

CAUSE NO. _____

EMILY ROTH, individually and as next friend of
minors C.R. and E.R.; AUDREY ROSA NATH,
individually and as next friend of minors E.F. and
A.F.; and SANJAM KAUR SOHAL, individually
and as next friend of minors, A.K.S. and A.S.S.,
PLAINTIFFS,

v.

THE STATE OF TEXAS, KEN PAXTON in his
official capacity, MIKE MORATH in his official
capacity, SPRING BRANCH INDEPENDENT
SCHOOL DISTRICT, CYPRESS-FAIRBANKS
INDEPENDENT SCHOOL DISTRICT, and
HOUSTON INDEPENDENT SCHOOL DISTRICT,
DEFENDANTS.

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION
FOR DECLARATORY JUDGMENT, FOR A TEMPORARY RESTRAINING ORDER,
AND FOR A TEMPORARY AND PERMANENT INJUNCTION ENJOINING THE
STATE OF TEXAS FROM REQUIRING PUBLIC SCHOOLS TO DISPLAY
THE TEN COMMANDMENTS IN CLASSROOMS**

Plaintiffs file this original petition for declaratory judgment and for injunctive relief and allege as follows:

SUMMARY

1. Plaintiffs seek a declaration that Texas Education Code section 1.0041¹ violates (a) the Texas Religious Freedom Restoration Act (TEX. CIV. PRAC. & REM. CODE § 110.003(a)) ["TRFRA"]² because the mandatory posting of the Ten Commandments in every public elementary and secondary school classroom substantially burdens their—and their children's—right to the free exercise of religion or (alternatively) (b) article 1, section 37 of the Texas Constitution.³
2. Plaintiffs also seek injunctive relief enjoining Defendants from implementing, enforcing, or attempting to implement or enforce Texas Education Code section 1.0041.
3. Plaintiff Emily Roth also seeks damages against Spring Branch Independent School District.

¹ Exhibit A.

² Exhibit B.

³ Exhibit C.

DISCOVERY-CONTROL PLAN

4. Plaintiffs intend to conduct discovery—if any—under Level 3 of Texas Rule of Civil Procedure 190.4 because this dispute requires (a) limited—if any—discovery and (b) a straightforward determination as to whether Texas Education Code section 1.0041 impermissibly violates TRFRA or (alternatively) article 1, section 37 of the Texas Constitution.

JURISDICTION

5. The Court has full general jurisdiction for all claims.

PARTIES

6. Plaintiff Emily Roth brings this suit on behalf of herself and her minor children, C.R. and E.R. The family is domiciled in Houston, Harris County, Texas. C.R. and E.R. are enrolled in and will attend public schools in the Spring Branch Independent School District during the 2026–27 school year.
7. Plaintiff Audrey Rosa Nath brings this suit on behalf of herself and her two minor children, E.F. and A.F. The family is domiciled in Houston, Harris County, Texas. E.F. and A.F. are enrolled in and will attend public schools in the Houston Independent School District during the 2026–27 school year.
8. Plaintiff Sanjam Kaur Sohal brings this suit on behalf of herself and her two minor children, A.K.S. and A.S.S. The family is domiciled in Houston, Harris County, Texas. Both A.K.S. and A.S.S. are enrolled in and will attend public schools in the Cypress-Fairbanks Independent School District during the 2026–27 school year.
9. Defendant State of Texas is a “government agency” within the meaning of TRFRA. *See* TEX. CIV. PRAC. & REM. CODE § 110.001(a)(2)(A). It may be served by serving its attorney general, Ken Paxton, at the Facilities Security Desk, Price Daniel Building, 209 West 14th Street, Austin, TX 78701.
10. Defendant Ken Paxton is being sued in his official capacity as the Attorney General of Texas. He may be served in his official capacity at the Facilities Security Desk, Price Daniel Building, 209 West 14th Street, Austin, TX 78701.
11. Defendant Mike Morath is being sued in his official capacity as the Commissioner of the Texas Education Agency. He may be served in his official capacity at 1701 N. Congress Ave, 4th Floor Receptionist, Austin, Texas 78701.
12. Defendant Spring Branch Independent School District is local government organization. It may be served via President Courtney Anderson (or Superintendent Dr. Jennifer Blaine) at 955 Campbell Road, Houston, Texas 77024. *See* TEX. CIV. PRAC. & REM. CODE § 17.024(c).

13. Defendant Cypress-Fairbanks Independent School District is a local government organization. It may be served via President Julie Hinaman (or Superintendent Dr. Douglas Killian) at 11440 Matzke Road, Houston, Texas 77429. *See id.*
14. Defendant Houston Independent School District is a local government organization. It may be served via President Ric Campo (or Superintendent F. Mike Miles) at 4400 West 18th Street, Houston, Texas 77092. *See id.*

STANDING

15. Plaintiffs have standing to bring this suit because (a) they disagree with the religious content of the State-mandated display of the Ten Commandments required by Texas Education Code section 1.0041; (b) Texas Education Code section 1.0041 infringes upon and undermines their right to direct their children's religious upbringing; and (c) their minor children will feel pressured to adopt or revere the Ten Commandments to avoid disfavor from peers or school officials.

FACTS

16. Texas law now mandates that every public elementary and secondary school in Texas "shall display in a conspicuous place in *each* classroom of the school a durable poster or framed copy of the Ten Commandments[.]" TEX. EDUC. CODE § 1.0041(a) (emphasis added).
17. This poster must be "in a size and typeface that is legible to a person with average vision from anywhere in the classroom." *Id.* § 1.0041(b)(1).
18. This poster or copy must include the following language:

"The Ten Commandments
I AM the LORD thy God.
Thou shalt have no other gods before me.
Thou shalt not make to thyself any graven images.
Thou shalt not take the Name of the Lord thy God in vain.
Remember the Sabbath day, to keep it holy.
Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy
God giveth thee.
Thou shalt not kill.
Thou shalt not commit adultery.
Thou shalt not steal.
Thou shalt not bear false witness against thy neighbor.
Thou shalt not covet thy neighbor's house.
Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his cattle,
nor anything that is thy neighbor's."

Id. § 1.0041(c).

19. This requirement is inconsistent with and contrary to (*inter alia*) Plaintiffs' sincere religious beliefs.
20. Specifically, Texas Education Code section 1.0041 substantially burdens the free exercise of religion statutorily guaranteed to plaintiffs Emily Roth, Audrey Rosa Nath, and Sanjam Kaur Sohal via Texas Civil Practice and Remedies Code section 110.003(a). *See* Exhibits E, F, & G.
21. Posters of the Ten Commandments have already been displayed in Spring Branch Independent School District; Plaintiff Emily Roth's daughter had one displayed in her kindergarten classroom last year. Exhibit E, at ¶ 7.
22. "If the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments. However desirable this might be as a matter of private devotion, it is not a permissible state objective under the Establishment Clause." *Stone v. Graham*, 449 U.S. 39, 42 (1980).

SUIT FOR DECLARATORY RELIEF AGAINST ALL DEFENDANTS

A. INTRODUCTION

23. Plaintiffs seek a declaratory judgment declaring that Texas Education Code section 1.0041 violates the Texas Religious Freedom Restoration Act. *Compare* TEX. CIV. PRAC. & REM. CODE § 37.001, *et seq.* (Uniform Declaratory Judgments Act) *with id.* § 110.005(a)(1) (TRFRA authorization of declaratory relief under Chapter 37).
24. TRFRA applies to Texas Education Code section 1.0041. *Compare* TEX. CIV. PRAC. & REM. CODE § 110.002(c) ("This chapter applies to each law of this state unless the law is expressly made exempt from the application of this chapter by reference to this chapter.") *with* TEX. EDUC. CODE § 1.0041 (containing no such exemption).
25. TRFRA's express terms require strict scrutiny of "any ordinance, rule, order, decision, practice, or other exercise of governmental authority." *Barr v. City of Sinton*, 295 S.W.3d 287, 297 (Tex. 2009) (emphasis added).
26. Texas Education Code section 1.0041 constitutes an exercise of governmental authority.
27. "Because religious exercise is a fundamental right, justification can be found only in interests of the highest order." *Id.* at 306 (cleaned up).
28. "A government burdens the religious exercise of parents when it requires them to submit their children to instruction that poses 'a very real threat of undermining' the religious beliefs and practices that the parents wish to instill." *Mahmoud v. Taylor*, 606 U.S. 522, 530 (2025) (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972)).

29. Additionally, “the values of parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society.” *Yoder*, 406 U.S. at 213–14.
30. Requiring every public elementary and secondary school in Texas to post a specific version of the Ten Commandments in every classroom—in a place where a person with average vision can see it from everywhere in the classroom—does not constitute an interest of the highest order and substantially interferes with Plaintiffs’ free exercise of religion, religious development, and rights to raise their children free of State-sponsored religion.
31. “The Ten Commandments are undeniably a sacred text in the Jewish and Christian faiths, and no legislative recitation of a supposed secular purpose can blind us to that fact.” *Stone*, 449 U.S. at 41 (footnote omitted).
32. “The government’s operation of the public schools . . . implicates direct, coercive interactions between the State and its young residents[.]” *Mahmoud*, 606 U.S. at 557 (cleaned up).
33. “Young children, like those of petitioners, are often impressionable and implicitly trust their teachers.” *Id.* at 555.
34. “[T]here are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools.” *Lee v. Weisman*, 505 U.S. 577, 592 (1992).

B. PRIMA FACIE SHOWING

35. To succeed on their TRFRA claim, Plaintiffs must demonstrate that the State’s actions burden their free exercise of religion and that the burden is substantial; once they make that showing, the State must establish that its actions further a compelling governmental interest and that the actions are the least restrictive means of furthering that interest. *See* TEX. CIV. PRAC. & REM. CODE § 110.003(a), (b); *Perez v. City of San Antonio*, 163 F.4th 110, 120 (5th Cir. 2025).
36. TRFRA defines “free exercise of religion” as

an act or refusal to act that is substantially motivated by sincere religious belief. In determining whether an act or refusal to act is substantially motivated by sincere religious belief . . . it is not necessary to determine that the act or refusal to act is motivated by a central part or central requirement of the person's sincere religious belief.

TEX. CIV. PRAC. & REM. CODE § 110.001(a)(1).

37. Texas Education Code section 1.0041 violates TRFRA because it substantially burdens Plaintiffs’ free exercise of religion. *See* Exhibits E, F, and G (Plaintiffs’ affidavits).

38. Plaintiffs' affidavits specifically include facts that show Texas Education Code section 1.0041 substantially burdens their free exercise of religion because it (*inter alia*):

- a. conflicts with their beliefs and teachings that Christianity is one of several spiritual paths that deserve respect (*see* Exhibit F, at ¶¶ 2–4 & 6; Exhibit G, at ¶ 3(b); *cf.* Exhibit E, at ¶ 11);
- b. sends a message to Plaintiffs' children that there is only one religion—Christianity—with teachings worth making visible from everywhere in every public-school classroom (*see* Exhibit F, at ¶ 11(e); Exhibit G, at ¶ 1(k));
- c. requires time and effort to rebut the State's religious instruction (*see* Exhibit G, at ¶ 3(a); Exhibit F, at ¶ 15(b));
- d. publicly elevates the principles of Christianity over principles Plaintiffs teach their children at home (*see* Exhibit F, at ¶ 7; Exhibit G, at ¶ 3(c));
- e. teaches their children that the Hindu faith in multiple gods is a sin (*see* Exhibit G, at ¶ 4);
- f. teaches their children that the Hindu use of images to represent parts of God is a sin (*see id.*);
- g. is contrary to Jain teachings concerning nontheism (*see id.*);
- h. is contrary to Sikhi teachings that the Divine is equally present in all people, that every human is equal, and that there are many different valid ways to achieve a connection with the Divine (*see* Exhibit F, at ¶¶ 2–4 & 6);
- i. teaches their children that God is a particular, named, and unitary conception of the Divine that is foreign to Sikhi (*see id.*, at ¶ 5);
- j. is contrary to the Sikhi teaching that people should not discriminate against others—including children—on the basis of their social identities (*see id.*, at ¶ 9);
- k. will cause their children to feel pressured to join the apparent Christian majority promoted by the State (*see* Exhibit E, at ¶ 3(b); Exhibit F, at ¶ 9);
- l. unavoidably and consistently signals to non-Christian children—who are doing nothing more than attending public school—that Christians have the only State-approved route to the Divine (*see* Exhibit F, at ¶ 7; *cf.* Exhibit G, at ¶ 1(k));

- m. teaches Plaintiffs’ children that Plaintiffs have the wrong view of religion because their views are not approved by the State the same way Christianity has been approved (*see* Exhibit F, at ¶ 11(g); *cf.* Exhibit G, at ¶ 7);
 - n. presents servitude as an unremarkable part of life (*see* Exhibit G, at ¶ 1(i));
 - o. excludes everyone who is non-Christian (*see* Exhibit F, at ¶¶ 8, 9, 11, & 15; Exhibit G, at ¶¶ 3(c) & 9);
 - p. teaches students and their teachers that it is acceptable—if not preferable—to practice such exclusion (*see* Exhibit E, at ¶ 13); and
 - q. interferes with Plaintiffs’ rights to make decisions concerning their children’s upbringing, especially concerning religion. *See* Exhibit E, at ¶¶ 3, 6, 9, 10, & 13; Exhibit F, at ¶¶ 12 & 15(a); and Exhibit G, at ¶ 3(d).
39. Based on Plaintiffs’ substantially burdened free exercise of religion, the State has the burden to prove Texas Education Code section 1.0041 furthers a compelling governmental interest. *See Barr*, 295 S.W.3d at 307 (“Although TRFRA places the burden of proving a substantial burden on the claimant, it places the burden of proving a compelling state interest on the government.”).
40. The State cannot prove Texas Education Code section 1.0041 furthers a compelling governmental interest.
41. Texas Education Code section 1.0041—which requires that the Ten Commandments be visible from everywhere in every public elementary and secondary school classroom—is not the least restrictive means of furthering a compelling governmental interest.

C. TRFRA’S PROTECTIONS

42. Even if the Court concludes Texas Education Code section 1.0041 comports with the Establishment and Free Exercise Clauses of the First Amendment, that holding would not defeat Plaintiffs’ claim.
- a. First, Plaintiffs seek a declaratory judgment that Texas Education Code section 1.0041 violates TRFRA; they assert no independent claim under the Establishment or Free Exercise Clauses of the First Amendment or article 1, section 6 of the Texas Constitution.
 - b. Second, TRFRA “provides protections to religious freedom *in addition to* the protections provided under federal law and the Texas and United States constitutions.” *A.A. v. Needville Indep. Sch. Dist.*, 611 F.3d 248, 259 (5th Cir. 2010) (emphasis added). A law may satisfy the Religion Clauses yet still fail the strict scrutiny TRFRA independently requires. *Cf.* TEX. CIV. PRAC. & REM. CODE § 110.003.

- c. Third, the effects of Texas Education Code section 1.0041 are compounded by the State’s financial incentivization for public school districts to teach the Bible in public schools, thereby transforming what might otherwise be a passive classroom display into teacher-led, State-directed religious instruction. *Cf. Mahmoud*, 606 U.S. at 553–54.
43. Despite the State’s purported interests in promoting the public welfare via the Ten Commandments in classrooms, the implicit assertion that such interests “are per se superior to fundamental, constitutional rights, such as the free exercise of religion, must fairly be regarded as *indefensible*.” *Barr*, 295 S.W.3d at 306 (emphasis added); *cf. Espinoza v. Montana Dep’t of Revenue*, 591 U.S. 464, 484–85 (2020) (holding Montana’s interest in separating church and state “more fiercely” than the Constitution cannot qualify as compelling in the face of the State’s infringement upon the free exercise of religion).
 44. The State’s substantial, impermissible, and indefensible interference with Plaintiffs’ free exercise of religion is heightened by its financial incentivization for public school districts to teach the Bible in public schools, particularly because the school day constitutes a critical period of time in a young child’s development. *See A.A.*, 611 F.3d at 265.
 45. Texas Education Code section 1.0041’s mandatory display of the State’s preferred version of the Ten Commandments also substantially burdens Plaintiffs’ fundamental right to make decisions concerning their children’s upbringing. *See TEX. CONST. art. I, § 37* (“To enshrine truths that are deeply rooted in this nation’s history and traditions, the people of Texas hereby affirm that a parent has the . . . fundamental right to exercise care, custody, and control of the parent’s child, including the right to make decisions concerning the child’s upbringing.”) (Exhibit C).
 46. The State’s asserted interests cannot be regarded as compelling when weighed against this “deeply rooted” fundamental right. *See Barr*, 295 S.W.3d at 306.

D. FREE EXERCISE OF RELIGION

47. “The free exercise inquiry asks whether government has placed a substantial burden on the observation of a central religious belief or practice . . .” *Hernandez v. C.I.R.*, 490 U.S. 680, 699 (1989).
48. “[A] plaintiff may carry the burden of proving a free exercise violation in various ways, including by showing that a government entity has burdened his sincere religious practice pursuant to a policy that is not ‘neutral’ or ‘generally applicable.’” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 525 (2022) (citing *Employment Div., Dep’t of Hum. Res. of Or. v. Smith*, 494 U.S. 872, 879–81 (1990)).
49. “The free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires.” *Smith*, 494 U.S. at 878.

50. The Free Exercise Clause “requires government respect for, and noninterference with, the religious beliefs and practices of our Nation’s people.” *Cutter v. Wilkinson*, 544 U.S. 709, 719 (2005).
51. “The Free Exercise Clause bars even subtle departures from neutrality on matters of religion.” *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 584 U.S. 617, 638 (2018) (cleaned up).
52. “[T]he right to free exercise, like other First Amendment rights, is not shed at the schoolhouse gate.” *Mahmoud*, 606 U.S. at 545 (cleaned up).
53. The basic purpose of the Religion Clauses of the First Amendment is to ensure that no religion be sponsored or favored, none commanded, and none inhibited. *Walz v. Tax Commission of City of New York*, 397 U.S. 664, 669 (1970); see *Jimmy Swaggart Ministries v. Bd. of Equalization of California*, 493 U.S. 378, 384 (1990) (the purpose of the Free Exercise Clause “is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority.”).
54. The Free Exercise Clause recognizes “the right of every person to freely choose his own course with reference thereto, free of any compulsion from the state.” *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 222 (1963).
55. The protections of the Free Exercise Clause apply when the law at issue “discriminates against some or all religious beliefs.” *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993).
56. The Free Exercise Clause protects religious observers against unequal treatment. *Espinoza*, 591 U.S. at 475.
57. The Free Exercise Clause protects the People from unjust laws that “penalize religious activity by denying any person an equal share of the rights, benefits, and privileges enjoyed by other citizens.” *Lyng v. Northwest Indian Cemetery Protective Assn.*, 485 U.S. 439, 449 (1988).
58. The State cannot pass laws which aid one religion, aid all religions, or prefer one religion over another. *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15 (1947).
59. The State can neither (1) constitutionally pass laws or impose requirements which aid all religions against non-believers nor (2) aid those religions based on a belief in the existence of God against those religions founded on different beliefs. See *Torcaso v. Watkins*, 367 U.S. 488, 495 (1961).
60. A proper respect for the Free Exercise Clause compels the State to pursue a course of neutrality toward religion, favoring neither one religion over others nor religious adherents collectively over nonadherents. *Bd. of Ed. of Kiryas Joel Village School Dist. v. Grumet*, 512 U.S. 687, 696 (1994).

61. “[I]t is clear that neutrality as among religions must be honored.” *Id.* at 707.
62. “Fundamental to the conception of religious liberty protected by the Religion Clauses is the idea that religious beliefs are a matter of voluntary choice by individuals and their associations, and that each sect is entitled to flourish according to the zeal of its adherents and the appeal of its dogma.” *McDaniel v. Paty*, 435 U.S. 618, 640 (1978) (cleaned up).

E. SUBSTANTIAL BURDEN

63. Texas Education Code section 1.0041 creates real and significant burdens on Plaintiffs’—and their children’s—free exercise of religion because it:
- a. “truly pressures” Plaintiffs or their children to “significantly modify” their religious behavior and “significantly violate” their religious beliefs (*Barr*, 295 S.W.3d at 301 (citing *Adkins v. Kaspar*, 393 F.3d 559, 570 (5th Cir. 2004)));
 - b. proselytizes the Christian faith despite Plaintiff Sohal’s sincerely held religious beliefs against proselytization and forced conversion (*see* Exhibit F, at ¶ 10);
 - c. violates the fundamental conception of constitutionally protected religious liberty (*see McDaniel*, 435 U.S. at 640);
 - d. curtails Plaintiffs’ religious conduct and impacts their religious expression to a significant and real degree (*see A.A.*, 611 F.3d at 265);
 - e. constitutes impermissible:
 - i. unequal treatment of non-Christians (*see Espinoza*, 591 U.S. at 475);
 - ii. favor to Christianity and a particular subset thereof (*see Walz*, 397 U.S. at 669);
 - iii. aid to Christianity and a particular subset thereof (*see Everson*, 330 U.S. at 15);
 - iv. preference for Christianity—and a subset thereof—over other faiths and non-faiths (*see id.*);
 - v. aid to all religions against non-believers (*see Torcaso*, 367 U.S. at 495);
 - vi. aid to religions based on a belief in the existence of God against those religions founded on different beliefs (*see id.*);

- vii. violations of neutrality toward religion (*see Kiryas Joel*, 512 U.S. at 696);
 - viii. denial of Plaintiffs' equal share of the rights, benefits, and privileges enjoyed by (i) Christian students in Texas' public elementary and secondary schools who ascribe to the State-mandated version of the Ten Commandments required by Texas Education Code section 1.0041 and (ii) the parents of such students (*see Lyng*, 485 U.S. at 449); and
 - ix. interference with Plaintiffs' fundamental right to exercise care, custody, and control of their children, including the right to make decisions concerning their children's upbringing (*see TEX. CONST.* art. I, § 37);
- f. requires Plaintiffs' children to be silent in every classroom that displays the Ten Commandments in order to receive a public education;
 - g. impermissibly conditions the receipt of an important benefit—public schooling—“upon conduct proscribed by a religious faith[.]” *Thomas v. Rev. Bd. of Indiana Emp. Sec. Div.*, 450 U.S. 707, 717–18 (1981); *see also Hicks v. Garner*, 69 F.3d 22, 26 n. 22 (5th Cir. 1995) (“[W]here the state conditions receipt of an important benefit upon conduct proscribed by a religious faith or where it denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs, a burden upon religion exists”) (citing *Woods v. Evatt*, 876 F.Supp. 756, 762 (D.S.C. 1995) (citations omitted)));
 - h. specifically, the State conditions Plaintiffs' children's public education upon their collective and silent acquiescence to the omnipresence of the Ten Commandments—and the teachings therein—despite the facts that:
 - i. “[s]tudents in such institutions [elementary and secondary schools] are impressionable, and their attendance is involuntary” (*Edwards v. Aguillard*, 482 U.S. 578, 584 (1987));
 - ii. “[t]he government’s operation of the public schools . . . implicates direct, coercive interactions between the State and its young residents” (*Mahmoud*, 606 U.S. at 557);
 - iii. it requires non-Christian families to adjust their religious teachings to accommodate the State’s sponsorship of Christianity in public-school classrooms (*see* Exhibit E, at ¶¶ 6 & 9; Exhibit F, at ¶ 15(b));

- iv. it requires non-Christian parents to devote time to explain to their children why the State is sponsoring a religion that is different than their own (*see* Exhibit F, at ¶ 15(f); Exhibit G, at ¶¶ 3(a) & 7);
- v. it creates designed exclusion within Texas' public schools on the basis of faith (*see* Exhibit E, at ¶¶ 8(d) & 13; Exhibit F, at ¶¶ 11(b), (f) & 15 (c), (d); and Exhibit G, at ¶ 3(c); *cf. id.* at ¶ 9);
- vi. it creates immeasurable tension within non-Christians who realize they are excluded from the State-approved majority in public elementary and secondary schools on the basis of their religious beliefs (*cf.* Exhibit E, at ¶¶ 3(b) & 8; Exhibit F, at ¶¶ 9 & 15(c)); and
- vii. it is not facially neutral;
- i. constitutes impermissible invidious discrimination between religions (*see Braunfeld v. Brown*, 366 U.S. 599, 607 (1961) (“If the purpose or effect of a law is to impede the observance of one or all religions or is to discriminate invidiously between religions, that law is constitutionally invalid even though the burden may be characterized as being only indirect.”));
- j. constitutes State-sponsored conduct that interferes with, undermines, and substantially burdens Plaintiffs’ acts that are motivated by sincere religious beliefs, including:
 - i. the Sikhi teaching to abstain from proselytization (which constitutes an “exercise of religion” (*compare* Exhibit F, at ¶ 10 with *Smith*, 494 U.S. at 877 (“[T]he ‘exercise of religion’ often involves not only belief and profession but the performance of (or abstention from) physical acts [including] . . . proselytizing[.]”)));
 - ii. the Sikhi teaching that all paths to the Divine are equal (*see id.* at ¶ 3; *cf.* Exhibit G, at ¶ 3(b));
 - iii. the teaching that no singular faith has a monopoly on religious truths (*see* Exhibit F, at ¶ 4; Exhibit G, at ¶ 2; Exhibit E, at ¶ 3);
 - iv. the Sikhi teaching to refrain from discrimination based on social identities (*see* Exhibit F, at ¶ 9);
 - v. Hindu usages of images to depict multiple gods (*see* Exhibit G, at ¶ 4);

- vi. Jainism’s nontheism (*see id.* at ¶ 4);
 - vii. refraining from teaching the Ten Commandments to their children (*see* Exhibit F at ¶ 13; Exhibit G, at ¶ 1(g));
 - viii. refraining from teaching the Old Testament to their children (*see* Exhibit G, at ¶ 1(f));
 - ix. refraining from teaching their children about the circumstances under which owning servants is permissible (*see* Exhibit G, at ¶ 1(i)); and
 - x. refraining from teaching their children about murder and adultery (*see* Exhibit E, at ¶¶ 5 & 7).
64. Even if the State’s efforts to compel Plaintiffs’ children to silently accept, read, meditate upon, and perhaps to venerate and obey the Ten Commandments is indirect, it is nonetheless substantial. *Compare Thomas*, 450 U.S. at 718 *with Stone*, 449 U.S. at 42.

F. LEGISLATIVE HISTORY

65. The legislative history may assist the Court in its analysis. *See Edwards*, 482 U.S. at 594–95 (“The plain meaning of the statute’s words, enlightened by their context and the contemporaneous legislative history, can control the determination of legislative purpose.”); *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (“In cases involving state participation in a religious activity, one of the relevant questions is ‘whether an objective observer, acquainted with the text, legislative history, and implementation of the statute, would perceive it as a state endorsement of prayer in public schools.’ . . . Regardless of the listener’s support for, or objection to, the message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school’s seal of approval.”) (internal citations omitted).
66. There is documented legislative history behind Texas Education Code section 1.0041.
67. Specifically, the district court in *Nathan v. Alamo Heights Independent School District* (795 F. Supp. 3d 910, 940–42) (W.D. 2025) stated the following verbatim:
- In support of S.B. 10,^[4] the Lieutenant Governor stated: “In every classroom in Texas, [students] are going to see the Ten Commandments, and they are going to know about God.”
 - S.B. 10’s lead Senate sponsor and author said: “[W]e want every kid, [kindergarten] through twelve, every day, in every classroom they sit in to look on the wall and read . . . those words [] that God says because we want them to understand how important that those statements of God, those rules of God are that they see them in their classroom every single day of their public education.”

⁴ Exhibit D.

- The lead House sponsor and author said: “It is incumbent on all of us to follow God’s law, and I think that we would be better off if we did.”
- This representative went on to praise “some amazing teachers out there that are showing an awful lot of Christian behavior and love and concern to their students.”
- Thanking the House sponsor for introducing S.B. 10, another representative stated: I appreciate her bringing this to us because I think, again, to teach our children to better their behavior and that there is something in all of us that God has placed in each and every one of us. And the only way to get that out is to follow His commands. And His commands, the Ten Commandments set that out. And the best way to teach children is to find a means in which they are willing to learn.
- A primary author of S.B. 10 explained: “God tells us in Joshua 1:9 to be strong and courageous. Don’t be afraid. Don’t be discouraged, because the Lord, thy God is with us throughout our life. There is an afterlife. There is eternal life. And if we don’t expose—or introduce is a better word—our children and others to that, when they die, they had one birth, two deaths, because they will know nothing about the afterlife, the eternity with God. But exposing them or introducing them to Ten Commandments [and] prayer, it asks other questions, and they then have a choice in their future. Two births, and one death. And this is what we’re doing. Prayer gives us our faith. The Ten Commandments, while they are laws, actually expand our freedoms. That’s what we’re about.”
- During the same hearing, another senator addressed a Baptist reverend who testified against a separate bill that would authorize public schools to institute official periods of prayer. She said: “Perhaps the nationally accredited chaplaincy provides you the foundation for your beliefs in your testimony here, but the Baptist doctrine is Christ-centered. Its purpose is not to go around trying to defend this or that. It is to be a disciple and a witness for Christ. That includes the Ten Commandments, that’s prayer in schools. It is not a fight for separation between church and state.”
- Reacting to testimony supporting S.B. 10 and the school-prayer bill, a primary author of S.B. 10 revealed: “I’m in shock . . . that only twenty-five percent of our kids today in schools have been in a church. That should make everybody listening absolutely scared to death. I mean, obviously, only the Lord can save us, and we need to engage in prayer. But to realize only twenty-five percent of our kids in schools today have been in a church is absolutely horrific and something we all need to work on to address.”
- Dismissing concerns that S.B. 10 would spiritually burden non-Christian students, a primary author of the Act explained: “Christians have been intimidated and afraid to talk about or express their faith at work and in school in this country. Christians are the majority, pretty clearly. We, with our faith,

but more importantly in this context as Texans, the majority needs to look out for the minority, I understand, and be careful not to trample them. But we've gone too far there . . . So, I think it's important that we're able to have the freedom to express our faith . . . through the Ten Commandments."

- After one legislator pointed to "Muslim students that are being bullied in Texas public schools" and "Jewish students being bullied" as a reason to avoid imposing Christian scripture in classrooms, another representative stated: "Oh, then we really need the Ten Commandments in there on how to treat others kindly."
- After being advised that Texas public "schools also serve students of other faith backgrounds," including "Muslim students, Hindu students, Buddhist students, Sikh students, [and] atheist students"—and asked how it will make "a Hindu student feel to have a poster in every classroom that says, 'thou shalt not worship any God before me?'"—a representative replied: "I don't know. I haven't asked one. Have you?"
- This representative went on to say: "I assume they're Americans now? I think that they would find it interesting to see what was important and foundational to our forefathers that made this nation a place that they wanted to come and live and raise a family and be part of it."

68. Thus, Texas Education Code 1.0041 "proceed[ed] in a manner intolerant of religious beliefs." *See Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021).

G. ATTORNEY'S FEES AND WAIVER OF IMMUNITY

69. Plaintiffs are entitled to recover reasonable and necessary attorney's fees that are equitable and just under Texas Civil Practice & Remedies Code section 37.009 because this is a suit for declaratory relief. *See* TEX. CIV. PRAC. & REM. CODE § 110.005(a)(4).
70. The State has waived sovereign immunity by authorizing Plaintiffs to seek declaratory relief and to receive awards of attorney's fees. *See* TEX. CIV. PRAC. & REM. CODE § 110.005(a)(1) (TRFRA authorization of declaratory relief under Chapter 37); *id.* § 37.004(a) (a person whose rights, status, or other legal relations are affected by a statute may have determined any question of validity arising under the statute and obtain a declaration of rights, status, or other legal relations thereunder); *Tex. Educ. Agency v. Leeper*, 893 S.W.2d 432, 446 (Tex. 1994) ("The DJA expressly provides that persons may challenge ordinances or statutes . . . We conclude that by authorizing declaratory judgment actions to construe the legislative enactments of governmental entities and authorizing awards of attorney fees, the DJA necessarily waives governmental immunity for such awards.").

APPLICATION FOR TEMPORARY RESTRAINING ORDER

71. Plaintiffs' request for a temporary restraining order concerning Texas Education Code section 1.0041 is authorized by Texas Civil Practice and Remedies Code section 110.005(a)(2) (TRFRA provision authorizing "injunctive relief to prevent the threatened violation or continued violation").
72. "When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." *Engel*, 370 U.S. at 431.
73. Plaintiffs therefore ask the Court to (a) restrain Defendants from implementing, enforcing, or attempting to implement or enforce Texas Education Code section 1.0041, (b) prohibit Spring Branch Independent School District from complying with Texas Education Code section 1.0041, (c) order Spring Branch Independent School District to remove posters of the Ten Commandments that have been placed in its classrooms; and (d) invalidate the State's concerted effort to force every elementary and secondary public-school student with average vision from seeing a legible copy of the Ten Commandments—from everywhere in every classroom—until they graduate from high school.
74. It is probable that Plaintiffs will prevail on their request for declaratory relief after a trial on the merits—or summary judgment—because Texas Education Code section 1.0041 (a) substantially burdens their free exercise of religion; (b) does not further a compelling governmental interest; and (c) is not the least restrictive means of furthering the State's interest. *See* Exhibits E, F, and G; *see also Stinson v. Fayetteville Sch. Dist. No. 1*, 798 F. Supp. 3d 931 (W.D. Ark. 2025) (granting preliminary injunction concerning a similar statute) (Exhibit H) and *Stinson v. Fayetteville Sch. Dist. No. 1*, 824 F. Supp. 3d 792 (W.D. Ark. 2026) (Exhibit I).
75. Additionally, the State's conduct endorses a particular religion and is an activity that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school; thus, it constitutes the requisite state action, infringes on the rights of others, and must be prohibited. *See Roberts v. Madigan*, 921 F.2d 1047, 1057 (10th Cir. 1990).
76. TRFRA's express language supplants the common-law elements for injunctive relief, such as imminent harm, irreparable injury, and lack of an adequate remedy at law. *See Lindsey v. State*, No. 01-20-00373-CV, 2021 WL 3868310, at *5 (Tex. App.—Houston [1st Dist.] Aug. 31, 2021, no pet.) (mem. op.) (citing *Furr v. Hall*, 553 S.W.2d 666, 672 (Tex. App.—Amarillo 1977, writ ref'd n.r.e.); *Republic Ins. Co. v. O'Donnell Motor Co.*, 289 S.W. 1064, 1066 (Tex. App.—Dallas 1926, no writ)). Therefore, Plaintiffs do not need to show imminent harm, irreparable injury, or lack of an adequate remedy at law. *See id.*

77. Additionally and/or alternatively:

- a. Plaintiffs will suffer injury if injunctive relief is not granted concerning Texas Education Code section 1.0041.
- b. Plaintiffs' harm is imminent because:
 - i. the school year begins in less than thirty days;
 - ii. Texas Education Code section 1.0041 requires every public elementary and secondary school in Texas—including the schools Plaintiffs' children attend—to post a copy of the Ten Commandments in every classroom;
 - iii. “[s]tudents in such institutions [elementary and secondary schools] are impressionable, and their attendance is involuntary” (*Edwards*, 482 U.S. at 584; *see Mahmoud*, 606 U.S. at 557 (“The government’s operation of the public schools . . . implicates direct, coercive interactions between the State and its young residents.”));
 - iv. Texas Education Code section 1.0041 requires Plaintiffs to either (A) forego a public-school education for their children or (B) submit their children for a public-school education that teaches—from everywhere they sit in every classroom until they graduate from high school—inherently religious teachings that are contrary to what they are taught by their families;
 - v. these omnipresent teachings in public-school classrooms pose a very real threat of undermining Plaintiffs’ religious beliefs and the practices they wish to instill in their children (*see Mahmoud*, 606 U.S. at 530 (quoting *Yoder*, 406 U.S. at 218); *see also id.* at 547 (“We have thus recognized limits on the government’s ability to interfere with a student’s religious upbringing in a public school setting.”)); and
 - vi. the threat presented to Plaintiffs—and the religious beliefs they wish to instill in their children—are framed as compulsory *commandments* and therefore “exert upon children a psychological pressure to conform to their specific viewpoints” (*see id.* at 553–54);

- c. The harm that will result if a temporary restraining order is not issued is irreparable because, “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).
- d. Additionally, the harm is irreparable because:
 - i. Texas Education Code section 1.0041 requires schools to post the Ten Commandments in every public elementary and secondary school classroom;
 - ii. “[t]he State exerts great authority and coercive power through mandatory attendance requirements, and because of the students’ emulation of teachers as role models and the children’s susceptibility to peer pressure” (*Edwards*, 482 U.S. at 584; *Engel v. Vitale*, 370 U.S. 421, 431 (1962));
 - iii. the school day constitutes a critical period of time in a young child’s development (*see A.A.*, 611 F.3d at 265);
 - iv. Plaintiffs are not Christians;
 - v. Plaintiffs do not raise their children to follow Christian teachings;
 - vi. Plaintiffs do not teach the Ten Commandments to their children;
 - vii. posting the Ten Commandments in every public elementary and secondary school in Texas bears the imprimatur of the school (*see Roberts*, 921 F.2d at 1057);
 - viii. school sponsorship of a religious message “sends the ancillary message to members of the audience who are nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community” (*Santa Fe Indep. Sch. Dist.*, 530 U.S. at 309–10 (cleaned up));
 - ix. “[i]t is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which establishes a [state] religion or religious faith, or tends to do so” (*Lee*, 505 U.S. at 587 (cleaned up and emphasis added));

- x. Plaintiffs' minor children will feel pressured to adopt or revere the Ten Commandments to avoid disfavor from peers or school officials;
 - xi. Plaintiffs' minor children will feel pressured to refrain from voicing disagreement with the State's sponsorship of the Ten Commandments and "remaining silent can signify adherence to a view" (*Lee*, 505 U.S. at 593; *cf.* Exhibit G, at ¶¶ 9 & 10));
 - xii. "[r]esearch in psychology supports the common assumption that adolescents are often susceptible to pressure from their peers towards conformity, and that the influence is strongest in matters of social convention" (*id.*) (citations omitted);
 - xiii. the risk of compulsion in a classroom setting is "especially high" (*id.* at 596);
 - xiv. "the government may no more use social pressure to enforce orthodoxy than it may use more direct means" (*id.* at 594);
 - xv. "preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere" (*id.* at 589);
 - xvi. the State's mandated posting of the Ten Commandments in every public elementary and secondary school classroom substantially interferes with the People's clearly established fundamental right to exercise care, custody, and control of their children, including the right to make decisions concerning their children's upbringing (*see* TEX. CONST. art. I, § 37); and
 - xvii. the United States Supreme Court has "long recognized the rights of parents to direct the religious upbringing of their children . . . [and has] held that those rights are violated by government policies that substantially interfere with the religious development of children" (*Mahmoud*, 606 U.S. at 546 (cleaned up)).
- e. Plaintiffs have no adequate remedy at law because the State enjoys sovereign immunity for its statewide violations of TRFRA. *See* TEX. CIV. PRAC. & REM. CODE § 110.008(b).

78. Plaintiffs are willing to post a nominal bond and suggest \$100. *See* TEX. R. CIV. P. 684.

79. Plaintiffs ask the Court to set their request for a temporary restraining order for a hearing and, after the hearing, issue a temporary restraining order against Defendants.
80. “The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality.” *Schempp*, 374 U.S. at 226.
81. Plaintiffs ask this Honorable Court to evict the State from its unjustifiable breach into the People’s inviolable citadel and to restore the clearly established requisite neutrality concerning religion in Texas’ elementary and secondary public-school classrooms. *See id.*

REQUEST FOR TEMPORARY INJUNCTION

82. Plaintiffs ask the Court to set their request for a temporary injunction for a full trial on the merits and, after the trial, issue a temporary injunction against Defendants.

REQUEST FOR PERMANENT INJUNCTION

83. Plaintiffs ask the Court to set their request for a permanent injunction for a full trial on the merits and, after the trial, issue a permanent injunction against Defendants.

TRFRA CLAIM AGAINST SPRING BRANCH ISD

84. Plaintiff Emily Roth also seeks monetary damages from Spring Branch Independent School District based on its violation of TRFRA. *See* TEX. CIV. PRAC. & REM. CODE § 110.005(a)(3).
85. Plaintiff Emily Roth has already sent the requisite notice to Defendant Spring Branch Independent School District. *See id.* § 110.006.

ALTERNATIVE REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF

86. In the event this Court denies Plaintiffs’ foregoing requests for declaratory and injunctive relief concerning the State’s violation of TRFRA, they alternatively request a declaration that Texas Education Code section 1.0041 violates article I, section 37 of the Texas Constitution and injunctive relief enjoining the State from violating said section.

CONDITIONS PRECEDENT

87. All conditions precedent to Plaintiffs’ claim for relief have been performed or have occurred.

OBJECTION TO ASSOCIATE JUDGE

88. Plaintiffs object to this case being referred to an associate judge for presiding over hearings, a trial on the merits, or a jury trial.

PRAYER

89. For these reasons, Plaintiffs ask this Honorable Court to expeditiously:

- a. cite the State of Texas, Spring Branch Independent School District, Cypress-Fairbanks Independent School District, and Houston Independent School District to appear and answer;
- b. hold a hearing;
- c. issue a temporary restraining order restraining Defendants from implementing, enforcing, or attempting to implement or enforce Texas Education Code section 1.0041 (*see* TEX. CIV. PRAC. & REM. CODE § 110.005(a)(2));
- d. issue a temporary restraining order prohibiting Spring Branch Independent School District from complying with Texas Education Code section 1.0041 and ordering it to remove posters of the Ten Commandments that have already been placed in its classrooms (*see id.*);
- e. declare that Texas Education Code section 1.0041 violates the Texas Religious Freedom Restoration Act or—alternatively—article 1, section 37 of the Texas Constitution (*see id.* § 110.005(a)(1));
- f. award them a temporary then permanent injunction enjoining Defendants from implementing, enforcing, or attempting to implement or enforce Texas Education Code section 1.0041 (*see id.* § 110.005(a)(2));
- g. award them court costs (*see id.* § 110.005(a)(4));
- h. award them attorney's fees, including prospective appellate fees (*see id.*);
- i. award them other reasonable expenses incurred in bringing the action (*see id.*);
- j. award Plaintiff Emily Roth monetary damages against Spring Branch Independent School District for its violation of TRFRA; and
- k. award them all other relief to which they are entitled, both at law and in equity.

Respectfully submitted,

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