

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

AMERICAN HUMANIST ASSOCIATION, INC.,
and JOHN DOE, individually, and as a parent and next friend of DOECHILD-1 and
DOECHILD-2, minors,
and DOECHILD-1, a minor
and DOECHILD-2, a minor
and JACK ROE, individually, and as a parent on behalf of a minor,
and JILL ROE, individually, and as a parent on behalf of a minor,
and JANE ZOE, individually, and as a parent on behalf of a minor,

Plaintiffs, v.

DOUGLAS COUNTY SCHOOL DISTRICT RE-1,
and DOUGLAS COUNTY BOARD OF EDUCATION,
and ELIZABETH CELANIA-FAGEN, individually, and in her official capacity as
Superintendent of Douglas County School District,
and JOHN GUTIERREZ, in his official capacity as Principal of Cougar Run Elementary School,
and JERRY GOINGS, in his official capacity as Principal of Highlands Ranch High School
and MICHAEL MUNIER, in his individual capacity,
and [REDACTED]
and LISA NOLAN, in her official capacity as Executive Director of SkyView Academy,

Defendants.

COMPLAINT

Seeking to protect and vindicate their constitutional rights, Plaintiffs state as their complaint against the above-captioned Defendants the following:

NATURE OF THE CLAIMS

1. This action challenges Defendants' policy, practice, and custom of advancing, endorsing, affiliating with, and sponsoring – both symbolically and tangibly – Christian organizations and their proselytizing and evangelical efforts. Defendants' affiliation with and sponsorship, promotion and endorsement of said Christian organizations and their religious efforts, violates the Establishment Clause of the First Amendment to the United States Constitution, as applied to Colorado by the Fourteenth Amendment.

2. Plaintiffs seek injunctive and declaratory relief and damages under 42 U.S.C. § 1983 against Defendants to redress said Establishment Clause violations, together with recovery of attorney's fees and costs under 42 U.S.C. § 1988(b).

JURISDICTION AND VENUE

3. This case arises under the First Amendment to the United States Constitution and presents a federal question within this Court's jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3). The Court has the authority to issue a declaratory judgment under 28 U.S.C. § 2201 and to provide injunctive relief and damages under 28 U.S.C. § 1343 and Fed. R. Civ. P. 65.

4. Venue is proper within this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to the Plaintiffs' claims occurred herein.

PARTIES

5. The first Plaintiff, the American Humanist Association ("AHA"), is a nonprofit 501(c)(3) organization incorporated in Illinois with a principal place of business at 1777 T Street N.W., Washington, D.C. AHA is a membership organization, with over 30,000 members, 181 chapters and 80 affiliates nationwide, and over 335,000 online supporters and followers. AHA promotes humanism and is dedicated to advancing and preserving separation of church and state

and the constitutional rights of humanists, atheists and other freethinkers. AHA brings this action to assert the First Amendment rights of its members.

6. All individual Plaintiffs have a compelling need to remain anonymous throughout this litigation to be more specifically detailed in an appropriate Motion, which will be filed following the filing of the instant Complaint.

7. Plaintiffs John Doe, Jane Zoe, and Jill Roe, are members of the AHA.

8. Plaintiff John Doe is a citizen of the United States, of the State of Colorado, and is a resident with the Douglas County School District (hereafter "School District"). He owns property in the School District and pays taxes to support it. He is an atheist and is a member of the AHA. He is injured and aggrieved by the acts and practices complained of herein because his two children, Doechild-1 and Doechild-2, also Plaintiffs in this action, have been exposed to and influenced by Defendants' promotion and endorsement of religion. This Plaintiff is a parent of and has legal custody of the Doe children along with his wife.

9. Plaintiff Doechild-1 is a citizen of the United States, of the State of Colorado, and is a resident of the School District. She brings this action by and through her next friend John Doe. She is the daughter of John Doe and is enrolled as a student in one of the School District's public schools. Doechild-1 was in the fourth grade at SkyView Academy during the 2013-2014 school year and is currently in the fifth grade at SkyView Academy in the 2014-2015 school year. Doechild-1 considers herself an atheist. Doechild-1 has been subjected to her School District affiliating itself with, preferring and promoting religion. Such unconstitutional actions by the School District have caused Doechild-1 to suffer irreparable harm.

10. Plaintiff Doechild-2 is a citizen of the United States, of the State of Colorado, and is a resident of the School District. She brings this action by and through her next friend John Doe. She is the daughter of John Doe and is enrolled as a student in one of the School District's public schools at the time this action was initiated. Doechild-2 was in the first grade at SkyView

Academy during the 2013-2014 school year and is currently in the second grade at SkyView Academy in the 2014-2015 school year. Doechild-2 has been subjected to her School District affiliating itself with, preferring and promoting religion. Such unconstitutional actions by the School District have caused Doechild-2 to suffer irreparable harm.

11. Plaintiff Jane Zoe is a citizen of the United States, of the State of Colorado, and is a resident of the School District. She owns property in the School District and pays taxes to support it. She is an atheist and is a member of the AHA. She is injured and aggrieved by the acts and practices complained of herein because her son has been exposed to and influenced by Defendants' promotion and endorsement of religion. Jane Zoe's son was in pre-kindergarten at Cougar Run Elementary School ("Cougar Run") during the 2013-2014 school year and is currently in kindergarten at Cougar Run for the 2014-2015 school year. Jane Zoe's son is an atheist.

12. Plaintiff Jack Roe is a citizen of the United States, of the State of Colorado, and is a resident of the School District. He owns property in the School District and pays taxes to support it. He is injured and aggrieved by the acts and practices complained of herein because his two children have been exposed to and influenced by Defendants' promotion and endorsement of religion. Both of Jack Roe's children are students enrolled in the School District. Jack Roe is married to Jill Roe, also a Plaintiff in this action. Jack and Jill Roe have legal custody of their two children.

13. Plaintiff Jill Roe is a citizen of the United States, of the State of Colorado, and is a resident with the School District. She owns property in the School District and pays taxes to support it. She is an atheist and is a member of the AHA. She is aggrieved by the acts and practices complained of herein because her two children have been exposed to and influenced by Defendants' promotion and endorsement of religion.

14. Defendant Douglas County School District (the “School District”) is the governing body of public schools in Douglas County, Colorado and exists pursuant to the laws of the State of Colorado.

15. Defendant Douglas County Board of Education is a seven-member elected body that governs and administers the public schools in the School District.

16. Defendant Elizabeth Celia-Fagen is the Superintendent and is responsible for the day-to-day operation of the School District’s public schools, for carrying out the School District’s policies and programs, and for insuring compliance with all pertinent legal requirements. Defendant Elizabeth Celia-Fagen is sued in her individual capacity and official capacity as Superintendent of the School District.

17. Defendant John Gutierrez is the Principal of Cougar Run Elementary School (“Cougar Run”) and was the Principal of the school at the time of the events described herein. He is sued in his official capacity as principal.

18. Defendant Jerry Goings is the Principal of Highlands Ranch High School (“Highlands Ranch”) and was the Principal of the school at the time of the events described herein. He is sued in his official capacity as principal.

19. Defendant Mike Munier was the Elementary Principal of SkyView Academy at the time of the events described herein. He is sued in his individual capacity. He is currently the principal of Platte River Academy, a charter school in the School District.

20. [REDACTED]

21. Defendant and Lisa Nolan is the Executive Director of SkyView Academy and served as Executive Director at the time of the events described herein. She is sued in her official capacity as executive director.

FACTS

22. The School District and its schools, including but not limited to SkyView Academy, Highlands Ranch, Cougar Run, and Chaparral High School, have an ongoing policy, practice and custom of promoting, advancing, endorsing, sponsoring, and affiliating the School District with, Christian organizations and their proselytizing activities.

23. Such practices have harmed, and continue to cause harm, to Plaintiffs.

Operation Christmas Child

24. For several years, SkyView Academy has promoted, advanced, endorsed, sponsored, and affiliated the School District with an evangelical Christian organization known as “Samaritan’s Purse” and its evangelical program known as “Operation Christmas Child.”

25. Samaritan’s Purse is an evangelical Christian organization. The organization’s president is evangelist minister Franklin Graham, son of evangelist Billy Graham.

26. Samaritan’s Purse website (<http://www.samaritanspurse.org/>) states that the organization is an “evangelical Christian organization providing spiritual and physical aid to hurting people around the world.”

27. Attached herein as Exhibit 1 is a screenshot of the Samaritan’s Purse website reflecting the above quoted text.

28. Samaritan’s Purse describes itself as follows: “Samaritan’s Purse is a relief and Christian evangelism organization led by Franklin Graham.”

29. Attached herein as Exhibit 2 is a screenshot of the Samaritan’s Purse website reflecting the above quoted text.

30. Samaritan’s Purse’s slogan is “Helping in Jesus’ Name.” (See Exhibit 1).

31. Samaritan’s Purse describes its mission as follows: “After sharing the story of the Good Samaritan, Jesus said ‘Go and do likewise.’ That is the mission of Samaritan's Purse—to follow the example of Christ by helping those in need and proclaiming the hope of the Gospel.”

32. Attached herein as Exhibit 3 is a screenshot of the Samaritan's Purse website reflecting the above quoted text.

33. The Samaritan's Purse website "About Us" page provides in part: "The organization serves the Church worldwide to promote the Gospel of the Lord Jesus Christ."

34. Attached herein as Exhibit 4 is a screenshot of the Samaritan's Purse website reflecting the above quoted text.

35. Samaritan's Purse bases its ministry on a statement of faith. Its Statement of Faith includes, but is not limited to, the following:

i. "We believe that all men everywhere are lost and face the judgment of God, that Jesus Christ is the only way of salvation, and that for the salvation of lost and sinful man, repentance of sin and faith in Jesus Christ results in regeneration by the Holy Spirit. **Luke 24:46-47; John 14:6; Acts 4:12; Romans 3:23; 2 Corinthians 5:10-11; Ephesians 1:7 and 2:8-9; Titus 3:4-7.**"

ii. "We believe that the ministry of evangelism and discipleship is a responsibility of all followers of Jesus Christ. **Matthew 28:18-20; Acts 1:8; Romans 10:9-15; 1 Peter 3:15.**"

iii. "We believe God's plan for human sexuality is to be expressed only within the context of marriage, that God created man and woman as unique biological persons made to complete each other. God instituted monogamous marriage between male and female as the foundation of the family and the basic structure of human society. For this reason, we believe that marriage is exclusively the union of one genetic male and one genetic female. **Genesis 2:24; Matthew 19:5-6; Mark 10:6-9; Romans 1:26-27; 1 Corinthians 6:9.**" (Exhibit Statement of Faith).

36. Attached herein as Exhibit 5 is a screenshot of the Samaritan's Purse website reflecting the above quoted text.

37. Samaritan's Purse runs a program known as Operation Christmas Child.

38. Samaritan's Purse, through Operation Christmas Child, sends boxes filled with toys and other items to children overseas as a means to convert the children to Christianity.

39. Samaritan's Purse describes the mission of Operation Christmas Child as follows: "The mission of Operation Christmas Child is to demonstrate God's love in a tangible way to needy children around the world, and together with the local church worldwide, to share the Good News of Jesus Christ."

40. Attached herein as Exhibits 2 and 6 are screenshots of the Samaritan's Purse website reflecting the above quoted mission of Operation Christmas Child.

41. Operation Christmas Child was created around 1993. (See Exhibit 7).

42. Each November, Samaritan's Purse seeks volunteers across the country to prepare and collect shoeboxes.

43. Those who participate in Operation Christmas Child are asked to pack a shoebox with a variety of items such as toys, school supplies, personal items, and other small gifts.

44. These boxes are then distributed to children in developing countries through Samaritan's Purse volunteers.

45. Samaritan's Purse website "Frequently Asked Questions" page provides the following answer to the question, "What happens after my shoebox gift is delivered?": "Our local ministry partners distribute your shoeboxes to children in their communities. In many places, a discipleship program called The Greatest Journey is offered to children after they receive their shoebox gifts. Through the program, our local ministry partners are able to establish long-term, caring relationships with children and families by sharing the love of Jesus Christ." (See Exhibit 2).

46. Attached as Exhibit 8 is a document downloaded from the Samaritan's Purse website. This document provides instructions on "how to pack your shoebox." Step 4 provides in part: "include \$7 donation per box." Between Step 4 and Step 5 is the following statement:

“Remember to pray for the children who will receive your shoebox gifts.” Step 5 is “Drop off” and provides: “Place a rubber band around each closed shoebox and bring it to the drop-off location nearest you during National Collection Week, the third week of November. For locations and hours of collection, visit our website and enter your ZIP code in our online locator. You can also send your shoebox gift to: Samaritan’s Purse, 801 Bamboo Road, Boone, NC 28607”

47. Attached as Exhibit 9 are screenshots of Samaritan’s Purse website setting forth several of the instructions on how to pack a shoebox.

48. Samaritan’s Purse’s offers free promotional materials for volunteers. See Exhibit 10 attached herein.

49. Among these materials is a PDF of “coloring pages” to place inside the shoebox. A line on the coloring page provides: “I love Jesus because” followed by a blank line to fill in.

50. Attached herein as Exhibit 11 is a true and accurate copy of the “coloring pages” referred to in the above paragraph, which were downloaded from the Samaritan’s Purse Website.

51. Another free download from the Samaritan’s Purse website is a “Certificate of Participation.” Said “Certificate of Participation” provides: “(child’s name) has brought Christmas joy to a needy child by sending a shoe box full of gifts and the Good News of Jesus Christ.”

52. Attached herein as Exhibit 12 is a true and accurate copy of the Certificate of Participation referred to in the above paragraph, which was downloaded from the Samaritan’s Purse Website.

53. Samaritan’s Purse also offers free stickers, posters, and prayer bookmarks.

54. Samaritan’s Purse provides sample packing party schedules and invitations. (See Exhibit 13, attached herein).

55. Shoeboxes are dropped off at Samaritan’s Purse distribution centers.

56. Additional materials furnished by Samaritan's Purse have been placed in prepared boxes that have been dropped off at its distribution centers.

57. Such additional materials that have been placed in the boxes include, but are not limited to, Christian-themed coloring books, Christian tracts and leaflets, and books with Jesus Christ as the central theme.

58. The materials added to the boxes are designed to convert children to Christianity.

59. Volunteers have proselytized Christianity to the recipients of boxes.

60. Children who received an Operation Christmas Child box have been given an evangelizing Christian booklet entitled "The Greatest Gift of All."

61. Samaritan's Purse describes "The Greatest Gift of All" booklet as follows: "When children unwrap a shoe box gift, they receive more than coloring books, toys, and toothbrushes. They are also given 'The Greatest Gift,' a booklet in the local language filled with scriptures, colorful pictures, and a simple presentation of the Gospel. Help us bring the true meaning of Christmas to hurting boys and girls who need it most. For just \$20, you can provide booklets for 50 children."

62. Attached herein as Exhibit 14 are screenshots of the Samaritan's Purse website reflecting the above-quoted text.

63. Attached herein as Exhibit 15 are excerpts from "The Greatest Gift of All" booklet.

64. The "Greatest Gift of All" is also entitled "The Most Important Story Ever Told."

65. A Samaritan's Purse representative wrote the following message: "Greetings from Samaritan's Purse and Operation Christmas Child. You are correct in your assumption that 'The Most Important Story Ever Told' and 'The Greatest Gift Of All' are basically one in the same. Samaritan's Purse has adopted this version for distribution with each shoebox gift as a tool for evangelism. Should you need additional assistance, please let us know. It is because of caring

people like you that this project is so successful. Have a blessed day! Sincerely, Jessica Tabler
Operation Christmas Child Samaritan's Purse P.O. Box 3000 Boone, NC 28607 (828)262-1980
ext. 1493 jtabler@samaritan.org www.samaritan.org"

66. Attached herein as Exhibits 16 and 17 are screenshots of webpages that reflect the above quoted text.

67. The letter from Jessica Tabler shown in Exhibit 17 and quoted above is published on a website known as "Operation Christmas Child Alert UK." The letter was sent to a person working for "Operation Christmas Child Alert UK."

68. A copy of "The Most Important Story Ever Told" is attached herein as Exhibit 18.

69. Attached herein as Exhibit 19 are screenshots from the Samaritan's Purse website depicting a girl reading an Operation Christmas Child booklet.

70. The booklet shown in Exhibit 19 depicts Jesus Christ nailed to the cross.

71. Attached herein as Exhibit 20 are screenshots of Samaritan's Purse website depicting children in Mongolia receiving Operation Christmas Child booklets and other religious materials. The website indicates that the photos were posted on October 26, 2011.

72. Attached herein as Exhibit 21 is a screenshot of the Samaritan's Purse website depicting of children in Liberia holding the "Greatest Gift of All" booklet.

73. Attached herein as Exhibit 22 are screenshots of Samaritan's Purse website depicting children with religious materials distributed through the Operation Christmas Child program.

74. Samaritan's Purse volunteers have distributed Bibles to children while distributing boxes.

75. In the Samaritan's Purse 2003 "Ministry Report," a copy of which is attached herein as Exhibit 23, Victor Kulbich, a Samaritan's Purse ministry partner, was reported stating

as follows: “We shared the Gospel with them and distributed Bibles” and “Each time we do a distribution, it begins with a testimony that Jesus loves you and died for you.”

76. The Samaritan’s Purse website states: “Wherever appropriate, children are offered a copy of The Greatest Gift of All booklet in their own language by local churches and ministry partners.” It further states: “Soon after an OCC distribution event, the local churches and ministry partners may offer The Greatest Journey (TGJ) to the children participating in OCC in many of their communities.” (See Exhibit 6 attached herein).

77. Samaritan’s Purse volunteers have taught Bible lessons to children while distributing boxes.

78. The 2003 “Ministry Report” attached herein as Exhibit 23 states in part: “Samaritan’s Purse shipped the shoe box gifts to some 95 countries, where local churches and ministries distributed them to young victims of war, poverty, disease, and natural disaster. Children were also offered ‘The Greatest Gift of All’ storybooks, which share the Good News of Jesus Christ in 54 languages.”

79. Attached herein as Exhibit 24 is a copy of an article published by the Guardian dated December 17, 2002.

80. In the Guardian article attached as Exhibit 24, Franklin Graham was reported stating in a Samaritan’s Purse Newsletter with respect to Operation Christmas Child: “It is about introducing children and their families to God’s greatest gift - His Son, Jesus Christ. As long as evangelism is the focus, God will continue to bless it.”

81. The Newsletter referred to above stated the boxes are distributed along with evangelical literature and that the boxes “have led to salvation for tens of thousands of children and their families.” (See Exhibit 24). The Newsletter cited an example in Zambia, providing that “one shoebox prepared the way for nearly two dozen people to come to faith in Jesus Christ.”

82. Recipients of Operation Christmas Child boxes have been asked to sign a religious “pledge card.”

83. Attached herein as Exhibit 25 are copies of pledge cards that have been distributed to recipients of Operation Christmas Child boxes.

84. The Samaritan’s Purse website contains numerous testimonials of individuals from developing countries who have been converted to Christianity due to the activities of the group, and Operation Christmas Child in particular.”

85. Attached herein as Exhibit 26 are screenshots of the Samaritan’s Purse website describing “Testimonials” from Operation Christmas Child.

86. The Samaritan’s Purse website has a “Testimonial” for Ecuador, which states in part: “A 14-year-old boy shared he lives only with his mom because his dad abandoned them when he was 4. His life was very sad because of the many arguments he had with his mom. One day, a friend invited him to a children’s event where he received a shoebox gift from Operation Christmas Child. That day, he learned that God is always with him. He prayed and confessed his sins, and accepted Christ as savior. The next week he started the discipleship program where he got to know Jesus and His love. His mother wasn’t a Christian. He decided to change his attitude so she would know Jesus too.” (See Exhibit 26).

87. The Samaritan’s Purse website has a “Testimonial” for Belize, which states in part: “Five years ago, Pastor Sosa organized a small distribution for some children in a remote community in the Stann Creek Valley. Most of the children were immigrants whose parents worked on the citrus plantations in grueling conditions. After the distribution, the children kept coming back to the area where the shoebox gifts were given out. Pastor Sosa began to organize Sunday schools for the children in the yard of one of the parents. A church congregation grew out of the outreach.” (See Exhibit 26).

88. In the Samaritan's Purse 2003 "Ministry Report," attached herein as Exhibit 23, Franklin Graham was reported as stating as follows: "In more than 110 countries around the globe, Samaritan's Purse met the physical and spiritual needs of multitudes of hurting people—Christians and Muslims, Buddhists and Hindus, atheists and animists. Working through local believers and ministries, we saw thousands of people commit their lives to Jesus Christ and thousands more renewed and strengthened in their faith."

89. According to Samaritan's Purse, the shoebox gifts are used to support pastors and churches overseas who are committed to sharing the Gospel with children in their communities.

90. Attached herein as Exhibit 27 are screenshots of the Samaritan's Purse website regarding "Partners in the Gospel."

91. A page on the Samaritan's Purse website entitled "Partners in the Gospel" and dated November 11, 2013, states as follows: "Through gift-filled shoeboxes, Operation Christmas Child helps link churches and people in the United States with churches overseas. As the gifts are delivered, boys and girls learn that God loves them so much that He sent another gift – His son, Jesus – as their Savior." (Exhibit 27). The article further states: "Over the past 20 years, churches have played an important part in reaching children like Marc and Rafael with the love of Christ. Over 103 million gift-filled boxes have been delivered to children in more than 140 countries, providing ministry partners overseas the opportunity to share the Gospel." (Exhibit 27).

92. For the past few years and since at least 2011, at least three schools in the School District, including SkyView Academy, Chaparral High School, and Flagstone Elementary, have participated in Operation Christmas Child.

93. Chaparral High School participated in Operation Christmas Child in 2010.

94. Chaparral High School participated in Operation Christmas Child in 2011.

95. On November 3, 2011, a school official, Craig Brown, at Chaparral High School (“CHS”), sent an email to the CHS list-serve (chs.list@dcsdk12.org) with the subject line: “Canned Food Drive Starts NEXT WEEK!!” The email was addressed to “CHS Staff.” The email provided in part: “In addition to the Canned Food Drive, we are also collecting Operation Christmas Child boxes for both weeks. Please tell your classes that they will be worth 20 points each, up to 5 boxes. Items needed include: toothbrushes toothpaste chap-stick bars of soap markers/crayons pencils/pens (please recommend this one) packs of paper/coloring books wash cloths grooming items (combs, hair bands, ect) hard candy Christmas present toys for a girl/boy of any certain age group Please encourage your 3rd period to get involved with the canned food drive, our goal this year is 20,000 cans! If EVERY person at Chap brings in 10 cans we can earn 22,000 cans! Might be an easy way to present it to your classes[.]”

96. A true and accurate copy of the email quoted in the above paragraph is attached herein as Exhibit 28.

97. On November 7, 2011, Craig Brown sent an email to the CHS list-serve (chs.list@dcsdk12.org) with the subject line: “Canned Food Drive Reminders.” The email provided as follows:

Please allow members of Student Government to come in to your room for the first few minutes of 3rd Period TODAY to drop off materials.

You will be getting 3 things:

Put Cans Here Sign

Parker Task Force Needs List

Operation Christmas Child Box - for every box your class fills and returns you get an additional 40 cans added to your total.

All staff members are welcome to wear jeans during the drive. There will be students coming around to collect (\$1 per day).

If a member of Student Government does not make it to your room today, please respond to this email with the classroom you are in during 3rd period and I'll make sure you get taken care of.

As always, thanks in advance for making this a successful event. C

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Craig Bowman
Social Studies Teacher
Student Government Advisor
Head Girls Track Coach
Chaparral High School

98. A true and accurate copy of the email quoted in the above paragraph is attached herein as Exhibit 29. This email was furnished to Plaintiffs by Defendants.

99. On November 9, 2011, Craig Brown sent an email to the CHS list-serve (chs.list@dcsdk12.org) with the subject line: "OCC boxes with Canned Food Drive." The email states as follows: "A few of you have had questions regarding the red and green Operation Christmas Child boxes that were delivered to your classes on Monday. Let me see if I can clarify some of this for you. This addition to the canned food drive goes along with another project that is taking place in Student Government. This project is OPTIONAL....your class can participate if it wants, but you do get extra points if you complete a box. The idea behind the boxes is to send things to kids in impoverished parts of the world that are in need during the holidays. Your class would need to choose whether it wanted to sponsor a boy or a girl. Once you have done that, your class would need to fill it with items for that gender. Most of the items they are looking for are pretty basic (toothbrushes, soap, notepads, etc.). Your class can go above and beyond if you wish....as long as it fits in the box (when my wife does these, she usually finds travel games or things from the dollar bin at Target). When you have completed the box, you need to return it with \$7 in the envelope that was provided. If you don't think your class would be interested in participating, feel free to return the empty box with your regular canned food donations to a Student Government member during the 6th period pickup....OR you can bring it home and do it with your family (this is one of my 5 year old's favorite things to do during the holidays!). Either way, please return the filled/unfilled box next week. -- Craig Bowman Social Studies Teacher Student Government Advisor Head Girls Track Coach Chaparral High School"

100. A true and accurate copy of the email quoted above is attached herein as Exhibit 30.

101. On November 14, 2011, Craig Brown, sent an email to the CHS list-serve (chs.list@dcsdk12.org) with the subject line: "Canned Food Drive Day 6." The email provided as follows:

Staff,

Please look over the attached list. We currently have 2,399 goods.....it has been a slow start, but we are getting there. Barnett's class is starting to pull away with 422 goods.

Here are a few reminders:

- ***Ramen is cheap, but the Task Force has asked us to limit the amount we give them. While it may inflate your total, it defeats the purpose of the drive.***
- Wednesday is the highest can competition. The class with the most goods wins donuts.
- Friday is the largest dollar donation. The class that raises the most money wins donuts.
- Operation Christmas Child Boxes are due this week.

--

Craig Bowman
Social Studies Teacher
Student Government Advisor
Head Girls Track Coach
Chaparral High School

102. A true and accurate copy of the email quoted in the above paragraph is attached herein as Exhibit 31. This email was furnished to Plaintiffs by Defendants.

103. On November 21, 2011, Craig Brown sent an email to the CHS list-serve (chs.list@dcsdk12.org) with the subject line: "Canned Food - Final Count." The email provided as follows:

Thank you all for your participation in the canned food drive this year. We raised a total of 13,667 goods, just under \$1,000 and 80 Operation Christmas Child Boxes. Though our overall number was lower than previous years, it is more than offset by the generous donations in cash and boxes.

Congrats to Ed Anderson's class for winning both of the single day totals and the overall total, as well as Carlye Holliday's class for bringing in the most money, and all of the other department winners. A member of Student Government will come speak with you about your prizes!

Please take a look at the attached spreadsheet to see how your class did. Thanks for making the canned food drive a continued success!

--

Craig Bowman
Social Studies Teacher
Student Government Advisor
Head Girls Track Coach
Chaparral High School

104. A true and accurate copy of the email quoted in the above paragraph is attached herein as Exhibit 32. This email was furnished to Plaintiffs by Defendants.

105. Included in Exhibit 32 is a spreadsheet that was attached to the email referenced in the above paragraph. The spreadsheet in Exhibit 32 is entitled "Canned Food Drive 2011" and was furnished to Plaintiffs by Defendants. One column of the spreadsheet is labeled "OCC Boxes X20."

106. On November 9, 2012, a school official at CHS, Terri Griffin, sent an email to the CHS list-serve (chs.list@dcsdk12.org) with the subject line "daily bulletin." Attached to the email was a copy of CHS's "Daily Bulletin" dated November 9, 2012. A true and accurate copy of this email and attachment of the "Daily Bulletin" are attached herein as Exhibit 33. The CHS Daily Bulletin shown in Exhibit 33 states in part: "The canned food drive is officially underway. We are at 2164 cans and \$280.66. Continue to bring in cans and money for the Parker Task Force. Let's reach our goal of 15,000 cans! Also remember to bring in goodies to stuff our Operation Christmas Child Boxes for children around the world. Bring some happiness into the life of an impoverished child."

107. CHS issued a Daily Bulletin dated November 13, 2012. This November 13 CHS Daily Bulletin provided in part: "The canned food drive is officially underway. We are at 2164

cans and \$280.66. Continue to bring in cans and money for the Parker Task Force. Let's reach our goal of 15,000 cans! Also remember to bring in goodies to stuff our Operation Christmas Child Boxes for children around the world. Bring some happiness into the life of an impoverished child.” A true and accurate copy of this Daily Bulletin is attached herein as Exhibit 34.

108. CHS issued another Daily Bulletin dated November 19, 2012. The November 19, 2012 CHS Daily Bulletin provided in part: “Good work Chaparral! We brought in a total of 9,321 cans along with \$800. We crushed Legend as they only brought in 3,000 cans! We brought in three times the amount they did! Thanks for supporting the Parker Task Force and for bringing in Operation Christmas Child Boxes.” A true and accurate copy of this Daily Bulletin is attached herein as Exhibit 35.

109. On November 26, 2012, a school official at CHS, Lisa Nolte, sent an email to the CHS list-serve with the subject line: “teacher"s night out 11/30”

110. A true and accurate copy of the email referred to in the above paragraph is attached herein as Exhibit 36.

111. The email shown in Exhibit 36 states as follows: “One final reminder.....Teacher's Night Out will be this Friday, November 30th from 4-8pm. Please take time for yourself and relax with a nice dinner and/or shopping while your children are in good hands! Please let me know if you are interested by this Wednesday so we can have enough snacks. Feel free to bring whatever your children need for the evening, including their dinner. Again, if you have any school supplies that you would like to bring for Operation Christmas Child, we would appreciate any donation. --Lisa Nolte Biology/AP Biology Teacher Chaparral High School 303-387-3500”

112. In November 2012, the National Honor Society at Mountain Vista High School (“MVHS”) participated in Operation Christmas Child.

113. On November 5, 2012, a school official at MVHS sent an email to the MVHS list-serve with the subject line: “holiday and NHS agenda.” A true and accurate copy of this email is attached herein as Exhibit 37.

114. The email shown in Exhibit 37 stated as follows: “Everyone, NHS will be selling Jewelry for Beads for Life again this year. We will be selling at lunch the last week of November and the first week of December. We also have adopted 3 families for the holiday season and we will be sponsoring and packing 180 boxes for Operation Christmas Child. We are also sponsoring 50 Thanksgiving dinners at The Denver Rescue Mission. If you would like to help in any way - please let me know or simply make a donation to NHS's Charity fund or buy some wonderful Jewelry from Beads for Life. Thanks and happy holidays from the National Honor Society! -- Heidi M. Schuster M.Ed Social Science Dept. NHS Advisor Leadership Co Advisor Mountain Vista High School”

115. Flagstone Elementary participated in Operation Christmas Child in 2011.

116. Flagstone Elementary school’s official Newsletter dated January 5, 2012, included a sectioned with the title: “Operation Christmas Child Gift Shoe Boxes.” Beneath that title is the following text: “Our shoe boxes were delivered to a rural area of Mexico. Needy children there were glad to receive the toys, books, clothes, and hygiene supplies that were included. Thank you for helping by filling the shoe boxes with these items.”

117. A true and accurate copy of the Newsletter referred to in the above paragraph, which was furnished to Plaintiffs by Defendants, is attached herein as Exhibit 38.

118. SkyView Academy participated in Operation Christmas Child in 2012 and in 2013.

119. Since at least 2012, school officials at SkyView Academy have encouraged students and parents to assemble shoeboxes for Operation Christmas Child.

120. SkyView Academy school officials have asked parents to donate money to Samaritan's Purse for Operation Christmas Child.

121. SkyView Academy has organized for the shoebox collection.

122. In 2012 and 2013, School District officials at SkyView Academy provided award-based incentives for students to participate in Operation Christmas Child.

123. On or about November 5, 2012, the following message was posted on the SkyView Academy school Newsletter, available on the School District's website, in the "Principal's Corner" section regarding "Operation Christmas Child": "SVA collection week will be November 5-9. Please bring your shoe boxes to your homeroom teacher for collection. The elementary class that brings in the most boxes will win a **pizza party** and the secondary class that brings in the most boxes will win a night of **no homework!** If you are in need of boxes, or extra box tags, please see Peggy at the reception desk. Thank you in advance for your support of this project!"

124. Attached herein as Exhibit 39 is a screenshot of the School District's website reflecting the above-quoted text.

125. On or about October 25, 2013, SkyView Academy posted the following message on the School District website: "*Operation Christmas Child* – Operation Christmas Child is underway at SVA to prepare hundreds of shoe boxes full of gifts for little ones around the world. This is often a BIG but FUN undertaking. Teachers and students are still looking for student volunteers to help out. Contact Jennifer Logan at: jlogan@skyviewacademy.k12.co.us."

126. Attached herein as Exhibit 40 is a screenshot of the School District's website reflecting the above-quoted text.

127. In November 2013, SkyView Academy's website displayed the following message: "Operation Christmas Child is Coming: All shoeboxes will be collected during November 18th – 22nd! Click here for more information."

128. Attached herein as Exhibit 41 is a screenshot of the School District's website reflecting the above-quoted text.

129. In November 2013, the following message appeared on the School District's website for SkyView Academy on a page separate from the one quoted above: "Operation Christmas Child Participate in the giving of shoeboxes filled with joy, to kids in third world countries! OUR COLLECTION WEEK IS NOV. 18th-22th!" This text was displayed next to the Operation Christmas Child logo and the school's logo. Attached herein as Exhibit 42 is a screenshot of the School District's website reflecting the above-quoted text.

130. Below the quoted text in the above paragraph is the following text: "As students [sic] of SkyView Academy, Our Mission is to [sic]...Partner with Samaritan's Purse and collect [sic] as many filled shoeboxes as we can to send to kids in third world countries [sic] for Christmas. For many of these kids, this is their first Christmas present [sic] ever received. These boxes not only bring them gifts, but things they need [sic] on a daily basis, such as toothpaste and soap, which they normally could not [sic] afford. *Last year [sic], our team succeeded in collecting almost **500** shoeboxes! I believe, with YOUR support [sic], this year we will be able to reach a goal of **800** shoeboxes! Think we can do it? I think [sic] we can! By packing a [sic] shoebox, you are not just sending a Christmas present to these kids in need, but [sic] you are also providing them with an even bigger gift – the gift of **JOY** and **HOPE**." Immediately below this text, SkyView Academy then provided instructions on "How to Pack a Shoebox Gift." (See Exhibit 42).

131. SkyView Academy's website provided the following instructions on How to Pack a Shoebox Gift: "1. Use an [sic] empty shoe box (standard size, please) or a small plastic container. You can wrap [sic] the box in wrapping paper (lid separately). It is preferred to wrap your shoebox [sic]. 2. Determine whether your [sic] gift will be for a boy or a girl, and the child's age category: 2-4, 5-9, or 10-14. Cut out the appropriate boy/girl label (attached in the brochure).

Mark the correct age category on the label, and tape the label to the top of your [sic] box. **3.** Fill the box with a variety of gifts that will bring delight to a child. **4. Please donate \$7** [highlighted in yellow] or more for each shoebox you prepare to help [sic] cover shipping and other project costs. An envelope is in the attached brochure [sic], please place money in the envelope, and place the envelope in your shoebox. Thank you! (These boxes are sent all over the world, and it is expensive to ship them there!) **5.** Place a rubber band around each shoebox and **drop off to your homeroom teacher. (middle and high school, Please drop them off at the secondary office [sic], in your grade level's spot!)** [highlighted in yellow]" (See Exhibit 42).

132. Below the instructions quoted above, SkyView Academy's website then provided suggestions on "What to pack in your box." It also included a section on "Do Not Include." (See Exhibit 42).

133. Below the "Do Not Include" instructions on the school website page was the following text: "**So, if helping children in need already wasn't a good enough** [sic] **reason to pack these shoeboxes...**" [highlighted in yellow] – The elementary school home room that collects the most [sic] boxes will get a pizza or ice cream party! – The middle school grade (6th, 7th, 8th) that collects the most boxes gets an extra dress of choice day! – The High school grade 9th, 10th, 11th) that collects the most boxes will get a pizza party! *There will [sic] be 3 different prizes – so an elementary school homeroom will win, a middle school [sic] class will win, and a high school class will win!" (See Exhibit 42).

134. At the bottom of the school's webpage with the information about Operation Christmas Child quoted above was a link to the Samaritan's Purse website and the following text: "If you [sic] have any questions, go to: <http://www.samaritanspurse.org/what-we-do/operation-christmas-child/>" (See Exhibit 42).

135. The message and information regarding Operation Christmas Child on the School District's website, which is described above and shown in Exhibit 42, was also featured in a flyer distributed to students and parents.

136. A true and accurate photograph of the flyer referred to in the above paragraph is attached herein as Exhibit 43.

137. The flyer shown in Exhibit 43 includes photographs of children holding Operation Christmas Child boxes.

138. The November 2013 flyer shown in Exhibit 43 provided: "Last year, our team succeeded in collecting almost 500 shoeboxes! I believe, with YOUR support, this year we will be able to reach a goal of 800 shoeboxes! Think we can do it? I think we can! By packing a shoebox, you are not just sending a Christmas present to these kids in need, but you also are providing them an even bigger gift- the gift of JOY and HOPE[.]"

139. The flyer provided instructions on how to pack "a shoebox gift" followed by "gift ideas."

140. The flyer also stated as follows: "Please donate \$7 or more for each shoebox you prepare to help cover shipping and other project costs." It informed students to drop the box off with their homeroom teacher unless they were in middle school or high school in which case they were instructed to "drop them off at the secondary office, in your grade level's spot!" (*Id.*).

141. The flyer described above was sent home to Plaintiff John Doe and his children in November 2013.

142. Plaintiff John Doe's children, Doechild-1 and Doechild-2, received boxes from SkyView Academy for Operation Christmas Child.

143. The school encouraged the Doe children to participate in Operation Christmas Child by offering class-prizes to the class with the most boxes.

144. Doechild-1 and Doechild-2 felt coerced into preparing a box for the school's Operation Christmas Child drive.

145. A true and accurate photograph of the box the Doe children prepared is attached herein as Exhibit 44.

146. After Plaintiff John Doe learned of Operation Christmas Child's evangelical mission and purpose, he contacted Plaintiff AHA for representation.

147. On November 13, 2013, AHA's attorneys sent a letter to the School District officials notifying them of the constitutional violation with respect to Operation Christmas Child.

148. Attached herein as Exhibit 45 is a true and accurate copy of the letter the AHA sent to the School District officials regarding Operation Christmas Child.

149. The AHA letter shown in Exhibit 45 was attached to an email addressed to the school officials, also shown in Exhibit 45, which provided in part: "Please see the attached letter demanding that you immediately terminate the Operation Christmas Child program at SkyView Academy. The school's affiliation with, sponsorship and promotion of this program violates the First Amendment. Please notify me in writing (email preferred) that you have received this message and the attached letter and promptly inform me of the steps you will take to correct this serious constitutional violation."

150. AHA did not receive a response to the letter as requested in the email and letter.

151. The media reported that SkyView Academy temporarily halted its participation in Operation Christmas Child.

152. Attached herein as Exhibit 46 is an article describing SkyView Academy's actions in temporarily halting participation in Operation Christmas Child.

153. A person sent an email to SkyView Academy with the subject line: "Disheartened by AHA Bullying and SkyView's Willingness to Cower." On or about November 20, 2013, Mike Munier, former Elementary Principal at SkyView Academy, responded to this email,

stating in part, as follows: “Mark, You are grossly misinformed as to the process we went through to make our decision. The best attorneys in the land, that defend our religious rights (Alliance Defending Freedom), even said we had an indefensible case due to a mistake on our part.”

154. Attached herein as Exhibit 47 is a true and accurate copy of the email described above.

155. After the email shown in Exhibit 47 was made public, Alliance Defense Fund senior legal counsel Jeremy Tedesco was reported stating in an article stating as follows: “Alliance Defending Freedom looks forward to working with the school to ensure the return of Operation Christmas Child next year, if that is the course it decides to take.” (See Exhibit 46).

156. On October 6, 2014, Defendant School District furnished documents to Plaintiffs pursuant to Colorado’s public records statute.

157. On November 19, 2013, Lisa Nolan at SkyView Academy sent the following email: “Hello to all -The school is getting very concerned about a rally that is being planned by parents to protest our decision regarding OCC. The FB activity is wide reaching, and we know for sure that Fox, and 7 News have been alerted. We could really use some assistance and guidance on how to handle a situation like this. We welcome help and advice. Our SRO, Deputy Dan Palermo has received questions from the Sheriff about safety and security due to the rally. We will have 500 cars trying to pick up kids and exit the school between 3:15 and 3:45 p.m. and will need assistance keeping the road clear. Below is an excerpt from the FB page:

Hi Franceen,

There is a rally at Skyview Charter school on Wednesday starting between 3:30pm to protest the schools decision to not allow a student led collection of Operation Christmas Child shoeboxes.

The students are in communication with the ACLJ, The American Center for Law and Justice to possibly represent them. The students are the ones organizing the rally. The rally will start at 3:30pm but the media won't be there

until 3:45 and likely set up by 4pm. Some of us will be coming from other schools so we probably won't be there until 4pm. The parent helping the students organize this said that is perfect.

Therefore, they are asking everyone from the surrounding area to park in the Walmart or Verizon parking lot and come take a stand with them in the school parking lot to show the rest of the country that we are tired of our kids being forced to practice atheism in our schools and that we have equal rights as well.

The students and parents at Skyview hosting this rally are hoping that a large representation from the surrounding youth groups, civic groups, churches, schools and denominations will be there to show a united front. Please help spread the word to everyone and ask them to show up.

With the media coming, it would be great to really make a statement. If the rally is big enough, it may make national news. This isn't just about Skyview. It is about all our religious liberties. We've been asked to make signs that stay with the religious liberties message, equal rights, and stop the bullying etc...

Please spread the word to your church Pastor, Priest, or Ward leader, to the youth group leaders, neighbors, friends, family, and PLEASE show up.

Thanks, Heather”

158. A true and accurate copy of the above-quoted email exchange is attached herein as Exhibit 48. This email was furnished to Plaintiffs by Defendants.

159. On May 14, 2014, a faculty member at CHS sent an email with two attachments. Both attachments were labeled “Certificate of Recognition.” The certificate for the school year 2013-2014 gives recognition to students who participated in, among other things, Operation Christmas Child.” A true and accurate copy of this email and the attachments is attached herein as Exhibit 49.

Christian Mission Trip

160. In March 2014, Cougar Run and Highlands Ranch partnered with the Fellowship of Christian Athletes (“FCA”) and “Adventures in Missions™: Christian Mission Trips” (hereafter “Adventures in Missions”) to support the Highlands Ranch FCA Mission Trip to Guatemala (hereafter “Christian Mission Trip”).

161. The primary purpose of the mission trip was to proselytize Christianity.

162. Adventures in Missions is a self-described “missions organization” established in 1989. It was founded by a Seth Barnes.

163. Adventures in Missions is headquartered in Gainesville, Georgia.

164. According to its 2013 audit, attached herein as Exhibit 50, Adventures in Missions is an organization “dedicated to spreading the Gospel through missionaries and mission trip participants in the United States of America and globally.” It is registered with the IRS as a tax-exempt church.

165. The “About Missions” page of the Adventures in Missions website provides in part: “Simply put, missions is bringing the gospel of Jesus Christ to those who don't know him as Lord and Savior.”

166. Attached herein as Exhibit 51 is a screenshot of the Adventures in Missions website reflecting the above-quoted text.

167. The “Why do we go on mission trips?” section of the Adventures in Missions website provides as follows: “We go, plan, organize, implement, and lead mission trips as a response to God. We go on missions: because we share God's heart for the lost [;] to reach the lost for Jesus [;] to train participants how to hear God's voice [;] to disciple other Christians, especially youth, to reach the lost until Christ returns. Our ultimate hope is that your desire for God's kingdom to come here on earth will outgrow our programmatic capacity. Short term missions is the vehicle through which we mobilize people onto life-long discipleship, long-term missions. Not only do we desire for your perspective to change but for your life to be transformed; to see a generation radical and sold out for God.” (See Exhibit 51).

168. The “How did missions begin?” section of the Adventures in Missions website provides as follows: “You can debate who was the first missionary from Job to Jesus. The truth is that when Adam and Eve fell, God's plan to redeem mankind to himself was put into action. Jesus is the greatest missionary of all; he paid the ultimate price to redeem man and reconcile

him to God. Missions was God's design and his heart from the beginning. We in the Church today have mistakenly thought of missions as a New Testament thing, a relatively new idea, but the truth is God has desired all peoples, nations, and tongues come to him from the beginning. God's covenant with Abraham was that he would bless nations. God has set his sight on all the world to come to the saving knowledge of Jesus. That's his heart, his vision, his desire.” (See Exhibit 51).

169. The Adventures in Missions “Statement of Faith” is as follows: “We believe the Bible is the inspired Word of God and is authoritative and infallible in the original writings. We believe in one God, eternally existent in three persons: Father, Son, and Holy Spirit. We believe in the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life, in His miracles, in His vicarious and atoning death through His shed blood, in His bodily resurrection, in His ascension to the right hand of God the Father, and in His personal return in power and glory. We believe that faith in our Lord Jesus Christ is essential for the salvation of lost and sinful man. We believe in the present ministry of the Holy Spirit, by whose indwelling the Christian is enabled to live a godly life. We believe in the forgiveness of sins, the resurrection of the body, and eternal life. We believe in the spiritual unity of believers in Jesus Christ.” (See Exhibit 51).

170. The Adventures in Missions “2013 Year End Review,” attached herein as Exhibit 52, reported as follows: “Because of your generous financial support in 2013, Adventures in Missions mobilized more than 4,900 missionaries to the field. Your support helped disciples of Christ grow deeper in their faith as they shared the gospel and the love of Jesus to the lost and encouraged the kingdom-builders around the world.”

171. Adventures in Missions organizes mission trips to Guatemala specifically.

172. Attached herein as Exhibit 53 are screenshots of Adventures in Missions website regarding Guatemala.

173. The FCA is a non-profit Christian sports ministry based in Kansas City, Missouri. FCA was founded in 1954.

174. FCA's Mission is: "To present to coaches and athletes, and all whom they influence, the challenge and adventure of receiving Jesus Christ as Savior and Lord, serving Him in their relationships and in the fellowship of the church."

175. Attached herein as Exhibit 54 is a screenshot of FCA's website reflecting the above-quoted text.

176. In March 2014, Highlands Ranch and Cougar Run sponsored an Adventures in Missions trip to Guatemala.

177. Highlands Ranch sent at least two teachers on the Christian Mission Trip.

178. The Highlands Ranch teachers participated in proselytizing activities along with the students.

179. Alex Malach, a teacher at Highlands Ranch, accompanied students on the Christian Mission Trip.

180. Bradley "Brad" Odice, a teacher at Highlands Ranch, accompanied students on the Christian Mission Trip.

181. A fundraising webpage for the Christian Mission Trip, published in January 2014, stated as follows:

Hello friends and family. The Highlands Ranch High School chapter of FCA (Fellowship of Christian Athletes), in conjunction with AIM (Adventures in Missions) are sending approximately 15-20 students to Guatemala over Spring Break, March 24-30, 2014. The trip is being funded by donations and local fundraisers. This is a group funding effort that will ensure that all the kids who want to go can.

The purpose of this trip is to serve the people of Guatemala, which has been recovering from 36 years of civil war and several devastating natural disasters that has left the country reeling in poverty. There are many children living in institutions and our group's primary goal is to share the love and hope of Jesus.

Our students will be visiting with orphans, participating in several construction projects, and engaging in the culture of this beautiful Central American nation.

Your financial support is greatly appreciated. Your gift is tax deductible and an accounting of all funds will be available upon our return from Guatemala.

We thank you in advance for your prayers and your financial support.

HRHS FCA

182. Beneath the text quoted above is an image of the Highlands Ranch High School logo.

183. Attached herein as Exhibit 55 is a screenshot of the “GoFundMe” website regarding the trip to Guatemala quoted above.

184. Several updates were posted to the page with the above announcement. Update “#9” states as follows: “The kids are safe on the ground in Guatemala. Here's a link to their blog if you want to follow along: Here's a link to our blog. We'll post at least two more times while we're here. This places is gorgeous! Continue prayers for health, safety, and transformation :) <http://guatemala.myadventures.org/?filename=hrhs-team-has-arrived>” (Exhibit 55).

185. The Adventures in Missions website features blog entries from the Highlands Ranch Christian Mission Trip.

186. Attached as Exhibit 56 are screenshots of the Adventures in Missions website featuring blog entries from the Highlands Ranch Christian Mission trip.

187. At least one entry featured on the Adventures in Missions was written by Alex Malach, a teacher at Highlands Ranch.

188. Attached herein as Exhibit 57 are screenshots of the Adventures in Missions website showing a blog entry by Alex Malach.

189. Alex Malach’s entry shown in Exhibit 57, with the title “HRHS Team has Arrived!” provided as follows:

We safely arrived in Guatemala city yesterday morning! Praise the Lord!

The start to my day was frustrating; well on my way to the airport I realized that I had left my cell phone at home. As a leader and temporary guardian of my students, this was an essential item. So, I was the last to arrive to the airport which for a moment was frustrating, but I came to see it as the beginning of the many things God will teach me on this trip. I then had to throw away most of my toiletries at security and was starting to understand that nothing was going to go according to "plan" for me, and that was totally okay.

God is in full control and for that I am endlessly grateful. Everyone arrived healthy and our flights were even early!

Gary and Ed (*our team leaders from Adventures*) welcomed us at the airport, then we loaded all our bins and luggage and headed to Antigua for lunch. A short three and half hour van ride later we arrived at our hotel in San Pedro.

Our whole team has been amazed by the beauty and culture of this country. Spending time traveling from town to town allowed us to witness the different way people live here. It is obvious this lifestyle is very different from ours in America, and I hope that we can learn from it in tangible ways that will transform our daily lives.

Once in San Pedro, we ate dinner at a little local restaurant called Nick's Place. Not only was this place beautiful as it is right on the waterfront of Lake Atitlan, but the pizza and smoothies we ate were delicious! I think that we've been spoiled in terms of food; I feel too comfortable, but I know God will challenge and grow me in the ways he desires. The music was fun. As a team we danced around Nick's Place and onto the dock where God drew our attention to His creation, yet again. The stars were abundant and glowing. The intricacy in the sky was unlike anything I have every seen before.

At dinner we met Pastor Antonio and his wife. Through broken Spanish and English, we communicated about the ministry there. During this exchange, I was shocked to learn that there are more than 10,000 people in town (San Pablo) and only five churches. This encouraged me that being comfortable wasn't something to feel guilty about, because that isn't the heart of missions. The heart of this journey is to share, celebrate, and honor Christ. What a blessing it is to serve the Lord.

Now that we've all had a good night of rest and breakfast, we are off to spend the day with the children of San Pablo. I am thankful to be here with my students and I can already feel God's presence and work within our team.

In Him,

Alex Malach

190. One entry on the Adventures in Missions website, posted on or about April 10, 2014, with the title "Seeing Guatemala through their eyes," provided as follows: "Take a look at what the Lord did during our week in Guatemala! I pray that if the Lord lays the people of Guatemala on your heart that you would respond to that call and go!!" (See Exhibit 56).

191. Another entry, posted on or about March 26, 2014, with the title “Sharing Jesus Through Skits and Songs,” provides as follows:

I am currently writing this post with the sound of echoing laughter of the team while they sit on the rooftops of our accommodating Antigua hotel called Posada San Vicente... and watching as a volcano spits out lava in the night sky.

The image of the dark Guatemalan night mixed with the bright colors of the volcano truly is a huge blessing to be able to see. As I reflect over the time we have spent since Sunday, the thing that mostly comes to mind is the direction of the Holy Spirit on this trip. In seeing how much the Holy Spirit was a part of the guiding and leading up to the trip, I should have suspected nothing less.

Monday began with a test of our public speaking. *Pastor Antonio was able to get us one hour on the public Christian radio station in San Pablo, that reaches the area around Lake Atitlan.*

It was incredible to see almost everyone on the team step up and be ready to share why their faith is their own. Some shared verses and we all joined in worship led by Lindsey, Haley, and Odice. Lindsey and Haley also shared a song they wrote themselves, with the radio audience.

This experience was definitely one that I will not forget. The best part about it was that not only did it create stronger bonds within the team, but also it directly helped the people of Guatemala. We quickly learned that after someone from the team had shared their testimony a Guatemalan called into the station to tell them what an impact the story had on them.

Monday afternoon was exciting. We were able to experience something that was out of our comfort zone. It stretched us and revealed something valuable to each of us. We participated in what Adventures calls an ATL (Ask The Lord).

This was a process that consisted of the whole team taking an individual thirty minutes with the Lord asking Him for what he wanted the day to be like. Many of us sat in hammocks, some on the roof, and others waterside. After the thirty minutes was up, we came together and shared some of the things that we felt God placing on our hearts. These bits from prayer were mostly not specific. We heard things such as a restaurant or a certain area of town. After we all shared, we found what we had in common and we broke into groups. Those groups set out with the words we had received and began to allow God to lead us around the city. It was truly amazing to see how many of our things were very different but God had them all tied together for a greater purpose.

On Tuesday morning we boarded a boat and went across the lake to Santiago. There we were guests at a local public school. We had the opportunity to share who Jesus is to kids who have never heard of Him before. That fact in itself made the whole morning worth it. It was the first time that our group worked as a fluid body. With the previous places as practice, we found ourselves going through the motions of what we had prepared. The songs we sang captured the attention of the kids more than they ever had before. It was incredible to see their response with so much life. It was clear that we were able to feed off of their excitement and get excited simply to know that they were excited.

After songs, we performed our skits that explained who Jesus was and that invited them to a relationship with Him. We ended with salvation bracelets for all the kids. Lindsey and Odice left their guitars for the school. It was awesome to see the appreciation that sincerely came from the heart of the principal.

The walk back to the boats also stuck with me. With that being our last day of planned ministry, we carried with us many leftover hygiene bags to hand out. We gave them out to men, women, and kids that we saw in the town. The smiles on their faces made everything feel so surreal. We were able to bless these strangers in a tangible way that they will remember and that will hopefully remind them of the tender heart of our Lord. The rest of Tuesday was a bit of an adventure. Our lovely tour guides took us to experience true Guatemalan fun on a zip line by the water. It was, once again, beautiful. This morning we woke up before the sun and headed for a three hour car ride to Antigua. Here we were able to see the ruins of the town as well as the local markets. For me, this debriefing day was much needed. It is often difficult to jump right back into life after being in a place like we were.

Tomorrow will begin with another early morning, up before the sun. Our bus picks us up at 3:00am and it is off to the airport.

Although I am incredibly sad that this adventure is coming to a close, I cannot wait to see the ways in which God is going to use this trip when we come back home. It has been an incredible and life changing experience.

192. Exhibit 56, attached herein, shows the above-quoted text featured on the Adventures in Missions website.

193. Another entry, posted on or about March 24, 2014, with the title “Update from Guatemala,” states follows:

Wow, it is already Sunday! While the days have seemed to fly by, they have been full of love, excitement, and new experiences for our team. In the past four days, our team has become quite a little family, as we have shared many laughs and good thoughts.

Friday morning started off wonderfully—we rode in the back of trucks through the beautiful streets of San Pedro until we reached a Christian school. The kids there were incredibly receptive and loving as we played games and sang songs with them. We left feeling the acceptance of the people and the love of Jesus Christ. After lunch, we ended up going to a public school. This came with many miscommunications and changed plans. Because of this, our team didn’t end up spending the time with the kids like we had planned. The kids at this school showed a lack of interest. I think it’s safe to say that most of our team felt frustrated at the public school. However, with reflection, each of us learned something valuable through our disappointment in the situation. Many of us

learned about our expectations and how they aren't always the same as God's plan, as well as the fact that God's plan is sovereign even if we lack understanding.

We ended our day with dinner at Pastor Antonio's house, where we enjoyed our time together and soaked in the fact that we had completed our second day in Guatemala.

Saturday morning, we went on a prayer walk through the streets, and ended up going to the market. It was neat seeing the unique culture of this place, and even neater buying fresh coconut and mango from vendors on the street.

After lunch, we went to the basketball courts near a church in town. The kids brought sidewalk chalk, basketballs, soccer balls, jump ropes, and Frisbees. We gladly started hanging out with the people there—the younger kiddos even got in a chalk fight and gave each other chalk handprints. A few members of our team used this opportunity to discuss Jesus, and read a tract explaining Jesus' sacrifice for us.

We completed our night with a wonderfully cultural dinner at Pastor Antonio's house. We were served fresh veggies, rice, and a WHOLE fish. Yes, the head was still attached, and Tanner took pride in eating an eyeball. Needless to say, we are far from Highlands Ranch, and we are learning about a culture much different than our own!

It is now Sunday evening. I am writing this blog post while swinging in a hammock and listening to the constant laughter of our team. We had a joy-filled day today, as we spent time at a church this morning. We sang songs, danced, played sports, and handed out hygiene bags to kids. Later, we went kayaking in Lake Atitlan, and enjoyed splashing and flipping each other's kayaks.

This was followed by a church service at Pastor Antonio's church, where we got to listen to their choirs sing worship songs, and we even got the opportunity to sing a few songs in English. The fellowship we have experienced has been incredible, and we are filled with joy, love, and giggles. I have constantly felt the presence of God here in Guatemala, and I look forward to the next days of excitement to come!

194. Exhibit 56 attached herein shows a screenshot of the Adventures in Missions website displaying the above-quoted text.

195. Mr. Odice, a teacher at Highlands Ranch, led the Highlands Ranch students in worship.

196. Mr. Odice participated in worship activities with the Highlands Ranch students.

197. Cougar Run and its school officials promoted and sponsored the Christian Mission Trip to Guatemala.

198. Cougar Run and its officials organized a "supply drive" to support the Christian Mission Trip to Guatemala.

199. Cougar Run donated proceeds from its school newspaper “Press Paws” to support the Christian Mission Trip to Guatemala.

200. Cougar Run officials asked parents to donate to the trip to Guatemala and to make checks payable to “Cougar Run Elementary.”

201. Cougar Run officials informed students and parents that the school was supporting the mission trip in connection with the sixth grade “Latin American social studies curriculum.”

202. In March 2014, Cougar Run distributed a flyer to students and parents promoting the Christian Mission Trip.

203. Attached herein as Exhibit 58 is a true and accurate photograph of said flyer, which was distributed to Plaintiff Jane Zoe, and a true and accurate copy of said flyer, which was furnished to Plaintiffs from Defendant School District on October 6, 2014.

204. The first part of the flyer states “Giving to Gautama Supply Drive.” The flyer then states: “March 10th-14th Sponsored by Cougar Run 6th Graders partnering with the FCA (Fellowship of Christian Athletes) from Highlands Ranch High School.” The flyer also states: “How Cougar Run can help...We will be collecting basic hygiene supplies, craft items, and new/gently used sports equipment that the FCA students will take with them to run camps during their Spring Break mission to San Pedro.” The flyer further provided: “**Monetary donations are also welcome! Please make checks payable to Cougar Run Elementary.” (Exhibit 58).

205. The final part of the flyer stated: “This effort was born out of a desire for our 6th grade students to make real-word connections with their Latin American social studies curriculum. Thank you for supporting their learning and efforts to support Guatemalan children in need.” (Exhibit 58).

206. On March 10, 2014, Cammile Espinosa, a school official, sent an email to parents, using her school district email account, asking them to donate to the Christian Mission Trip. A

true and accurate copy of this email, with the recipient names redacted, is attached herein as Exhibit 59.

207. The email shown in Exhibit 59 informed parents that the sixth grade class was “sponsoring” the trip to Guatemala in partnership with the Christian student group (FCA) and the Christian organization (Adventures in Missions). The email provided as follows:

From: Cammile Espinosa <Cammile.Espinosa@dcsdk12.org>
Date: March 10, 2014 at 2:42:47 PM MDT
To: [redacted]
Subject: Fwd: note from 6th grade

Parents,
A great opportunity to pay it forward! Thank you in advance for your support!
Cammile

Hello!

Just wanted to inform you about a supply drive that our 6th graders are sponsoring called "**Giving to Guatemala**". It begins next Monday the 10th and will run through the week.

We are partnering with HRHS on this effort - specifically the FCA (Fellowship of Christian Athletes) organization. A small group of students will be traveling to Guatemala over Spring Break to run camps for Guatemalan orphans. They are anticipating the total number of children they will work with throughout the week will total near 700. They will be taking the supplies we collect with them.

We have designated grade level supplies but won't turn away additional donations. Students will bring collection boxes to your pods and will be around daily to collect the items. Flyers will be going home in Friday Folders, there will be an email blast to families, and it will be featured during next week's morning announcements.

Proceeds from the sales of Press Paws next week will also go toward our efforts (thank you Shannon!).

We sincerely appreciate you supporting our students while they make real-world connections with their Latin American social studies curriculum and their efforts to support Guatemalan children in need.

****Our goal is to collect supplies for 200 hygiene bags, 500 temporary tattoos, bracelet supplies, 50 balls (basketballs, footballs, soccer balls, volleyballs, kick balls), 5 hand pumps, 25 jump ropes, 25 Frisbees, and short athletic cones.**

School Wide – athletic equipment

Little Cougars – temporary tattoos of any type!

Kindergarten – washcloths

1st Grade – toothbrushes (varying sizes)

2nd Grade – toothpaste (children’s and adult) – regular and travel sized

3rd Grade – bars of soap

4th Grade – shampoo/conditioner - travel sized

5th Grade – lotion (children’s and adult’s) – travel sized

6th Grade – beads and bracelet string for 700 bracelets

**** Monetary donations are also welcome! Please make checks payable to Cougar Run Elementary.**

As a side note, two of our teachers have children going on the trip...Michelle Smith and Sue Shepler!

--

Sincerely,
Micki, Ginger, and Whitney
Sixth Grade Science and Social Studies
Cougar Run Elementary
micki.benge@dcsdk12.org

208. Plaintiff Jane Zoe and her son received a copy of the flyer in March 2014.

209. Jane Zoe was also a recipient of the email from Cammile Espinosa.

210. Jane Zoe’s son, who was in pre-kindergarten at Cougar Run at the time, was asked to donate a specific item to the Christian Mission Trip efforts.

211. On March 10, 2014, Bradley Odice, an English teacher at Highlands Ranch, sent an email to Andrea McNamara, the principal's secretary at Cougar Run, with the subject line: "Babysitting Night." The email stated as follows:

Hello,
Could you please forward this email to your staff?
HRHS is hosting a babysitting fundraiser through our FCA program. We are going on a mission trip to Guatemala over spring break, and this is our last fundraiser for the event. Please see the attached flyer for specifics. Parents may save \$5 by registering here beforehand. Thank you so much for all you do! Hope to see your kiddos this weekend!

Brad Odice
English Teacher
HRHS

212. A true and accurate copy of the above-quoted email is attached herein as Exhibit 60. Said email was furnished to Plaintiffs by Defendants.

213. Attached to the email shown in Exhibit 60 was a flyer labeled "St. Patrick's Day Pajama Party." The flyer provided in part: "We are collecting donations for the children of Guatemala. If you have any new/used sports equipment or hygiene products, please bring them with you when you drop of your child. We appreciate your support! Email questions to Alexandra.Malach@dcsdk12.org." The final part of the flyer stated: "*All proceeds go towards HRHS's Fellowship of Christian Athlete's service trip to Guatemala. Additional donations are always appreciated.*" (See Exhibit 60).

214. On March 11, 2014, Mellissa Baskall, a 2nd Grade Teacher at Fox Creek Elementary, forwarded the email from Mr. Odice. Her email stated as follows: "Read the attached flyer to see how you could help the FCA program with their babysitting fundraiser. What we learn with pleasure we never forget. Louis Mercier Mellissa Baskall 2nd Grade Teacher Fox Creek Elementary Visit my classroom website: <https://sites.google.com/a/dcsdk12.org/mellissa-baskall-s-classroom/>" (See Exhibit 60).

215. On June 17, 2014, AHA sent a letter to the School District and school officials providing them notice of the unconstitutional actions surrounding the Christian Mission Trip and demanding that they cease such practices. Attached herein as Exhibit 61 is a true and accurate copy of this letter.

216. AHA asked for a response within two weeks of receipt of the letter. AHA never received a response from Defendants.

Belize Mission Trip

217. The School District is sponsoring a mission trip to Belize.

218. Every Fall Break, School District teachers visit Belize schools and in the spring, a group of teachers and principals from Belize come to Douglas County.

219. Around April 2014, School District officials and faculty began planning for the mission trip to Belize.

220. In the summer of 2014, School District faculty held meetings to discuss the mission trip to Belize.

221. Attached herein as Exhibit 62 is a series of emails between School District officials regarding the mission trip to Belize. Included in an email are two attachments, one of which is entitled “Belize Education Project Education Mission Trip 2014” and the other entitled “Time Line for Education Trip to Belize.” These emails were furnished to Plaintiffs by Defendant School District.

222. Section “I” on the attachment labeled “Belize Education Project Education Mission Trip 2014” provides as follows: “We Pray for Children.” (Exhibit 62).

223. Many of the emails shown in Exhibit 62 are from teachers using their school district email accounts (@dcsdk12.org).

224. The mission trip to Belize is school-sponsored.

225. The mission trip to Belize is for School District officials and faculty.

226. The following schools are involved in the Belize Mission Trip: Fox Creek Elementary, Mammoth Heights Elementary, Prairie Crossing Elementary and Cresthill Middle School.

227. On July 10, 2014, Catherine Amis, the Youth Administrative Assistant at St. Andrew United Methodist Church, sent school officials an email entitled “Belize Commissioning this Sunday! and more details.” Attached to the email was a schedule for the “Belize Mission Trip.” Attached herein as Exhibit 63 is the email from Catherine Amis and the attached schedule. These documents were furnished to Plaintiffs by the Defendant School District.

228. The email shown in Exhibit 63 provided in part: “Hi Belize folk, This Sunday, July 13, please attend the commissioning or blessing of your group, in the sanctuary between services, at 10:10 am. Catherine will then be available in the youth office at 10:30 to notarize and accept any outstanding paperwork!”

229. The schedule attached to the email shown in Exhibit 63 provided on the evening of Saturday, July 19: “Arrive, get settled, worship & share partner time.”

230. The entry for Sunday, July 20 provided: “worship, play day, evaluate work for the week” and further provided: “Morning – breakfast, clean up (women sleep in sanctuary, men in preschool), worship Afternoon – lunch, activities to be determined Evening – dinner, worship and share partner time” (Exhibit 63).

231. For Monday, July 21- Friday, July 25 at 8:00 pm, the schedule provided for “Worship and share partner time.” On Sunday July 27, the schedule provided “Share partner time and closing worship.” (Exhibit 63).

FIRST CAUSE OF ACTION

(Violation of the Establishment Clause of the First Amendment)

232. All preceding allegations are incorporated herein by reference.

233. The actions of Defendants and their agents, servants, or employees, as described above, violate the Establishment Clause of the First Amendment of the United States Constitution (the “Establishment Clause”).

234. Defendants’ policies, practices, and customs of sponsoring, promoting, endorsing, favoring, and affiliating with evangelical Christian organizations violate the Establishment Clause.

235. Defendants’ policies, practices, and customs of encouraging parents and students to donate money and resources to religious organizations, including evangelical Christian organizations, violate the Establishment Clause.

236. Defendants’ policies, practices, and customs of organizing supply drives for evangelical Christian organizations violate the Establishment Clause.

237. Defendants’ policies, practices, and customs of diverting school funds to religious organizations, including evangelical Christian organizations, violate the Establishment Clause.

238. Defendants’ policies, practices, and customs of permitting faculty members to lead and participate in proselytizing activities with students in religious student clubs such as the FCA, violate the Establishment Clause.

239. Defendants’ policies, practices, and customs of permitting faculty members to lead and participate in prayer or worship with students violate the Establishment Clause.

240. Defendants’ actions and policies described above lack a secular purpose, have the effect of promoting, favoring and endorsing religion over non-religion and Christianity specifically, and result in an excessive entanglement between government and religion, thus violating the Establishment Clause.

241. Defendants’ actions and policies described above coerce school children and their families to participate in proselytizing religious activity in violation of the Establishment Clause.

242. Each of the individual Defendants, in their individual capacities, intentionally or recklessly violated Plaintiffs' well-settled constitutional rights under the Establishment Clause.

243. Defendants acted under color of law in violating the First Amendment as described herein in violation of 42 U.S.C. § 1983.

244. As a result of Defendants' policies, acts, and practices, Plaintiffs have suffered and are continuing to suffer irreparable harm because they are deprived of their constitutional right to a public school education free from religion and religious influence.

SECOND CAUSE OF ACTION
(Violation of the Equal Access Act)

245. All preceding allegations are incorporated herein by reference.

246. The School District's actions in permitting faculty to participate in the activities of the Christian student group, FCA, violate the Equal Access Act, 20 U.S.C. § 4071(c) (2)-(3).

RELIEF SOUGHT

247. All preceding allegations are incorporated herein by reference.

248. Plaintiffs request that this Court grant the following relief:

i. A declaratory judgment that Defendants' actions and policies described above violate the Establishment Clause of the First Amendment to the United States Constitution.

ii. A declaratory judgment that the above actions of Defendants:

- i. lack a secular purpose;
- ii. have the effect of endorsing, favoring, and preferring religion over non-religion and Christianity in particular;
- iii. result in excessive government entanglement with religion; and
- iv. coerce students and parents to participate in religious activity in violation of the Establishment Clause;

iii. A declaratory judgment that Defendants' affiliation with, sponsorship, promotion, and endorsement of Christian organizations violates the Establishment Clause and is a violation of Plaintiffs' constitutional rights under 42 U.S.C. § 1983;

iv. A declaratory judgment that the individual Defendants named in their individual capacities, acting as agents or employees of the government, violated the Establishment Clause;

v. A declaratory judgment that Defendants' actions violated the Equal Access Act, 20 U.S.C.A. § 4071(c) (2)-(3);

vi. A permanent injunction prohibiting Defendants, their agents, successors and any person in active concert with Defendants, from: (1); sponsoring, endorsing, promoting, advancing and affiliating with any religious organization, including specifically Samaritan's Purse, Operation Christmas Child, and Adventures in Missions; (2); using any school resources, including proceeds from school newspapers such as "Press Paws" to support any religious organization including specifically Samaritan's Purse, Operation Christmas Child, and Adventures in Missions, or similar religious organizations, activities, or missions; (3) organizing supply drives for religious organizations including specifically Samaritan's Purse, Operation Christmas Child, and Adventures in Missions, or similar religious organizations, activities, or missions; (4) using the school email system to promote any religious activity or religious organization or including specifically Samaritan's Purse, Operation Christmas Child, and Adventures in Missions, or similar religious organizations, activities, or missions; (5) allowing School District teachers or other employees to (i) pray or participate in prayer or worship with students while supervising students in student club activities, trips, and other school functions, (ii) participate in any religious proselytizing or evangelical activities while supervising students in student club meetings, trips, and other school functions; and (iii) promote, sponsor or affiliate the School District with religion;

vii. Award nominal damages to Plaintiffs;

viii. Award Plaintiffs the attorneys' fees, expenses, and costs reasonably incurred in prosecuting this action pursuant to 42 U.S.C. § 1988; and

ix. Award Plaintiffs such other relief as this Court deems just and proper.

Respectfully Submitted,

Date: October 22, 2014

s/ Monica L. Miller
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