

1 **de Haan Law Firm, PLLC**
100 N Stone Ave.
2 Suite 512
Tucson, Arizona 85701
3 Telephone: (520) 358-4089
Facsimile: (520) 628-4275

4 Stuart P. de Haan, State Bar No. 26664
5 Attorney for Plaintiffs

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA
8

9 The Satanic Temple and Michelle Shortt

10 Plaintiffs,

11 vs.

12 City of Scottsdale, Arizona, by its City
13 Council, consisting of the Mayor and council
14 members, WJ Jim Layne, Suzanne Klapp,
15 Virginia Korte, Kathy Littlefield, Guy Phillips,
David Smith

16 Defendants,
17

Case No. _____

Complaint
(Injunctive Relief Sought)

18 **COMPLAINT**

19 Seeking to protect their individual civil liberties and constitutional rights, the plaintiffs
20 identified above (collectively, the “Plaintiffs”), as their complaint against the City of Scottsdale,
21 Arizona (the “City”), by its City Council (the “Council”) (consisting of its Mayor, W.J. “Jim”
22 Lane, and council members Suzanne Klapp, Virginia Korte, Kathy Littlefield, Guy Phillips, and
23 David Smith), each herein referred to collectively as the “Defendants”, allege as follows:
24
25

1 employed as a professional model. She has been a self-identified Satanist since age 14
2 and a member of The Satanic Temple since its inception.

3 8. Plaintiff The Satanic Temple has chapters throughout the United States and Europe
4 with over 50,000 members.

5 9. The mission of The Satanic Temple is as follows: “to encourage benevolence and
6 empathy among all people. In addition, we embrace practical common sense and
7 justice. As an organized religion, we feel it is our function to actively provide
8 outreach, to lead by example, and to participate in public affairs wheresoever the
9 issues might benefit from rational, Satanic insights. As Satanists, we all should be
10 guided by our consciences to undertake noble pursuits guided by our individual wills.
11 We believe that this is the hope of all mankind and the highest aspiration of
12 humanity.”

13 10. The Plaintiffs consider the sectarian invocations divisive and exclusionary, leaving
14 them to conclude they are unwelcome at City Council meetings and political outsiders
15 in their own State.

16 11. Plaintiff Michelle Shortt objects to the exclusionary sectarian invocation on religious
17 grounds. As a practicing Satanist, she believes the sectarian invocations violate her
18 First Amendment rights to religious liberty by advancing particular religions while
19 excluding her own.

20 12. Defendant The City of Scottsdale is a political subdivision of the State of Arizona.
21 The City Council is a legislative body and is composed of the elected Council
22 members.

23 13. Each of the City Council members acted under the color of law and are sued in his or
24 her official capacity.

25

1
2
3
4 **FACTS**
5

6 14. The facts alleged as to the parties stated above are incorporated herein by reference.

7 15. The City Council meets in open session on average more than once a month. Its
8 meetings are open to the public and are a primary means for State citizens to observe
9 and participate in the business of local government.

10 16. Council meetings are broadcast on local television and video recordings are posted on
11 the Council's website.

12 17. It is the Council's practice to open every public general session Council meeting by
13 leading the audience with an official prayer, delivered by a member of a church.
14 These invocations occur on a rotating basis.

15 18. The prayers delivered by the public are frequently Christian in nature, making express
16 sectarian references, such as to Jesus Christ.

17 19. A review of the invocations during 2008 through 2016 reveal that every invocation
18 given was of the Judeo-Christian faith.

19 20. During this eight-year period, none of the official invocations delivered by the public
20 mentioned non-Christian deities or used non-Christian language.

21 21. On February 8, 2016, a member of The Satanic Temple requested that representative
22 Plaintiff Shortt give the invocation.

23 22. This request was made by a phone call to the Management Assistant to Mayor & City
24 Council, pursuant to the standard policies.
25

- 1 23. On February 11, 2016, Defendant Kathy Littlefield sent responses to constituents
2 stating that while she likes having the prayers, she does “NOT want the Satanists”
3 and considers allowing them to speak “taking equality too far.” A true and accurate
4 copy of this correspondence is attached herein as (Exhibit 1)
- 5 24. The Management Assistant scheduled Plaintiff Shortt to give the invocation for April
6 5, 2016.
- 7 25. There was no application process or inquiries as to location or community ties for
8 invocations.
- 9 26. On February 23, 2016, a follow up email was sent to the Management Assistant
10 requesting a date change due to logistical reasons. (Exhibit 2).
- 11 27. The next day, on February 24, 2016, the Management Assistant responded to the
12 request and offered Plaintiff Shortt a date to speak on either July 5 or 6, 2016.
13 (Exhibit 3).
- 14 28. Plaintiff Shortt was rescheduled to give the invocation on behalf of The Satanic
15 Temple on July 6, 2016.
- 16 29. Immediately after the rescheduling on March 14th, 2016, the Management Assistant to
17 the Mayor and City Council sent a message to the Council stating that, “After they
18 scheduled, we reached out to everyone on our list of faith leaders to try to book as
19 many dates as possible. Unfortunately, we weren’t able to secure someone else to
20 commit to the invocation on July 6th.” (Exhibit 4)
- 21 30. On March 16, 2016, Defendant Suzanne Klapp made a public statement announcing
22 that she intended on leaving the meeting if The Satanic Temple were to give an
23 invocation and that there is “no current rule to the invocation.” Klapp further stated
24 that, “it’s time to make it clear that a rule must be established about who can come
25 and what kind of message is expected.” (Exhibit 5)

- 1 31. On March 22, 2016, Defendant David Smith stated to constituents that he
2 acknowledged Satanism was protected by the First Amendment but that this is
3 “absurd” and that his intent is that his deliberations on the council be “guided by God
4 alone.” (Exhibit 6)
- 5 32. On May 23, 2016, an email was sent to The Satanic Temple that read, “The City
6 Manager has asked me to inform you that he has decided that the City is not going to
7 deviate from its long standing practice of having the invocation given only by
8 representatives from institutions that have a substantial connection to the Scottsdale
9 community. Therefore we are making other arrangements for the invocation to be
10 given on July 6th.” (Exhibit 7)
- 11 33. Plaintiff Shorrt was replaced by Student Pastor Joshua Newton, First Southern Baptist
12 Church of Scottsdale as the deliverer of the invocation.
- 13 34. The Satanic Temple invocation to be given by Plaintiff Shorrt did not occur.
- 14 35. The Mayor of Scottsdale, Defendant Jim Lane, then used this incident as a mayoral
15 “accomplishment” in his reelection website. (Exhibit 8)
- 16 36. Stating that The Satanic Temple “demanded” to give an invocation in Scottsdale,
17 Defendant Jim Lane boasted that “In Scottsdale we’ve decided to keep our traditional
18 invocations and we’ve decided to send this Satanist sideshow elsewhere.” (Exhibit 9
19 with transcription of text)
- 20 37. Defendant Mayor Lane unilaterally imposed the rule that, “only institutions with a
21 substantial connection to the Scottsdale community will be allowed to give
22 invocations.”
- 23 38. At no time in the application process were groups asked what substantial community
24 ties existed.
- 25

1 39. Mayor Lane stated that “these invocations celebrate our diversity, as we have heard
2 respectful and thoughtful messages from Christians, Jews, Muslims, Buddhists,
3 Hindus and countless other faiths.”

4 40. At no time have members of the Muslim, Buddhist, or Hindu faith given an
5 invocation before the Scottsdale City Council.

6 41. In an election pamphlet, Mayor Lane listed that he “stopped so-called ‘Satanists’
7 from mocking City Hall traditions with a ‘prayer’.”

8
9 **CAUSES OF ACTION**

10
11 **Count 1 – Establishment Clause Violation**

12
13 42. All preceding allegations are incorporated herein by reference.

14 43. The Defendants’ established practice of permitting regular official sectarian
15 invocations to open City Council meetings while denying The Satanic Temple the
16 same right is in violation of the Establishment Clause of the First Amendment to the
17 United States Constitution.

18
19 **Count 2 – Equal Protection Violation**

20
21 44. Defendants’ preference of certain religious denominations and discrimination against
22 the Satanic Temple is in violation of the Equal Protection Clause of the United States
23 Constitution.

- 1 5. An award to the Plaintiffs of their reasonable costs, disbursements, and attorneys' fees as
2 allowed by law from Defendants pursuant to 42 U.S.C. § 1988; and
3 6. An award of such other and further relief as the court shall deem just.
4

5 RESPECTFULLY SUBMITTED this 23rd day of February, 2018

6 s/ Stuart P. de Haan
7 Stuart P. de Haan
8 Attorney for Plaintiffs
9

10 **Attorney for the Plaintiffs:**

11 Stuart de Haan
12 The Satanic Temple
13 100 N Stone Ave.
14 Suite 512
15 Tucson, Arizona 85701
16 Telephone: (520) 358-4089
17 Facsimile: (520) 628-4275
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

I certify that on the 23rd day of February, 2018 I electronically transmitted this document to the Clerk’s Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the appropriate CM/ECF registrants.

Stuart de Haan
Attorney for Plaintiff