

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

DOES 1, 2, 4, and 5,
Plaintiffs,
v.
ENFIELD PUBLIC SCHOOLS,
Defendant.
Case No. 3:10-cv-00685-JCH
Date: August 25, 2010

AMENDED COMPLAINT

Introduction

Symbolism is a primitive but effective way of communicating ideas. . . .
The church speaks through the Cross, the Crucifix, the altar and shrine.

—Board of Education v. Barnett, 319 U.S. 624, 632 (1943).

1. “Everyone knows that in our society and in our culture high school graduation is one of life’s most significant occasions.” Lee v. Weisman, 505 U.S. 577, 595 (1992). For students of the Enfield Public Schools’ (“the Enfield Schools” or “the Schools”) two high schools, this significant life event—until the issuance of a preliminary injunction as a result of this lawsuit—has been taking place in the sanctuary of a Christian church. In 2008 and 2009, both Enfield High School (“Enfield High”) and Enrico Fermi High School (“Enrico Fermi”) held their graduation ceremonies in the First Cathedral (“the Cathedral”), and Enrico Fermi also held its 2007 graduation there. Seniors received their diplomas underneath a large Christian cross and banners reading “Jesus Christ is Lord” and “I am GOD,” after being greeted by an immense cross on the Cathedral’s roof and being forced to walk under a third large cross that frames the Cathedral’s entryway.

2. On January 26, 2010, students and family members made uncomfortable by having to enter a heavily religious environment for a public-school event thought the matter had reached a sensible conclusion: The Enfield Board of Education (“the Board”) voted to hold the Schools’ 2010 high-school graduations on school property, where they had historically taken place. But after months of aggressive lobbying by a religious organization, the Board voted on April 13, 2010, to instead hold the Schools’ graduations at the Cathedral. Only a preliminary injunction from this Court prevented the Schools from doing so. And the Board has given every indication that it would like to use the Cathedral for future graduations.

3. Holding a public-school graduation in the Cathedral’s religious environment violates the Establishment Clause of the First Amendment to the U.S. Constitution: the location coerces students and parents to receive the overwhelming religious message of the Cathedral as the price of attending a seminal event in their lives; communicates a message of governmental favoritism of the Christian religion; excessively entangles the Schools with a religious institution; and entails the use of public funds to support religion-infused graduations. The practice also violates Article Seventh of the Connecticut Constitution, which provides that “no person shall by law be compelled to . . . support, nor be . . . associated with, any congregation, church or religious association.”

4. The plaintiffs are three parents of recent Enfield High graduates whose property taxes have funded graduations at the Cathedral—and would fund any future graduations there—as well as a recent graduate of Enfield High who attended the school’s 2009 graduation at the Cathedral. All object to the practice of holding graduations at the Cathedral. They accordingly seek a permanent injunction and declaratory relief to prevent future graduations from occurring at the Cathedral, as well as nominal damages for violations of their constitutional rights caused

by past graduations.

Jurisdiction and Venue

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367.

6. The Court has the authority to grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

7. Venue is proper in this Court under 28 U.S.C. § 1391(b), as the plaintiffs and the defendant reside or are situated within this district, and the graduations at issue take place within this district.

Parties

Plaintiffs

8. All of the plaintiffs live in Enfield, Connecticut. Plaintiff Doe 1 graduated from Enfield High in June 2010 and attended Enfield High's 2009 graduation in the Cathedral. Plaintiff Doe 2 is a parent of Doe 1 and pays local taxes that support the Schools. Plaintiffs Doe 4 and Doe 5 are parents of another recent Enfield High graduate (Doe 3, formerly a plaintiff in this case) and also pay local taxes that support the Schools.

9. The plaintiffs bring this action under pseudonyms to protect themselves and, where applicable, their children, from social ostracism, economic injury, governmental retaliation, and even physical harm. Plaintiffs who bring Establishment Clause challenges to religious activities in public schools routinely face such risks, and the plaintiffs here anticipate that they would face one or more of these dangers if their identities were made public. This Court has already granted leave for the plaintiffs to proceed using pseudonyms. *See* Minute Entry for May 21, 2010 Proceedings (Docket Entry 73).

Defendant

10. The Town of Enfield is located in Hartford County, eighteen miles north of Hartford, Connecticut and eight miles south of Springfield, Massachusetts.

11. Defendant Enfield Public Schools is a municipal corporate body that maintains control of all public schools within the limits of the Town of Enfield. Conn. Gen. Stat. §§ 10-240, 10-241.

12. The Enfield Schools have, among other powers, the power to sue and be sued, and the power to levy taxes. Conn. Gen. Stat. § 10-241.

13. The Enfield Board of Education is an elected body that has final policy-making authority and control over the Schools. Conn. Gen. Stat. § 10-240.

14. The Enfield Schools have two high-schools: Enfield High and Enrico Fermi.

15. Enfield High's 2011 senior class will have approximately 226 students, while Enrico Fermi's will have approximately 278 students.

16. Enfield High's class of 2012 currently has approximately 192 students, while Enrico Fermi's currently has approximately 300 students.

17. Enfield High's class of 2013 currently has approximately 190 students, while Enrico Fermi's currently has approximately 303 students.

18. The majority of the students in the Enfield Schools are Christians.

General Allegations

Graduations at First Cathedral

19. Enrico Fermi held its graduation ceremonies at the First Cathedral in 2007, 2008, and 2009. Enfield High did so in 2008 and 2009.

20. Both schools planned to hold their 2010 graduations at the Cathedral but were

prevented from doing so by a preliminary injunction. *See* Ruling re: Plaintiffs' Motion for Preliminary Injunction (Docket Entry 95).

21. The Schools intend to hold their 2011 and future high-school graduations at the Cathedral.

22. The Cathedral—also known as the First Baptist Church of Hartford—is a Christian church in Bloomfield, Connecticut.

23. The pastor at the Cathedral is Archbishop LeRoy Bailey, Jr.

The Cathedral's façade and lobby

24. Five large Christian crosses make up the front façade of the Cathedral, the largest of which is in the middle of the façade and frames the Cathedral's main entryway.

25. Another cross towers over the Cathedral's roof and dominates the skyline.

26. Under the cross on the roof are stained-glass panels in which religious images—including more crosses—appear.

27. When graduating students and their guests arrive for graduation ceremonies, they must stand outside the Cathedral for a time before the building's doors are opened.

28. From the outside of the Cathedral, students and guests can see into the Cathedral's gift shop, which contains an assortment of Christian books and other religious paraphernalia.

29. The books and other items are clearly visible even when the bookstore is not open.

30. To enter the Cathedral for graduation ceremonies, students and their family members pass underneath the large cross in the middle of the Cathedral's façade.

31. Students and family members then pass through the Cathedral's lobby.

32. Some students and family members also gather in the lobby before and/or after

the graduation ceremonies.

33. The large cross in the middle of the Cathedral's façade contains a stained-glass depiction — which can be seen both from the outside of the building and from the inside of the lobby — of worshipers looking to the heavens and beams of light cascading onto them.

34. In the lobby, there is a fountain in the shape of a cross surrounded by a frame in the shape of a tomb.

35. The shape of the fountain and its frame, its placement at the entrance of the Cathedral, and the importance of baptism in Christian dogma indicate that the structure has religious significance.

36. From the ceiling of the lobby hangs a large glass sculpture, which, the Cathedral's tour guides inform visitors, represents the Holy Ghost descending from the heavens.

37. Numerous religious paintings, including depictions of Jesus, hang in the lobby.

38. Many of the paintings have Biblical passages inscribed on metal placards on their frames.

39. Similar paintings adorn the Cathedral's hallways—both on the first and second floors—which attendees would need to use to access various rooms (including restrooms) and alternative entrances to the Cathedral's sanctuary.

40. A room where valedictorians and their family members, along with teachers and school staff, gather for a reception relating to the graduation ceremonies also has religious paintings adorning its walls, as well as an open nook filled with choir robes and seats decorated with an image of two hands praying. The room is a vesting room, where ministers put on and take off vestments used in the liturgy.

41. Also hanging in the lobby, near the entrance to the Cathedral's sanctuary, are

large banners reading: “Doing It Again In 2010 –Philippians 1:6.” The banners at that spot are changed each year; in a previous year they read: “The Promise is Still Good! For no matter how many promises God has made, they are ‘yes’ in Christ. –2 Cor. 1:20a”; and “Enter into His gates with thanksgiving, and into His courts with praise. Be thankful to Him, and bless his Name. Psalms 100:4.”

42. Students and their family members have had to pass underneath religious banners at that spot to enter the Cathedral’s sanctuary.

43. A very large painting of an anointing ceremony hangs beside the doors to the sanctuary’s primary entrance.

The Cathedral’s sanctuary and the graduation ceremonies

44. The graduation ceremonies take place in the Cathedral’s sanctuary.

45. The ceremonies generally last between ninety minutes and two hours.

46. The graduation ceremonies are overseen and conducted by Enfield Schools officials.

47. In a decorative window at the front of the sanctuary, there is a large Latin cross, which is approximately twenty-five feet tall and approximately ten feet wide.

48. The decorative window with the cross also contains stained glass with religious imagery, including a dove, which is the symbol of the Cathedral.

49. The decorative window does not lead directly to the outside of the Cathedral. The cross and the window can be illuminated by lights located behind the window’s glass. Even when the window is not illuminated, and even when lights above the window are off, the cross and the religious imagery are clearly visible.

50. The cross is a symbol of the Christian faith of the members of the Cathedral.

51. To the left of the cross hangs a long banner that states, in large print, “Jesus Christ is Lord,” and in slightly smaller print:

Savior
Redeemer
Deliverer
Truth
Good Shepherd
Great High Priest
Head of the Church
Bread of Life
Lamb of God
King of Kings
Lord of Lords
Prince of Peace

52. To the right of the cross hangs another long banner that states, in large print, “I am GOD,” and in slightly smaller print:

Jehovah Shammath
“The Lord is Here”
Jehovah Nissi
“Our Banner”
Jehovah Rapha
“Our Healer”
Jehovah Tsidkenu
“Our Righteousness”
Jehovah Yireh
“Our Provider”
Jehovah Shalom
“Our Peace”
Jehovah Tsabbaoth
“The Lord of Hosts”

53. Each of these two banners is approximately twenty-five feet long.

54. The cross and the “Jesus Christ is Lord” and “I am GOD” banners are above a seating area at the front of the sanctuary—normally used to hold the Cathedral choir during worship services—where graduating students sit or stand during most of each graduation ceremony.

55. The Cathedral's baptistery—the area where baptisms are performed—is located in a recess adjacent to the seating area and underneath the cross. The baptistery and the water filling it are visible to students as they find their seats and to anyone seated in the sanctuary's balcony.

56. The cross and the two banners are above the stage upon which the principal events at the graduation ceremonies take place.

57. Speakers—including Enfield Schools officials and students—stand at a podium on this stage to deliver their remarks, and some officials sit on the stage during the ceremonies.

58. Graduates receive their diploma folders on this stage.

59. A table that is on this stage and that is covered by a school banner holds the diploma folders before they are handed out to students.

60. The diplomas themselves are not in the folders that graduating students receive on stage; instead, graduating students collect their diplomas elsewhere in the Cathedral after the graduation ceremonies have ended.

61. The cross and the "Jesus Christ is Lord" and "I am GOD" banners are in the lines of sight of parents and family members who are watching events upon the stage.

62. Each of these two banners also has next to it a jumbo television screen on which speakers and events at the ceremonies are shown live.

63. At past graduations, as students and their guests waited for the ceremonies to start, the two jumbo screens—as well as numerous other large video screens throughout the sanctuary—periodically flashed the message:

WELCOME TO THE
The First Cathedral
A CHURCH FOR ALL PEOPLE

THIS IS GOD'S HOUSE WHERE **JESUS CHRIST IS LORD**

(emphasis in original).

64. Embedded in the carpet at the front of the sanctuary, just in front of the pulpit, are seven images that, given their prominent placement in a Christian house of worship and their relationship to various Biblical passages and aspects of Christian doctrine, have great religious significance: a fire, a fish, a lion, a shepherd's crook, a lamb, a lily, and the chalice.

65. Students have walked over these images on their way to or from their seats; students have stood near these images when presented with honors or awards; and students have assembled near these images at the end of the ceremonies.

66. The images are in clear view throughout much of the sanctuary. Individuals sitting in the seating area underneath the cross and banners can identify the images, as can anyone sitting in the front rows of the lower level or throughout the balcony.

67. Also visible to students as they take their seats is a communion table that reads, "This do in remembrance of me," words taken from the Last Supper of Jesus.

68. Prior to at least some graduation ceremonies, one of the Cathedral's ministers has instructed graduating seniors that, because the Cathedral is a solemn and dignified venue, the seniors should not engage in behavior such as throwing beach balls, silly string, or mortarboards up in the air.

Other religious aspects of the Cathedral

69. Aside from the obvious religious messages and symbols, virtually every aspect of the Cathedral's architecture has religious significance.

70. The chief architect of the Cathedral was a Christian architect who has designed and built numerous other churches, whose firm advertises itself as "a team of Christ-centered design professionals," and whose firm's initials, TMA, stand for "The Master Architect,"

meaning “our creator, the Lord Jesus Christ.”

71. Archbishop Bailey, who was involved in designing the Cathedral, drew inspiration for some of the design elements from other churches throughout the country, and many of the distinctive items in the Cathedral were copied from other churches. According to Archbishop Bailey, “long before the [Cathedral] was physically completed it had already been completed in the mind of the chief architect the Lord Jesus Christ himself.”

72. The Cathedral’s tour guides inform visitors that the Cathedral itself is built in the shape of a dove (the symbol of the Cathedral), representing the baptism of Jesus, when the Holy Spirit descended from the heavens.

73. The dove appears in many other places throughout the Cathedral, including on the podium on the sanctuary stage, at the ends of the rows of seats in the sanctuary, and on nearly every door plaque—including all or virtually all the doors to the sanctuary—throughout the building.

74. Likewise, a large dove appears on a big First Cathedral sign that greets guests as they arrive at the front entrance to the Cathedral’s parking lot.

75. Tour guides also inform visitors that the lower level of the Cathedral represents the earth, while the middle level represents heaven.

76. Thus, students and parents who sit in the lower level of the Cathedral’s sanctuary sit on “earth,” while those in the balcony level sit in “heaven.”

77. The highest level of the building—the Cathedral’s cupola—represents the throne room of heaven, where God is.

The Cathedral’s mission and goals

78. The Cathedral was designed with many “non-traditional” elements to appeal to

non-church-goers and others who might be seeking a different church experience. The building itself was therefore intended to be a “calling card” or “invitation” to non-members.

79. Before the Cathedral was completed in 1999, the First Baptist Church of Hartford had approximately 2,500 members. The church now has in excess of 11,000 members.

80. According to the Cathedral’s website, the “one true mission of the church” is “to win souls to Jesus Christ.” The website also states, “The more disciples we make here at The First Cathedral, the stronger and greater we build the Kingdom of God.”

81. Thus, the Cathedral’s “Vision” is “To win souls, make disciples and create A Church For All People so that everyone will experience God’s love.”

82. A more detailed vision statement, set forth in the Cathedral’s Member’s Handbook, includes: “our vision is for a church . . . [w]here enthusiastic young people are encouraged, equipped and challenged to seek first the Kingdom of God and are guided in discipleship, just as the young men that Jesus called on the shores of Galilee.”

83. On a webpage aimed at youths, the Cathedral states:

[W]e’re here to assist you to achieve the AWESOME plan God has for you! So, learning about Jesus and His Bible isn’t boring at all. It’s an incredible journey!

In fact, it’s a great adventure you can start right away! Would you like to discover how you can open your heart, life and soul to a God who loves you A LOT? Would you like to have a energy and power like a fire burning bright in your heart!

Then you’ve come to the right place!

84. Children of high-school age, middle-school age, and elementary-school age all attend graduation ceremonies at the Cathedral as guests of graduating seniors.

85. The “Jesus Christ is Lord” and “I am GOD” banners that hang in the front of the Cathedral’s sanctuary can be covered or removed.

86. On January 18, 2007, John Gallacher, Superintendent for the Schools, wrote to the

Cathedral on behalf of the Schools and two other school districts, asking that the banners be removed during graduations.

87. However, the banners have not been covered or removed for any graduation ceremony that has been held at the Cathedral.

88. Nor have any of the other religious items described above.

89. The Cathedral has previously represented to the Schools that it would be difficult to cover even the banners hanging in the sanctuary.

Use of Property Taxes to Pay for Church Graduations

90. For each graduation ceremony held at the Cathedral, the Enfield Schools have paid rental fees to the Cathedral.

91. These fees ranged from \$6,500 to \$8,200 per high school between 2007 and 2009.

92. The Cathedral's fees for the 2010 graduations would have been \$8,500 per high school.

93. In addition to the rental fees, the Schools have paid the Cathedral other fees for graduation ceremonies, including fees of approximately \$1,000 to \$1,200 per school for handicapped-access ramps and fees of approximately \$500 to \$600 per school for receptions.

94. Thus, the Cathedral's total fees for two graduations amount to approximately \$20,000. This amount does not include any additional fees or expenses that would be associated with covering or removing religious items at the Cathedral.

95. The Schools pay the Cathedral's fees with funds obtained primarily from local property taxes, including real-estate taxes and motor-vehicle taxes.

96. Local real-estate taxes provide approximately 54.8 percent of the Enfield Schools' revenues, and local motor-vehicle taxes provide approximately 4.9 percent.

97. The Cathedral's rental contracts contain no restrictions on how the Cathedral can use the rental fees it receives.

98. As a non-profit house of worship, the Cathedral must pay taxes on any income it receives that is unrelated to its mission. I.R.C. § 512(a)(1).

99. In response to a media inquiry relating to whether the Cathedral pays taxes on the rental fees it receives for high-school graduations, a Cathedral official stated that rental of the Cathedral's sanctuary—like everything else the Cathedral does—relates to the Cathedral's mission.

History of Graduations at the Cathedral

Inception of the church graduations and objections to them

100. The Enfield Schools are one of five Hartford-area school districts that have held graduations at the Cathedral during some years in the past decade.

101. Windsor High School held its graduations at the Cathedral from 2001 through 2007 and in 2009; South Windsor High School did so from 2006 through 2009; East Hartford High School did so in 2009; and the Metropolitan Learning Center—a magnet school run by the Capitol Region Education Council—did so from 2007 through 2009.

102. Prior to the year 2007 in the case of Enrico Fermi and the year 2008 in the case of Enfield High, the schools' graduations had been held on their athletic fields for decades.

103. Enrico Fermi needed to find a temporary alternative site for its 2007 graduation because of a construction project on the school's athletic fields.

104. In November 2006, the Board voted to have the 2007 Enrico Fermi graduation at the Cathedral.

105. Prior to this vote, a member of a graduation-site advisory committee represented

to the Board that religious items at the Cathedral would be covered or removed for the graduation. Likewise, in a comparative report on different possible graduation sites, “Religious artifacts (cross/crucifix, etc.) removed from presentation area” was listed as one of the pros for the Cathedral, while “Religious building (Religious artifacts removed except banner)” was listed as a drawback. But no religious artifacts were removed for any graduation at the Cathedral.

106. On December 11, 2006, the ACLU of Connecticut, one of the counsel for the plaintiffs, sent a letter to the Enfield Schools (as well as similar letters to other school districts that were then holding graduations at the Cathedral) objecting to the Schools’ plan to hold Enrico Fermi’s 2007 graduation at the Cathedral and asking the Schools to move that graduation to a secular location.

107. That December, the Schools’ superintendent also received a complaint from a student and that student’s parent, drawing attention to the constitutional problems raised by holding the graduation in the Cathedral.

108. The Board nevertheless approved a contract with the Cathedral to hold Enrico Fermi’s 2007 graduation there.

109. On January 22, 2008, the Board voted to hold Enrico Fermi’s 2008 graduation at the Cathedral, even though construction on Enrico Fermi’s athletic fields had been completed.

110. During the 2007-2008 school year, it was Enfield High’s turn to have construction on its athletic fields, so the school needed to find a temporary alternative site for its 2008 graduation.

111. A survey of Enfield High seniors found that 103 seniors favored holding the graduation on the school’s front lawn, and 33 favored having graduation at the Cathedral.

112. Nevertheless, on March 11, 2008, the Board voted to hold Enfield High’s 2008

graduation at the Cathedral.

113. Later that March, the Board received a letter from a graduating senior, expressing that student's religious objections to the graduations being held in the Cathedral and stating that the Connecticut Board of Education had advised the student that the graduations would violate the student's First Amendment rights.

114. On October 14, 2008—notwithstanding that letter and even though the work on the athletic fields had now been completed at both high schools—the Board voted to have the 2009 graduations of both Enfield High and Enrico Fermi at the Cathedral.

115. One of the Board members who then favored having graduations at the Cathedral stated at a Board meeting that having the graduations at the religious venue sends students the message that graduations are to be serious and solemn occasions.

116. Subsequently, members of the Class of 2009 at both high schools were polled about whether they preferred to hold their graduations at the Cathedral or at their schools; Enfield High seniors voted 130 to 14 against holding graduations at the Cathedral, while Enrico Fermi seniors voted 178 to 62 in favor of the Cathedral.

117. On May 12, 2009, Americans United for Separation of Church and State, one of the counsel for the plaintiffs, sent a letter to the Enfield Schools informing them that holding graduations at the Cathedral is unconstitutional and asking that the Schools end the practice.

118. The Board did not reconsider its decision for either high school's 2009 graduation, however.

119. In June 2009, the Board set its budget for the Schools' 2010 graduations, based on the cost of the Cathedral in prior years. As of October 26, 2009, the Cathedral was being tentatively held for the Schools' 2010 graduations.

120. On November 18, 2009, Americans United, the ACLU of Connecticut, and the ACLU Program on Freedom of Religion and Belief—together, the counsel for the plaintiffs—sent a joint letter to the Enfield Schools advising the Schools that the three organizations had been retained to file litigation against the Schools if they did not agree to stop holding graduations at the Cathedral. The letter detailed plaintiffs’ concerns with specific iconography and symbols in the Cathedral.

121. On October 22 and November 4, 2009, the plaintiffs’ counsel had also sent Freedom of Information Act requests to the Enfield Schools, as well as the other four school districts that had been holding graduations at the Cathedral, relating to the practice.

122. Between December 2009 and February 2010, the other four school districts that had been holding graduations at the Cathedral decided to stop doing so.

123. On December 2, 2009, counsel for the Enfield Schools informed counsel for the plaintiffs that the Board had not yet made any decision as to where to hold Enfield High’s and Enrico Fermi’s 2010 graduations, and that the Board had not made a reservation with the Cathedral, had not made a deposit with the Cathedral, and had not entered into a contract with the Cathedral.

124. On January 26, 2010, the Board voted 6 to 3 to hold Enfield High’s and Enrico Fermi’s 2010 graduations at the schools.

A religious group successfully lobbies the Board to return graduations to the Cathedral

125. The Family Institute of Connecticut then ratcheted up a lobbying effort begun in December 2009 to convince the Board to return graduations to the Cathedral.

126. The Family Institute is a socially conservative religious organization that advocates for “traditional Judeo-Christian family values”; seeks to see “Judeo-Christian

principles . . . re-employed in our society and its public policy”; seeks to create “[a] society committed to helping family, church, synagogue and community meet the needs of its members without undue dependence upon government”; and states that it is “the one group leading the fight for the religious liberty of ALL Connecticut’s churches.”

127. The Family Institute brought First Cathedral Archbishop LeRoy Bailey, Board Chair Greg Stokes, and the American Center for Law and Justice (“ACLJ”) into contact with each other.

128. Archbishop Bailey serves as an advisor to the Family Institute.

129. Mr. Stokes is a long-time supporter of Family Institute causes and is a subscriber to the Family Institute’s e-mail alerts.

130. Mr. Stokes was elected to the Board in 2007, and was elected Chair of the Board on November 17, 2009.

131. Mr. Stokes is a minister who serves as senior pastor of Cornerstone Bible Church, which serves Enfield among other Connecticut communities.

132. In a January 14, 2008 blog entry, Mr. Stokes wrote, “[m]y first love and responsibility is the fast growing congregation of Cornerstone Church,” and “[m]y second responsibility is to the Enfield Board of Education.”

133. On June 22, 2009, in a blog entry directed at graduating seniors, Mr. Stokes wrote:

[K]eep God in your life. We are physical, emotional, and intellectual beings. However, we are also spiritual beings and in my opinion that is the most important part of our existence. Many of you were brought to church as children and teens.

Now it is time for you to get involved in your faith and help to keep the church of your choice healthy and strong. You will find that prayer is the key to a successful life. In good times or in bad, prayer is the component that will strengthen your daily life.

134. On February 23, 2010, the Board voted to rescind its decision to hold graduations at the schools, but did not choose another location.

135. In e-mails, the Family Institute told its members that if they could not convince the Board to return graduations to the Cathedral, “it will increase the power of aggressive secularism and cause further harm to the proper role of faith communities in [Connecticut]”; that “the secular left wants to punish Christian churches for their prophetic voice”; and that “[t]he battle over graduations is simply the newest front in a war to silence and marginalize churches.”

136. Beginning with a March 9 e-mail exchange, and continuing at least until the April 13, 2010 Board meeting, Mr. Stokes and Family Institute Executive Director Peter Wolfgang worked together—agreeing to be “on the same page” on this issue—to return graduations to the Cathedral.

137. By late March, Mr. Stokes had become Facebook friends with Mr. Wolfgang, and Mr. Wolfgang was using Mr. Stokes as a source of “inside information on the Board” to determine the status of different Board members’ votes.

138. During their communications, Mr. Stokes intimated to Mr. Wolfgang that the Board could not consider returning the graduations to the Cathedral unless the Board had assurances that the ACLJ would provide *pro bono* representation. Accordingly, Mr. Wolfgang contacted the ACLJ, and prior to the March 23, 2010 Board meeting, the ACLJ and the Family Institute assured Board Chair Stokes that the ACLJ would represent the Enfield Schools *pro bono* if the Schools would agree to move their graduations back to the Cathedral.

139. The ACLJ is a socially conservative non-profit legal organization that, according to its website, “has ‘led the way’ in Christian legal advocacy.”

140. On the day of the Board’s March 23 meeting, three dozen members of the Family

Institute personally called all nine members of the Board to lobby on behalf of returning the graduations to the Cathedral.

141. At the March 23 Board meeting, Mr. Wolfgang called on the Board to hold the graduations at the Cathedral to “stand up for religious rights.”

142. At the same meeting, Mr. Stokes promised that “[m]orally, ethically and spiritually each Board member will get their vote.”

143. The Board did not make a decision on a graduation site at the March 23 meeting because the time allotted for the meeting expired before the Board could vote on the matter.

144. Between that meeting and the Board’s meeting of Tuesday, April 13, 2010, Mr. Wolfgang met with several Board members to lobby them personally to return graduations to the Cathedral.

145. According to its blog, the Family Institute “secured the votes necessary to return graduations to First Cathedral, but did not reveal it publicly until Tuesday[, April 13, 2010] — when it was too late for our opponents to respond.”

146. On April 13, 2010, the Board voted 6 to 3 to hold Enfield High’s and Enrico Fermi’s 2010 graduations at the Cathedral.

147. After the vote was taken, the Family Institute publicly proclaimed that the graduations would not have been returned to the Cathedral but for the Family Institute’s efforts, and thanked “Chairman Greg Stokes, whose steady support made [the April 13] victory possible.”

148. The controversy over the selection of a graduation site has caused great divisiveness among Enfield High and Enrico Fermi students and parents.

149. At some point in early 2010, a petition signed by approximately 450 Enfield High

students had requested that the Enfield High graduation be held somewhere other than the Cathedral or the school itself.

150. According to Board meeting minutes and recordings, during the Board's discussion on whether to return graduations to the Cathedral, no member of the Board publicly expressed any consideration for the constitutional rights of the plaintiffs or any other students or family members who had complained about graduations at the Cathedral; nor, in voting to return the graduations to the Cathedral, did any Board member publicly recommend that any religious iconography or symbols at the Cathedral be covered or removed during graduations, despite having received detailed complaints months earlier.

This suit is filed

151. Enfield High's 2010 graduation was scheduled for June 23, and Enrico Fermi's for June 24.

152. This lawsuit—and with it, a motion for a preliminary injunction regarding the Schools' 2010 graduations—was filed on May 5, 2010.

153. A hearing on the preliminary-injunction motion was held on May 24, 25, and 27.

154. After the second day of the hearing (May 25), the Board held a regularly-scheduled meeting, at which it passed a motion signaling its intention to cover, remove, or otherwise modify sixteen categories of items within the Cathedral for the 2010 graduations, including a catch-all category for anything that, although not specifically enumerated, could be considered a "religious image or message."

155. The motion, however, made clear that none of the following could or would be modified: the large cross atop the Cathedral's roof and the stained-glass images beneath it; the large cross in the Cathedral's entryway and the stained-glass images contained therein; and the

large cross hovering over the stage in the sanctuary on which the graduations were set to occur.

156. Indeed, while evaluating graduation sites for Enrico Fermi's 2007 graduation, the Schools realized that the crosses on the roof and in the main entryway could not be covered and "would obviously remain" in place during graduations.

157. On May 31, 2010, this Court issued a preliminary injunction prohibiting the Schools from holding their 2010 graduations at the Cathedral.

158. On June 23, 2010, Enfield High's graduation was held on the school's back lawn.

159. Everyone who wished to attend and have a seat was welcome to do so, provided they brought their own chairs.

160. On June 24, 2010, Enrico Fermi's graduation was held in the school's gym due to an unrealized threat of inclement weather.

161. Seniors were given four to five tickets each for Enrico Fermi's graduation.

162. The Schools continued to vigorously oppose this litigation after the preliminary injunction was granted.

163. On June 9, 2010, the Schools filed an interlocutory appeal of the Court's preliminary injunction.

164. The Schools did so even though the Board had, by that time, voted to hold its June 23 and 24, 2010 graduations on school grounds, and, given the little time remaining to prepare for the graduations, had not voted to return the 2010 graduations to the Cathedral in the event the preliminary injunction was stayed or reversed prior to the graduations.

165. In a June 9, 2010 press release, the ACLJ wrote that the Schools were appealing the preliminary injunction so that the Cathedral "would be available for graduations ceremonies [sic] to all high schools, including Enfield, in the future."

166. In papers filed before the U.S. Court of Appeals for the Second Circuit, the Schools contended (wrongly) that the Court's preliminary injunction effectively held that any future public-school graduation in a church is a *per se* Establishment Clause violation.

167. In a June 10, 2010 affidavit in support of a motion by the Schools to expedite their appeal and stay the preliminary injunction, an attorney for the Schools argued that an expedited appeal and stay were needed partly "to allow the Board to make a decision regarding the venue for the graduation for its high school students for next year [i.e., 2011]."

168. In a subsequent motion asking the Second Circuit to vacate the preliminary injunction, the Schools complained that the plaintiffs would use the injunction to discourage them from holding graduations at the Cathedral after 2010.

169. The Schools would like to hold Enfield High's and Enrico Fermi's 2011 graduations in the Cathedral.

170. The Schools intend to hold Enfield High's and Enrico Fermi's 2011 graduations in the Cathedral.

171. The Schools would like to hold the Schools' subsequent future high-school graduations in the Cathedral.

172. The Schools intend to hold the Schools' subsequent future high-school graduations in the Cathedral.

173. The Schools are not willing to commit not to hold their future high-school graduations at the Cathedral.

174. The Schools are not willing to foreclose holding their future high-school graduations at the Cathedral.

Alternative Locations for the Graduations

175. The Board has chosen to hold graduations at the Cathedral despite being aware of numerous secular sites in and near Enfield that could host the graduations.

176. The secular sites include: the high-schools' sports fields; the Enfield Town Green; Asnuntuck Community College in Enfield; Big E Coliseum in West Springfield, Massachusetts; Bushnell Center for the Performing Arts in Hartford; Chase Arena at the University of Hartford; Comcast Theatre in Hartford; Connecticut Convention Center in Hartford; La Renaissance in East Windsor; MassMutual Center Arena in Springfield, Massachusetts; Symphony Hall in Springfield; Alumni Healthful Living Center at Western New England College in Springfield; Welte Auditorium at Central Connecticut State University in New Britain; Jorgensen Center for the Performing Arts in Storrs, Connecticut; and XL Center in Hartford.

177. A number of those sites compare favorably to the Cathedral in terms of cost, size, and/or distance from the two high schools.

178. As noted above, the Cathedral's total fees are approximately \$20,000 for both graduations: \$17,000 in rental fees, and approximately another \$3,000 for handicapped-access ramps and receptions.

179. The seating capacity of the Cathedral's sanctuary is approximately 3,000.

180. The Cathedral is approximately 16 miles and a 13-minute drive from Enfield High and approximately 24 miles and an 18-minute drive from Enrico Fermi.

The MassMutual Center

181. The MassMutual Center can host the graduations for \$16,700 total (for both graduations) if the graduations are held on the same day or \$20,400 total (for both graduations) if the graduations are held on two separate days.

182. The MassMutual Center has a seating capacity of at least 6,650.

183. It is approximately 10 miles and a 12-minute drive from Enfield High and approximately 11 miles and a 17-minute drive from Enrico Fermi.

184. Windsor High School held its 2008 graduation at the MassMutual Center, finding the facility to be “spacious, bright, and pleasant” and “more than adequate.”

185. At a January 12, 2010 Board meeting, Board member Peter Jonaitis, who was then responsible for gathering information about potential sites, stated about the MassMutual Center, “everything is there,” noting the Center’s large seating capacity, reasonable price, availability of plenty of parking, and jumbotron video screen.

186. On March 25, 2010, Enrico Fermi principal Paul Newton, who was a co-author of a report to the Board on potential graduation sites, wrote an e-mail to the Schools’ superintendent, stating that the MassMutual Center might be willing to further negotiate and lower its price if the Schools agreed to book the facility.

Symphony Hall

187. Symphony Hall can host the graduations for \$8,500 total (for both graduations) if the graduations are held on the same day or \$11,300 total (for both graduations) if the graduations are held on two separate days.

188. Symphony Hall has a seating capacity of approximately 2,600.

189. In a report on potential graduation sites to the Board, Enfield Schools officials wrote that, given Symphony Hall’s seating capacity, “[w]e would likely need to limit each graduate to 8 tickets each but that should not be a huge issue.”

190. Symphony Hall is approximately 10 miles and a 12-minute drive from Enfield High and approximately 11 miles and a 16-minute drive from Enrico Fermi.

191. A number of other schools use Symphony Hall for their graduation ceremonies.

192. A 2006 committee formed to find a graduation site for Enrico Fermi concluded that Symphony Hall had many benefits and that it would be an “acceptable site” for graduations.

193. At a March 23, 2010 Board meeting, Mr. Newton informed the Board that any of several sites in Massachusetts, including the MassMutual Center and Symphony Hall, “would serve us well.”

Big E Coliseum

194. The Big E Coliseum can host the graduations for \$8,912 total (for both graduations) if the graduations are held on the same day or \$10,412 total (for both graduations) if the graduations are held on two separate days.

195. The Big E Coliseum has a seating capacity of approximately 5,000.

196. It is approximately 11 miles and a 17-minute drive from Enfield High and approximately 12 miles and a 21-minute drive from Enrico Fermi.

La Renaissance

197. La Renaissance can host the graduations for \$5,400 total (for both graduations) if the graduations are held on the same day or \$8,900 total (for both graduations) if the graduations are held on two separate days.

198. La Renaissance has a seating capacity of 1,500.

199. It is approximately 4.3 miles and a 6-minute drive from Enfield High and approximately 8.8 miles and an 11-minute drive from Enrico Fermi.

Alumni Healthful Living Center at Western New England College

200. The Alumni Healthful Living Center at Western New England College can host the graduations for \$6,200 total (for both graduations) if the graduations are held on the same

day or \$8,000 total (for both graduations) if the graduations are held on two separate days.

201. The Alumni Healthful Living Center has a seating capacity of at least 3,000.

202. It is approximately 13 miles and a 24-minute drive from Enfield High and approximately 11 miles and a 24-minute drive from Enrico Fermi.

Options in Enfield itself

203. At a March 1, 2010 meeting of the Enfield Town Council, the Town Manager informed the Council that the total cost of holding both high schools' graduations on a tent-covered field off school grounds but in the Town of Enfield would be about \$21,170.

204. The grounds of Asnuntuck Community College could host the graduations under a tent for about \$17,400 total for both graduations.

205. Asnuntuck Community College is approximately 3 miles and a 5-minute drive from Enfield High and approximately 2 miles and a 5-minute drive from Enrico Fermi.

206. Parking issues related to either of those options could be alleviated if the Schools, as they have for graduations at the Cathedral from 2007 through 2009, were to receive free transportation to and from the facility from a local busing company.

207. The graduations can also be held on the high schools' newly renovated athletic fields, as long as a protective covering is used.

208. It could cost as little as approximately \$24,000 to \$29,000 (for both graduations) to hold graduations on the fields while renting a protective cover.

209. There are at least two possible protective covers that the Schools could purchase that would allow graduations to take place on the new athletic fields.

210. One cover would cost the Schools \$55,000 (a one-time expense). To hold graduations on the fields using that cover would cost approximately an additional \$9,500 per

school, for a one-year total of \$74,000 for both graduations.

211. Amortizing the cost of that cover over the cover's estimated ten-year lifespan, however, yields a per-year cost of approximately \$24,500 for both graduations.

212. The other cover would cost the Schools \$35,000 (a one-time expense). To hold graduations on the fields using that cover would cost approximately an additional \$10,100 per school, for a one-year total of \$55,300 for both graduations.

213. Amortizing the cost of that cover over the cover's estimated seven-year lifespan, however, yields a per-year cost of approximately \$25,300 for both graduations.

214. The high-school gyms—the schools' historical back-up option for years when weather prevented the graduations from taking place on the football fields—can host the graduations for approximately \$4,500 for each graduation.

215. The School's total budget for the 2009-2010 fiscal year was approximately \$62 million, and the Schools' total budget for the 2010-2011 fiscal year is approximately \$63 million.

216. At a February 24, 2010 Board meeting, each high school's student representative to the Board suggested that a small fee be charged for graduation tickets in order to enable graduations to be held at more expensive off-school venues.

217. And the Board is aware that significant discounts can be obtained for some suitable alternative venues through negotiation.

218. Each of the other school districts that had been holding graduations at the Cathedral prior to 2010 held its 2010 graduation at a secular location; these locations included the Connecticut Convention Center, the Comcast Theater, and the Bushnell Center.

Harm Inflicted Upon the Plaintiffs by Graduations at the Cathedral

Doe 1

219. Plaintiff Doe 1 graduated from Enfield High in June 2010. Doe 1 is agnostic. Doe 1 attended the June 2009 Enfield High graduation at the Cathedral, because Doe 1's close friend was in the graduating class. In the sanctuary where the graduation ceremony occurred, Doe 1 was confronted with the "THIS IS GOD'S HOUSE WHERE **JESUS CHRIST IS LORD**" message on video-screens, as well as the "Jesus Christ is Lord" and "I am GOD" banners. Doe 1 also observed many religious items in the sanctuary and other parts of the Cathedral. When Doe 1 took a photograph of Doe 1's close friend during the graduation ceremony, one of the Cathedral sanctuary's religious banners was in the background.

220. Doe 1 felt uncomfortable and uneasy at the 2009 graduation. Doe 1 felt as if Doe 1 was at church listening to someone preach at Doe 1. All the religious items in the Cathedral sent Doe 1 the message that only Christians are welcome there. As a non-Christian, Doe 1 felt unwelcome, excluded, and like an outsider. Doe 1 felt that Doe 1 had been forced to go to church in order to be able to attend Doe 1's close friend's graduation. Doe 1 also felt that, by holding graduations at the Cathedral, the Enfield Schools were endorsing Christianity and were being disrespectful to religious minorities such as Doe 1. The holding of the graduation of Doe 1's close friend at the Cathedral thus violated Doe 1's constitutional rights and injured Doe 1.

Doe 2

221. Plaintiff Doe 2 is a parent of Doe 1. Doe 2 does not subscribe to the Christian faith. Doe 2 pays motor-vehicle taxes to the Town of Enfield and has done so for at least the last four years. Doe 2 understands that the Enfield Schools have financed their payments of rental fees to the Cathedral for graduations partly with motor-vehicle tax payments made by Enfield

taxpayers to the Town of Enfield, and that the Schools plan to do so again for future graduations in the Cathedral. Doe 2 objects to the use of Doe 2's motor-vehicle tax payments to support graduations at the Cathedral, because such use of Doe 2's tax payments supports the propagation of religious doctrines to which Doe 2 does not subscribe and the holding of graduation ceremonies in a religious environment, and because Doe 2 feels that the Schools' practice of holding graduations at the Cathedral shows a lack of concern for religious minorities such as Doe 2 and conveys an endorsement of religion to Doe 2. Such use of Doe 2's motor-vehicle tax payments has thus violated Doe 2's constitutional rights and injured Doe 2. If the Enfield Schools' practice of holding graduation ceremonies at the Cathedral is not permanently enjoined, Doe 2 will suffer irreparable harm from such continued use of Doe 2's motor-vehicle tax payments.

Doe 4

222. Doe 4 is a parent of Doe 3, who was formerly a plaintiff in this case before graduating from Enfield High in June 2010. Doe 4 is not a Christian and does not have any firm religious beliefs. Doe 4 pays motor-vehicle taxes to the Town of Enfield and has done so for approximately the last three years. Doe 4 understands that the Enfield Schools have financed their payments of rental fees to the Cathedral for graduations partly with motor-vehicle tax payments made by Enfield taxpayers to the Town of Enfield, and that the Schools plan to do so again for future graduations in the Cathedral. Doe 4 objects to the use of Doe 4's motor-vehicle tax payments to support graduations at the Cathedral because Doe 4 opposes the use of Doe 4's tax money to support any religion. Such use of Doe 4's motor-vehicle tax payments has thus violated Doe 4's constitutional rights and injured Doe 4. If the Enfield Schools' practice of holding graduation ceremonies at the Cathedral is not permanently enjoined, Doe 4 will suffer

irreparable harm from such continued use of Doe 4's motor-vehicle tax payments.

Doe 5

223. Doe 5 is former-plaintiff Doe 3's step-parent. Doe 5 pays real-estate and motor-vehicle taxes to the Town of Enfield and has done so for at least the last four years. Doe 5 understands that the Enfield Schools have financed their payments of rental fees to the Cathedral for graduations partly with real-estate and motor-vehicle tax payments made by Enfield taxpayers to the Town of Enfield, and that the Schools plan to do so again for future graduations in the Cathedral. Doe 5 objects to the use of Doe 5's tax payments to support graduations at the Cathedral, because Doe 5 would like Doe 5's tax payments to be used for secular activities that benefit the Town of Enfield and the Enfield Schools instead of aiding a church. The use of Doe 5's tax payments for the Cathedral's rental fees has thus violated Doe 5's constitutional rights and injured Doe 5. If the Enfield Schools' practice of holding graduation ceremonies at the Cathedral is not permanently enjoined, Doe 5 will suffer irreparable harm from such continued use of Doe 5's tax payments.

**First Claim for Relief: Violation of the Establishment Clause
of the First Amendment of the United States Constitution**

224. Paragraphs 1 through 223 above are incorporated as if fully set forth herein.

225. The Establishment Clause of the U.S. Constitution's First Amendment provides that "Congress shall make no law respecting an establishment of religion." This prohibition applies with full force and effect to the official acts of local governmental entities, including the Enfield Schools, through the Due Process Clause of the U.S. Constitution's Fourteenth Amendment.

226. The Enfield Schools' practice of holding graduation ceremonies for Enfield High and Enrico Fermi at the Cathedral violates the Establishment Clause for a number of reasons,

including those stated below.

227. High-school graduations are once-in-a-lifetime, deeply significant events for graduates and their families. In light of the religious messages and symbols displayed throughout graduation ceremonies held at the Cathedral, these public-school events convey the strong impression not of secular high-school commencements, but rather of sectarian religious events.

228. Holding graduations at the Cathedral forces some students and family members to choose between entering an unwanted religious environment and missing their own or their loved ones' graduations. Those students and family members are coerced—as Doe 1 was in 2009—to enter a religious environment of a faith to which they do not subscribe as the price of attending a momentous rite of passage in their own lives or the lives of those close to them.

229. The Christian environment of the Cathedral during graduations that are sponsored and organized by a public entity sends the message that the Enfield Schools endorse the Christian religion and favor it over other faiths. This message of religious endorsement is enhanced by the fact that the Board voted to hold graduations at the Cathedral after intensive lobbying by a religious group; by the fact that the Board Chair—a pastor at a local church who has urged students to “keep God in your life” and pray—worked closely with the religious group and played a prominent role in that decision; and by the existence of many appropriate alternative graduation sites that are nonreligious.

230. The graduations at the Cathedral excessively entangle the Enfield Schools with religion. The Enfield Schools have delegated a religious institution control over the physical setting of a public-school event, and that institution has used that control to promulgate its religious message, including to impressionable children. And efforts by the Enfield Schools to

assert control over the Cathedral's physical space to remove or cover the Cathedral's many religious items and symbols for graduations can only cause the Schools to become even more entangled with religion, for the Schools then have to assess which items in the Cathedral communicate a religious message and need to be veiled.

231. The controversy over whether to hold graduations at the Cathedral has led to divisiveness among Enfield High and Enrico Fermi students and parents. Students objecting to the use of the Cathedral for graduations—including plaintiff Doe 1—have had to choose between expressing their opinions and potentially facing ridicule or ostracism as a consequence, or keeping their concerns private in order to fit in.

232. The Enfield Schools' practice of holding graduations at the Cathedral causes taxpayer funds—including those of plaintiffs Doe 2, Doe 4, and Doe 5—to support religion-infused graduation ceremonies and the propagation of the Cathedral's religious views.

233. By violating the Establishment Clause as set forth above, the Enfield Schools have injured plaintiffs Doe 1, Doe 2, Doe 4, and Doe 5, and threaten continued or future injury to plaintiffs Doe 2, Doe 4, and Doe 5.

234. By violating the Establishment Clause as set forth above, the Enfield Schools have, acting under color of statutes, ordinances, regulations, policies, custom, or usage, deprived or threatened to deprive the plaintiffs of rights secured by the First and Fourteenth Amendments to the U.S. Constitution, entitling them to a remedy under 42 U.S.C. § 1983.

235. In addition or in the alternative, by virtue of the Enfield Schools' violations of the Establishment Clause, the plaintiffs are entitled to a remedy directly under the U.S. Constitution.

**Second Claim for Relief: Violation of Article Seventh
of the Connecticut Constitution**

236. Paragraphs 1 through 235 above are incorporated as if fully set forth herein.

237. Article Seventh of the Connecticut Constitution provides, in relevant part, that “no person shall by law be compelled to join or support, nor be classed or associated with, any congregation, church or religious association.”

238. The Enfield Schools’ practice of holding graduation ceremonies for Enfield High and Enrico Fermi at the Cathedral violates Article Seventh of the Connecticut Constitution, including for the reasons stated below.

239. Because students and family members must go to the Cathedral in order to attend graduations, they are—as Doe 1 was in 2009—coerced to associate with a church.

240. Because the Enfield Schools use taxpayer funds to pay the Cathedral’s fees for graduations, those of the plaintiffs who pay local taxes are being compelled to support a church.

241. By violating the Connecticut Constitution as set forth above, the Enfield Schools have injured plaintiffs Doe 1, Doe 2, Doe 4, and Doe 5, and threaten continued or future injury to plaintiffs Doe 2, Doe 4, and Doe 5.

Request for Relief

242. Paragraphs 1 through 241 above are incorporated as if fully set forth herein.

Injunction

243. Plaintiffs respectfully request a permanent injunction barring the Enfield Schools from conducting any future graduation ceremonies at the First Cathedral.

244. In the alternative, if the Court declines to grant the relief requested in the paragraph above, then the plaintiffs respectfully request a permanent injunction prohibiting the Enfield Schools from conducting any future graduation ceremonies at the Cathedral unless all religious symbols visible to attendees, both on the venue’s exterior and within, are covered or removed.

Declaratory Judgment

245. An actual controversy exists between the parties as to whether the Enfield Schools' practice of holding high-school graduations in the First Cathedral violates the Establishment Clause of the U.S. Constitution and Article Seventh of the Connecticut Constitution. Plaintiffs respectfully request a declaratory judgment that this practice of the Enfield Schools violates both of those constitutional provisions. Plaintiffs further request a declaratory judgment that the Enfield Schools violated the federal and state constitutional rights of plaintiff Doe 1 by holding the 2009 Enfield High graduation at the Cathedral and violated the federal and state constitutional rights of plaintiffs Doe 2, Doe 4, and Doe 5 by using their tax payments to support graduations at the Cathedral.

Nominal Damages

246. Plaintiffs Doe 1, Doe 2, Doe 4, and Doe 5 seek an order awarding nominal damages of one dollar to each of them, for violating Doe 1's federal and state constitutional rights by holding the 2009 Enfield High graduation at the Cathedral, and for violating the federal and state constitutional rights of Doe 2, Doe 4, and Doe 5 by using their tax payments to support graduations at the Cathedral.

Attorneys' Fees and Costs

247. Plaintiffs also request an order awarding them the costs of this action, including attorneys' fees, costs, and expenses, under 42 U.S.C. § 1988.

Other Relief

248. Plaintiffs additionally request such other relief as the Court deems just and proper.

Respectfully submitted,

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August 25, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2010, a copy of the foregoing Amended Complaint was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Respectfully submitted,

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