First Baptist Church of Maricopa  
5 (“Church”) and Jimmy (“Jim”) Johnson’s constitutional and state statutory rights.

6 2. By policy and practice, Defendant Maricopa County School District No.  
7 20 (the “District”) permits nonprofit organizations to promote via distribution of written  
8 materials within its schools: their shows, events, and activities; cultural, recreational,  
9 artistic, and educational opportunities they make available to the community; and  
10 activities where students are provided instruction and practice regarding a wide range of  
11 subject matters.

12 3. Plaintiff Jim Johnson, in his capacity as Pastor of First Baptist Church of  
13 Maricopa, submitted a flyer to Maricopa High School promoting one of the Church’s  
14 weekly activities for high school age students.

15 4. This activity, a weekly AWANA class, provides instruction, from a  
16 Christian point of view, on many of the subject matters that may be permissibly  
17 discussed and promoted within the District’s literature distribution forum, and expands  
18 the cultural, recreational, and educational opportunities available to the community.

19 5. Nearly five months after Pastor Johnson submitted the flyer, and after  
20 stringing out a woefully inadequate response to a simple and straight-forward public  
21 records request for over 4 months, the District denied his request in June 2008.

22 6. The District’s Policies specifically target religious speech, like Plaintiffs’  
23 flyers, for exclusion by: prohibiting “[a]ny material that promotes a particular religious  
24 belief or any religious tract material” (Ex. 10-38)<sup>1</sup> ; forbidding “[n]on-school  
25 promotional literature soliciting for or promoting participation in . . . religion” (*id.* at  
26

27  
28 <sup>1</sup> All citations to exhibits are to the exhibits attached to Plaintiffs’ concurrently filed  
Motion for Preliminary Injunction and Memorandum in Support Thereof.

1 39); and prohibiting the distribution of materials on behalf of “any organization or  
2 program defined as . . . sectarian in nature” (*id.* at 37.)

3 7. District officials are relying on these unconstitutional policies to  
4 unlawfully discriminate against the religious content and viewpoint of the Plaintiffs’  
5 proposed flyers.

6 8. The District’s Policies, and its application of those policies to the  
7 Plaintiffs’ AWANA flyers, violate the First Amendment’s free speech, free exercise of  
8 religion, and establishment clauses, the Fourteenth Amendment’s equal protection and  
9 due process clauses, and Arizona’s statute protecting the free exercise of religion.

## 10 **II. JURISDICTION**

11 9. This action arises under the United States Constitution, particularly the  
12 First and Fourteenth Amendments, under federal law, particularly 28 U.S.C. § 2201, 42  
13 U.S.C. §§ 1983 and 1988, and under state law, particularly A.R.S. § 41-1493-1493.02.

14 10. This Court is vested with original jurisdiction over the federal claims by  
15 operation of 28 U.S.C. §§ 1331 and 1343, and with supplemental jurisdiction over the  
16 state law claim under § 1367.

17 11. This Court is vested with authority to grant the requested declaratory  
18 judgment by operation of 28 U.S.C. §§ 2201 and 2202, and pursuant to Rule 57 of the  
19 Federal Rules of Civil Procedure.

20 12. This Court is authorized to issue the requested injunctive relief pursuant to  
21 42 U.S.C. § 1983 and Rule 65 of the Federal Rules of Civil Procedure.

22 13. This Court is authorized to award the requested nominal damages of one  
23 (1) dollar pursuant to 28 U.S.C. § 1343.

24 14. This Court is authorized to award attorneys’ fees pursuant to 42 U.S.C. §  
25 1988, and pursuant to A.R.S. § 41-1493.01(D).

26 15. Venue is proper in the United States District Court for the District of  
27 Arizona under 28 U.S.C. § 1391, in that the events giving rise to the claim occurred  
28 within the District and because all parties are residents of the District.

1 **III. IDENTIFICATION OF PLAINTIFFS**

2 16. Plaintiff Jimmy L. Johnson is Pastor of First Baptist Church of Maricopa  
3 and is a resident of Maricopa, Arizona.

4 17. Pastor Johnson is charged with the responsibility of representing the  
5 Church in its day to day activities, and is responsible for carrying out the Church's desire  
6 to promote a variety of its activities and events via flyers distributed at District schools.

7 18. Plaintiff First Baptist Church of Maricopa is a nonprofit Arizona  
8 corporation located in the City of Maricopa.

9 19. The Church's various ministries and activities provide numerous services  
10 to persons living in Maricopa and surrounding communities, and add to the community's  
11 cultural, recreational, artistic, and educational opportunities.

12 20. The Church and Pastor Johnson have sincerely held religious beliefs that  
13 they should make their Christian-based activities and events regarding educational,  
14 cultural, civic, and community issues available to as many persons as possible, including  
15 young adults, and their desire to distribute flyers through MUSD schools promoting the  
16 weekly AWANA class, and other similar church events and activities, is based on these  
17 sincerely held religious beliefs.

18 **IV. IDENTIFICATION OF DEFENDANT**

19 21. Defendant Maricopa Unified School District No. 20 is a body politic and  
20 corporate that may sue and be sued.

21 22. The District is organized under the laws of the State of Arizona.

22 23. The District is charged with the administration and operation of Maricopa  
23 High School ("MHS"), and of all other schools under its jurisdiction.

24 24. The District is responsible for the enactment, enforcement, and existence  
25 of policies and practices related to the distribution by nonprofit organizations of flyers  
26 promoting activities, events, and instructional opportunities regarding various topics.

27 25. The District bears responsibility for enactment of its policies, outlined  
28 above, censoring religious speech.

1           26. Pursuant to its anti-religious policies, the District denied the Plaintiffs’  
2 proposed AWANA flyers based solely on their religious content and viewpoint.

3 **V. STATEMENT OF FACTS**

4 **The District’s Policies and Practices Regarding Literature Distribution**

5           27. The District has a long-standing policy and practice of distributing  
6 literature provided by nonprofit entities to its students.

7           28. District Policy K-2261 states that “[t]he principal may authorize nonprofit  
8 civic or cultural organizations to advertise shows, events, or activities” within District  
9 schools. (Ex. 10-37.)

10           29. The same policy further states that in order to “publiciz[e] community  
11 services, special events, and public meetings of interest to students and parents,” the  
12 Superintendent “may approve the distribution of printed materials prepared by  
13 governmental agencies or service organizations that extend the community’s cultural,  
14 recreational, artistic, or educational opportunities.” (*Id.* at 38.)

15           30. Policy K-2261 discriminates against religious speech and speakers by  
16 banning advertising “for any organization or program defined as . . . sectarian in nature,”  
17 and by forbidding “[a]ny material that promotes a particular religious belief or any  
18 religious tract material.” (*Id.* at 37-38.)

19           31. District Policy K-2300 states: “Nonprofit organizations providing  
20 instruction and practice for school age students in the areas of instruction listed below  
21 shall be permitted limited display or posting of promotional literature for those  
22 activities.” (*Id.* at 39.)

23           32. The “areas of instruction” identified in Policy K-2300 include: language  
24 arts; literature; mathematics; science; social studies; music; visual arts; health; physical  
25 education; foreign or Native American language; and career and technical (vocational)  
26 education. (*Id.*)

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1           33. Policy K-2300 discriminates against religious speech and speakers by  
2 prohibiting “[n]on-school promotional literature soliciting for or promoting participation  
3 in . . . religion.” (*Id.*)

4           34. The District’s Policies regarding literature distribution by nonprofit groups  
5 contain no standards or criteria to assist school officials in determining what constitutes  
6 a “sectarian” organization or activity, what is “religious tract material,” what promotes  
7 “participation in . . . religion,” or any other relevant guidelines.

8           35. The Policies also fail to provide a specific and prompt time frame in which  
9 the decision-maker must grant or deny a nonprofit organization’s request to have  
10 literature distributed.

11           36. District Policy K-2300 disclaims any endorsement of or responsibility for  
12 the literature distributed by nonprofit organizations by defining the materials that may be  
13 distributed as “non-school promotional literature . . . that [is] not under the control of the  
14 school.” (Ex. 10-39.)

15           37. Nonprofit organizations obtain approval from the District to have their  
16 literature distributed by submitting a copy of the proposed flyer 2 weeks before the date  
17 of the activity or event, and by submitting a written assurance that the organization will  
18 comply with certain District policies.

19           38. Once approved, the literature is distributed, at the discretion of each  
20 school, either by: 1) posting of the material on a bulletin board; or 2) stacking of the  
21 materials on a flat surface.

22           39. District Policy K-2300 provides that the place where materials are posted  
23 and/or stacked “shall be available every day without regard to weather, to students who  
24 are in attendance.” (*Id.* at 40.)

25           40. The following examples are just a snapshot of the literature the District  
26 permits to be distributed to its students:

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- 1 a. A packet of info promoting Central Arizona College as a schooling option  
2 for students. (Ex. 3.) This packet includes enrollment info and provides  
3 information on scholarships that are available;
- 4 b. A Navy flyer, that states: “Grab a card. Launch your future. Find out how  
5 the Navy can put your life on course” (Ex. 6);
- 6 c. A poster promoting the United States Army (Ex. 2);
- 7 d. A poster promoting the Job Corps, and asking “Is Job Corps for you?”  
8 (*id.*);
- 9 e. A poster from the Universal Technical Institute (“UTI”) promoting an  
10 open house where students will get to see the Grave Digger monster truck  
11 and learn about the post-graduation instructional opportunities available in  
12 the automotive repair and other technical fields (*id.*); and
- 13 f. A poster telling students how to sign up for the ACT college entrance  
14 exam online (*id.*).

15 41. In sum, District Policy permits nonprofit organizations to promote via  
16 literature distribution their civic, cultural, recreational, and educational events and  
17 activities, and their activities providing instruction and practice to students on a wide  
18 array of subject matters.

19 42. However, pursuant to its Policies, the District prohibits nonprofit groups  
20 from addressing and promoting any of the above activities and areas of instruction from  
21 a religious point of view, as its prohibition of the Plaintiffs’ AWANA flyers (described  
22 in detail below) demonstrates.

23 **Plaintiffs’ AWANA Flyers**

24 43. To have flyers distributed under District Policy K-2300, an organization  
25 must have nonprofit status, and must offer instruction or practice to school age students  
26 in one of the areas of instruction identified in the Policy.

27 44. The Church is a nonprofit organization.

28

1           45. Plaintiffs' weekly AWANA Bible study, which lasts the duration of the  
2 school year and is called the "Journey Program," addresses many of the subject matters  
3 the District identifies in Policy K-2300, all from a religious perspective.

4           46. The AWANA program meets after school hours, and does not meet on the  
5 campus of any District school.

6           47. The AWANA program addresses the topic of career education by  
7 providing students instruction in leadership which the flyer states will help them "take  
8 on challenging roles," "prepare to become adults," and prepare "for their future careers."  
9 (Ex. 1-2.)

10          48. Regarding career preparation, the AWANA program instructs students in  
11 Biblical teachings regarding many important life skills and values that will increase their  
12 employability and success in their careers, including, among other things, that you  
13 should: treat others as you wish to be treated; approach people with integrity and  
14 honesty; take personal responsibility for your actions; respect other people regardless of  
15 their beliefs, appearances, etc.; love and serve others within your community; and not  
16 cheat or take short cuts in attempting to achieve your career goals.

17          49. Like the AWANA program, Job Corps' instruction regarding the topic of  
18 career education involves a "holistic career development training approach" which  
19 includes, among other things, teaching in "employability skills," "life skills" and "social  
20 competencies." (Ex. 5 at 15-16.)

21          50. Also like AWANA, the NAVY instructs people in life skills and values  
22 like honor, courage, commitment, responsibility, and teamwork, all of which, in the  
23 Navy's words, "make you more employable, better at dealing with others, and better at  
24 dealing with challenges." (Ex. 6-18.)

25          51. Also like AWANA, the US Army instructs people in important values like  
26 loyalty, duty, respect, selfless service, honor, integrity, and personal courage. (Ex. 7-  
27 26.)

28

1           52. The Army explains that the life skills and values it teaches will provide  
2 people with “physical and mental strength, job skills, and leadership capabilities that  
3 will benefit their career,” whether an Army or civilian career. (Ex. 7-28.)

4           53. And like AWANA, UTI promotes life skills and values like being caring,  
5 wise, courageous, and trustworthy. (Ex. 4-13.)

6           54. Plaintiffs’ AWANA program instruction regarding career education  
7 teaches students the same life skills and values taught by the Navy, the Army, Job  
8 Corps, and UTI, all from a Biblical point of view.

9           55. The AWANA program also addresses the topics of health and physical  
10 education by instructing students on what the Bible says about how to achieve and  
11 maintain a physically, mentally, and emotionally healthy lifestyle.

12           56. Specifically, the AWANA program teaches students the Biblical  
13 perspective that to maintain one’s physical, emotional, and mental health and fitness,  
14 one should avoid destructive choices like using drugs, drinking alcohol, eating too much,  
15 sex outside of marriage, watching television shows and movies, or listening to music,  
16 that contain violent, sexual, or other inappropriate content, to name just a few.

17           57. Regarding the topic of health, AWANA also instructs students in the  
18 Biblical view regarding self-esteem, and that students should derive their value from  
19 God’s love for them, not what others think of them.

20           58. The AWANA program also addresses the topic of social studies by  
21 instructing students on the Biblical point of view regarding important social issues like  
22 the civic duties of citizenship, the importance of the family to our society and its current  
23 precarious state, and the Christian influence on the founding of the United States, to  
24 name just a few.

25           59. The AWANA flyer also addresses the topic of literature, as it indicates that  
26 students will be instructed based on teachings from the Bible, which is widely regarded  
27 as a significant literary work, and which many public schools use as part of their  
28 curriculum in comparative religion classes and the like.

1           60.    The District allows other groups to address topics in addition to those  
2 specified in Policy K-2300, like how to be successful in life after high school.

3           61.    The District approved a United States Navy flyer that tells students that  
4 Navy training can “launch your future,” “put your life on course,” and “accelerate your  
5 life.” (Ex. 6-17.)

6           62.    The District also approved a Job Corps flyer that promotes the services Job  
7 Corps provides to people to help them become employed, independent, and successful  
8 after graduation.

9           63.    The Job Corps website describes its mission this way: “As a national  
10 training program, Job Corps’ mission is to attract eligible young adults, teach them the  
11 skills they need to become employable and independent, and place them in meaningful  
12 jobs or further education.” (Ex. 5-14.)

13          64.    The District approved a flyer for an Arizona College to promote its  
14 educational options and scholarships to students after they graduate.

15          65.    The District also approved a UTI event whose purpose in part was to help  
16 “area high school seniors [who] are facing a major life decision – what next? College, a  
17 technical education or the working world?” (Ex. 4-12.)

18          66.    The Church, through its AWANA program, also addresses the topic of  
19 how to be successful in life after school.

20          67.    The AWANA flyer states: “Leadership in action prepares students for the  
21 road ahead as they prepare to become adults and for their future careers.” (Ex. 1-2.)

22          68.    The flyer further states that the program’s “[i]n-depth training prepares  
23 students to take on challenging roles,” and that “[t]he Journey program is intentional  
24 about connecting students to the next phase of their lives.” (*Id.*)

25          69.    The AWANA flyer also informs students, like the approved College’s  
26 flyer, of college scholarship opportunities available through AWANA.

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1           70. The instruction the Church provides through the AWANA program is  
2 designed for “school age students,” which is what Policy K-2300 states the District’s  
3 forum is created for.

4           71. Under Policy K-2261, a “civic or cultural organization” may advertise  
5 their “shows, events, and activities” within District schools. (Ex. 10-37.)

6           72. Also under Policy K-2261, government agencies and service organizations  
7 may distribute materials “that extend the community’s cultural, recreational, artistic, or  
8 educational opportunities,” all for the stated purpose of “publicizing community  
9 services, special events, and public meetings of interest to students and  
10 parents/guardians.” (*Id.* at 38.)

11           73. The Church is a religious, civic, cultural, and service organization that  
12 hosts many activities and programs that provide services to persons living in Maricopa  
13 and surrounding communities, and that expand the cultural, recreational, artistic, and  
14 educational opportunities available to the community.

15           74. For example, the Church, among many other things:

- 16           a. provides training on the conflict between evolution and creation;
- 17           b. stocks a food pantry for those in need;
- 18           c. operates a family and pregnancy center called “Celebrate Life Family  
19           Support Center,” which provides instruction on proper parenting,  
20           counseling to families, and counseling to women who have unwanted  
21           pregnancies;
- 22           d. hosts meetings of Against Abuse, an organization that helps and counsels  
23           women who have been the victims of abuse;
- 24           e. hosts Pinal County Department of Economic Security for community  
25           members to apply for food stamps and State Insurance coverage; and
- 26           f. hosts Christian musical concerts and Christian educational seminars  
27           focusing on various topics of interest to the community.

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1           75. Like these above examples, the Church's AWANA Journey program is of  
2 interest to students and their parents, expands the cultural, recreational, and educational  
3 opportunities available to the community, and thus fits within the parameters of the types  
4 of activities and events that may be promoted under Policy K-2261.

5 **The District Denies Plaintiffs' AWANA Flyers**

6           76. On January 25, 2008, Pastor Johnson, acting on behalf of the Church,  
7 submitted a letter to the MHS principal requesting approval for the distribution of a flyer  
8 promoting the Church's weekly AWANA program. (Ex. 1 at 1-2.)

9           77. Pastor Johnson's letter complied with all of Policy K-2300's submission  
10 requirements, as it made the required "written assurances" and had attached 50 copies of  
11 the proposed flyer.

12           78. Pastor Johnson's letter asked for a response to his request by February 7,  
13 2008.

14           79. The District did not respond to his request to have the AWANA flyer  
15 distributed by February 7, 2008.

16           80. On February 11, 2008, Pastor Johnson submitted a public records request,  
17 pursuant to A.R.S. § 39-121, *et seq.*, to the District, seeking, among other things: all  
18 District policies, procedures, and guidelines regarding advertising and distribution of  
19 literature by non-school persons and groups; and copies of all advertising and literature  
20 requests made by outside groups, whether those requests were granted or denied. (Ex.  
21 8.)

22           81. Close to two months later, the District provided a response to Pastor  
23 Johnson's public records request.

24           82. The District's response was woefully inadequate, as it contained records  
25 from primarily one school within the District (Wells Middle School), even though the  
26 request applied to all schools.

27           83. The District's response was also completely unresponsive, as it provided  
28 information about the rental of Wells Middle School facilities by outside groups, not

1 about the distribution of flyers and materials at District schools on behalf of nonprofit  
2 organizations, which is what Pastor Johnson's records request sought.

3 84. On March 25, 2008, Pastor Johnson emailed the District Superintendent  
4 about the inadequacy of the public records response and requested that the situation be  
5 rectified.

6 85. The Superintendent did not respond to Pastor Johnson's request that the  
7 deficient public records response be rectified.

8 86. In the same email, Pastor Johnson reminded the Superintendent that he  
9 was still awaiting a response to his request to have the Church's AWANA flyer  
10 distributed.

11 87. The Superintendent did not respond to Pastor Johnson's request for a  
12 decision on whether the AWANA flyer would be distributed.

13 88. After providing the District another month and a half to rectify the  
14 deficient public records response and to respond to the AWANA flyer request, and  
15 receiving no response on either issue, Pastor Johnson requested that his attorneys send a  
16 letter to the District.

17 89. On June 2, 2008, Alliance Defense Fund sent a letter to Superintendent  
18 Flores advising him that the District is violating Pastor Johnson's constitutional rights by  
19 refusing to distribute the AWANA flyer, and seeking further record production in  
20 response to the Pastor's public records request. (Ex. 9.)

21 90. On June 17, 2008, the District's attorneys responded by letter, on behalf of  
22 the District, stating that the District could not find any documents responsive to Pastor  
23 Johnson's public records request. (Ex. 10.)

24 91. While the District claims no responsive documents exist, Plaintiffs were  
25 able to procure promotional materials of the US Navy, US Army, UTI, Central Arizona  
26 College, Job Corps, and the ACT test by simply collecting them from the Maricopa High  
27 School bulletin board for promotional materials.

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1           92. At the very least, the District should have responded to Pastor Johnson's  
2 public records request with these promotional materials attained by the Plaintiffs.

3           93. As noted above, District Policy K-2300 requires that each school within  
4 the District maintain either a bulletin board or a table for distribution of approved  
5 promotional materials, like the bulletin board maintained by Maricopa High School,

6           94. Policy K-2300 also requires that these distribution locations be made  
7 available to students every day, and requires each school office and the District office to  
8 maintain a "description and map" of these distribution locations. (Ex. 10-40.)

9           95. The District's non-response to Pastor Johnson's public records request is  
10 inexplicable, considering that Plaintiffs obtained promotional materials from a bulletin  
11 board at Maricopa High School, and considering each school in the District is required  
12 also to maintain such a distribution location.

13           96. In the June 17, 2008 letter, the District's attorneys, on behalf of the  
14 District, also denied the Plaintiffs' AWANA flyer based solely on its religious content  
15 and viewpoint.

16           97. Specifically, the District's attorneys noted that while the AWANA  
17 program provided instruction in leadership, it is being prohibited because it "promotes  
18 Christianity as a religious belief," is "religious tract material," and "promot[es]  
19 participation in . . . religion," all in contravention of School Board Policies K-2300 and  
20 2261. (Ex. 10-34.)

21           98. Even though the Church's flyers 1) promote an activity that provides  
22 instruction regarding several permissible subject matters (which is the requirement under  
23 Policy K-2300), and 2) promote an activity that expands the cultural, recreational, and  
24 educational opportunities available to the community (which is the requirement under  
25 Policy K-2261), the District is denying the Plaintiffs' flyers based solely on their  
26 religious content and viewpoint.

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1           99. The Plaintiffs host many events, activities, and instructional opportunities,  
2 in addition to the AWANA program, that they continue to desire to promote via flyers at  
3 schools within the District.

4 **VI. ALLEGATIONS OF LAW**

5           100. All of the acts of Defendant, its officers, agents, employees, and servants  
6 were executed and are continuing to be executed by the Defendant under the color and  
7 pretense of the policies, statutes, ordinances, regulations, customs, and usages of the  
8 State of Arizona.

9           101. Plaintiffs are suffering irreparable harm from the conduct of Defendant.

10           102. Plaintiffs have no adequate or speedy remedy at law to correct or redress  
11 the deprivation of their rights by Defendant.

12           103. Unless the conduct of Defendant is enjoined, the Plaintiffs will continue to  
13 suffer irreparable injury.

14 **VII. CAUSES OF ACTION**

15 **1. First Cause Of Action: Violation Of The Free Speech Clause Of The First**  
16 **Amendment**

17           104. Plaintiffs reallege all matters set forth in paragraphs 1 through 103 and  
18 incorporate them herein.

19           105. Defendant's Policies and practice create an open forum by permitting  
20 nonprofit organizations to distribute literature promoting activities that extend the  
21 community's cultural, recreational, artistic, or educational opportunities, and that  
22 provide instruction to students on various topics.

23           106. Defendant's Policies and practice prohibit Plaintiffs from having literature  
24 distributed promoting their events, activities, and instruction on permissible topics solely  
25 based on the religious speech they desire to engage in.

26           107. Defendant is prohibiting Plaintiffs' speech despite the fact that they desire  
27 to address the same or similar issues that other nonprofit groups are permitted to discuss,  
28 including, but not limited to: literature; social studies; health; physical education; career

1 and technical (vocational) education; how to be successful in life after graduation; and  
2 cultural, recreational, artistic, or educational activities available to the community.

3 108. Defendant's unequal treatment of Plaintiffs is based solely on the religious  
4 speech and activities they seek to engage in, and is a content-based restriction in an  
5 otherwise open forum.

6 109. Defendant's denial of Plaintiffs' religious speech—while permitting  
7 similar, but nonreligious, speech from other nonprofit groups regarding the same and  
8 similar subject matters—also constitutes viewpoint discrimination, which is  
9 unconstitutional in any type of forum.

10 110. Defendant's Policies and practice impose an unconstitutional prior  
11 restraint because they vest District officials with the unbridled discretion to permit or  
12 refuse protected religious speech equal access to the forum.

13 111. Defendant's Policies also allow District officials to act with unbridled  
14 discretion when deciding if a nonprofit organization's literature promoting an event,  
15 activity, or instructional opportunity qualifies for distribution.

16 112. Defendant's Policies state that school officials "may" approve proposed  
17 literature, which also is a grant of unbridled discretion that permits content and  
18 viewpoint discrimination.

19 113. The Defendant's Policies also impose an unconstitutional prior restraint by  
20 not containing any time frame within which school officials must make a decision on a  
21 nonprofit organization's request to have a flyer distributed.

22 114. The Policies' lack of any time frame within which a decision must be  
23 made resulted in the Plaintiffs receiving no response from the Defendant for nearly five  
24 months after submitting their request to have the AWANA flyer distributed.

25 115. Only a letter from the Plaintiffs' attorneys threatening a lawsuit prompted  
26 a response from the District.

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1           116. The lack of a specified time frame for decisions to be made on proposed  
2 literature imposes too great a burden on protected expression, as Defendant's lack of  
3 response to Plaintiffs' request illustrates.

4           117. Defendant's Policies and practice are additionally overbroad because they  
5 sweep within their ambit protected First Amendment expression.

6           118. The overbreadth of Defendant's Policies and practice chills protected  
7 speech by discouraging nonprofit groups from exercising their First Amendment rights  
8 to distribute literature promoting their events, activities, and instructional opportunities.

9           119. Defendant's Policies and practice chill, deter, and restrict Plaintiffs from  
10 distributing literature on an equal basis with others.

11           120. Defendant is interpreting and applying its Policies to disqualify Plaintiffs  
12 from distributing literature promoting their events, activities, and instructional  
13 opportunities solely because of the religious nature of Plaintiffs' activities, as well as the  
14 religious content and viewpoint of Plaintiffs' speech.

15           121. Defendant's Policies, both on their face and as interpreted and applied by  
16 them to prohibit Plaintiffs from distributing literature on an equal basis with other  
17 nonprofit groups, are not the least restrictive means necessary to serve any compelling  
18 interest which Defendant seeks thereby to secure.

19           122. Defendant's Policies and practice prohibiting Plaintiffs from distributing  
20 literature based solely on the religious nature of their intended speech, both facially and  
21 as applied, violate Plaintiffs' right to Free Speech as guaranteed by the First Amendment  
22 to the United States Constitution as incorporated and applied to state action under the  
23 Fourteenth Amendment.

24           WHEREFORE, Plaintiffs respectfully pray that the Court grant the equitable and  
25 legal relief set forth hereinafter in the Prayer for Relief.

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1 **2. Second Cause Of Action: Violation Of The Equal Protection Clause Of The**  
2 **Fourteenth Amendment**

3 123. Plaintiffs reallege all matters set forth in paragraphs 1 through 103 and  
4 incorporate them herein.

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

7 125. By Policy and practice, Defendant has opened a forum whereby nonprofit  
8 organizations are permitted to distribute literature promoting events and activities that  
9 provide cultural, recreational, artistic, or educational opportunities to community  
10 members, and that provide instruction to students on various subject matters, like  
11 literature; social studies; health; physical education; career and technical (vocational)  
12 education; and how to be successful in life after graduation, to name a few.

13 126. At the same time, pursuant to its unconstitutional Policies and practice, the  
14 Defendant is prohibiting Plaintiffs from distributing literature promoting events and  
15 activities that address the above topics from a religious perspective.

16 127. By discriminating against the content and viewpoint of Plaintiffs' speech,  
17 Defendant is treating them differently than other similarly situated nonprofit  
18 organizations on the basis of the religious content and viewpoint of their speech.

19 128. Defendant's Policies and practice violate several of the Plaintiffs'  
20 fundamental rights, such as rights of free speech and free exercise of religion.

21 129. When government regulations, like the District's Polices and practice  
22 challenged herein, infringe on fundamental rights, discriminatory intent is presumed.

23 130. Defendant lacks a rational or compelling state interest for such disparate  
24 treatment of the Plaintiffs.

25 131. Defendant's denial of equal treatment to Plaintiffs is not narrowly tailored.

26 132. Accordingly, the Policies and practice of Defendant prohibiting Plaintiffs  
27 from distributing literature addressing the same topics addressed by other nonprofit  
28 groups based solely on the religious nature of their intended speech, both facially and as

1 applied, violate Plaintiffs' right to equal protection of the laws as guaranteed by the  
2 Fourteenth Amendment to the United States Constitution.

3 WHEREFORE, Plaintiffs respectfully pray that the Court grant the equitable and  
4 legal relief set forth hereinafter in the Prayer for Relief.

5 **3. Third Cause Of Action: Violation Of The Free Exercise Clause Of The First**  
6 **Amendment**

7 133. Plaintiffs reallege all matters set forth in paragraphs 1 through 103 and  
8 incorporate them herein.

9 134. Plaintiffs desire to engage in the expressive activities described above on  
10 the basis of their sincerely held religious beliefs.

11 135. Defendant's Policies and practice substantially burden Plaintiffs' free  
12 exercise of religion by conditioning receipt of government benefits, i.e. access to the  
13 literature distribution speech forum, on foregoing their free exercise rights.

14 136. Defendant's Policies and practice substantially burden Plaintiffs' free  
15 exercise of religion by forcing them to choose between engaging in religious speech and  
16 foregoing the governmental benefit of being able to distribute literature promoting their  
17 activities, events, and instructional opportunities, or foregoing the free exercise of  
18 religion to receive this benefit.

19 137. Defendant's Policies and practice also substantially burden Plaintiffs' free  
20 exercise of religion by prohibiting them from distributing literature promoting their  
21 events, activities, and instructional opportunities, while at the same time permitting  
22 secular nonprofit organizations to distribute literature promoting their events, activities,  
23 and instructional opportunities that address the same or similar topics as those which  
24 Plaintiffs seek to address.

25 138. Defendant's Policies and practice constitute the imposition of special  
26 disabilities on Plaintiffs due to their religion and their intent to engage in religious  
27 expression.

28

1           139. The special disabilities Defendant is placing on Plaintiffs are neither  
2 neutral nor of general applicability.

3           140. These special disabilities target only religious speech and exercise, and no  
4 other speech.

5           141. Defendant's Policies and practice cannot be justified by a compelling  
6 governmental interest and are not narrowly tailored to advance any such interest.

7           142. Defendant's interpretation and application of its Policies chill Plaintiffs'  
8 freedom of religious discussion and exercise, both of which are fundamental rights  
9 guaranteed Plaintiffs by the First Amendment.

10           143. Defendant's Policies and practice prohibiting Plaintiffs from distributing  
11 literature promoting their activities, events, and instructional opportunities based solely  
12 on the religious nature of their intended speech constitute an excessive burden on  
13 Plaintiffs' rights to the free exercise of religion, and are violating the Free Exercise  
14 Clause of the First Amendment to the United States Constitution.

15           WHEREFORE, Plaintiffs respectfully pray that the Court grant the equitable and  
16 legal relief set forth hereinafter in the Prayer for Relief.

17 **4. Fourth Cause of Action: Violation of the Arizona Religious Freedom**  
18 **Restoration Act**

19           144. Plaintiffs reallege all matters set forth in paragraphs 1 through 103 and  
20 incorporate them herein.

21           145. The Arizona Religious Freedom Restoration Act, Ariz. Rev. Stat. § 41-  
22 1493, states that government shall not substantially burden a person's exercise of  
23 religion unless it demonstrates a compelling government interest that is furthered by the  
24 least restrictive means.

25           146. Plaintiffs sincerely believe that it is their religious duty to make their  
26 Christian-based educational, cultural, civic, and community activities and events  
27 available to as many persons as possible, including young adults, and their desire to  
28

1 distribute flyers through MUSD schools promoting the weekly AWANA class is  
2 motivated by these sincerely held religious beliefs.

3 147. Defendant's Policies and practice burden Plaintiffs' exercise of religion by  
4 subjecting them to greater restrictions that are not applicable to any other nonprofit  
5 organization seeking to distribute flyers at District schools.

6 148. Defendant's Policies and practice impose an excessive burden on  
7 Plaintiffs' religious exercise that is not generally applicable; they restrict only religious  
8 speech and exercise and no other speech.

9 149. Defendant interprets and applies its Policies and practice to bar Plaintiffs  
10 from equal treatment solely because of the religious nature of their activities and the  
11 religious content and viewpoint of their speech.

12 150. Defendant's interpretation and application of its Policies imposes an  
13 excessive burden on Plaintiffs' right to the free exercise of religion.

14 151. No compelling government interest exists which could justify the  
15 Defendant's discriminatory treatment of Plaintiffs' religious speech.

16 152. Defendant's Policies and practice that discriminate against Plaintiffs'  
17 religious speech are not the least restrictive means to serve any legitimate interest which  
18 Defendant seeks thereby to secure.

19 153. Defendant's interpretation and enforcement of its Policies and practice  
20 related to literature distribution by nonprofit organizations chill Plaintiffs' freedom of  
21 religious discussion and exercise, which are fundamental rights guaranteed Plaintiffs by  
22 the United States and Arizona Constitutions.

23 154. Defendant's Policies and practice regarding literature distribution by  
24 nonprofit organizations, facially and as applied, thus violate Plaintiffs' rights under the  
25 Arizona Religious Freedom Restoration Act.

26 WHEREFORE, Plaintiffs respectfully pray that the Court grant the equitable and  
27 legal relief set forth hereinafter in the Prayer for Relief.

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1 **5. Fifth Cause Of Action: Violation Of The Due Process Clause Of The**  
2 **Fourteenth Amendment**

3 155. Plaintiffs reallege all matters set forth in paragraphs 1 through 103 and  
4 incorporate them herein.

5 156. Plaintiffs sought, and continue to seek, equal treatment under the District's  
6 literature distribution Policies.

7 157. Plaintiffs' proposed flyers promoting the AWANA Journey program  
8 address, from a religious perspective, subject matters that the District permits to be  
9 discussed within its literature distribution forum, including, but not limited to: literature;  
10 social studies; health; physical education; career and technical (vocational) education;  
11 and how to be successful in life after graduation.

12 158. Plaintiffs' proposed flyers also advertise an activity that expands the  
13 cultural, recreational, and educational opportunities available to community members,  
14 and satisfies the District's literature distribution policies in this way as well.

15 159. Plaintiffs followed all the requisite procedures within District Policies to  
16 obtain permission to have their AWANA flyers distributed, including providing the  
17 "written assurances" required by the District.

18 160. Despite Plaintiffs' proposed flyers satisfying the District's Policies,  
19 Defendant is applying its Policies and practices to prohibit equal treatment of Plaintiffs'  
20 flyers based on their religious speech.

21 161. Defendant's Policies prohibiting advertising "for any organization or  
22 program defined as . . . sectarian in nature," forbidding "[a]ny material that promotes a  
23 particular religious belief or any religious tract material," and censoring materials that  
24 "promot[e] participation in . . . religion," are vague and allow for unbridled discretion in  
25 determining what nonprofit organization events, activities, and instructional  
26 opportunities may be promoted via flyers.

27 162. There are no definitions or guidelines in the District's Policies on how to  
28 determine whether promotion of an event or activity should be disqualified because it is

1 “religious tract material,” promotes “a particular religious belief,” is “sectarian” in  
2 nature, or promotes “participation in . . . religion.”

3 163. Similarly, the numerous subject matters identified in District Policy K-  
4 2300 upon which nonprofit groups may offer instruction are vague and allow for  
5 unbridled discretion in determining whether a flyer promoting a particular instructional  
6 activity addresses one or more of the identified subjects.

7 164. There are no definitions or standards in the District’s Policies on how to  
8 determine if a nonprofit group’s instructional activity provides instruction on one or  
9 more of the identified subject matters.

10 165. Defendant’s Policies and practice violate Plaintiffs’ rights under the Due  
11 Process Clause of the Fourteenth Amendment to the United States Constitution.

12 WHEREFORE, Plaintiffs respectfully pray that the Court grant the equitable and  
13 legal relief set forth hereinafter in the Prayer for Relief.

14 **6. Sixth Cause Of Action: Violation Of The Establishment Clause Of The First**  
15 **Amendment**

16 166. Plaintiffs reallege all matters set forth in paragraphs 1 through 103 and  
17 incorporate them herein.

18 167. The First Amendment’s Establishment Clause, incorporated and made  
19 applicable to the states by the Fourteenth Amendment to the United States Constitution,  
20 prohibits hostility toward religion.

21 168. Defendant’s Policies expressly target religious expression for exclusion,  
22 and therefore demonstrate impermissible hostility toward religion.

23 169. The Establishment Clause also prohibits government entanglement with  
24 religion.

25 170. Defendant’s Policies require that government officials scrutinize private  
26 religious speech and determine whether that speech promotes “participation in . . .  
27 religion,” is “sectarian in nature,” promotes “a particular religious belief,” or is  
28 “religious tract material,” thereby impermissibly entangling government with religion.

1           171. No compelling state interest exists to justify the Defendant’s hostility  
2 toward and impermissible entanglement with religion.

3           172. Defendant’s Policies and practice therefore violate the Establishment  
4 Clause of the First Amendment to the United States Constitution as incorporated and  
5 applied to the states under the Fourteenth Amendment.

6           WHEREFORE, Plaintiffs respectfully pray that the Court grant the equitable and  
7 legal relief set forth hereinafter in the Prayer for Relief.

8 **VIII. PRAYER FOR RELIEF**

9 A. That this Court issue a Preliminary and Permanent Injunction, restraining  
10 Defendant, its officers, agents, employees, and all other persons acting in active concert  
11 with it, from enforcing the provision of District Policy K-2300 that prohibits the  
12 distribution of “[n]on-school promotional literature soliciting for or promoting  
13 participation in . . . religion,” and the provisions of District Policy K-2261 that prohibit  
14 the distribution of materials on behalf of “any organization or program defined as . . .  
15 sectarian in nature,” and “[a]ny material that promotes a particular religious belief or any  
16 religious tract material,” all of which prohibit Plaintiffs from distributing literature  
17 promoting their activities, events, and instructional activities based solely on the  
18 religious nature of their speech, and ordering Defendant to distribute Plaintiffs’  
19 AWANA flyers on the same terms as other nonprofit groups;

20 B. That this Court render a Declaratory Judgment declaring as unconstitutional, both  
21 facially and as-applied to censor the religious content and viewpoint of Plaintiffs’  
22 speech, the provision of District Policy K-2300 that prohibits the distribution of “[n]on-  
23 school promotional literature soliciting for or promoting participation in . . . religion,”  
24 and the provisions of District Policy K-2261 that prohibit the distribution of materials on  
25 behalf of “any organization or program defined as . . . sectarian in nature,” and “[a]ny  
26 material that promotes a particular religious belief or any religious tract material”;

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- 1 C. That this Court adjudge, decree, and declare the rights and other legal relations of  
2 the parties to the subject matter here in controversy, in order that such declarations shall  
3 have the force and effect of final judgment;
- 4 D. That this Court retain jurisdiction of this matter for the purpose of enforcing any  
5 Orders;
- 6 E. That this Court award Plaintiffs' costs and expenses of this action, including a  
7 reasonable attorneys' fees award, in accordance with 42 U.S.C. § 1988, the Arizona  
8 Religious Freedom Restoration Act, and other applicable law;
- 9 F. That this Court award nominal damages in the amount of one (1) dollar for the  
10 violation of Plaintiffs' constitutional rights;
- 11 G. That this Court issue the requested injunctive relief without a condition of bond  
12 or other security being required of Plaintiffs; and
- 13 H. That this Court grant such other and further relief as the Court deems equitable,  
14 just, and proper in the circumstances.
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1 Respectfully submitted this 24th day of July, 2008.

2  
3 **THE ALLIANCE DEFENSE FUND**

**THE ALLIANCE DEFENSE FUND**

4 s/Jeremy D. Tedesco  
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\* Applications for admission pro hac vice  
will be submitted once case is assigned a  
number and Judge.

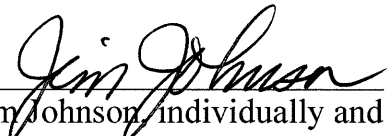
15 *Attorneys for Plaintiffs*

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**VERIFICATION**

I, Jim Johnson, a citizen of the United States and a resident of the District, have read the foregoing Verified Complaint for Injunctive and Declaratory Relief, and declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations set forth therein are true and correct.

Executed this the 22nd day of JULY, 2008.

  
Jim Johnson, individually and on behalf  
of First Baptist Church of Maricopa

# 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

First Baptist Church of Maricopa, an Arizona nonprofit organization; and Jimmy L. Johnson, Pastor

(b) County of Residence of First Listed Plaintiff Maricopa  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Jeremy D. Tedesco, Alliance Defense Fund, 15100 N. 90th Street, Scottsdale, AZ 85260, (480) 444-0020

### DEFENDANTS

Maricopa Unified School District No. 20

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

### 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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### 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 Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <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	<b>LABOR</b> <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

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

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

### VI. CAUSE OF ACTION

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

Brief description of cause:  
School District violated Plaintiffs' constitutional and state statutory rights by denying their request to distribute flyers.

### 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 \_\_\_\_\_

07/24/2008 s/Jeremy D. Tedesco

### FOR OFFICE USE ONLY

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

UNITED STATES DISTRICT COURT

District of Arizona

First Baptist Church of Maricopa, an Arizona nonprofit organization; and Jimmy L. Johnson, Pastor,

SUMMONS IN A CIVIL CASE

V.

Maricopa Unified School District No. 20

CASE

TO: (Name and address of Defendant)

Maricopa Unified School District No. 20
c/o Dr. John Flores
Superintendent and Chief Executive Officer of Maricopa Unified School District No. 20
45012 W. Honeycutt Avenue
Maricopa, Arizona 85239

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BENJAMIN W. BULL
JEREMY D. TEDESCO
ALLIANCE DEFENSE FUND
15100 N. 90th Street
Scottsdale, AZ 85260

DAVID A. CORTMAN
JOSHUA B. BOLINGER
ALLIANCE DEFENSE FUND
1000 Hurricane Shoals Rd., NE
Building D, Suite 600
Lawrenceville, GA 30043

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

- Served personally upon the defendant. Place where served: \_\_\_\_\_  
\_\_\_\_\_
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- Returned unexecuted: \_\_\_\_\_  
\_\_\_\_\_
- Other (specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date *Signature of Server*

\_\_\_\_\_  
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.