

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) SUHA ELQUTT,
Plaintiff,

vs.

Case No.

(1) VIC REGALADO, in his official
capacity as SHERIFF OF TULSA
COUNTY;

(2) GARNETT LEE, in his individual and
official capacities;

(3) JUDY POUNDS, in her individual and
official capacities;

(4) PAUL TRYON, in his individual and
official capacities;

(5) JAMES COLLIS, in his individual and
official capacities

(6) TULSA COUNTY SHERIFF
DEPUTIES JOHN DOES 1 AND 2, in
their individual and official capacities

(7) TULSA COUNTY SHERIFF DEPUTY
JANE DOE, in her individual and official
capacities.

Defendants.

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

I. INTRODUCTION

1. This civil rights action challenges the Tulsa County Sheriff's Office's deprivation of Plaintiff Suha Elquutt's constitutionally protected freedom of religion under the First Amendment to the United States Constitution and the Oklahoma Religious Freedom Act.
2. Ms. Elquutt was denied entry to the Tulsa County Courthouse on April 10th, 2018, by deputies of the Tulsa County Sheriff, who then forced her to remove her hijab in public and in the presence of several male deputies, an act in direct violation of her sincerely-held religious beliefs.
3. The Tulsa County Sheriff is constitutionally required to make reasonable accommodations for sincerely-held religious beliefs, such as the practice of covering one's head, hair, and neck in the presence of men. Failure to make such accommodations is a violation of freedom of religion.
4. Injunctive relief is warranted to prevent the Tulsa County Sheriff and his deputies from continuing their unconstitutional practice and/or policy of forcing individuals to remove their religious head coverings in public and in the presence of men, in direct violation of their religious beliefs.

II. JURISDICTION AND VENUE

5. This action arises under 42 U.S.C. § 1983, the Constitution of the United States, and the Oklahoma Religious Freedom Act. This Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and 1343 and 42 U.S.C. § 1983.

6. Venue is proper in the United States District Court for the Northern District of Oklahoma pursuant to 28 U.S.C. § 1391(b) because the events giving rise to this claim occurred in the district and all parties reside and/or operate in the district.
7. This action is not related to any previously filed cases in this Court.

III. PARTIES

8. Plaintiff Suha Elquutt is a Muslim woman and United States citizen residing in Tulsa, Oklahoma. As a practicing Muslim, and in accordance with her religious beliefs, Ms. Elquutt wears a headscarf covering her hair, ears, neck, and part of her chest when she is in public and when she is in the presence of men who are not members of her immediate family.
9. Defendant Sheriff Vic Regalado is the public official in charge of the Tulsa County Sheriff's Office (TCSO), a law enforcement agency in Tulsa County, Oklahoma, employing the following named Defendants and responsible for the practice and/or policy that denied Plaintiff her right to practice her religion.
10. Defendant Garnett Lee is a Deputy with the TCSO. Deputy Lee denied Plaintiff entry into the courthouse until she publically removed her hijab. Deputy Lee acted within the scope of his employment and under color of law. He is sued in his individual and official capacities.
11. Defendant Paul Tyron is a Captain with the TSCO. Dep. Lee called Cpt. Tyron for backup after Plaintiff initially declined to publically remove her hijab. Cpt. Tyron similarly denied Plaintiff entry into the courthouse until she publically removed

her hijab. He acted within the scope of his employment and under color of law. He is sued in his individual and official capacities.

12. Defendant James Collis is a Deputy with the TSCO. Dep. Collis was also called by Dep. Lee as backup to help Dep. Lee deny Plaintiff access to the courthouse and coerce her to remove her hijab in the presence of men. Upon his arrival, Dep. Collis also denied Plaintiff entry until she violated her religious beliefs by publically removing her hijab. He acted within the scope of his employment and under color of law. He is sued in his individual and official capacities.
13. Defendants John Does 1 and 2 are employees of the TSCO and were also called by Dep. Lee as backup to help Dep. Lee deny Plaintiff access to the courthouse and coerce her to remove her hijab in the presence of men. Upon their arrival, Defendants John Does 1 and 2 also denied Plaintiff entry until she violated her religious beliefs by publically removing her hijab. Because the true name of the TCSO deputies sued as John Does 1 and 2 are unknown to Plaintiff, Plaintiff sues John Does 1 and 2 through fictitious names. Plaintiff will seek leave to amend this Complaint, if necessary, to reflect their true names once they have been ascertained. At all times relevant to this Complaint, Defendants John Does 1 and 2 were acting within the scope of their employment under color of law. John Does 1 and 2 are sued in both their individual and official capacities.
14. Defendant Jane Doe is an employee of the TSCO and was also called by Dep. Lee as backup to help Dep. Lee deny Plaintiff access to the courthouse and coerce her to remove her hijab in the presence of men. Upon her arrival, Defendant Jane Doe

also denied Plaintiff entry until she violated her religious beliefs by publically removing her hijab. When Plaintiff declined to do so, Defendant Jane Doe alongside Stg. Pounds approached Plaintiff outside the courthouse to continue coercing Plaintiff and denying Plaintiff entry into the courthouse until she publically removed her hijab. Defendant Jane Doe denied Plaintiff's request for privacy when removing her hijab for a search. Because the true name of the TCSO deputy sued as Jane Doe is unknown to Plaintiff, Plaintiff sues Jane Doe through a fictitious name. Plaintiff will seek leave to amend this Complaint, if necessary, to reflect her true name once it has been ascertained. At all times relevant to this Complaint, Defendant Jane Doe acted within the scope of her employment and under color of law. She is sued in her individual and official capacities.

15. Defendant Judy Pounds is a Sergeant with the TSCO. When Plaintiff declined to publically remove her hijab in violation of her religious beliefs and exited the courthouse, Sgt. Pounds approached Plaintiff alongside Defendant Jane Doe outside the courthouse to continue coercing Plaintiff and denying Plaintiff entry into the courthouse until she publically removed her hijab. Stg. Pound denied Plaintiff's request for privacy when removing her hijab for a search. Sgt. Pounds acted within the scope of her employment and under color of law. She is sued in her individual and official capacities.

IV. FACTUAL ALLEGATIONS

16. Many Muslim women wear a headscarf, hijab, khimar, or other head-covering in accordance with their religious beliefs based on their understanding of the Qur'an and the Islamic faith.
17. Plaintiff Suha Elquitt wears a hijab when she is in public or in the company of men as part of her religious faith and practice. Her hijab is a reminder of her faith, the importance of modesty in her religion and to her personally, and as a symbol of her own autonomy over who may see what she and her faith consider the more intimate parts of her body.
18. For Ms. Elquitt, uncovering her hair in public, and especially in the presence of men, is a serious violation of her faith and religious practice as well as a deeply humiliating, violating, and defiling experience.
19. Because of the above, a government demand that Ms. Elquitt uncover intimate parts of her body in public and in the presence of men substantially burdens her religious freedom.
20. On April 10th, 2018, between approximately 1:15pm and 1:30 pm, Plaintiff Suha Elquitt and her attorney from the Domestic Violence Intervention Services (DVIS), Sadie Temple, arrived at the Tulsa County Courthouse to obtain a divorce decree.
21. Upon entering the courthouse's basement doors and attempting to go through security, TCSO Deputy Garnett Lee instructed Ms. Elquitt to remove her hijab. Ms. Elquitt explained that she did not wish to remove her hijab for religious reasons.
22. Ms. Elquitt walked through and set off the metal detector, at which point Dep. Lee again asked her to remove her hijab, explaining that the rule against head

coverings applied to everyone. Dep. Lee told Ms. Elquitt that she had to remove her hijab just like someone would have to remove their “hoodie.” Ms. Elquitt again explained that her hijab was not like a “hoodie,” but was instead a religious garment worn in accordance with her faith.

23. Plaintiff’s divorce attorney, Sadie Temple, also explained to Dep. Lee that Ms. Elquitt’s religious beliefs prevented her from removing her hijab in public, particularly in the presence of men.
24. Ms. Temple asked Dep. Lee if he could pat down Ms. Elquitt’s head to inspect her head for prohibited items, rather than have her remove hijab. Ms. Elquitt’s hijab is made of a thin, scarf-like material, which would have easily revealed any items hidden beneath it during a pat-down. Dep. Lee denied the request. Ms. Temple then asked if Dep. Lee could use the metal detector wand around Ms. Elquitt’s head to inspect the hijab, and Dep. Lee agreed.
25. Dep. Lee moved the wand around Ms. Elquitt’s head, and the wand went off. Suspecting her earrings were setting off the wand, Ms. Elquitt removed her earrings. Dep. Lee moved the wand around Ms. Elquitt’s head a second time, and it went off again. Ms. Elquitt then suspected her pin holding her hijab in place was setting off the wand and removed the pin. Dep. Lee waved the wand around Ms. Elquitt’s head a third time, and the wand again went off.
26. Neither Ms. Elquitt nor Ms. Temple could determine what was setting off the wand, and Dep. Lee again asked Ms. Elquitt to remove her hijab. Both Ms. Elquitt and Ms. Temple informed Dep. Lee that Ms. Elquitt was agreeable to removing her

hijab but that it was against her religious beliefs to do so in the presence of men. Ms. Elquitt and Ms. Temple told Dep. Lee that Ms. Elquitt could only remove her hijab in private in the presence of a female deputy or officer and that they were willing to wait for a female to inspect her.

27. Rather than calling for a female officer to inspect under Ms. Elquitt's hijab in a private setting, Dep. Lee called for his supervisor, threatening that Ms. Elquitt and Ms. Temple would have "trouble" if Ms. Elquitt did not remove her hijab.
28. Shortly after Dep. Lee called for his supervisor, Deputies Paul Tryon, James Collis, and three other TCSO employees, currently named in this complaint as Defendants John Does 1 and 2 and Defendant Jane Doe, arrived at the courthouse security gate.
29. Ms. Elquitt asked if Defendant Jane Doe, who is female, could inspect under her hijab in private. The deputies declined Ms. Elquitt's request and claimed to Ms. Elquitt and Ms. Temple multiple times that inspection in private by a female deputy or officer was not an option. Rather, they demanded Ms. Elquitt remove her hijab in the security line in front of all five male deputies and any men entering or exiting the building through the nearby glass doors.
30. One deputy told Ms. Elquitt that only Dep. Lee, the deputy running the security line, could inspect under her hijab. Another deputy told Ms. Elquitt and Ms. Temple multiple times that the male deputies "were going to watch" her take off her hijab.

31. Ms. Temple then asked if the male deputies could simply turn their backs when Defendant Jane Doe, the female deputy present, inspected Ms. Elquitt. The deputies said no and that the male deputies would watch.
32. Ms. Temple informed the deputies that they were violating her client's First Amendment rights before she and Ms. Elquitt both exited the building, having been effectively denied entry by Defendants.
33. Ms. Temple and Ms. Elquitt stood outside the courthouse doors discussing Ms. Elquitt's options. After approximately 10 minutes, Sgt. Judy Pounds and Defendant Jane Doe, approached and repeated that they would not allow Ms. Elquitt into the courthouse for her court appearance until she removed her hijab in public.
34. Ms. Temple and Ms. Elquitt again explained that it was against Ms. Elquitt's religious beliefs to remove her hijab in the presence of men, but that she was willing to remove it for inspection by a female deputy in private. The two female deputies denied Ms. Elquitt's request for privacy but said they would inspect her in the outside public space in front of the glass courthouse doors near the security entrance. Ms. Elquitt declined because the male deputies and other men inside could still see her through the glass doors and because the public, outdoor location offered no protection from the view of other men walking by.
35. Ms. Elquitt then asked if she could at least go between two parked cars in the parking lot approximately 10 to 15 feet away from the courthouse entrance to have the female deputies inspect her. The deputies agreed.

36. Ms. Elquitt moved between two cars in the middle of a public parking lot just feet from the courthouse entrance to remove her religious head-covering for the deputies' inspection. With only two parked cars for coverage, Ms. Elquitt was forced to crouch down to obtain even the slightest amount of privacy. At any moment, a man could have walked by and seen Ms. Elquitt without her hijab, a fact not lost on her as she squatted, exposed and humiliated, in the middle of the courthouse parking lot.

V. DEFENDANTS' CULPABILITY

37. Defendants had no reasonable basis to believe that their actions, in prohibiting Ms. Elquitt from complying with the dictates of her faith, were lawful. The right that she sought to exercise, and that Defendants' violated, was clearly established and well settled law as of April 10th, 2018.
38. Defendant Regalado demonstrated reckless indifference to Plaintiff's constitutional rights in failing to adequately train, control, and supervise his deputies, and in failing to implement a policy that safeguards the religious rights of those who wear religious head-coverings.
39. In the alternative, Defendants are culpable in their individual capacities to whatever extent their actions do not reflect the practices and/or policies of the Tulsa County Sheriff's Office.

VI. CLAIMS

A. Violation of the First Amendment

42 U.S.C. § 1983

40. Plaintiff incorporates paragraphs 1 – 39 as if fully set forth herein.
41. The First Amendment to the United States Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....”
42. By their actions described above, including by forcing Plaintiff to remove her hijab in public in order to gain entry into the Tulsa County Courthouse, Defendants denied Plaintiff the right to free exercise of religion, as guaranteed by the First Amendment to the United States Constitution and incorporated against the States through the Fourteenth Amendment.
43. Defendants are state actors, acting under color of state legal authority throughout the events described above. As such, by depriving Ms. Elquitt of her Constitutional religious rights, Defendants are liable in suit under 42 U.S.C. § 1983.
44. As a result of Defendants’ conduct, Plaintiff Suha Elquitt suffered, and continues to suffer, extreme humiliation, shame, mental anguish, and emotional distress.

B. Violation of the Oklahoma Religious Freedom Act

51 O.S. § 251

45. Plaintiff incorporates paragraphs 1 – 39 as if fully set forth herein.
46. The Oklahoma Religious Freedom Act provides that “[n]o governmental entity shall substantially burden a person’s free exercise of religion unless it demonstrates that application of the burden to the person is: (1) [e]ssential to further a compelling governmental interest; and (2) [t]he least restrictive means of furthering that compelling government interest. 51 O.S. § 253(B).

47. By their actions described above, including by forcing Plaintiff to remove her hijab in public in order to gain entry into the Tulsa County Courthouse, Defendants substantially burdened Plaintiff's free exercise of religion. The public removal of a Muslim woman's hijab in front of leering males is not essential to further any compelling governmental interest nor does it constitute the least restrictive means of furthering any government interest.
48. As a result of Defendants' conduct, Plaintiff Suha Elquutt suffered, and continues to suffer, extreme humiliation, shame, mental anguish, and emotional distress.

VII. REQUESTS FOR RELIEF

49. Plaintiff therefore respectfully requests that the Court enter a judgement, including, but not limited to:
- a. An injunction prohibiting Defendants from requiring or requesting the public removal of religious head-coverings and requiring Defendants to provide reasonable accommodations for those with religious head-coverings, by providing private inspection by a female deputy or officer to individuals who make such request because of their religious beliefs.
 - b. Compulsory damages in an amount to be proven at trial;
 - c. Punitive damages in an amount to be proven at trial;
 - d. Costs and reasonable attorney's fees; and
 - e. Such additional and further relief as the Court deems just and equitable.

Respectfully submitted,

s/ Brady Henderson

Brady R. Henderson, OBA#21212
Amy N. Gioletti, OBA#30566
Megan E. Lambert, OBA#33216
ACLU of Oklahoma Foundation
PO Box 1626
Oklahoma City, OK 73101
(405) 525-3831, (405) 524-2296 (fax)
bhenderson@acluok.org
agioletti@acluok.org
mlambert@acluok.org
Attorney for all Plaintiffs

s/ Veronica Laizure

Veronica Laizure, OBA#32040
CAIR Oklahoma
3000 United Founders Blvd.
Oklahoma City, OK 73112
(405) 415-6851
vlaizure@cair.com
Attorney for all Plaintiffs

Certificate of Electronic Service

I certify that, on the day of filing, the foregoing document was electronically transmitted through this Court's ECF filing system to all counsel who have entered an appearance in this case and registered to receive ECF notification via electronic mail.

s/ Megan Lambert

Megan E. Lambert, OBA#33216