NTAG-SIEGEL, NANCY LUND, LIE SA N and ROBERT VOEL KER Plai¹ DI CLARA FOR Y AND IN JUNCTI'VE F ELIEF AND ٧. N@MINAL DAI "IAGES ROWAN COUNTY, NOI: H CAROLINA, i ant. Def INTRODUCTION a becomes more diverse, so also will our faith. 3. To plant se i irian 1. government is a prescription for religious discord. In chi shes, prayers at the heart of lo peyond number, citizens practice diverse faiths that lift and 1 homes, and private setting But in Their public pursuits, Americans respect the manifold both personal and cir ic lift. sectari mism and embracing mous inclusive the mes."

2. admonition to hear : compatible with the eligible Fourth Circuit's clear pre delivered at county commit

of fellow citizens by abjum

3. Row n Co willfully flout the le w, re "

ty, Nor h Carolina, on the other hand, continues to knowing and arly violating the constitutional hights of local citizens by chaning

liberty guarantee of the First Am endment nor permissible unger the

Carolina, many counties have taken the Fourth Circuit's

lent, those counties have adopte I policies that require involved

ognizing that sectarian legislative prayer practices are

oner meetings to be nonse ctarian

¹ Joyner v. Forsyth Cnty.

³ F.3d 341, 345 (4th Cir. 2011) (holding country's sectarian grayer practice unconstitutional) is firt. denied, 132 S. Ct. 1097 (2012).

meetings of its Board of Commissioners with Christian player. Since Note that the same state of the sa

4. This case is bround to purpose that the unit of the livering section of the constitutionality of Defendant I can be an Country's practice of delivering section prayer at meetings of its Board of Community oners. Plaintiffs Nancy Lund, Lie Mag-Siegel, and Robert Voelker (collectively, "Plaintiffs") to any this laws uit to visit dicate the ghts under the First and Fourteenth Amendments to the United States Constitution and Patients 1988 13 and 19 of the Constitution of North Carolin.

JUR DICTION

- 5. This action is broug pursu at to 42 U.S.C. § 1933, the first and Fourteenth Amendments to the United States Constitution, and Article I, §§ 13 and 1 of the Constitution of North Carolina. This Court has sall let-mater jurisdiction over the fede contitutional claim pursuant to 28 U.S.C. §§ 1331 at 1343(a) (3) and supplemental jurisdiction over the state constitutional claim pursuant to 28 U.S.C. §§ 167(a).
- Judgment Act, 28 U.S.C. §§ 2201 a 2202. Plaintiffs' action for niunc his real f is authorized by the foregoing statutes and by Rul 55 of the Federal Rules of Civil Production.

ENUE

7. Venue is proper in the Court insuant to 28 U.S.C. § 1391 1

P | RTIES

8. Plaintiff Nancy Lur de la long lime citizen and resident of lime van justification and long lime citizen and resident of lime van justification ounty, North Carolina. She has been active in the Rowal County community or year. Example, she serves as a volunteer tutor and bota member for the Literacy Council. The lateracy has taken an

interest in a lamer our issues before the Rowan County Found of Comm atten I a null ber (f Board meetings since 2004. For example, Lund ha on May 7, 5012; May 21, 2012; Jan lary 7, 2013; Heb uary 4, 2013; each of the se meetings, Lund was subjected to official sectarian continue at and and meetings to follow local is sues of interest.

s, promp : her to led Boar | heetings (;13. At ruary 18 Lund

Lu nd objects to and it offended by the Board's sectaring the practical because it affiliates the County with one particular faith, Christianity, and The message that the County and its Commissioners havor adperents of that faith. As Lund not subscribe to the religious beliefs forcemoted by the phayers, the prayers from the community and the local folitical process. At meetings, spin the feels properly and the partic spate in the dectarian prayers.

Christia in d does e her fee | x cluded

County, No, ith Carolina. She has been active in the community for year plant example the has been a volu steer at The Faithful Friel de, a local animal shelter. She is Tikve h syn gogu in Davidson, Nor h Carolina. As e retired middle 1 libraria is with the Rowein County-S alisbury School System, she is very interested in election This interes has led her to attend a rumber of Board meetings since has led her to attend a rumber of Board meetings since has led her to attend a rumber of Board meetings since the April 1 , 201 2, Board meeting and more recently, the March 4, 2 , intends to dentine e attending meetings in the future, especially when considered.

member k t ie Kol nal fund oard med up. She in a lonal issue in a vill be

11. Montag-Siegel object; to and is offended by the Illing sectoriage because the promote religious beliefs to which she does not substanting be excluded at meetings and from the community. Sine feels that the pri

end a mes

the County and the Board favor C tris tians and that non-Cl ristions, like how, are addition, at me addition, at me ags, such as the profit 16, 2012, and Marc 14, 1013, meetings, Nontag Siegel felt cherced into articipating in the Board's sectarian prayers, which are not in accordance with her Jowish fait.

- North Carolina He has been active in the Rowan County community for ears. For example, Voel ser has at ded Board meetings on March 5, 2012; A ril 2 2012; Ar il 16, 012; May 7, 2012 January 2013; February 1, 2013; and March 4, Cl3 In particular, has closely followed the B d's consideration of educational is sues, in cluding its received debath on the new Rowan County below lisbury School A liministration building. Vicely a rintends of continue at ending Board meeting (1) follow local issues of interest to him.
- each of the Boa diffuectings he has attented, Voellier his been subjected to official sectarity prayer. He objects to and is offended by the Board's section rian player practice because it affiles the County with one particular faith, Coristion inity, and and and set message that the County and section should be inferented by the prayers, the property section of the religious be inferenced by the prayers, the property section of the local political propess. At meetings, the also feels pressured to sold and participate in the sectarian prayers because all Continuous error and most audience ment are standing and the invocation is improbable followed by the Pladge of Allegiance, for thick Voelker feels at ongly that he needs to stan it.
- 14. Iring the public of mments portion of a recent Boar meeting, Joelker expressed his incern about the Boar I's sectarian prayer reactive and proposed a non-sectarian prayer that the Board could instead use to open its meetings. He proposed this non-sectarian

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member who will do so. The Board agergiver all spically leads the Pledge of Legia although, an occusio, a sea Boy St. Tre op Legial lead the pledge ecitation.

B parc me note is alway and dur r ; invocation and p ge and get a ally their heads during the prayer

The against or the June 6, 200 and Augu t 2008, mer tings a not access be only However, the military for the emechants (attached 1 to as Exhibit B) in firm which elice to typical pattern of Carl to Drown, Involving on, and Post of Allegiance.

nilarly, most audie the members in attendance stand for the invocation 24. heir hea is du ing the brayer. pledge and bo

S ctaria Prayers at Board Meetings

bm Nov ember 5, 20117, through the present, nearly every Board meeting in invocation 4 Spenifically, 139 of 143 Board meetings opened with sect time p priod Put a bother way, 97% of Board meetings in the past f ve-a atured s ectar in pra lir. half years lav

ore speciafically, all the sectarian prayers delivered by Floard members tian fair in by inding with one or more references to Jesus Christ or other b invoked the C ific to (hrist, mity. To oard members have closed prayers, for example, wit, and doctri le in references, "in Esus' name," "in the name of Jesus the Christ," "i following sec name of J su; in the I nowledge of our Lord and Savior Jesus Christ," "in the name of J the one at 1 on way to salva ion," 'Ha Christ's name, for His sake," "in the name of Jesu King of King and Lord of Lord of Lords," " the name of Jesus and for the sake of His king dom "the ough, Jesus "hrist our Lord," "in the name of our Risen Lind,

for

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particular feli 1 example, 'he sure, a pra fyei 🤇 5 At two hee! the audier ce March 19 20 11 to be seclarily

s," "Clust, on the "Sayior" as clearly Christian.

⁴ A "sect ria prayer has b en de hed as one that "uses ideas or images identified v 1..." Life v. Veisman, 505 U.S. 577, 588 (1992). See also id. at 641 (Scal dissenting (cf ling a sectari, n pratr as one "specifying details upon which men and w who believe is benevo ent, compressing the Creator and Ruler of the world are known to diffe inity of Chris)"); vner, 653 F. 3d at 364 (Niemeyer, J., dissenting) ("t refere ces Jusus is sectarian.").

s, then Compissio or Coltrain (who is no longer a Board member) aske n me ir a moment silence or prayer for our meeting" rather than eciti invocation. The wo meditings were hald on June 4, 2012, and August 20, 2012. In aciditic and No vemt er 5, 2 1, 2, Coltrain prayed "in His holy name" and "in your name." W mild aintiffs consider Col ain's prayers "in His holy name" and "in your Holy r for pul pose of the Complaint, Plaintiffs counted only those prayers

Christ," "Jesus our Savior," " my Lord ar d S. hior s na ne," da, j Savior, Jesus (hrist."

- Many of the payers delive ed ard nee 27. В 34 doctrine and tenets to an even greater exten-P ex mp , tl delivered at Board meetings since November 20 11:
 - a. Father, we thank you for your fract and you gle evening as we conduct the business! R war Co have your will as a relates to ell thou bu den and County have today. As we get radius o cilebi ste !!! thank you for the Argin Birth, we'd like to thank we'd like to thank ou for the resurtation. Blocat one way to sa vatt pin, and that is Jewes (thris I live Jesus. Amen. December 3, 2007 (emphass 3 add ad)
 - b. Lettus pray. Our I beavenly Fattler, the will never unless your life is in us. You saved we and you can the recipients of your immeasurable meach and glod wolld. Because of our salvation uprough our My defrated, we cann be destroyed, and we won't be denis vecause we're soing to live forever with Film. We confess on a sins and very lik year, for forgiveness, and we thank you for you? blessings. I ask sou to be with Ro yan County this evening, and and there thing! sale of His Kingden. Amen. June 2, 30 308 (em phas)
 - c. Oul Heavenly Father, we will never be veriforget til is in us. We are the recipients of your im near male. can't be destroyed and we won't win devised, becker to oe he salvation through the Load Jesus Christ I ask you to be with us is visione of he business of Rowar. County this evening, and continue in blass every friends, and our homes. I ask all the et ings in friends families f Jesus, Amen. May 18 2019 (emphas is ad lied).
 - Le us pray. Fath ; I pray that all ay re of e all u, 1 er, are in Jesus and He in you. I pray that they may betone why u, that they pray believe that you sen d. Le us pray. Fath, I pray tha all ay re of early Jesus to save us firm our sins. May the hange artifairs a m righteousness, be made perfect in hollines and be presented, who e de lent spirit, soul, and body irr proachable at the coming of our Cor I Je us will continue to blass this nation, because with out in the ings, we don't have any hope. I ask all the se things in the man me of Je us. I len. 1 stober 5, 2009 (Emphasi's ad/led).

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> incorporated Christian s l √a e llo invocations have been iw⊪n∥

you to be with us this We /. V 🎒 also like to as you to oblife the citizens of Rowan Chi e Mias season, we'd like to for the Cross at Calv my, and re i " lieve that ther is only all de things in the name of 1/ 33 :

If that we are 1 of alive s wild gree holy calling. We are Ve the richest peor e in the Joan Christ, we connot be as conduct the buliness of the Vie ne of Jesus and for the |||dde||#|a

🏴 hot alive unless vour life ve a rac The can't be defeated, we lin luttoom, our families, ou

st. 19 1 pray, Father, that you

- e. I leave the Father, we give you thanks for the many, many blesses as that you give and every day, especially during this time of the year well in we clebrat b irth e reyour Son, cur Savior, who can e to s how us how we sho it interact with o ther In the benefit of each other. As serva its for this community the or missioners to really precice that principle so that we had have a pos e ffect on the lives of the citizen's of the county, for your honor n ame Ge pray. Amon. Decembe: 13, 2/110 (comphasis acided).
 - y please help t nd glory. In Je
- f. Let us pray. Holy Spirit, open our heaterts to Christ's teaching spread His message amongst the people we know and love three red words in everyday lifes. In Jesu's' name I pray. All (emph | sis added).

and enable i gh the applyir r. March 7.

g. Let us pray. Lord, we confess that we have not loved you will m ind and strength, and that we have r of loved one another as # have a so neglected to follow the guida ree of the Holy Spirit, and have allowed s enter i to our lives. Forgive us for what we've been and by your spirit, direct of we she I be. In Jesus' name I pre y. Anthen. I ugust 1, 2011 (emp.) sis added).

all our heart. hrist loved us.

h. Let us pray. Merciful God, although you mide all people in you that we flive with deep division. Although you sent Jesus to be Soll or of the world confest that we treat Him as our own personal God. Although the are one, and body de Christ is one, we fail to display that unity in our worship, our mission, our fellowship. Forgive our pride and arrogance, heal our spills, and renew vi sion For the sake of your Sor, our Bayion, the Lord Jesus Charles, Amen. Oct 3, 201 (emphasis added).

image, we con

Let us pray. Father we do thank you felt you love, merey, and you grace. We the you fo I this time of the year when we relebiliate the birth of Jenist. Lord re alize that the most important hing was not His birtia, but His death that ma way follows to have life, and have it more abundantly. We pray will would be with to day; "sive us grace and mercy. Lord, give is wisdom in the dissions that we i to mal &. I pray that you would help up, Go, I, to guide this could in a way that would see fit. Lord, we thank you for it. In Fesus' name, Amen. December 19, 2 (e mph sis added).

Lest us pray. Our Heavenly Father, we will never ever forget what we are not a unless your life is in us. We have been blessed to be the recipients of in meet urable grace. We can't be defeated, we can't be destrough, and we can denied because we are going to live for ever with you tarough the salvation of J Christ Lord, be with us today and provide us with your sufferne guidance wisdon as we conduct the business of Rowan County. And, as the pick up the County we wil sproclaim His name above all numes, as the only way to emrinal life. I ask in the Dame of the King of King's, the Lord of Lords, Jesus Chillst. March 5, 2 (e mph ¹sis added).

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	w	D 1	av tha	i walata	יין אליין ענגיכ אליי	c l	in t	€ S 3 l	mee	tings to	ay. We pray that you'll guide an ecisions for Rowan County, Lord his morning. We thank you for a
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	į į	() 	<u>'</u>	b il.	lly 🧗 Duffyl	. ' 11	1	9 1 1		(I) 	
31	•	[T]	ie Co	1171	€, 1		- T	1 [8;3]	onc	led to t	letter, although Board member
	1.		l ı	ir 🗆	្រុង អ ទៀ					1	
publicly p	roc	ir	ied to	. € .t i	e i lift			1.111	e of	itering (ristian prayers. For example, ther
~	†				H# (th	1.18	h A	$\mathbf{r}_{j,1}$, ,	0	[1] (17) [1] (17) [1] (17) [1] (17) [1] (17) [1] (17) [1] (17) [1] (17) [1] (17) [1] (17) [1] (17) [1] (17) [17]
Commissi	ione ,	į C	ari Fo	ol			lev.	1) 1	nev	/s statio	"I will continue to pray in Jesus
	15	. 4	/1	MT 1.	د مام ک ری (۱۹۰۱ م		, I	1. 2		I	. 1210

:		
name. I am not r	er ect	I need all the help I can get, and ask for guidance 1 y de ins
from Jesus is the	t st	and Rowan County, can ever hope David Wh mt, U:
Sectarian Openir	ray	s at Community Meetings Need to 5 , WBTV (Feb. 201: 20
AM),	attr	'salisbury.wbtv.com/news/news/7144 clu-sectarian-c ng-p rs-
commissioner-me	at igs	ed-stop. And Commissioner Jim Si vvrote in an er btai by
the press, "I will	outim	to pray in JESUS name I volum to be the first to be to
this cause and	if /or	Commissioner Mitchell] will go my lin time for the meeting, I
will go again!" I		
32. De	e jari	s sectarian prayers have promoted visiveness in line C y.
Most recently, for	ir tar	, the March 5, 2012, Board meeting tured many div
and exchanges re	at 1g	sectarian prayer during the public dussion portion le m g.
For example, Ro	ra C	nty resident, Shakeisha Gray, was just collect by audience in the property of the state of the s
expressing oppos	ic 1 tc	ne Board's use of sectarian prayers. dec: Rowan C y Bc of
Commissioners	M ;dia	Archive, March 5, 2012, 17:00-49:33, lilab at
http://www.rowar	xc inty	2.gov/GOVERNMENT/Commission cliaArchive.asj
		CLAIMS FOR RELIEF
:	<u>Es</u>	blishment Clause Violation (42 U.S. § 1983)
33. Pla	n ffs	-allege and incorporate by reference of the precedin agra for
this Complaint as	f	et out herein.
34. By	D fer	ınt's conduct alleged above, Defendε has violated, an cont ng

to violate, Plaintings rights under the Establishment Clause of Pirst Amenda

Constitution and the south senth Amendment to the U.S. Constitution

3 Defend	at's past and tinue to try invitions at its and of
	gs, as alleged a /e, count is a ficia folicy practice ustom,
and/or us ge for purpo	
The cus	om, practice, and of the state of the practice, and of the state of th
the const utional viola	
3 Specific	ally, Defendant invo in pra un nstit ionally filiates
Defendar with one pa	icular faith, Chri nity.
3 Defende	ut's invocation p ice h t ime urpc and ffect of moting
and adva sing one par	t cular faith, Chris lity.
3! Defend	int's invocation ractic im erly ador as one th. A
reasonab , objective	11
i i	and continues to Idorso Dani
40 Defenda	at's invocation prince fine perciper of the property of the pr
sectarian exercises a	d messages as concluded for a ling leeting of the local
governmental body, Ro	12
4 Unless	strained by this ourt, I fe did to onti to object Pl iffs to tom, policy, and outice a Pl ffs in parab harm b enying
this unco stitutional cu	tom, policy, and actice a Plan ffs in parab harm b enying
them thei fundamenta	constitutional right to be the large
legislativ prayer prac	ices and govern that control of arian ractices at monthly of
legislativ	
42 Plaintiff	have no adeque reme with the deal of their fundmental
constituti nal rights.	

1;

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Constitut n of North Carolina Violation

- 4: Plair re-allege and incorporate the preceding paragraphs of this mplaint if full set out he rei
- Defe lant's Boald ommissioner also violates Art cle I, §§ 13 and 19 of the Continuition

 Nort Carolina, which has been had to require religious neutrality equal to the required by the U.S. astitution.

ELIEF REQ JES TED

Pl sintiffs res fully request ne following relief:

- 1. A de light atory judgment declaring that I Defendant's custom, policy, is in practice as all sec above, virily is the United states and North Carolina Constitutions;
- An interpolation preliminarily and, the real ter permanently, enjoining E encant, in office s, a gents, a ffill s, s, subsiquaries servants, en ployees, successors, assigns, the persons of sective concert or parapation with E fendant, and all other persons within the scope of sederal Rule of Civil Processors, assigns, the persons within the scope of sederal Rule of Civil Processors, assigns, the persons within the scope of sederal Rule of Civil Processors, assigns, the persons of sederal Rule of Civil Processors, assigns, assigns, the persons of sederal Rule of Civil Processors, assigns, and assigns of sederal Rule of Civil Processors, assigns, and assigns of the Rule of Civil Processors, assigns of the Rule of Civil Processors, assigns of the Rule of Civil Processors, assigns of the Rule of Civil Processors, assigns of the Rule of Civil Processors, assigns of the Rule of Civil Processors, assigns of the Rule of Civil Processors,
- 3. Entry judgment for laintiffs against Defendant for nominal damag of \$1;

 4. And that Defend at pay Plaint ffs reasonable expenses and attempting the pursuant of 42 U.S. 1988; and
 - 5. Such for and further elief as the Cour, seems just and proper.

Respectfully submitted,

<u>Christopher A. Brook</u> Clasistopher A. Brook N Bar No. 33838 Le al Director, American C ivil Liberties Union of $\|$ North Carc lina Legal For indation Polit Office Bpx 28004 Relieigh, North Carolina 270 11 Tele ephone: (1919) 834-3466 Fe simile: (1)66) 511-1344 Er ail: cbrook@acluofnc.o g \mathbf{D} niel Mach* C. Bar No. 461652 \mathbf{D}_{\parallel} He ather L. Weaver* 3. Bar No. 495582 D A LU Program on Freedor 1 of Religion and Belief 91 i 15th Strept, NW W shington, DC 20005 : (202) 67.5-2330 T Fe :: (202) 546-0738 En ail: dmach @aclu.org h eaver@aclu.org ppearing pursuant to Lo cal Rule 83.1(d)

Cunsel for Flaintiffs

DATED: March 12, 2013

CERTIFICATE OF SERVICE

I hereby cer ify that on March 12, 2013, I electronically filed the foregoing Complaint with the Clerk of Court using the CM/ECF system which will send not fication of such finings to the following counse 1:

Jay Dees Ketner & Dees, P.A 121 East Kerr Street Salisbury, NC 2814 jay@ketnerlaw.com Counsel for Defendant

This s the 12th day of March, 2013.

/s/ Christop her A. Brook Christopher A. Brook

IN THE	HTED STA	ES DISTR		1
FOR THE MI)LE DIST	CT OF NO	H C	RULINA
j ji Ji			·	
NANCY LUND, LIESA MONT and ROBERT VOELKER,	3-SIEGEL,)		
Plaintiffs,				D COMPLAINT FOR
v. (*)			UNC	ATORY AND VIVE RELIEF AND
ROWAN COUNTY, NORTH C	tollina,		MIN	L DAMAGES
Defendan ,)		1
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United States of America that the information, and belief; is based	oregoing Co	plaint is tru	the :	est of my knowledge, true and correct.
This the day of Mag.)
This the 4 day of the	, 2010,		1	
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		a Montag-S	gel, IF	intiff
Sworn to and subscribed before this // day of March, 2013.	orl le) 	
tins 17 day of Wardi, 2013.				
Notary Public	N	Commissio	}xpir	6-2-2015
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	IRISTOPHER	BROOK		
$\begin{pmatrix} v_0 \\ v_0 \end{pmatrix}$	NOTARY PL	C Y, NC		
<u>. </u>	/ Commission Exp	1-2-2015	***	
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NAN and R	CY OI	LUND, I ERT VOI	IES ELI	MON'	'AG-SIEG	EL,)		. ;	
v.	. ;			laintiffs	- -	1 1 1		DECLAR INJUNC	IAI IVI	RELIEF AND
ROW	A١	COUNT	Y,]	ORTH (AROLINA	λ,) j	NOMINA	LI.	AMAGES
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II: THE UNITED STATES RICT COURT **IORTH CAROLINA** FOR I JIE MIDDLE DISTRICT Y LUND, LIESA: MONTAG-SIEGEL, BERT VOELKE ; Pli Rintiffs, VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF A ID NOMINAL DAMAGES N COUNTY, NO RTH CAROLINA, D endant. VERIFICATION OF <u>IPLAINT</u> I, ROBERT VOI LKER, verify, under penalt erjury under the laws of the Jnited of America that the foregoing Complaint is true; ief; is based upor eny personal knowledge; ar he best of my knowledge, in jormation, rue and correct. ile te This the <u>II</u> da of March, 2013. to and subscribed pefore me, day of March, 2, 13. sion Expires 6-2-7015 My Co

Case 1:13-cv-00 07-JAB-JLW Documer | Filed 03/12/13 Page 18 | f 18

CHRISTOPHER A NOTARY PUBLING TO ORANGE COUNTY OF OMY Commission Expires C.