

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 over the federal question claims herein.

3. This Court is the proper venue pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), for the defendants lie in Hamilton County, Tennessee, and all acts averred herein occurred on the property of defendant Hamilton County Government.

III. The Parties:

4. Plaintiff Thomas Joseph Coleman, III (“Coleman”), is a resident of Hamilton County, Tennessee.

5. Plaintiff Brandon Raymond Jones (“Jones”) is a resident of Hamilton County, Tennessee.

6. Defendant Hamilton County Government (“County”) is a political sub-division of the State of Tennessee created under the laws of the State of Tennessee, and has a Commission form of legislative government.

7. At all times relevant to this action, defendant Fred R. Skillern (“Skillern”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue Skillern in his official capacity.

8. At all times relevant to this action, defendant James A. “Jim” Fields (“Fields”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue Fields in his official capacity.

9. At all times relevant to this action, defendant Mitch McClure (“McClure”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue McClure in his official capacity.

10. At all times relevant to this action, defendant Warren Mackey (“Mackey”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue Mackey in his official capacity.

11. At all times relevant to this action, defendant Gregory Beck (“Beck”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue Beck in his official capacity.

12. At all times relevant to this action, defendant Joe Graham (“Graham”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue Graham in his official capacity.

13. At all times relevant to this action, defendant Larry L. Henry (“Henry”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue Henry in his official capacity.

14. At all times relevant to this action, defendant Tim Boyd (“Boyd”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue Boyd in his official capacity.

15. At all times relevant to this action, defendant Chester Bankston (“Bankston”) is an elected member of the Hamilton County Commission (“Commission”). Plaintiffs sue Bankston in his official capacity.

16. At all times relevant to this action, defendant Rheubin Mcghee Taylor (“Taylor”) is an appointed member of Hamilton County Government, acting in the official capacity as the County Attorney and administering or otherwise leading the prayers at issue in this case. Plaintiffs sue Taylor in his official capacity.

IV. Facts:

17. The Commission is the legislative and policy making body of the County.
18. The individually named Commissioners are residents of Hamilton County, Tennessee, and they are elected to four-year terms pursuant to the statutes of the State of Tennessee.
19. The Commission holds regularly scheduled meetings to conduct the official business of the County.
20. The Commission has two types of meetings, as explained on the official Hamilton County Government website: “Agenda Sessions” and “County Commission Meetings” (“meeting”).”
21. The Commission starts the meetings with a prayer and invoking the prayer in the name of Jesus (“prayer practice”).
22. On May 21, 2012, the Freedom from Religion Foundation, a non-profit organization, through its attorney Patrick Elliott, sent a letter to the Commission demanding the defendants cease the practice of opening each meeting with Christian prayers in Jesus’ name.
23. Defendant Henry stated, publically, that the defendants will not stop the practice.
24. On June 6, 2012, the defendants held a “County Commission Meeting” at the Hamilton County Courthouse.
25. Defendant Taylor led a prayer at the start of the meeting, and closed the prayer with, “In Jesus’ name.”
26. Plaintiff Coleman addressed the Commission about the prayer and the defendants’ practice of opening each meeting with a Christian prayer and his opposition to the practice.

27. When Coleman began to speak, defendant Henry interrupted Coleman and told Coleman to publically state his personal home address.

28. When Coleman refused and responded he would give his address in private, Henry told Coleman he had to give his address before Coleman could address the Commission.

29. Michelle Hubbs (“Hubbs”), a county employee in the Hamilton County Clerk and Masters Office, argued to the Commission that there should be no separation of church and state.

30. During Hubbs’ presentation, defendants Beck and Graham applauded.

31. Defendants McClure and Taylor hold themselves as ministers of the Christian religion.

32. The acts and omissions of the defendants in the prayer practice stated herein are a blatant endorsement by government of the Christian religion that any reasonable person would see as an endorsement of the Christian religion to the exclusion of all other religions.

33. The acts and omissions of the defendants in the prayer practice stated herein have no secular purpose.

V. Cause[s] of Action:

34. Plaintiffs incorporate ¶¶ 4-33 herein.

35. Such acts and omissions constitute[s]:

[a] Violation of 42 U.S.C. § 1983.

VI. Relief Requested:

36. Declaratory relief by holding or declaring the prayer practice unconstitutional.

37. Grant plaintiffs’ application for preliminary injunctive relief to be filed forthwith.

38. Award plaintiffs their costs, including reasonable attorney fees and expenses pursuant to 42 U.S.C. § 1988.

39. Trial by jury.

Respectfully submitted,

By:



ROBIN RUBEN FLORES

TENN. BPR #20751

GA. STATE BAR #200745

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
 THOMAS JOSEPH COLEMAN, III
 BRANDON RAYMOND JONES

(b) County of Residence of First Listed Plaintiff HAMILTON
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
 ROBIN RUBEN FLORES, ESQ
 4110-A BRAINERD RD., CHATT., TN 37411
 423 267 1575

DEFENDANTS
 HAM. CO. GOVT; FRED SKILERN; JAMES FIELDS; MITCH
 MCCLURE; WARREN MACKEY; GREGORY BECK; JOE GRAHAM;
 LARRY HENRY; TIM BOYD; CHESTER BANKSTON; RHEUBIN TAYL

County of Residence of First Listed Defendant HAMILTON
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---|---|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSJ (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC sect 1983

Brief description of cause:

violation civil rights under color of law - establishment clause 1st Amend. US Const

VII. REQUESTED IN COMPLAINT:

- CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
 CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 06/15/2012 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____