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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

J.G.C. and J.N.C., by and through their
parents and legal guardians, PAUL Y.
CHUNG and IRIS J. CHUNG,

Plaintiffs,

v.

WASHINGTON INTERSCHOLASTIC
ACTIVITIES ASSOCIATION,

Defendant.

Civil Action No. _____

COMPLAINT

JURY DEMANDED

NATURE OF THE ACTION

1
2 1. This dispute arises from religious discrimination by the Washington Interscholastic Activities Association (WIAA) against students J.G.C. and J.N.C. in refusing to
3 accommodate their religious beliefs in its scheduling of state high-school tennis cham-
4 pionship tournaments, even though it grants other analogous accommodations.
5

6 2. J.G.C. and J.N.C. are Seventh-day Adventists whose religious beliefs prohibit
7 them from playing tennis on the Sabbath—a day of rest and worship they observe
8 every week between sundown Friday and sundown Saturday.

9 3. WIAA is the organization authorized under Washington law to schedule and
10 oversee interscholastic sports and activities within the State of Washington.

11 4. Although WIAA schedules no state championship tournament play on Sun-
12 days, and although it schedules many other state championships to take place en-
13 tirely during the week, WIAA typically schedules the 2A boys’ and girls’ state tennis
14 championship tournaments to conclude on a Saturday. As a result, Saturday Sabbath
15 observers like J.G.C. and J.N.C. are prohibited from completing the state champion-
16 ship tournament, solely on account of their religious beliefs.

17 5. But this is not just a case of state actors failing to accommodate easily accom-
18 modatable religious exercise when it conflicts with state requirements—though it is
19 certainly that. Rather this is also a case of a state actor taking a purely hypothetical
20 conflict and using it to prohibit religious believers from participating fully in state
21 high-school athletics even when there is no conflict at all.

22 6. Specifically, WIAA has interpreted its rules to prohibit players, on pain of pen-
23 alty, from participating in *any* postseason competition if they are, or know they might
24 be, unable to proceed through the “completion of the championship event.” This
25 means that if the final day of the state championship tournament is scheduled on a
26 Saturday, then a Seventh-day Adventist is prohibited from competing on every other
27 day of postseason play as well—even though the postseason consists of multiple levels

1 of separate tournaments spanning weeks, and even though only a handful of players
2 advance far enough to play on the last day.

3 7. Further, although WIAA has interpreted its rules to prohibit religiously moti-
4 vated withdrawals from postseason play, the rules expressly allow withdrawals for
5 the secular reasons of “injury, illness or unforeseen events”—withdrawals that have
6 the same effect on competition as a withdrawal to observe the Sabbath.

7 8. Nonetheless, WIAA has refused to extend an accommodation to Sabbath ob-
8 servers, putting them to a stark choice: The only way they can participate in any
9 postseason play at all is by abandoning their religious beliefs and agreeing in advance
10 to violate the Sabbath in the event of a conflict.

11 9. These actions have caused real harm. Last academic year, J.G.C. went unde-
12 feated in the regular season, but had to sit out of all postseason play after WIAA
13 denied her family’s request for an accommodation. Only the last day of postseason
14 play would have conflicted with the Sabbath.

15 10. This year, her brother J.N.C. faces the same dilemma. WIAA has already
16 scheduled the boys’ state championship tournament to again include Saturday play.
17 Thus, without this Court’s intervention, J.N.C. will be disqualified from the outset
18 from participating in postseason competition, even if he would face an actual conflict
19 between competition and Sabbath only if he advanced to the final day of the state
20 championship tournament.

21 11. WIAA’s failure to accommodate and its discrimination against J.G.C.’s and
22 J.N.C.’s religious exercise is unconstitutional, illegal, and must be enjoined. J.G.C.
23 and J.N.C. are entitled to declaratory and injunctive relief, and J.G.C. is entitled to
24 nominal and compensatory damages.

25 JURISDICTION AND VENUE

26 12. This action arises under the Constitution and laws of the United States. The
27 Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367.

1 13. This Court has personal jurisdiction over WIAA because this case arose from
2 WIAA's actions in Lewis County, Washington, and because WIAA is incorporated and
3 maintains its principal place of business in Renton, Washington.

4 14. The Court has authority to issue the declaratory and injunctive relief sought
5 under 28 U.S.C. §§ 2201 and 2202.

6 15. Venue lies in this district under 28 U.S.C. §§ 1391(b)(1) and (2).

7 16. The events giving rise to Plaintiffs' claims occurred in Lewis County, Washing-
8 ton. J.G.C. and J.N.C. reside in Chehalis, Washington, played tennis for William F.
9 West High School (W.F. West) in Chehalis, and were forced to remain in Chehalis
10 rather than participate in postseason tennis play because of WIAA's actions.

11 IDENTIFICATION OF PARTIES

12 17. J.G.C. is a seventeen-year-old girl and a recent high-school graduate. Her par-
13 ents, Paul and Iris Chung, act as her representatives in bringing this lawsuit on her
14 behalf.

15 18. J.N.C. is a fifteen-year-old boy and a rising high-school sophomore. His par-
16 ents, Paul and Iris Chung, act as his representatives in bringing this lawsuit on his
17 behalf.

18 19. J.G.C. played on the W.F. West girls' tennis team for all four years of high
19 school, from 2015–19. J.N.C. also attends W.F. West, and is a member of the boys'
20 tennis team.

21 20. J.G.C. and J.N.C. are devout Seventh-day Adventists. Their religion is a defin-
22 ing aspect of who they are.

23 21. Defendant WIAA is an organization authorized under Washington law to "con-
24 trol, supervise and regulate ... interscholastic activities" in the State of Washington.
25 Wash. Rev. Code § 28A.600.200.

1 22. WIAA comprises nearly 800 public and private schools in Washington and gov-
2 erns and oversees their interscholastic athletic activities. According to WIAA, its “pro-
3 grams provide students with valuable life skills and are an integral part of the total
4 education process.” WIAA, *About Us*, <http://bit.ly/2LSD3z8>.

5 23. WIAA’s policies and scheduling decisions are state action subject to the Four-
6 teenth Amendment of the United States Constitution and actions taken under color
7 of state law within the meaning of 42 U.S.C. § 1983. See *Brentwood Academy v. Tenn.*
8 *Secondary Sch. Athletic Ass’n*, 531 U.S. 288 (2001).

9 FACTUAL ALLEGATIONS

10 *J.G.C. and J.N.C.’s Religious Beliefs and Practices*

11 24. J.G.C. and J.N.C. are baptized members of the Seventh-day Adventist Church
12 and actively attend the Chehalis Seventh-day Adventist Church in Chehalis, Wash-
13 ington.

14 25. J.G.C. and J.N.C. were baptized when they were eleven and twelve years old,
15 respectively. Being baptized was a personal choice made after each of them individu-
16 ally felt ready to take on the Seventh-day Adventist faith and practices as their own.

17 26. The Seventh-day Adventist Church is a Protestant Christian denomination
18 with more than 21 million members and a presence in over 200 countries. *A Message*
19 *to the Seventh-day Adventist Church from the President*, Seventh-day Adventist
20 Church (Apr. 4, 2019), <http://bit.ly/2K6dsAL>.

21 27. A central tenet of the Seventh-day Adventist faith is observance of the Sabbath
22 from sundown Friday to sundown Saturday. The Sabbath is “God’s perpetual sign of
23 His eternal covenant between Him and His people.” *Living the Sabbath*, Seventh-day
24 Adventist Church, <http://bit.ly/331SmuL>.

25 28. This practice is biblically ordained. The Fourth Commandment instructs: “Re-
26 member the Sabbath day, to keep it holy [T]he seventh day is the Sabbath of the
27 Lord thy God, in it thou shalt not do any work” *Exodus* 20:8-10 (King James).

1 29. The hours of the Sabbath are sacred time devoted to God in worship and pur-
2 suit of Him for His purposes. Seventh-day Adventists must spend the day in rest,
3 prayer, and collective worship. *See Living the Sabbath*, Seventh-day Adventist
4 Church, <http://bit.ly/331SmuL>.

5 30. The Sabbath “encompasses [Seventh-day Adventist’s] entire relationship with
6 God.” Not keeping it has serious consequences, leading “to the distortion and eventual
7 destruction of a person’s relationship with God.” *Sabbath Observance*, Seventh-day
8 Adventist Church, <http://bit.ly/2YDyrCU>.

9 31. The Chungs observe the Sabbath every week in accordance with their religious
10 faith.

11 32. For the Chung family, keeping the Sabbath holy is a serious commitment.
12 J.G.C. and J.N.C. do not play or practice tennis on the Sabbath, and J.G.C. missed
13 her own high-school graduation ceremony because it was held on the Sabbath.

14 33. All the children in the Chung family, including J.G.C. and J.N.C., began taking
15 private music lessons at between six and seven years old. Most of their music teachers
16 throughout the years have scheduled recitals so that the Chung children could par-
17 ticipate, and no member of the Chung family ever participated in a music recital on
18 the Sabbath.

19 34. The state solo and ensemble music competitions, also organized by WIAA, have
20 historically been scheduled for Fridays and Saturdays. The Chung children have
21 never participated in these competitions because of their commitment to the Sabbath.

22 35. J.G.C. and J.N.C. chose to compete in tennis, rather than sports that tradition-
23 ally play on Friday nights and Saturdays, because tennis matches are typically sched-
24 uled on weekdays.

25 *WIAA’s Tournament and Rules*

1 36. Each year, WIAA member schools, including W.F. West, participate in post-
2 season tennis competitions for their boys' and girls' teams culminating in state cham-
3 pionships organized by WIAA.

4 37. The competitions are divided into three sequential stages—sub-district, dis-
5 trict, and the state championships.

6 38. Only the most successful players from each sub-district tournament advance
7 to the district tournaments, and only the top three players from W.F. West's district
8 tournament advance to the state championships.

9 39. Although each stage is a separate tournament, and although the stages can be
10 separated in time by months, WIAA's Rule 22.2.5 provides that, absent "injury, ill-
11 ness or unforeseen events," athletes who enter postseason play must be able to com-
12 plete it:

13 By entering participants in postseason competition, each member school
14 certifies that, barring injury, illness or unforeseen events, the team or
15 individuals representing the school will participate in every level of com-
petition through the completion of the state championship event.

16 WIAA, *2018–19 Official Handbook* (Handbook) 48, <https://perma.cc/P67U-GCPH>.

17 40. Rule 22.2.6 states the consequences for violations of Rule 22.2.5:

18 Any withdrawal or intentional forfeiture shall be considered a violation
19 of WIAA rules and regulations, and shall be subject to penalties as de-
20 termined by the WIAA Executive Board.

21 *Id.*

22 41. Despite this restriction, WIAA's regulations include a mechanism for replacing
23 players who advance from the district tournament but are "unable to compete" in the
24 state championship. WIAA, *2018–19 Bound for State Regulations-Tennis 2*,
25 <http://bit.ly/2KeOC0o> (Regulations). In that scenario, the "next qualified contestant"
26 from the district tournament serves as a substitute. *Id.*

27 *WIAA Denies an Accommodation*

1 42. J.G.C. was a dedicated and talented player on W.F. West's girls' tennis team
2 all four years of high school, from 2015–19.

3 43. At no point in J.G.C.'s high-school career did she face a conflict between a
4 regular-season match and the Sabbath.

5 44. J.G.C. was one of the top players on the team. She first qualified to represent
6 W.F. West in postseason play in 2017–18, her junior year.

7 45. That year, J.G.C. advanced out of the sub-district tournament, but had to
8 withdraw before the district tournament and allow an alternate to take her place
9 when one of her district matches was scheduled to be played on the Sabbath.

10 46. At the time, J.G.C. was unaware that this withdrawal presented any issues
11 under WIAA rules.

12 47. Pointing to WIAA's Rule 22.2.5, however, coaches from other teams expressed
13 displeasure with J.G.C.'s giving her spot to an alternate player for the remainder of
14 the competition.

15 48. The next year, J.G.C. was again expected to qualify for postseason play.

16 49. In light of the previous year's events, the Chung family contacted WIAA to
17 obtain express permission for J.G.C. to play in postseason competition, even if it were
18 too late for the 2018–19 state championship dates to be moved.

19 50. The state championship tournament was scheduled for Friday, May 24, and
20 Saturday, May 25, 2019.

21 51. The matches both days were scheduled to take place before sundown, so only
22 the Saturday matches conflicted with J.G.C.'s Sabbath observance.

23 52. J.G.C. could not participate in the Saturday matches because engaging in
24 sports or similar recreational activities is incompatible with Sabbath observance.

25 53. As a result of her inability to play in the final matches of the state tournament,
26 WIAA's Rule 22.2.5 also barred J.G.C. from participating in the sub-district and dis-
27 trict tournaments, which did not conflict with her Sabbath.

1 54. The Chungs wrote to WIAA seeking a religious accommodation for J.G.C. in
2 February 2019, three months before the state tournament was scheduled to take
3 place.

4 55. They asked WIAA to “change rule 22.2.5 to allow religious observances as a
5 valid reason to drop out of the tournament” so that Sabbatharians “can play as far as
6 they are able until Sabbath becomes an issue.”

7 56. The Chungs requested that this exception be formalized by amending Rule
8 22.2.5 to list religiously motivated withdrawals as acceptable, adding them to the
9 already existing secular exceptions.

10 57. This would protect not just the Chungs but also all Saturday Sabbath observ-
11 ers who participate in interscholastic activities in the State of Washington, including
12 Jewish students, other Seventh-day Adventists, and members of other faiths.

13 58. The Chungs also asked that WIAA “move the 2A state tennis tournament” to
14 weekdays beginning in 2019–20.

15 59. WIAA had previously made a scheduling change for the girls’ volleyball state
16 championships after a lawsuit from Saturday Sabbatharians seeking an accommoda-
17 tion. *See* Notice of Settlement, *Jacobson v. WIAA*, No. 15-2-25734-0 SEA (Super. Ct.
18 Wash. June 5, 2017); Jayda Evans, *Parents Settle Religious Discrimination Lawsuit*
19 *with WIAA over Volleyball State Tournament*, *Seattle Times* (June 23, 2017),
20 <https://perma.cc/QFP4-VYRM>.

21 60. On information and belief, WIAA has never scheduled athletic events on Sun-
22 days, a practice that originated, and likely continues in large part, from respect for
23 Sunday Sabbath observers.

24 61. WIAA had also previously moved the golf state championships from a Fri-
25 day/Saturday schedule to earlier in the week. That change was made to remove a
26 conflict with the state tournaments for certain other boys’ sports so that the boys
27 would not have to choose between sports. Many tennis coaches would like to move the

1 tennis state tournament to a weekday schedule to avoid conflicts with the basketball
2 and track tournaments that are usually scheduled for the same weekend.

3 62. The same week in February that the Chungs wrote to WIAA, their pastor also
4 sent a letter to WIAA, confirming the Chungs' religious beliefs and explaining the
5 importance of the Sabbath to Seventh-day Adventists.

6 63. The Northwest Religious Liberty Association (NRLA) also sent a letter in Feb-
7 ruary to WIAA officials, requesting the same changes to the tournament and rules on
8 behalf of the Chungs.

9 64. On March 4, 2019, WIAA responded to NRLA, verifying the receipt of the let-
10 ters requesting that the tournament date be changed to allow Saturday Sabbath-ob-
11 serving athletes the opportunity to participate.

12 65. NRLA replied to WIAA on March 12, clarifying that the Chungs were seeking
13 not only the date change but also the accommodation of religiously motivated with-
14 drawals under Rule 22.2.5.

15 66. The Chungs sent WIAA a second letter, through counsel, on April 17. The
16 Chungs reiterated their request that J.G.C. be permitted to participate in all matches
17 until Friday at sundown, including in the sub-district and district tournaments, with-
18 out risking penalties if she qualified for the state championship tournament.

19 67. Meanwhile, in regular-season play, J.G.C. went undefeated. Her coaches
20 therefore again selected her to represent W.F. West in postseason play.

21 68. W.F. West's 2018–19 sub-district and district tournaments were scheduled in
22 a way that did not overlap with the Sabbath. The sub-district tournament was held
23 before sundown on Friday, May 3, and Tuesday, May 7, 2019. The district tournament
24 was held the following week, on Thursday, May 16, and before sundown on Friday,
25 May 17. Thus, a Sabbath conflict would materialize only if J.G.C. advanced through
26 the sub-district tournament, the district tournament, and the first day of the state
27 championships.

1 69. On April 23, however, WIAA finally responded to the Chung family via a letter
2 to counsel, Charles Steinberg. WIAA denied J.G.C. a religious accommodation, claim-
3 ing that the Chungs' request "violates specific WIAA rules and cannot be granted."

4 70. WIAA stated that Rules 22.2.5 and 22.2.6 "are strictly enforced and have not
5 been waived in the past."

6 71. Moreover, WIAA said religiously motivated tournament withdrawals would
7 (1) be "unfair to the athlete who would have qualified" but for the withdrawing athlete
8 and (2) "create a competitive advantage for the athlete scheduled to play the forfeiting
9 athlete, who now has the luxury of a bye while the other competitors must continue
10 playing."

11 72. Although WIAA had previously moved the state volleyball tournament to ac-
12 commodate Sabbath observers, it claimed it could not make a similar accommodation
13 "[i]n individual sports where multiple matches must be played," even though other
14 individual sports have mid-week tournaments.

15 73. As a result, J.G.C. was barred from competing in all postseason play.

16 74. Without its top player, W.F. West finished two points behind the school that
17 accumulated the most points in the 2A girls' state tennis championship tournament.

18 *2019–2020 Boys' State Tennis Championships*

19 75. WIAA has already set the 2A boys' tennis state championship tournament to
20 take place on Friday, May 29, and Saturday, May 30, 2020.

21 76. J.N.C. expects to be selected to represent W.F. West in the 2019–20 postsea-
22 son. Sub-district play will begin soon after the last regular-season match currently
23 scheduled for W.F. West, which is on October 9, 2019.

24 77. Last year, J.N.C. was selected for postseason play as a freshman. Notwith-
25 standing WIAA's illegal and discriminatory interpretation of Rules 22.2.5 and 22.2.6
26 to bar religiously motivated postseason withdrawals, he entered postseason play be-
27

1 cause he knew that he would not be successful enough to advance to the state cham-
2 pionships and encounter a Sabbath conflict. As expected, he did not qualify to advance
3 out of the district tournament.

4 78. This year, however, J.N.C. expects to be competitive in qualifying for the state
5 championships. Thus, J.N.C. will be barred from participating in any of the postsea-
6 son play the same way that J.G.C. was.

7 79. J.N.C. is far from the only athlete in Washington who will be impacted in this
8 way by WIAA’s actions. One of J.N.C.’s teammates is also a devout Seventh-day Ad-
9 ventist and will also be forced to sit out the 2019–20 postseason unless the state
10 championship dates are changed or WIAA is enjoined from enforcing Rules 22.2.5 and
11 Rule 22.2.6 against religiously motivated tournament withdrawals.

12 80. Further, in 2018, two Saturday Sabbath observers on a 1A boys’ tennis team
13 in Cheney, Washington, were forced to sit out of postseason competition because of a
14 Sabbath conflict. See Lee Hughes, *Local Parent Requests WIAA Honor Saturday Sab-*
15 *bath for Student Players*, Cheney Free Press (May 23, 2019), <http://bit.ly/2SViMcW>.
16 They asked for an accommodation in April 2018, but WIAA refused. *Id.*

17 81. Of the 120 state championship events WIAA has organized for 2019–20, none
18 includes competition on Sunday. See State Championship Dates 2019–20,
19 <http://bit.ly/2ycQelA>.

20 **CLAIMS**

21 **Count I**

22 **42 U.S.C. § 1983**

23 **Violation of the First Amendment to the U.S. Constitution**

24 **Free Exercise Clause**

25 **Tournament Scheduling**

26 82. Plaintiffs incorporate by reference all preceding paragraphs.

27 83. “[L]aws burdening religious practice must be of general applicability.” *Church*
of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520, 542 (1993).

1 84. There is no generally applicable rule mandating that postseason state tournaments be
2 scheduled on Fridays and Saturdays.

3 85. WIAA's Executive Board determines the dates for state championship tournaments at its
4 discretion.

5 86. In both the 2018–19 and 2019–20 academic years, the 1B and 2B girls' volleyball state
6 championship tournaments were scheduled to be held on a Thursday and Friday. Those tourna-
7 ments involve a round of 16 and quarterfinals played the first day, and semi-final and final matches
8 held the second day.

9 87. This is the same format as the 2A boys' and girls' tennis state championship tournaments.

10 88. Furthermore, in those same academic years, all of the boys' and girls' golf state champi-
11 onship tournaments were scheduled to be held on a Tuesday and Wednesday.

12 89. WIAA, therefore, has no compelling interest in scheduling tournaments for either team or
13 individual sports on Saturday.

14 90. To the extent WIAA may claim any interests, the means chosen by WIAA are not the least
15 restrictive to religion.

16 91. J.G.C. and J.N.C. cannot compete in recreational activities between sundown Friday and
17 sundown Saturday because of their sincerely held religious beliefs as Seventh-day Adventists.

18 92. J.N.C.'s and J.G.C.'s religious exercise has been and will be substantially burdened by
19 WIAA's decision to schedule the state tennis championship tournament between sundown Friday
20 and sundown Saturday.

21 93. The only way for J.G.C. and J.N.C. to participate in postseason competition without facing
22 a penalty, including at the sub-district and district levels, would be to reject their sincerely held
23 religious beliefs.

24 94. WIAA's choice of scheduling the state championship tournament between sundown Fri-
25 day and sundown Saturday does not further any compelling state interest according to the means
26 least restrictive of religious exercise.

1 95. WIAA’s scheduling decision violates the Free Exercise Clause of the First Amendment to
2 the United States Constitution.

3 96. Unless the schedule for the 2019–20 2A boys’ tennis state championship tournament is
4 changed, J.N.C. will not be able to compete in the sub-district and district tournaments that are set
5 to begin in October 2019.

6 97. Absent injunctive and declaratory relief against WIAA, J.G.C., J.N.C., and other student-
7 athletes in Washington who observe the Sabbath have been and will continue to be irreparably
8 harmed.

9 **Count II**
10 **42 U.S.C. § 1983**
11 **Violation of the First Amendment to the U.S. Constitution**
12 **Free Exercise Clause**
13 **The Withdrawal Rule**

14 98. Plaintiffs incorporate by reference all preceding paragraphs.

15 99. WIAA’s rules also fail to be generally applicable to all individuals participating in its ath-
16 letic activities.

17 100. Rule 22.2.5 requires that each student entering postseason competition participate
18 in every level of the competition until the completion of the championship event.

19 101. A participant who withdraws or intentionally forfeits violates WIAA rules and reg-
20 ulations and is subject to penalties as determined by WIAA’s Executive Board.

21 102. But under Rule 22.2.5, tournament withdrawals in situations of injury, illness, or
22 unforeseen events are exempted from this requirement and the corresponding penalties.

23 103. The Chungs’ sincerely held beliefs as Seventh-day Adventists preclude them from
24 competing in recreational activities between sundown Friday and sundown Saturday.

25 104. Therefore, they requested a change to Rule 22.2.5 that would allow for tournament
26 withdrawal because of religious obligations.
27

1 114. Article 1, § 11 of the Washington Constitution provides that “[a]bsolute freedom
2 of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every
3 individual.”

4 115. “The language of [Washington’s] state constitution is ... stronger than the federal
5 constitution.” *First Covenant Church of Seattle v. City of Seattle*, 840 P.2d 174, 186 (Wash. 1992).

6 116. J.G.C.’s and J.N.C.’s free exercise is substantially burdened by WIAA’s decision
7 to schedule the 2A state tennis championship tournaments during the Seventh-day Adventist Sab-
8 bath.

9 117. J.G.C. and J.N.C. cannot compete in recreational activities between sundown Fri-
10 day and sundown Saturday because of their sincerely held religious beliefs as Seventh-day Ad-
11 ventists.

12 118. J.G.C. and J.N.C. have been or will be forced to choose between their religious
13 obligations and the opportunity to compete.

14 119. As an undefeated player in the regular season her senior year, J.G.C. had tremen-
15 dous potential for success at the state tournament. She had worked hard to prepare for this oppor-
16 tunity for four years.

17 120. J.N.C. is an incoming sophomore on W.F. West’s tennis team. Beginning in 2020,
18 he will be similarly denied the opportunity to compete in postseason play for three consecutive
19 years solely on account of his religious beliefs.

20 121. Infringement of a citizen’s constitutional right must be justified by a compelling
21 state interest “that prevents a clear and present, grave and immediate danger to public health, peace,
22 and welfare.” *First Covenant Church*, 840 P.2d at 187 (citation and internal quotation marks omit-
23 ted).

24 122. WIAA offers no such interest.

25 123. WIAA’s Executive Board determines the dates for all regional and state tourna-
26 ments at its discretion.

1 124. In both the 2018–19 and 2019–20 academic years, the 1B and 2B girls’ volleyball
2 state championship tournaments were scheduled to be held on a Thursday and Friday. Those tour-
3 naments involve a round of 16 and quarterfinals played the first day, and semi-final and final
4 matches held the second day.

5 125. This is the same format as the 2A boys’ and girls’ tennis state championship tour-
6 naments.

7 126. Furthermore, in those same academic years, all of the boys’ and girls’ golf state
8 championship tournaments were scheduled to be held on a Tuesday and Wednesday.

9 127. WIAA, therefore, has no compelling interest in scheduling tournaments for both
10 team and individual sports on Saturday.

11 128. To the extent WIAA may claim any interests, the means chosen by WIAA are not
12 the least restrictive to religion.

13 129. WIAA’s actions violate Article 1, § 11 of the Washington Constitution, which
14 guarantees “absolute freedom of conscience in all matters” of religion.

15 130. Unless the schedule for the 2019–20 2A boys’ tennis state championship tourna-
16 ment is changed, J.N.C. will not be able to compete in the sub-district and district tournaments that
17 are set to begin in October 2019.

18 131. Absent injunctive and declaratory relief against WIAA, J.G.C., J.N.C., and other
19 student-athletes in Washington who observe the Sabbath have been and will continue to be irrep-
20 arably harmed.

21 **Count IV**
22 **Violation of the Washington Constitution, Article I, § 11**
23 **The Withdrawal Rule**

24 132. Plaintiffs incorporate by reference all preceding paragraphs.

25 133. WIAA’s application of Rule 22.2.5 to prohibit religious withdrawals from postsea-
26 son competition imposes a substantial burden on the religious exercise of Saturday Sabbath ob-
27 servers by barring them from participating in any postseason athletic competition whatsoever if
they are not willing to abandon their religious beliefs and participate in competition on the Sabbath.

1 134. Because of Rule 22.2.5, J.G.C. was barred from participating as a full member of
2 her school’s tennis team in 2018–19 despite four years of hard work alongside her teammates and
3 coach, and even though a Sabbath conflict would have arisen only if she had progressed to the last
4 day of the state championship tournament.

5 135. Under the current schedule, Rule 22.2.5 will similarly prevent J.N.C.
6 from participating in any postseason tennis competition in 2019–20, even if the only
7 Sabbath conflict is similarly on the last day of the state championship tournament.

8 136. WIAA’s refusal to extend Rule 22.2.5’s secular exceptions to sincere re-
9 ligious believers is not narrowly tailored to a state interest of a grave and immediate
10 nature.

11 137. WIAA’s application of Rule 22.2.5 thus violates Article 1, § 11 of the Washington
12 Constitution.

13 138. Unless WIAA is enjoined against applying its rules to bar religiously
14 motivated tournament withdrawals, J.N.C. will not be able to compete in the sub-
15 district and district tournaments set to begin in October 2019.

16 139. Absent injunctive and declaratory relief against WIAA, J.G.C., J.N.C., and other
17 student-athletes in Washington who observe the Sabbath have been and will continue to be irrep-
18 arably harmed.

19 **Count V**
20 **Violation of Wash. Rev. Code 28A.600.200**
21 **Discrimination on the Basis of Creed**
22 **Tournament Scheduling**

23 140. Plaintiffs incorporate by reference all preceding paragraphs.

24 141. Wash. Rev. Code § 28A.600.200(1) prohibits WIAA from discriminating
25 “in connection with any function it performs, on the basis of race, creed, national
26 origin, sex or marital status.”

27 142. Section 28A.600.200(1) requires WIAA to reasonably accommodate reli-
gious exercise, unless accommodation would be an undue hardship.

1 143. There is no rule mandating that state championship tournaments be scheduled on
2 Fridays and Saturdays.

3 144. The WIAA Executive Board sets the dates for state championship tournaments at
4 its discretion.

5 145. In both the 2018–19 and 2019–20 academic years, the 1B and 2B girls’ volleyball
6 state championship tournaments were scheduled to be held on a Thursday and Friday. Those tour-
7 naments involve a round of 16 and quarterfinals played the first day, and semi-final and final
8 matches held the second day.

9 146. This is the same format as the 2A boys’ and girls’ tennis state championship tour-
10 naments.

11 147. Furthermore, in those same academic years, all of the boys’ and girls’ golf state
12 championships were scheduled to be held on a Tuesday and Wednesday.

13 148. It therefore does not cause undue hardship for WIAA to schedule tournaments
14 for both team and individual sports without interfering with the Sabbath.

15 149. J.G.C. and J.N.C., who observe the Seventh-day Adventist Sabbath, cannot com-
16 pete in sports between sundown Friday and sundown Saturday.

17 150. J.G.C.’s and J.N.C.’s religious practice has been and will be burdened due to
18 WIAA’s decision to schedule the tennis state championship tournament after sundown on Friday.

19 151. Because of Rule 22.2.5, the only way for J.G.C. and J.N.C. to participate in any
20 postseason competition would be for them to reject their sincerely held religious beliefs.

21 152. WIAA would not incur undue hardship if it changed the schedule of the
22 2A state tennis championship tournaments because the change would not be costly,
23 the change would not compromise safety, and the change would not infringe on the
24 rights of other students.

25 153. Unless the schedule for the 2019–20 2A boys’ tennis state championship tourna-
26 ment is changed, J.N.C. will not be able to compete in the sub-district and district tournaments that
27 are set to begin in October 2019.

1 154. Absent injunctive and declaratory relief against WIAA, J.G.C., J.N.C., and other
2 student-athletes in Washington who observe the Sabbath have been and will continue to be irrep-
3 arably harmed.

4 **Count VI**
5 **Violation of Wash. Rev. Code 28A.600.200**
6 **Discrimination on the basis of creed**
7 **The Withdrawal Rule**

8 155. Plaintiffs incorporate by reference all preceding paragraphs.

9 156. WIAA's Rule 22.2.5 requires that each student entering postseason competition
10 participate in every level of the competition until the completion of the championship event.

11 157. A participant who withdraws or intentionally forfeits violates WIAA rules and reg-
12 ulations and is subject to penalties as determined by WIAA Executive Board.

13 158. Rule 22.2.5 exempts from this requirement, and the corresponding penalties, situa-
14 tions of injury, illness, or unforeseen events.

15 159. By allowing exceptions for illness, injury, or other circumstances, but denying an
16 exception for religious observance, WIAA disfavors religious reasons compared to secular rea-
17 sons.

18 160. Rule 22.2.5 is underinclusive because it fails to restrict nonreligious conduct that
19 endangers the Rule's purported aims in a similar way as the requested accommodation would.

20 161. Because of Rule 22.2.5, J.G.C. and J.N.C. have been and will be unable
21 to compete in the postseason tournaments for tennis simply because they could qual-
22 ify for a match that falls during their Sabbath.

23 162. WIAA would not suffer an undue hardship in allowing religiously moti-
24 vated postseason withdrawals because it already affords the same treatment for with-
25 drawals motivated by illness, injury, or unforeseen events.

26 163. Thus, the change would not be costly, would not compromise safety, and
27 would not infringe on the rights of other students or employees.

1 164. Unless WIAA is enjoined from applying its rules to bar religiously moti-
2 vated tournament withdrawals, J.N.C. will not be able to compete in the sub-district
3 and district tournaments set to begin in October 2019.

4 165. Absent injunctive and declaratory relief against WIAA, J.G.C., J.N.C., and other
5 student-athletes in Washington who observe the Sabbath have been and will continue to be irrep-
6 arably harmed.

7 **Count VII**
8 **42 U.S.C. § 1983**
9 **Violation of the Religion Clauses**

10 166. Plaintiffs incorporate by reference all preceding paragraphs.

11 167. “The clearest command of the Establishment Clause is that one religious
12 denomination cannot be officially preferred over another.” *Larson v. Valente*, 456 U.S.
13 228, 244 (1982); see also *Colo. Christian Univ. v. Weaver*, 534 F.3d 1245, 1263 (10th
14 Cir. 2008) (First Amendment’s Religions Clauses do “not permit government officials
15 to sit as judges” of religious standards).

16 168. WIAA does not schedule state championship play on Sunday—the day
17 of the week most widely viewed by other Christian faiths as the Sabbath.

18 169. Of the 120 state championship events WIAA has organized for 2019–20,
19 none includes competition on Sunday.

20 170. Thus, Washington high-school athletes who are members of other Chris-
21 tian faiths that observe the Sabbath on a Sunday are never required to compete on
22 their Sabbath, and never forced to choose between competing for a state champion-
23 ship and adhering to their sincerely held religious beliefs. Saturday Sabbatarians like
24 J.G.C. and J.N.C., however, are faced with that requirement.

25 171. WIAA’s discriminatory actions interfere with the free exercise of religion
26 by Saturday Sabbatarians like J.G.C. and J.N.C. and violate the Religion Clauses.
27

1 172. Absent injunctive and declaratory relief against WIAA, J.G.C., J.N.C., and other
2 student-athletes in Washington who observe the Sabbath have been and will continue to be irrep-
3 arably harmed.

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**Count VIII
42 U.S.C. § 1983**

**Violation of the Fourteenth Amendment to the U.S. Constitution
Equal Protection Clause**

173. Plaintiffs incorporate by reference all preceding paragraphs.

174. Under the Equal Protection Clause of the United States Constitution, no state shall deny to any person the equal protection of the laws. This provision requires that similarly situated persons be treated similarly.

175. Under this Clause, courts apply strict scrutiny to state action that interferes with a fundamental right, like the right to free exercise of religion.

176. WIAA does not schedule state championship play on Sunday—the day of the week most widely viewed by other Christian faiths as the Sabbath.

177. Of the 120 state championship events WIAA has organized for 2019–20, none includes competition on Sunday.

178. Thus, Washington high-school athletes who are members of other Christian faiths that observe the Sabbath on a Sunday are never required to compete on their Sabbath, and never forced to chose between competing for a state championship and adhering to their sincerely held religious beliefs. Saturday Sabbatarians like J.G.C. and J.N.C., however, are faced with that requirement.

179. WIAA’s discriminatory actions interfere with the free exercise of religion by Saturday Sabbatarians like J.G.C. and J.N.C. and are not the least restrictive means of advancing any compelling state interest.

PRAYER FOR RELIEF

Wherefore, Plaintiffs request that the Court:

- a. Declare that the First and Fourteenth Amendments to the United States Constitution, the Washington Constitution, and Washington’s statutory prohibition on religious discrimination by WIAA require Defendant to cease discriminating against

1 Plaintiffs and to cease preventing Plaintiffs from participating in state postseason
2 tennis competition on account of their religious beliefs.

3 b. Issue preliminary and permanent injunctions barring Defendant from holding
4 matches in the 2019–20 2A Boys State Tennis tournament between Friday sundown
5 and Saturday sundown.

6 c. Issue preliminary and permanent injunctions enjoining WIAA from enforcing
7 its Rules 22.2.5 and 22.2.6 to prohibit J.N.C. from participating in postseason tennis
8 competitions up to and until he is forced to withdraw because of a conflict with his
9 Sabbath.

10 d. Award J.G.C. nominal and compensatory damages for the loss of her rights as
11 protected by the United States and Washington Constitutions and Wash. Rev. Code
12 § 28A.600.200.

13 e. Award Plaintiffs the costs of this action and reasonable attorneys’ fees; and

14 f. Award such other further relief as the Court deems equitable and just.

15 **JURY REQUEST/DEMAND**

16 Plaintiffs request a trial by jury on all issues so triable.

17 Respectfully submitted this 6th day of August, 2019.

18
19 /s/ Eric S. Baxter
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25 **Pro Hac Vice admission pending*
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