

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
MEMPHIS DIVISION

THE SATANIC TEMPLE, INC.,

*Plaintiff,*

v.

SHELBY COUNTY  
BOARD OF EDUCATION,

*Defendant.*

CIVIL ACTION NO.:

**COMPLAINT**

**Introduction**

1. The Satanic Temple sponsors the After School Satan Club (“ASSC”) at numerous schools around the country in order to provide students and their families with an alternative to other religious clubs that meet on campuses after school hours.
2. The Shelby County Board of Education, which does business under the name Memphis-Shelby County Schools (“MSCS” or “the District”), has intentionally opened up school facilities for before and after-school use by a variety of organizations, including the Good News Club, a Christian group sponsored by Child Evangelism Fellowship.
3. Since November 2023, the Satanic Temple has sought to begin an ASSC at MSCS’s Chimneyrock Elementary School in order to fulfill its mission of offering a safe, welcoming, and inclusive club for students and families in the community who are members of the Satanic Temple, as well as for students who may not feel welcomed or

comfortable at other, more traditional religious clubs. MSCS has attempted to thwart the Satanic Temple at every turn in order to constructively block and deter the ASSC from meeting at Chinneyrock Elementary. MSCS's illegal and discriminatory treatment of the Satanic Temple is motivated by MSCS officials' and community members' overt hostility toward and disdain for the Satanic Temple and the ASSC. Rather than allowing the Satanic Temple to rent school facilities on the same terms as similarly situated non-profit organizations, MSCS has chosen to defy the First Amendment.

4. MSCS is unlawfully discriminating against the Satanic Temple by charging it excessive rental rates, charging unexpected and exorbitant security fees that MSCS has not charged to other similarly situated organizations, and by attempting to block and hinder the Satanic Temple's ASSC meetings. The First Amendment of the U.S. Constitution does not permit MSCS to charge the Satanic Temple's club rental fees upwards of \$250 per hour while it charges the Good News Club, a similarly situated non-profit organization, significantly less to rent MSCS facilities on a weekly basis. MSCS cannot pick and choose how much it charges an organization renting its facilities based on how much it does or does not favor the organization's viewpoint, the content of its speech, or its religious beliefs. Further, MSCS's unconstitutional behavior has chilled the Satanic Temple's speech and substantially burdened its ability to exercise its religiously motivated practice of offering inclusive, welcoming religious clubs at public schools.

5. Under the First Amendment, MSCS cannot deny the ASSC equal access to its facilities. Whether school board members, administrators, staff, clergy, or other community members like or dislike the Satanic Temple is simply not relevant. The First

Amendment forbids MSCS from denying any qualified group equal access to its facilities on the basis of the group's viewpoint, the content of its speech, or the group's religion or viewpoint on religion. By charging the Satanic Temple discriminatory fees, and overall refusing to treat it equally, MSCS is unconstitutionally discriminating against the Satanic Temple in an attempt to effectuate a heckler's veto.

6. The Satanic Temple seeks an order for prompt approval of its reservation requests by MSCS. It also seeks to reserve MSCS facilities without MSCS attempting to charge discriminatory rental fees. The Satanic Temple simply seeks to participate in MSCS's rental process on the same terms as any other nonprofit organizations.

7. Accordingly, the Satanic Temple requests a declaratory judgment that MSCS's treatment of it and the ASSC violates the Free Speech Clause and the Free Exercise Clause of the First Amendment to the United States Constitution; permanent injunctive relief enjoining MSCS from continuing to discriminate against the Satanic Temple and the ASSC; nominal damages; and other relief as set forth below.

### **Jurisdiction and Venue**

8. This action arises under the First Amendment to the Constitution of the United States and 42 U.S.C. § 1983.

9. This Court has jurisdiction under Article III of the United States Constitution, 28 U.S.C. § 1331, and 28 U.S.C. § 1343(a)(3).

10. The Court is authorized to award declaratory relief under 28 U.S.C. §§ 2201 and 2202.

11. The Court further has the authority to award injunctive relief under 28 U.S.C. § 1343.
12. Venue is proper in this district pursuant to 28 U.S.C. § 1391 as a substantial part of the events giving rise to the Satanic Temple's claims occurred in this district, and MSCS is subject to personal jurisdiction within this district.

### **Parties**

13. Plaintiff, the Satanic Temple, Inc., is a non-theistic, religious not-for-profit corporation with its principal place of business in Salem, Massachusetts.
14. The Satanic Temple has members in every state, including Tennessee and within the District.
15. The Satanic Temple has been recognized by the IRS as a church, as defined in the Internal Revenue Code § 170(b)(1)(A)(i), and as a religious corporation, as defined in the Internal Revenue Code § 501(c)(3).
16. The Satanic Temple created and sponsors the After School Satan Club in communities across the country.
17. The Defendant, Shelby County Board of Education, is the governing body for schools in Shelby County and exists under the laws of Tennessee. At all times pertinent to this complaint, it was and is operating within the scope of its authority and under color of state law.
18. The Shelby County Board of Education conducts business under the name Memphis-Shelby County Schools.

19. MSCS maintains its administrative offices at 160 S. Hollywood St., Memphis, TN 38112.

20. The Satanic Temple has been — and continues to be — subject to MSCS's customs, policies, and practices complained of herein.

### **Facts**

21. The Satanic Temple realleges and incorporates by reference all of the preceding paragraphs in this Complaint as if fully set out herein.

#### ***The Satanic Temple and the After School Satan Club***

22. The Satanic Temple does not worship Satan or any other devil, god, or supernatural power. The Satanic Temple instead regards Satan as a literary figure who represents a metaphorical construct of rejecting tyranny, championing the human mind and spirit, and seeking justice and egalitarianism for all.

23. As a non-theistic church, the Satanic Temple promulgates Seven Tenets, which guide the church's operations as well as the lives of its individual members:

- I. One should strive to act with compassion and empathy toward all creatures in accordance with reason.
- II. The struggle for justice is an ongoing and necessary pursuit that should prevail over laws and institutions.
- III. One's body is inviolable, subject to one's own will alone.
- IV. The freedoms of others should be respected, including the freedom to offend. To willfully and unjustly encroach upon the freedoms of another is to forgo one's own.
- V. Beliefs should conform to one's best scientific understanding of the world. One should take care never to distort scientific facts to fit one's beliefs.

- VI. People are fallible. If one makes a mistake, one should do one's best to rectify it and resolve any harm that might have been caused.
  - VII. Every tenet is a guiding principle designed to inspire nobility in action and thought. The spirit of compassion, wisdom, and justice should always prevail over the written or spoken word.
24. The Satanic Temple and its adherents strive to apply these tenets and virtues to all aspects of their lives, including their understanding of fundamental and ultimate questions relating to life and death, right and wrong, and good and evil.
25. The Satanic Temple's tenets are sincerely held and practiced.
26. As part of its religious mission, the Satanic Temple sponsors a youth program, the ASSC. The ASSC provides students a safe and inclusive alternative to other religious clubs that operate in public school facilities.
27. The ASSC offers enrichment programming, such as community service projects, nature-based activities, science-based games, and arts and crafts. The programming is inspired by, and aligns with, the Satanic virtues. The ASSC helps children build social and emotional skills and provides a framework for helping them understand the world around them.
28. The ASSC is primarily aimed at students in kindergarten through sixth grade, but all students under the age of seventeen are welcome.
29. The Satanic Temple currently sponsors over five active clubs in public schools across the country and is in the process of launching additional clubs in other school districts.
30. Trained Satanic Temple volunteers help conduct ASSC meetings in accordance with the Temple's tenets. All volunteers undergo extensive criminal background checks.

*The Satanic Temple Applies to Start Meeting at Chimneyrock Elementary*

31. MSCS has opened up school facilities for broad use, including for recreational programs sponsored by non-profit organizations, pursuant to Board Policy 7002(D)(6)(a)(i), concerning the short-term rental of school real estate. A true and correct copy of Policy 7002 is attached as **Exhibit A**.
32. On information and belief, a number of other non-profit organizations have rented MSCS facilities in recent years and are currently renting MSCS facilities either before- or after school hours, including but not limited to the Good News Club.
33. MSCS has delegated authority to administrators and officials, including the Superintendent, Interim Superintendent, school principals, and others to administer MSCS's policies and procedures, including MSCS's facility rental policies.
34. MSCS Board policy 7200(D)(6)(a)(i) states in part that, "The Board authorizes the Superintendent to enter into agreements for the short-term rental of its facilities as deemed by the Board to be in the best interest of the district and community when facilities are not being used for school purposes."
35. Pursuant to Board policy 7200(D)(6)(a)(i), MSCS has delegated authority to the Superintendent, or her designee, to set and charge fees for the rental of facilities.
36. MSCS uses a digital portal called "Facilitron" to manage facility rental requests. Requesters submit rental applications to MSCS via Facilitron, and MSCS employees review, accept, and deny requests. MSCS employees can also leave "comments" on a requestor's rental application. Additionally, MSCS can assess rental fees and related charges on a requester's Facilitron account.

37. Per MSCS's own website, "Although the process of requesting/approval/management of facility use is now digital, what's implemented on Facilitron, remains the same as dictated by the Shelby County Schools board policies on facility use. The district's administrative staff makes final decisions on all facility use requests."<sup>1</sup>

38. According to MSCS's Facilitron homepage, "All applications will be evaluated by MSCS Division of Safety and Security. Additional fees may be incurred for any rentals to ensure safety for all."<sup>2</sup>

39. On November 2, 2023, the Satanic Temple submitted a request via MSCS's Facilitron portal to rent a room at Chimneyrock Elementary from 4:30 p.m. to 5:30 p.m. on December 13, 2023.

40. The Satanic Temple met all qualifications to use MSCS facilities.

41. The Satanic Temple decided to begin an ASSC at Chimneyrock Elementary after two Chimneyrock Elementary parents reached out to the Temple and expressed interest in the Temple beginning a club there.

42. On November 8, 2023, the Satanic Temple's ASSC campaign director sent an email to Michelle Stuart, MSCS's facility manager, following up on the Temple's rental request, which was marked as "pending" in Facilitron.

43. On November 10, 2023, Ms. Stuart advised the Satanic Temple that Chimneyrock Elementary would be evaluating the Temple's application the following week.

---

<sup>1</sup> *Memphis-Shelby County Schools: Facilities Planning*, MSCS, <https://www.scsk12.org/fp/rental> (last visited Mar. 7, 2024).

<sup>2</sup> *Memphis-Shelby County Schools*, Facilitron, <https://www.facilitron.com/scs38112> (last visited Feb. 29, 2024).



44. On November 16, 2023, the Satanic Temple sent a second email to Ms. Stuart regarding its pending rental application. Ms. Stuart did not respond, nor did any other MSCS employee or representative.

45. On November 27, 2023, the Satanic Temple sent a third email to Ms. Stuart and Interim Superintendent Tutonial Williams. Neither Ms. Stuart, Superintendent Williams responded, nor did any other MSCS employee. The Temple's application had now been pending for 25 days.

46. Due to MSCS's refusal to communicate with or approve the Temple's application in a timely manner, the Satanic Temple's after-school club was not able to meet on December 13, 2023.

***MSCS Charges the Satanic Temple Discriminatory Rental Fees & Refuses to Distribute ASSC Permission Slips***

47. On November 29, 2023, the Satanic Temple sent a fourth email following up on the pending application to Ms. Stuart and Superintendent Williams. Crystal Andrews, Chimneyrock Elementary School's Principal, responded and CC'd MSCS staff members to assist in answering the Satanic Temple's questions. In response to Principal Andrews, the Satanic Temple requested an update on its pending application.

48. On November 29, 2023, Ms. Stuart responded and confirmed that the Satanic Temple's application was approved, pending a payment of \$250 per hour to rent the Chimneyrock Elementary School cafeteria.

49. In a November 29, 2023 email sent at 4:10 p.m., the Temple asked Ms. Stuart at what rental rate the Good News Club is currently charged to rent a room at Chimneyrock Elementary and asked if Chimneyrock would distribute the ASSC permission slips.

50. Ms. Stuart did not respond to the Satanic Temple's November 29, 2023 4:10 p.m. email, nor did any other MSCS employee.

51. On December 4, 2023, the Satanic Temple sent another email inquiring about the permission slip distribution process, this time including Chinneryrock Elementary administrators Principal Andrews, Assistant Principal John Dodd, and Assistant Principal NaTasha Nash.

52. On December 6, 2023, Principal Andrews advised the Satanic Temple that MSCS has a policy against distributing third-party permission slips and flyers to students.

However, Principal Andrews also acknowledged the school had distributed flyers and permission slips for the Good News Club in the past, but she claimed that the Good News Club flyers were distributed in violation of school policy.

53. Contrary to Principal Andrews' statement, MSCS policies permitted the distribution of ASSC's permission slips.

54. Board Policy 7012(B)(4) regarding the advertisement and distribution of flyers and other materials by non-students states in part that, "Community, educational, charitable, recreational and other similar civic groups may advertise events pertinent to students' interests or involvement, except that these events may not be advertised through schools if the event is for the purpose of making a profit. In addition, such advertisement, including the distribution of materials, shall be subject to any procedures related to time, place and manner established by the principal."

55. A true and correct copy of Policy 7012 is attached as **Exhibit B**.

56. Principal Andrews did not provide the Satanic Temple with an explanation as to why its ASSC flyers and permission slips could not be distributed to Chimneyrock Elementary students in accordance with Policy 7012.

57. Additionally, on December 6, 2023, the Satanic Temple filed an open records request with MSCS seeking documents related to the Good News Club's rental arrangement at Chimneyrock Elementary, including invoices or receipts for payment by the Good News Club or Child Evangelism Fellowship to MSCS for facility rentals.

58. On December 7, 2023, Ms. Stuart informed the Satanic Temple that the \$250 per hour rental fee would be waived for ASSC's first meeting, and stated that MSCS would be reevaluating the rental fee schedules in early 2024.

59. Because MSCS had failed to approve the Satanic Temple's rental request over the preceding 35 days, the Temple was forced to request to move its December 13, 2023 meeting to January 10, 2024.

60. On December 11, 2023, over one month since the Satanic Temple submitted its rental application, Chimneyrock's administration stated that MSCS would allow the Temple to hold its first ASSC meeting on January 10, 2024, at Chimneyrock Elementary.

***MSCS Holds a Press Conference Expressing and Validating Hostility Towards the Satanic Temple and the ASSC***

61. On December 13, 2023, MSCS held a press conference in which MSCS school board members, administrators, and other officials expressed hostility towards the Satanic Temple and validated community members' hostility toward and concerns regarding the ASSC's upcoming first meeting after school at Chimneyrock Elementary.<sup>3</sup>

---

<sup>3</sup> David Royer & April Thompson, *Memphis School Officials Address 'After School Satan Club'*, WREG Memphis (updated Dec. 14, 2023; 8:56 a.m.), <https://wreg.com/news/local/memphis-school-officials-address-after-school-satan-club/?fbclid=IwAR1PHyK6Y6nmqGJ3CFxkb>.

62. At that press conference, Superintendent Williams, who was surrounded by members of the clergy, stated that she and MSCS do not endorse ASSC or the views of the Satanic Temple, but nevertheless recognized that MSCS has a duty to support the law and uphold board policy, state laws, and the United States Constitution.<sup>4</sup>

63. Clergy and community members expressed open hostility toward the Satanic Temple and ASSC, describing ASSC as “trickery” and “chicanery.” One community member claimed that MSCS was “failing to protect” children by allowing ASSC to rent school facilities.<sup>5</sup>

64. School Board Chair Althea Greene appeared at the press conference wearing a clerical collar. She made reference to canceling “the agenda” of MSCS’s “enemy.” In context, Ms. Greene was referring to the Satanic Temple and ASSC as the “enemy.”<sup>6</sup>

65. Further, Chairperson Greene stated that “Satan has no room in this District.”<sup>7</sup>

66. At the press conference, Interim Superintendent Tutonia Williams stated that, pursuant to MSCS’s own policies, all non-profit organizations seeking to use school facilities after school hours are “guaranteed equal access.”<sup>8</sup>

67. However, comments by speakers at the press conference indicated an intent by MSCS to make it difficult for ASSC to host its meetings.

---

<sup>4</sup> *Memphis School Officials Address ‘After School Satan Club,’* WREG News Channel (Dec. 13, 2023), <https://www.youtube.com/watch?v=Q3MslrQX13M>.

<sup>5</sup> *Id.*

<sup>6</sup> *Memphis-Shelby County Schools responds to Satanic Temple's "After School Satan Club",* FOX 13 Memphis (Dec. 13, 2023), <https://www.youtube.com/watch?v=D7E2Sdtvbjo>.

<sup>7</sup> *Id.*

<sup>8</sup> *Memphis School Officials Address ‘After School Satan Club,’* WREG News Channel (Dec. 13, 2023), <https://www.youtube.com/watch?v=Q3MslrQX13M>.

68. Superintendent Williams stated that about 80 schools, approximately half of MSCS, are “supported by faith-based organizations.”<sup>9</sup>

69. At the press conference, MSCS school board member Mauricio Calvo, who represents District 5 of MSCS, the district Chimneyrock Elementary is located in, stated that, “Just because a law is the law we don’t have to accept it.”<sup>10</sup>

70. Mr. Calvo made that statement in reference to the Satanic Temple’s request to rent Chimneyrock Elementary’s facilities for the ASSC.

71. Mr. Calvo further stated that the school board planned to explore ways to change MSCS policy and “mitigate the situation,” referencing ASSC’s facility rental.

72. Mr. Calvo was implying that MSCS wants to find a way to block the Satanic Temple from renting school facilities.<sup>11</sup>

73. A local news source later described the press conference: “[I]nterim superintendent Toni Williams, board chair and reverend Althea Greene, and board member Mauricio Calvo passionately denounced the [Satanic Temple], while flanked by pastors of local churches.”<sup>12</sup>

74. On December 14, 2023, the Freedom From Religion Foundation (“FFRF”) sent a complaint letter to Superintendent Williams in response to the deeply concerning and discriminatory remarks made by school board members, administrators, clergy, and community members at the press conference. FFRF’s letter urged MSCS to continue to

---

<sup>9</sup> *Memphis-Shelby County Schools responds to Satanic Temple's "After School Satan Club"*, FOX 13 Memphis (Dec. 13, 2023), <https://www.youtube.com/watch?v=D7E2Sdtvbjo>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*; See also David Royer & April Thompson, *Memphis School Officials Address 'After School Satan Club'*, WREG Memphis (updated Dec. 14, 2023; 8:56 a.m.),

<sup>12</sup> John Klyce, *Satanic Temple Set To Return To Memphis-Area School With 'Before School Satan Club'*, Com. Appeal (Mar. 5, 2024; 10:18 a.m.), <https://www.commercialappeal.com/story/news/local/2024/03/05/satanic-temple-before-school-satan-club-memphis-tennessee-chimneyrock-elementary-mscs-cordova/72851163007/>.

abide by the First Amendment and allow the Satanic Temple to rent MSCS facilities as planned in accordance with MSCS's own written policies. FFRF's letter further explained that if MSCS bowed to the community's attempt at a heckler's veto, it would violate the Constitution by discriminating against the Satanic Temple on the basis of its viewpoint.

75. As of March 15, 2024, MSCS has not responded to FFRF's letter.

***MSCS Uses its Unconstitutional Security Fee Policy to Further Discriminate Against the Satanic Temple***

76. On January 4, 2024, MSCS notified the Satanic Temple via a late-afternoon phone call that MSCS had assessed a "special security fee" of \$2,045.60 against the Satanic Temple.

77. The \$2,045.60 was for ten additional security officers for a total of four hours on January 10.

78. Additionally, MSCS charged the Satanic Temple another fee of \$250 for "field lights."

79. MSCS told the Temple that it had to pay the \$2,295.60 in additional fees by the end of Monday, January 8, or else the January 10 ASSC meeting would be canceled.

80. The Good News Club, which meets every week at Chimneyrock Elementary, has not been assessed any "special security fee" or a fee for "field lights."

81. On January 5, 2024, the Satanic Temple emailed Superintendent Williams, Ms. Stuart, and Chimneyrock administrators and requested that MSCS immediately rescind the exorbitant and unexpected security fee charge. MSCS did not respond.

82. On January 5, 2024, FFRF sent MSCS a second letter, this time addressing the discriminatory security fees. FFRF's letter explained that by assessing these arbitrary and excessive fees against the Satanic Temple in an effort to block or deter ASSC from

holding its January 10 meeting, while also refraining from assessing similar fees against other nonprofit organizations renting at Chimneyrock, MSCS was discriminating against the Satanic Temple on the basis of its disfavored religious viewpoint. A true and correct copy of the letter is attached as **Exhibit C**.

83. FFRF's January 5th letter explicitly requested that MSCS respond by January 8, 2024.

84. As of March 15, 2024, MSCS has not responded to FFRF's January 5th letter.

85. MSCS's facility rental policy gives unbridled discretion to the security official to charge excessive fees to unpopular groups.

86. MSCS's rental policy states that the "Security Fee will be determined by" MSCS's Director of Security, part of SCS Safety and Security.

87. MSCS's rental policy does not mention any neutral and objective guidelines used to determine when a security fee must be assessed against a group renting MSCS facilities or how the fees are calculated.

88. On January 8, 2024, the Satanic Temple reluctantly paid MSCS \$2,295.60 for the ten extra security officers and "field lights."

***The Satanic Temple is Finally Permitted to Hold Its First ASSC Meeting at Chimneyrock***

89. On January 10, 2024, MSCS finally allowed the Satanic Temple to hold the first ASSC meeting at Chimneyrock Elementary. The ASSC met in the Chimneyrock library from approximately 4:30 p.m. to 5:30 p.m. with students from Chimneyrock Elementary as well as students from neighboring areas, who participated in hands-on games meant to promote understanding of scientific concepts, such as kinetic energy.

90. When ASSC leadership arrived at Chimneyrock Elementary, they discovered that various MSCS administrators, School Board members, and members of the clergy were already at the entrance of the building. It is unclear why School Board members were at the elementary school after hours or felt the need to observe ASSC.

91. Although the Satanic Temple paid for 10 security officers' presence, the ASSC campaign director reports that she only observed three security officers onsite at the January 10, 2024 meeting.

92. Although the Satanic Temple paid a surcharge for "field lights," ASSC volunteers did not observe extra lighting on school grounds when the meeting started or ended, even though it was dark out by the time the club meeting ended at approximately 5:30 p.m.

93. After the January 10, 2024 meeting, MSCS appeared to credit some portion of the discriminatory security fees and field light fees back to the Satanic Temple's account via Facilitron.

94. The Temple contacted MSCS for an explanation of the credits.

95. MSCS did not respond.

***MSCS Continues to Discriminate Against and Attempt to Constructively Block the ASSC***

96. On January 12, 2024, the Satanic Temple submitted four rental requests for monthly meetings on February 14, March 20, April 17, and May 15, 2024.

97. Between January 20 and February 8, 2024, the Satanic Temple sent no less than five emails to MSCS asking when the four requested club dates would be approved. The application for each date was marked as "pending," and the Temple's Facilitron account showed a pending balance of roughly \$1,000, or an hourly rental rate of \$250 for the four requested meetings.



98. On January 20, 2024, the Satanic Temple sent the following email to Ms. Stuart, Superintendent Williams, and Chimneyrock administrators:

Hello Michelle,

I hope this email finds you doing well. I just wanted to follow up to see when we can expect approval for the additional 2023-2024 that we requested on 1/12/2024 through Facilitron. I was also curious if anything has been updated regarding facility use charges as I noticed we are currently on the hook for approx. \$1,000 for the additional 4 dates, and wanted to know if we can plan on paying what is currently stated in Facilitron along with the other religious clubs operating on school campus. Any updates would be greatly appreciated.

Thank you, and I look forward to hearing back from you soon.

99. MSCS did not respond to the January 20 email.

100. On January 24, 2024, the Satanic Temple sent a second email to Ms. Stuart, the Superintendent, and Chimneyrock administrators asking when the Temple's applications would be approved and asking for rental fee confirmation:

Hello Michelle,

I wanted to follow-up with you regarding my email below, as I have not yet received a response from anyone within the district.

Can you please let me know when we can expect approval for our additional 2023-2024 dates, and please confirm the charges that have been assessed in Facilitron at \$248.11/hour?

Thank you

101. MSCS did not respond to the January 24 email.

102. On January 25, 2024, the Satanic Temple sent a third email to Ms. Stuart, Superintendent Williams, and Chimneyrock administrators asking for any update on the Temple's pending applications:

Hello Superintendent Williams, and Michelle.

It has now been almost 9 business days, and almost 2 weeks since our request for ASSC meeting dates has been completed in Facilitron.

When can we expect an update on approval of our request, and an update on facility usage fees?

An update would be greatly appreciated.

103. MSCS did not respond to the January 25 email.

104. On January 26, 2024, the Satanic Temple sent a fourth email, again asking for an update on the pending applications and facility rental fees:

Hello,

This is our 4th attempt to request with no response for a status update on our facility use request approval through Facilitron, and the facility usage fees that the district was supposed to reassess at the start of this calendar year. An update would be greatly appreciated.

Thank you.

105. MSCS did not respond to the January 26 email.

106. On January 31, 2024, the Satanic Temple sent a fifth email again requesting any update, or even a simple acknowledgment, regarding the Temple's pending applications and MSCS's facility rental rates:

Hello.

This is now our 5th attempt to request with no response for a status update on our facility use request approval through Facilitron, and the facility usage fees that the district was supposed to reassess at the start of this calendar year. An update would be greatly appreciated.

With no scheduling conflicts noted in the Facilitron scheduling software, we are anticipating a 2nd After School Satan Club meeting date of February 14, 2024.

"I want to assure you that I do not endorse, I do not support the beliefs of this organization at the center of the recent headlines. I do, however, support the law. As a superintendent, I am duty-bound to uphold our board

policy, state laws and the constitution."<sup>13</sup> -Memphis Shelby County School District Interim Superintendent Toni Williams

Thank you.

107. MSCS did not respond to the January 31 email or any of the Satanic Temple's five emails sent in January.

108. On February 5, 2024, FFRF sent a third letter to MSCS. FFRF's letter asking that MSCS cease its unconstitutional treatment of the Satanic Temple and ASSC by charging the Temple discriminatory rental rates and refusing to either approve or deny the Temple's four pending rental requests.

109. FFRF requested that MSCS respond to its letter by February 8, 2024.

110. As of March 15, 2024, MSCS has not responded.

111. MSCS was again refusing to effectively communicate with the Satanic Temple in an attempt to constructively block or deter the ASSC from continuing to meet at Chimneyrock Elementary.

112. On Friday, February 9, 2024, MSCS finally contacted the Satanic Temple via a "comment" on Facilitron:

02/09/2024 12:47 pm PST Tiffany Bracy  
Good Afternoon! Due to the book fair, we moved your meeting for this month to room 16. We removed fees for the month of February, until the District finalizes the rental fee structure, to do this, we had to remove your March, April and May dates. You are welcome to enter another reservation for those dates. Also, you may notice a time change, from 4:30pm to 5pm, this is to allow time for the student dismissal process. Thanks,

113. In the February 9 comment, MSCS claims that ASSC must now meet at 5 p.m. in order to "allow time for the student dismissal process."

---

<sup>13</sup> *Memphis School Officials Address 'After School Satan Club,'* WREG News Channel (Dec. 13, 2023), <https://www.youtube.com/watch?v=Q3MslrQX13M>.

114. Further, MSCS canceled the Satanic Temple's pending ASSC rental applications for March, April, and May.

115. MSCS abruptly changed ASSC's February 14, 2024 start time and canceled its pending March, April, and May requests in further efforts to block the Satanic Temple from renting school facilities on the same terms as all other non-profit organizations.

116. The abrupt start-time change created a thirty-minute window where students planning to attend ASSC would be unsupervised, requiring the Satanic Temple to arrange thirty minutes of child care from 4:30 to 5:00 p.m. for attendees. According to the Satanic Temple's ASSC campaign director, this sudden time change and thirty-minute gap created a "logistical nightmare."

117. Despite MSCS's attempts to administratively hinder or block its meetings, the Satanic Temple went forward with a second ASSC meeting on February 14, 2024.

118. The Satanic Temple was able to make last-minute arrangements and find volunteers willing to supervise attending students on February 14, 2024 for thirty minutes between 4:30 p.m. and the club's new required start-time of 5 p.m.

119. On February 14, 2024, the Temple held its second ASSC meeting at Chimneyrock Elementary. MSCS initially charged the Temple a rate of \$250 per hour for the meeting. It appears that MSCS credited back all or a portion of the \$250 fee to the Temple's Facilitron account.

120. MSCS has not provided the Satanic Temple with an explanation of the credits that were applied back to the Temple's Facilitron account.

121. The District's Facilitron portal prompts users to purchase insurance for \$30 every time they submit new rental applications. The \$30 insurance fee is non-refundable.

122. Those seeking to rent MSCS facilities are not required to purchase insurance through Facilitron, but the Satanic Temple has chosen to do so because it is the most financially prudent option for it.

123. Because MSCS canceled the Satanic Temple's March, April, and May rental applications, the Satanic Temple lost the \$30 non-refundable fee.

124. On the evening of February 14, 2024, the Satanic Temple again attempted to contact MSCS seeking updates on the rental fee structure:

Hello.

We are ready to submit for our March, April, and May 2024 dates. I am showing a total of \$1,424.01 (minus \$30 for the liability insurance we have already paid 3 separate times), for the 3 future club dates. Has the district been able to finalize the rental fee structure for ALL non-school sponsored clubs? I would like confirmation as to if this has been completed, and if not—when it will be done. I hate to create extra work when refunds are needed, but I would also like to get our reservation submitted ASAP.

I will send this message in Facilitron as well.

Thank you.

125. MSCS did not respond to the February 14 email.

126. On February 20, 2024, the Satanic Temple sent another email to MSCS seeking clarification on the facility rental fees:

Hello,

Can we please get an update on rental fees so that we can submit the rest of our dates for approval?

Thank you.

127. MSCS did not respond to the February 20 email.

128. On February 21, 2024, the Satanic Temple once again contacted MSCS seeking clarification on rental fees:

We are getting ready to submit for our March, April and May club dates.

Are the same fees and charges being charged to the other religious club currently operating before school hours? A total of \$1,424.01 for 3 club meeting dates?

129. On February 22, 2024, MSCS finally responded to the Satanic Temple's previous open records request regarding what fees, if any, the Good News Club was or is being charged to rent facilities at Chimneyrock Elementary.

130. The Satanic Temple's records request, Open Records Request Number 0002112, sought in part: "Receipts and/or invoices and/or transaction information and/or emails related to Child Evangelism Fellowship and/or the Good News Club payment for facility use fee and/or facility rental fee from January 2022 to present day [ . . . ]"

131. MSCS stated that "The Shelby County Board of Education is not in possession of any public records responsive to" the request for "Receipts and/or invoices and/or transaction information and/or emails related to Child Evangelism Fellowship and/or the Good News Club payment for facility use fee and/or facility rental fee from January 2022 to present day [ . . . ]"

132. Also on February 22, 2024, the Satanic Temple sent a fourth email to MSCS seeking any update at all regarding the facility rental fee structure:

Hello,

Can we please get an update as to where things stand? Please see the email trail below.

We would appreciate a reply, even if the district is still working on the fee structure.

Thank you

133. MSCS did not respond to the February 22 email.

134. On February 26, 2024, the Temple sent a fifth email to MSCS administrators, Principal Andrews, and other MSCS employees and representatives seeking clarity on MSCS's rental fees:

Hello.

I plan on submitting for the rest of our 2023-2024 club dates this week. We are still in the system showing a total of \$1,424.01 (\$474.66/hour) that Facilitron is set-up to charge us through the district for 3 future club dates at Chimneyrock Elementary.

An update on the fee structure would be greatly appreciated.

135. MSCS did not respond to the February 26 email.

136. On February 28, 2024, the Satanic Temple sent a sixth email to MSCS asking for updates and an explanation regarding MSCS's facility rental fees:

Hello.

There is our 6th attempt trying to get an update on the fee structure for facility rental use through the Memphis-Shelby County SD.

We will be submitting our planned club dates for March, April, and May through Facilitron, today. We will expect a prompt refund for any fees paid today that are deemed discriminatory or unfair, and we expect a prompt approval for our facility usage request in Facilitron.

Thank you

137. MSCS did not respond to the February 28 email.

138. On February 28, 2024, MSCS's Facilitron portal showed a pending charge on the Satanic Temple's account for a total of \$1,424,01 (\$474.66 per hour) for its pending March, April, and May monthly meetings at Chimneyrock Elementary.

139. Upon information and belief, MSCS is not charging the Good News Club an hourly rental rate of \$474.66 for its weekly meetings at Chimneyrock Elementary. Based on MSCS's response to the above referenced records request, it appears that MSCS has not charged the GNC any rental fees since at least January 2022.

***MSCS Continues to Unconstitutionally Discriminate Against the Satanic Temple and the ASSC***

140. Due to MSCS abruptly changing ASSC's start time to 5 p.m., creating a significant logistical issue for students and parents, the Satanic Temple was forced to change the club start time to 8:00 a.m following the February 14, 2024 ASSC meeting.

141. The ASSC at Chimneyrock Elementary is now the "Before School Satan Club." Functionally, the club is exactly the same. The only change is that the club will now be taking place from approximately 8:00 a.m. to 9:00 a.m. before school at Chimneyrock Elementary.

142. The Good News Club at Chimneyrock Elementary also meets before school from 8:00 a.m. to 9:00 a.m.

143. On February 28, 2024, the Satanic Temple submitted rental applications for March 20, 2024, April 17, 2024, and May 20, 2024.

144. On March 4, 2024, the Satanic Temple sent an email to MSCS requesting an update on fees and its three rental applications:

Hello.



Our official request through Facilitron was submitted last Wednesday through Request Number: SST9HH7AN3B7

I will also be asking for an update on fees and our approval status in Facilitron. We have paid \$368.46, and showing we owe a balance of \$1,068.01. What is our approval status and when will the fees be addressed?

Please advise.

145. MSCS did not respond to the March 4 email.

146. On March 6, 2024, MSCS responded to the Satanic Temple's three rental applications via another "comment" on Facilitron:

03/06/2024 09:41 am PST Tiffany Bracy

We removed fees for the month of March, until the District finalizes the rental fee structure, to do this, we had to remove your April and May dates.

147. For the second time, MSCS unilaterally canceled the Satanic Temple's rental applications for April and May 2024.

148. For the second time, the Satanic Temple is now out the non-refundable \$30 insurance fee that it paid when it submitted the rental applications for April and May.

149. As of March 15, 2024, MSCS still holds \$956.65 of the Satanic Temple's payments. MSCS has not yet refunded the \$368.46 fee that the Satanic Temple paid on February 28, 2024.

150. MSCS did not clarify whether the Satanic Temple will be charged for future monthly meetings or MSCS will continue its pattern of delaying approval of the Temple's applications with significant pending rental fees only to approve a

single application and credit back a portion of the rental fee with no warning and little explanation.

151. Since November 2023, MSCS has refused to treat the Satanic Temple equal to other groups. MSCS continues to treat the Temple as a second-class citizen in an attempt to effectuate an unconstitutional heckler's veto, bowing to internal and community hostility toward the Satanic Temple on the basis of its viewpoint, the content of its speech, and its religious beliefs.

152. MSCS continues to charge the Satanic Temple a discriminatory rental fee.

153. MSCS charged the Satanic Temple a discriminatory security fee and fee for "field lights."

154. MSCS refused to distribute ASSC permission slips despite distributing the Good News Club's permission slips in the past.

155. MSCS has refused to effectively communicate with the Satanic Temple, regularly waiting until the last minute to answer the Temple's questions or approve its rental applications.

156. MSCS unceremoniously canceled the Temple's pending rental applications.

157. MSCS's invitation to the Satanic Temple to continue resubmitting canceled applications is cold comfort. Given the events of the past four plus months, MSCS has shown a continuous custom, policy, and practice of attempting to constructively block and deter the ASSC from meeting at Chimneyrock Elementary.

158. MSCS has yet to approve the Temple's rental requests for April or May 2024.

159. MSCS has a widespread custom and practice of thwarting meeting and rental requests from the Satanic Temple.

160. Over the preceding four-plus months, MSCS has demonstrated a widespread custom and practice of unnecessarily delaying approval or denial of the Satanic Temple's rental applications, refusing to effectively communicate with the Satanic Temple, charging the Satanic Temple discriminatory rental rates and security fees, and unilaterally canceling the Temple's rental applications.

161. MSCS's widespread custom and practice of thwarting the Satanic Temple's meeting and rental requests is the result of a deliberate choice by MSCS. MSCS has an unwritten, yet official, policy of using administrative action in an attempt to block and hinder the Satanic Temple from holding ASSC meetings at MSCS facilities.

162. MSCS's discriminatory actions have chilled the Satanic Temple's speech.

163. MSCS's refusal to approve the Satanic Temple's rental applications until the eleventh hour, along with MSCS's refusal to effectively communicate with the Temple regarding fees and logistics, has made it exceedingly difficult for the Temple to get the club at Chimneyrock Elementary up and running. Due to MSCS's unconstitutional behavior, the Temple has had to expend additional time and resources continually rescheduling and altering meeting details that impact the ASSC volunteers, families, and the children who attend the club, chilling the Satanic Temple's speech.

164. MSCS's discriminatory actions have further substantially burdened the Satanic Temple's ability to fulfill its religiously motivated mission of offering inclusive, welcoming religious before- or after-school clubs to students that serve as an alternative to more traditional religious clubs.

165. MSCS has given the Satanic Temple the run-around at every turn, and it is now abundantly clear that MSCS will not voluntarily cease its unconstitutional behavior and discriminatory tactics without court intervention.

### Claims

#### ***First Claim for Relief: Violation of the Free Speech Clause of the First Amendment to the United States Constitution***

166. The preceding factual allegations above are incorporated as if fully set forth herein.

167. The Free Speech Clause of the First Amendment to the United States Constitution provides that "Congress shall make no law . . . abridging the freedom of speech." This provision applies fully to public school districts and their boards of education through the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

#### ***1. Viewpoint Discrimination***

168. The Free Speech Clause prohibits the government from discriminating against and restraining an organization's speech on the basis of the content of the speech or the organization's viewpoint.

169. Here, MSCS is unconstitutionally discriminating against the Satanic Temple on the basis of its disfavored viewpoint and the content of its speech by charging the Temple

a discriminatory hourly rental rate for its monthly ASSC meetings and charging the Satanic Temple an arbitrary and exorbitant security fee while not charging the same rates or security fees to the Good News Club to rent MSCS facilities.

170. Specifically, MSCS's discriminatory actions are based on an unconstitutional heckler's veto arising from disagreement with, and hostility toward, the viewpoint and/or content of the Satanic Temple's speech, as well as hostility towards the Satanic Temple's religion by school board members, MSCS administrators, MSCS officials, community members and others..

171. MSCS's decision to charge the Satanic Temple discriminatory rental and security fees is also unconstitutionally based on some MSCS officials' personal hostility against the Temple's religious tenets and the viewpoint and/or content of the Temple's speech, as well as discomfort with the fact that some community members view the Temple as expressing controversial and divisive views.

172. MSCS's decision to charge the Satanic Temple a discriminatory rental rate and security fees for the ASSC's use of its facilities does not serve any rational, legitimate, significant or compelling governmental interest, nor is it reasonably or narrowly tailored to serve any such governmental interest.

173. Further, MSCS's decision to purposely delay approving or denying the Satanic Temple's rental requests, its refusal to distribute the Temple's flyers and permission slips, its refusal to effectively communicate with the Satanic Temple, its decision to unilaterally cancel the Temple's rental requests, and its decision to abruptly alter the ASSC meeting time, are all based on MSCS's disapproval of the content of the Satanic Temple's speech and its viewpoint.

174. MSCS's decision to hinder, delay, and attempt to administratively block the Satanic Temple from renting and meeting at MSCS facilities does not serve any rational, legitimate, significant, or compelling governmental interest, nor is it reasonably or narrowly tailored to serve any such governmental interest.

## ***2. Unbridled Discretion via MSCS's Security Fee Policy***

175. MSCS's rental security fee policy vests unbridled discretion in an administrator to arbitrarily assess fees against disfavored groups, squarely in violation of the First Amendment.<sup>14</sup>

176. In *Forsyth County, Georgia v. Nationalist Movement*, the United States Supreme Court held that a policy that similarly vested a government administrator with unbridled discretion to arbitrarily assess security fees against disfavored groups violated the First Amendment, explaining:

“The decision how much to charge for police protection or administrative time—or even whether to charge at all—is left to the whim of the administrator. There are no articulated standards either in the ordinance or in the county's established practice. The administrator is not required to rely on any objective factors. He need not provide any explanation for his decision, and that decision is unreviewable. Nothing in the law or its application prevents the official from encouraging some views and discouraging others through the arbitrary application of fees. The First Amendment prohibits the vesting of such unbridled discretion in a government official.”<sup>15</sup>

177. Like the unconstitutional security fee policy in *Forsyth*, the MSCS's security fee policy unconstitutionally vests the Director of Security with unbridled discretion to assess

---

<sup>14</sup> See *Forsyth Cnty. v. Nat'l. Movement*, 505 U.S. 123, 124 (1992) (holding that an ordinance permitting a government administrator to assess and vary a fee for assembling to reflect estimated security costs was unconstitutional).

<sup>15</sup> *Id.* at 133.

security fees against an organization, like the Satanic Temple, based on the organization's disfavored viewpoint.

### ***3. Chilling Effect***

178. MSCS is chilling the Satanic Temple's speech by charging it discriminatory rental rates, charging it an exorbitant and discriminatory security fee, refusing to effectively communicate with the Temple regarding rental fees, pending applications, other logistical information that is necessary for the Temple to effectively run the ASSC, refusing to distribute the Temple's fliers or permission slips, and abruptly altering the meeting time for ASSC.

179. Further, MSCS has now unilaterally canceled the Satanic Temple's rental applications twice and has significantly delayed in approving the Temple's requests, resulting in the Temple (a) having an exceedingly difficult time planning the ASSC meetings and communicating important logistical details to volunteers and parents; and (b) losing its non-refundable insurance fee multiple times.

180. MSCS's practice of administratively dragging its feet when it comes to either denying or approving the Satanic Temple's applications and refusing to adequately communicate with the Temple has caused the Temple to alter its plans and expend additional time and resources into overcoming the hurdles that MSCS has thrown in its path.

181. Due to MSCS's actions, the Satanic Temple still has not been able to steadily hold monthly club meetings at Chimneyrock Elementary despite submitting its first rental application in early November 2023, approximately five months ago.

182. Due to MSCS's actions, the Satanic Temple has not been able to advertise its club at Chimneyrock Elementary to the extent that it normally would advertise the ASSC, further hindering the Satanic Temple's ability to effectively run the ASSC at Chimneyrock by developing a steady group of attending students.

183. Since Principal Andrews refused to distribute the Satanic Temple's flyers or permission slips, the Temple has been forced to advertise its club at Chimneyrock entirely through social media.

184. MSCS's actions have chilled the Satanic Temple's speech by forcing it to deviate from its standard ASSC advertising schedule of one club "launch" announcement post followed by social media posts highlighting the fun that students have at club meetings.

185. Due to MSCS's actions, the Satanic Temple has been forced to post three different "launch" announcements for the ASSC at Chimneyrock, all with different meeting information, which likely caused confusion among interested parents and students and gave the impression that the Satanic Temple's clubs are not well organized.

186. Further, MSCS's actions have forced the Satanic Temple to mark meetings at Chimneyrock Elementary as "pending" on the Temple's official advertisements, again giving interested parents and students the impression that the Satanic Temple's clubs are not well organized.

187. If the discriminatory actions by MSCS ended, the Satanic Temple would have greater attendance at its monthly meetings.

188. Overall, MSCS's actions have forced the Satanic Temple to advertise, promote, and operate the club at Chimneyrock Elementary in such a way that the Temple has appeared disorganized to parents, students, and the public generally. The Temple is



concerned that these negative perceptions do not instill confidence in parents contemplating entrusting their children to the Temple's care during club meetings.

189. The MSCS's actions are harming the reputation of the Satanic Temple's ASSC program and likely deterring potential club participants.

190. Absent MSCS's discriminatory actions, the Satanic Temple would have launched, advertised, promoted, and operated the Chimneyrock Elementary club in accordance with the Temple's official policies and advertising schedule.

191. Additionally, absent MSCS's discriminatory actions, the Satanic Temple's Chimneyrock Elementary club would likely be up and running already in a similar fashion to the Temple's clubs in other public school districts.

192. MSCS's actions, which have chilled the Satanic Temple's speech, are based on the personal disdain for and hostility toward the Satanic Temple on the basis of the Temple's disfavored speech by school board members, MSCS administrators, MSCS officials, community members and others.

***Second Claim for Relief: Violation of the Free Exercise Clause of the First Amendment of the United State's Constitution.***

193. The preceding factual allegations above are incorporated as if fully set forth herein.

194. The Free Exercise Clause of the First Amendment to the United States Constitution provides that "Congress shall make no law . . . prohibiting the free exercise [of religion]." This provision applies fully to public school districts and their boards of education through the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

195. The Satanic Temple has a sincere belief that it is necessary to practice and demonstrate its seven tenets through organizing before- and after-school clubs for students.

196. The Satanic Temple's before- and-after school clubs are a vital part of its religiously motivated mission to provide a safe, inclusive, and welcoming club for students whose parents are members of the Satanic Temple, as well as other students who may not feel welcomed or comfortable at other available before- or after-school religious clubs.

197. MSCS's widespread custom and practice of discriminating against the Satanic Temple and attempting to constructively block and deter the ASSC from meeting at Chimneyrock Elementary substantially burdens the Satanic Temple's exercise of its sincerely held non-theistic religious beliefs.

198. MSCS is obstructing and attempting to completely prevent the Temple from fulfilling its mission to provide an alternative, inclusive before- or after-school religious enrichment program for students whose families belong to the Satanic Temple and students who may not be welcomed, or who may feel uncomfortable attending other religious before- or after-school clubs.

199. The Supreme Court has recognized that the Free Exercise Clause "protect[s] religious observers against unequal treatment" and that the government may not impose "special disabilities" on religious groups on the basis of their "religious status" or identity.<sup>16</sup>

---

<sup>16</sup> *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 458 (2017) (internal citations omitted).

200. MSCS has violated these fundamental principles by denying the Satanic Temple equal treatment and access to MSCS facilities on the same terms as all other similarly situated non-profit organizations on the basis of hostility toward the Satanic Temple by MSCS board members, administrators, other officials, community members and others..

201. Hostility by MSCS board members, administrators, and other officials toward the Satanic Temple is based on their contempt for the Temple's sincerely held religious beliefs.

202. Additionally, the Free Exercise Clause prohibits the government from singling out one faith for disfavored treatment or "devis[ing] mechanisms, overt or disguised, designed to persecute or oppress a religion or its practices."<sup>17</sup>

203. Here, MSCS has also violated the Free Exercise Clause by continuing to attempt to constructively block and deter the ASSC from meeting by refusing to respond to the Satanic Temple's emails for weeks on end, refusing to approve or deny pending rental applications until mere days before the requested meeting date, refusing to clarify or in any way explain the MSCS's current rental rate policy or provide updates on how MSCS plans to modify its rental rate policy, and continuing to charge the Satanic Temple hourly rental rates that appear to be significantly higher than the rates charged to the Good News Club at Chimneyrock Elementary.

#### **Requests for Relief**

204. The preceding factual allegations above are incorporated as if fully set forth herein.

---

<sup>17</sup> *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 547 (1993).

205. By violating the First Amendment of the United States Constitution as described above, MSCS has harmed the Satanic Temple, is continuing to harm the Temple, and threatens future harm against the Temple.

206. By violating the First Amendment of the United States Constitution as described above, MSCS—acting under color of statutes, regulations, policies, custom, or usage—has deprived, is depriving, and has threatened to continue to deprive the Satanic Temple of rights secured by the First and Fourteenth Amendments to the United States Constitution, entitling the Satanic Temple to a remedy under 42 U.S.C. § 1983.

207. In addition or, in the alternative, by virtue of MSCS's violations of the First Amendment of the United States Constitution, the Satanic Temple is entitled to a remedy directly under the United States Constitution.

208. The Satanic Temple accordingly requests the relief specified below.

***Injunction***

209. The Satanic Temple has no adequate remedy at law.

210. By continuing to charge the Temple discriminatory fees for its monthly ASSC meetings and otherwise seeking to block ASSC meetings, MSCS has inflicted, and will continue to inflict, irreparable harm upon it.

211. Accordingly, the Satanic Temple requests a permanent injunction (a) prohibiting unequal treatment of and unequal access for nonprofit organizations that rent MSCS facilities; (b) prohibiting MSCS from retaliating against the Satanic Temple, the ASSC, or any member or attendee of ASSC meetings for objecting to MSCS's unconstitutional practices and bringing this action—including with respect to the Temple's future use of MSCS facilities beyond this school year.

***Declaratory Judgment***

212. An actual controversy exists between the parties as to whether MSCS has violated and continues to violate the United States Constitution by charging the Satanic Temple significantly higher rental fees and security fees than other similarly situated organizations renting MSCS facilities.

213. Accordingly, the Satanic Temple requests a declaratory judgment that MSCS is violating the United States Constitution by charging the Temple discriminatory rental fees and security fees on the basis of the Temple's viewpoint, the content of the Temple's speech, and the Temple's religion.

214. The Satanic Temple additionally requests a declaratory judgment that MSCS's security fee policy is unconstitutionally vague and gives the security officer unbridled discretion to assess fees against disfavored organizations in violation of the First Amendment.

***Nominal Damages***

215. The Satanic Temple requests an entry of judgment for nominal damages in the amount of \$1 for violations of its constitutional rights.

***Attorneys' Fees and Costs***

216. The Satanic Temple requests an order awarding it the costs of this action, including reasonable attorneys' fees and expenses, under 42 U.S.C. § 1988.

***Jurisdiction***

217. The Satanic Temple requests an order retaining this Court's jurisdiction of this matter to enforce the terms of the Court's orders.

***Other Relief***

218. The Satanic Temple requests any other relief that the Court deems just and proper.

Respectfully Submitted,

Date: March 19, 2024

/s/ Scott Kramer  
Scott Kramer  
(BPR #19462)  
The Kramer Law Center  
P.O. Box 240461  
Memphis, TN 38124  
901-896-8933  
thekramerlawcenter@gmail.com

Patrick C. Elliott\*  
Samuel T. Grover\*  
Samantha F. Lawrence\*  
Freedom From Religion Foundation, Inc.  
10 N. Henry St.  
Madison, WI 53703  
608-256-8900  
pellott@ffrf.org  
slawrence@ffrf.org  
sgrover@ffrf.org  
\* Pro Hac Vice Application Forthcoming

Matt Kezhaya\*  
Kezhaya Law PLC  
150 S. Fifth St., Suite 1850  
Minneapolis, MN 55401  
(612) 276-2216  
matt@kezhaya.law  
\* Pro Hac Vice Application Forthcoming

*Attorneys for Plaintiff*