

I.
Introduction

1. J.C., H.C., T.G. and J.B. are four minors, joined by their parents as next friends, who are full time home-school students, and together comprise a four-person chess team. The team has won various state and national competitions and has been recognized for their outstanding achievement in chess competition, placing fourth in the nation in the Defendant's K-9 blitz chess (fast chess) national tournament in Louisville, Kentucky in 2015. They also placed tenth in the nation at this same tournament in the K-8 classic chess competition. In 2016, the team won fourth place in the nation in the Defendant's tournament in Indianapolis in the blitz chess competition, and also won ninth place in the nation in standard chess competition. Following their initial victory at the Defendant's tournament in 2016, and while the tournament was still in progress, the Defendant disqualified one of the team members and stripped the team of its high score based on a complaint from a member of its Scholastic Council (who at the time also served as coach for a competing team). They have since been advised by the Defendant that their home school team is ineligible to compete at the upcoming "Supernationals Tournament" scheduled to begin in Nashville, Tennessee on May 11-14, 2017.

2. The Defendant arbitrarily enforces its rules in a manner that operates to systematically exclude teams comprised of home-schooled students. Plaintiffs and their parents seek declaratory and injunctive relief under Title II of the Civil Rights Act of 1964, § 201, 42 U.S.C.A. § 2000a., based on the disparate impact of the Defendant's arbitrary rules and their discriminatory effect on the Plaintiff's exercise of their fundamental constitutional rights to direct and control the education of their children in

accordance with their religious beliefs in a place of public accommodation and as protected under the First and Fourteenth Amendments.

3. On May 11-14, 2017, the Defendant will host its Supernationals Tournament at the Gaylord Opryland Convention Center in Nashville, Tennessee. This event takes place every four years and is the equivalent of a Chess Olympics. Despite their national level of achievement, the minor Plaintiffs, J.C., H.C., T.G. and J.B. have been denied access to compete as a team in this national event based on the Defendant's arbitrary enforcement of its discriminatory rules. Plaintiffs seek a temporary restraining order pursuant to Rule 65(b) Fed.R.Civ.P preserving the *status quo* and allowing the Plaintiffs to compete as they have the past two years in USCF events pending the further orders of this court.

II. Jurisdiction

4. Jurisdiction is vested in this court to hear Jurisdiction is vested in this Court to hear and decide all issues presented in this case pursuant to 28 U.S.C. § 1331, 1343 and 1367, this case being predicated on a federal question and the enforcement of certain federal statutory rights under Title II of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000a.

III. Parties

5. J.C., age 16, is a minor resident of Williamson County, and resides at 122 Reliance Drive, Franklin, Tennessee 37067.

6. H.C., age 12, is a minor resident of Williamson County, Tennessee. He is the brother of J.C. and also resides at 122 Reliance Drive, Franklin, Tennessee 37067. .

7. Rocklyn Campbell is an adult resident of Williamson County, Tennessee, and is the natural father of J.C. and H.C.

8. Monique Campbell is an adult resident of Williamson County, Tennessee, and is the natural mother of J.C. and H.C.

9. T.G., age 15, is a minor resident of Williamson County, and resides at 142 Reliance Drive, Franklin, Tennessee 37067.

10. Sherri Gough is an adult resident of Williamson County, Tennessee, and is the natural mother of T.G.

11. J.B., age 14, is a minor citizen and resident of Williamson County, and resides at 377 Logans Circle, Franklin, Tennessee 37067.

12. Johnny Byrd is an adult resident of Williamson County, Tennessee, and is the natural father of J.B.

13. Gina Byrd is an adult resident of Williamson County, Tennessee, and is the natural mother of J.B.

14. The United States Chess Federation (hereinafter "USCF") is a non-profit 501(c)(3) organization that has its national headquarters in Crossville, Tennessee. It was founded in 1939 in Illinois through the merger of the American Chess Federation and the National Chess Federation. USCF is a federation of state affiliates and is governed by its corporate bylaws and the USCF National Scholastic Chess Tournament Regulations. Its principal offices are located at 127 O'Brien Drive, Crossville, Tennessee 38555. Its

registered agent for service of process is Harry Sabine, 290 Thurman Avenue, Crossville, Tennessee 38555.

IV. Facts

15. J.C., his younger brother H.C., T.G. and J.B. are all home school students who currently reside in Williamson County, Tennessee.

16. In 2014, they formed a chess team and began meeting regularly on a weekly basis to practice and refine their skills in this game. The oldest member of the team, J.C., was in the 6th grade at that time.

17. In recognition of their children's hard work and dedication to chess, in 2015, Plaintiffs, Rocklyn and Monique Campbell, Sherri Gough and Johnny Byrd, as members of USCF, enrolled their children to play as a team with USCF for the purpose of competing on a national level with other teams. That year their children placed fourth in the nation for a completion called speed chess (sometimes referred to as "blitz chess") in the K-9 category, and also placed tenth in the nation for standard chess for the K-8 standard chess competition.

18. In 2016, the Campbell Homeschool Chess team enrolled again in the USCF national tournament in Indianapolis. They won fourth place in the nation for blitz chess in the K-9 championship, and placed ninth place in the regular K-9 chess championship.

19. In addition, in 2016, the Campbell Homeschool Chess Team (with one family member substituting for J.C.) again gained recognition by claiming the Tennessee junior

high state championship title in the Tennessee Open State Championship, a state affiliate of the USCF.

20. While the Campbell Homeschool Chess Team was on stage at the Indianapolis national tournament receiving their awards as the 4th place finalists in the Defendant's 2016 tournament blitz chess competition, with the convention hall full of contestants, parents and coaches from around the nation awaiting the next round of games, a USCF announcer, Franc Guadalupe, stated: "something about your team stinks."

21. The parent Plaintiffs were then called in to a special meeting with several USCF board and/or executive members, including liasons of the USCF scholastic council – the scholastic rulemaking committee of USCF. Plaintiffs were told that the legitimacy of their homeschool team to compete had been called into question.

22. Plaintiffs were asked whether they all resided in the same school zone or district. They responded that three of the team members lived in a Davidson County school zone; one member, J.C. resided in a Williamson County school zone. Hearing this, the Defendant stated that the four could no longer compete together as a team, and stripped J.B.'s score from the team's overall performance. As a consequence, the team took ninth place in the national classical chess competition. Prior to J.B.'s score being stripped from the team, they were in third place in the standings for the national K-9 championship.

23. A short time later, as the Plaintiffs exited the meeting, the USCF representative chairing the meeting remarked that he was sorry, but that the only thing Plaintiffs could do was to either petition for the rules to be changed or they could all move into the same school district.

24. The Defendant's representatives inquired whether all four of the member of the Campbell Homeschool Chess Team resided in the same public school district, to which the Plaintiffs replied that one of their players, J.B., did not; however, the team met at least twice each week under the same roof to practice. The Defendant then arbitrarily struck J.B.'s score from the team.

25. Based on the representation by the USCF official chairing the meeting, in November-December of 2016, two of the Plaintiff families, Rock and Monique Campbell and Sherri Gough relocated into the same school district in Williamson County, Tennessee. Plaintiff Sherri Gough placed her home on the market for sale. The primary impetus for this relocation was so their children would be able to compete together on the Campbell Homeschool Chess Team.

26. At all times relevant, the Plaintiffs all met the qualifications for eligibility within the Tennessee Chess Association (the Tennessee Affiliate of USCF). Specifically, the state requirements for homeschool students (as published at <http://tnchess.us>) contains no such restriction or requirement that all team members must reside within the same public school district.

27. The Campbell Homeschool Chess Team currently consists of one sixth grade student (H.C.), two eighth grade students (T.G. and J.B.) and one ninth grade student (J.C.). The three younger team members reside in a geographic area that is zoned for Freedom Middle School in Franklin, Tennessee. The one older student, J.C., would, if enrolled in public school, attend Centennial High School.

28. All three of the Plaintiff families reside within a half-mile radius of one another; two of the families (the Campbells and the Gough family) reside on the same street.

29. All of the Campbell Homeschool Chess Team members meet a minimum of twice each week under the same roof in a home school location at which Rocklyn Campbell serves as their chess coach.

30. In March of 2017, the Plaintiffs appealed USCF's determination that their children's team was ineligible to compete at the national level to the Scholastic Council of US Chess.

31. On April 21, 2017, Rocklyn Campbell received an email from Boyd Reed, a representative of USCF which stated as follows:

From: Boyd Reed2
Sent: Friday, April 21, 2017 4:11 PM
To: rockcampbell@att.net
Cc: robzadamson@msn.com ; beatriz@chesseducators.com ; Francisco Guadalupe ; Chris Bird
Subject: Scholastic Council decision in re: Campbell Home School

Mr. Campbell – I write concerning the matter of your appeal to the Scholastic Council of US Chess.

On April 12, you requested, via email, that the Council grant an exception to Scholastic Regulation 13.3.3.2.1, which prevents Campbell Home School from competing as a team in the K-9 Championship section of SuperNationals VI.

The Scholastic Council has deliberated over your appeal and rendered its decision. By a vote of 6-0, with one abstaining, they have denied your request for an exception to SR 13.3.3.2.1. The students of Campbell Home School will not be able to play as a team in the K-9 Championship section of SuperNationals VI.

In its communication, the Council specifically cited the language of SR 13.3.3.2.1, in conjunction with SR 13.2.1, as being dispositive of this appeal.

The following individuals are copied on this notification:

- Mr. Robby Adamson, Co-Chair, Scholastic Council
- Ms. Beatriz Marinello, Co-Chair, Scholastic Council
- Mr. Francisco Guadalupe, Director of Events, US Chess
- Mr. Christopher Bird, Chief Tournament Director, SuperNationals VI

Thank you for your time.

32. The rules cited by USCF as the basis for its ban on the Plaintiffs' team participation in national tournaments provide, in relevant part, as follows:

13.2 Team Composition

In National Scholastic Events (i.e., the Spring Nationals and the K-12) a team is comprised of students who attend the same school.

13.2.1 A school is defined as an institution which has one name, is located in one building or connected adjacent buildings, and is under one administrator and which provides core curricular instruction in English, math, science, and social studies.

13.2.1.1 A "local public school" for a home schooled or virtual school student is defined as the public school the student would attend if attending public school. For example, the local public school for a 3rd grade home schooled or virtual school student is the local public elementary school whose geographic footprint, as defined by the applicable local department of education authorities, encompasses the child's home residence address would attend if going to public school.

13.3 Home Schooled Students

Teams may also be comprised of homeschooled students.

13.3.1 A home schooled student is defined as a student who receives at least 50% of his or her core curricular instruction at home.

13.3.2 Home schooled students have two options for participating on a scholastic team in US Chess National Scholastic Events:

13.3.2.1 A home schooled student may represent his or her local public school when access to extracurricular activities at the school is permitted and the student resides within the boundaries of the local public school as defined in 13.2.1. Before travelling to a tournament, the parents, coach or guardian of such a player shall obtain a " Letter of Authorization" signed by a senior administrator (e.g. Principal, Director, Vice- Principal, Assistant Director, School Master) of the school to document their players' authorization to participate as part of a specific school's team. The player, parents, coach or guardian should bring this letter to the tournament and be ready to provide it to US Chess if requested.

13.3.2.2 A home schooled student may join with other home schooled students who reside within the boundary of the same local public school as defined in 13.2.1.

13.3.3 There may be more than one home school team per recognized public school district.

(2017 National Scholastic Chess Tournament Regulations of the US Chess Federation at p. 9).

33. During the 2016 USCF National Tournament in Indianapolis, the Plaintiffs were advised by a representative of USCF that the underlying purpose of the foregoing rules were to prevent the formation of what the Defendant referred to as “super teams”. The term, super team, as used by the Defendant, would consist of several home school students selected from various states or regions in the country who are hand-picked to compete at the national level. This clearly does not apply to the Plaintiffs, all of whom reside within a half-mile of each other and two of whom are siblings.

34. Team members formed from private or charter schools, however, are allowed to select team members from grades K-12 to serve on the same team. In addition, private schools may recruit team players from anywhere outside a geographic area that is zoned for a specific public school. Since no such geographic restrictions exists with regard to teams from private or public schools, the USCF scholastic rules, and specifically § 13.3, have a disparate impact nationally on homeschooled students as compared to other forms of education.

35. At the Defendant’s 2016 Tournament in Indianapolis, there were more than 5,000 contestants. Out of this number, the Plaintiffs were the only home school team represented.

36. According to statistics published by the National Center for Education Statistics, approximately 3 percent of the school-age population were homeschooled during the 2011-2012 school year. (<https://nces.ed.gov/pubs2006/homeschool/>)

37. Due to this sparse distribution of homeschool children, the statistical odds of having, within a single school district, four potential chess team members who are homeschooled is extremely remote. When one adds to this the additional requirement imposed by USCF that each of the team members, if they were enrolled in public school, *would have to attend the same local public school*, (as required in § 13.2.1.1), the odds of locating a qualifying homeschool team become infinitesimal.

38. The disqualifying impact of the USCF rules, as they relate to homeschool children, is best exemplified by the minor Campbell Plaintiffs. J.C. and H.C. reside in the same household, but are disqualified from serving on a homeschool team together because J.C. would, (if enrolled in public school) attend Centennial High School; his younger brother would attend Freedom Middle School.

39. No other form of educational setting is required to meet such a restrictive requirement. Private schools may recruit chess players from anywhere in the world.

40. Plaintiffs allege that the complaint that culminated in their disqualification as a chess team was lodged by a coach of a competing team in New York. Plaintiffs are concerned that the coach who lodged this complaint is himself a member of the USCF Scholastic Council – the very council which deliberated over the Plaintiffs’ appeal and issued the ruling stated in the email to Mr. Campbell (*infra* at ¶ 26).

41. Plaintiffs allege that the USCF’s policy and practice of allowing a competing coach to lodge a complaint against a team and then sit as judge over whether the exclusion of the team is justified within the USCF’s rules and regulations constitutes an inherent conflict of interest.

2017 US Chess Supnationals Tournament – May 11-14 Nashville, Tennessee

42. Beginning on the evening of May 11, 2017 and continuing through May 14, 2017, the Defendant USCF will host its Supnationals Tournament at the Gaylord Opryland Resort and Convention Center in Nashville, Tennessee. More than 5,000 chess players from all across the nation are expected to participate in this event. Chess teams from public, private and charter schools have been invited to compete in this tournament. This event takes place only once every four years and is the equivalent of a Chess Olympics.

43. The Campbell Homeschool Chess Team has registered to compete in this Supnational Tournament despite earlier having been advised by the Defendant that they are ineligible based on its arbitrary enforcement of its rules.

44. The ability to compete as a team is a vital aspect of the minor Plaintiffs' success and competition. It provides them with a sense of community, identity, and a common goal for which to unite. They train as a team, support each other as a team, and win or lose as a team. Though chess is an individual sport, taking away the ability to compete as a team from these Plaintiffs would take away a vast amount of their motivation for improvement. This peer involvement is essential to their development scholastically as a chess team and is integral to their ability to compete successfully at the national level.

**V.
Causes of Action
COUNT I
Title II of the Civil Rights Act of 1964,
42 U.S.C.A. § 2000a.**

45. Plaintiffs incorporate by reference herein the allegations set forth in ¶¶ 1-44, and do further allege as follows.

46. Title II of the Civil Rights Act of 1964, § 201, 42 U.S.C.A. § 2000a. provides as follows:

(a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion or national origin

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce...

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment.

(c) The operations of an establishment affect commerce within the meaning of this subchapter if...it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce.

47. The US Chess Federation's use of the Opryland Convention Center to host its Supnationals Tournament on May 11-14, 2017, constitutes a place of public accommodation as that term has been judicially defined under Title II of the Civil Rights Act. As stated on the Defendant's website, more than 5,200 participants have registered for this event. (See Defendant's website post on May 5, 2017, a copy of which is attached hereto as Exhibit A and incorporated herein by reference).

48. Title II precludes private and public actors from segregating or depriving individuals of services on account of race, color, creed or religion, or based on their exercise of a fundamental constitutional right at places of public accommodation.

49. The liberty right of the Plaintiffs to direct and control the education of their children in accordance with the dictates of their religious beliefs is a right that has been recognized by the United States Supreme Court as a paramount right under the Fourteenth Amendment. *Wisconsin v. Yoder*, 92 S.Ct. 1526, 1542, 406 U.S. 205, 233 (U.S. 1972).

50. Each of the parent Plaintiffs possess sincerely held religious convictions that motivate, in whole or in part, their decision to homeschool their children.

51. The Defendant's arbitrary enforcement of its rules in a manner which has an intentional, discriminatory impact on the Plaintiffs' ability to fairly participate in a national sporting event in a place of public accommodation is proscribed by Title II.

52. As a consequence of the Defendant's arbitrary enforcement of its Rules in a manner that is discriminatory against homeschooled children, the Plaintiffs, J.C., H.C., T.G. and J.B., are being denied the "full and equal enjoyment" of an opportunity to compete as a team in a place of public accommodation solely on the basis of their chosen homeschool method of education.

COUNT II
Temporary Restraining Order
Rule 65(b) Fed.R.Civ.P

Imminent Threat of Irreparable Harm

53. Plaintiffs incorporate by reference herein the allegations set forth in ¶¶ 1-52, and do further allege as follows.

54. The Supernational tournament only meets once every four years and is the equivalent to a Chess Olympics. Specifically, the minor Plaintiffs have devoted

considerable time, resources and training into improving their chess skills to compete in this competition, meeting at least twice per week and individually with coaches.

55. The Plaintiffs J.C., H.C., T.G. and J.B. will suffer irreparable harm if they are excluded from participation in the upcoming Supernationals Tournament on May 11-14, 2017 in Nashville, Tennessee

56. In addition, Plaintiffs' standing nationally in the upcoming Chess Supernationals will impact their educational and scholarship opportunities since several institutions of higher education award full or partial scholarships to students who excel in chess competition or who achieve standing nationally in chess tournaments of the type taking place on May 12-14, 2017.

57. The balance of relative harm to the parties is decidedly in favor of the Plaintiffs. The Defendant has permitted this same team to compete at several events in the past without incident. If the Plaintiffs are banned from participation as a team, then they will forever forfeit this opportunity in their lives to compete in a national event that only occurs only ever four years.

WHEREFORE, PLAINTIFFS REQUEST THE FOLLOWING RELIEF:

Injunctive Relief

1. The Plaintiffs seek a temporary restraining order, preliminary injunctive relief and permanent injunctive relief to enjoin and restrain the Defendant, United States Chess Federation, its agents, employees and all those acting in concert with them from preventing the Plaintiffs, J.C, H.C., T.G. and J.B. from discriminating against the these Plaintiffs by barring their participation as a homeschool team in the Defendant's scholastic chess tournaments and other events.

Declaratory Judgment

2. An actual controversy exists between the parties as to whether the Defendant's policies, practices and customs with regard to the restrictions it places on the ability of homeschool students to compete violates Title II of the Civil Rights Act by discriminating in a place of public accommodation based on the Plaintiff's exercise of a fundamental constitutional right.

Nominal Damages

3. Plaintiffs seek an order awarding nominal damages for the Defendant's violation of their federal constitutional rights and statutory rights under Title II of the Civil Rights Act of 1964.

Attorneys Fees

4. Plaintiffs request an award of reasonable attorney's fees as provided by 42 U.S.C. § 1988.

Jury Demand

5. Plaintiffs demand a jury of six to hear and try the final trial of this case.

Other Relief

6. Plaintiffs additionally request such other relief as the Court deems just and proper.

Respectfully submitted,



CRAIN | SCHUETTE ATTORNEYS

/s Larry L. Crain

Larry L. Crain
Tn. Supr. Ct. No. 9040
5214 Maryland Way
Suite 402
Brentwood, TN 37027
Tel. 615-376-2600
Fax. 615-345-6009
Larry@CSAFirm.com

/s Joshua D. Hershberger

Joshua D. Hershberger
201 E. Main Street
Madison, IN 47250
(812) 274-0441 Voice
(812) 273-2329 Facsimile
Josh@HershbergerLegal.com

Pro Hac Vice Pending

Counsel for the Plaintiff

VERIFICATION

R. V. Campbell

ROCKLYN CAMPBELL

M. Campbell

MONIQUE CAMPBELL

Sherril Gough

SHERRI GOUGH

Johnny Byrd

JOHNNY BYRD

Gina Byrd

GINA BYRD

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

Personally appeared before me, LARRY L. CRAIN, a notary public in and for said County and State, the above-signed, Rocklyn Campbell, Monique Campbell, Sherri Gough, Johnny Byrd and Gina Byrd, and did make oath that the information contained in the foregoing document was true and correct to the best of their information, knowledge and belief.

Sworn to and subscribed before me this 7th day of MAY, 2017.

Larry L. Crain
Notary Public



My commission expires: _____

Parents, Prepare: SuperNationals VI is a Week Away!

By Jennifer Shahade | May 5, 2017 | Kids, News



Flashback Friday to the 1st SuperNationals, held in Knoxville in 1997. Photo Bill Snead

Over 5200 players have registered for SuperNationals VI, **including over 12 players rated over 2400 in the K-12 Championship** section. **You can join the stars** and be part of what is shaping up to be a record breaking event!

Former World Champion Garry Kasparov, GMs Maurice Ashley, gold medalist GM Sam Shankland, GM Irina Krush and IM Nazi Paikidze are all set to attend. The list of superstars continued to grow a week ago as **blindfold king Timur Gareyev and US Women's Champ Sabina Foisor were added to the roster.**

<https://new.uschess.org/news/supernationals-vi-chess-parents-video/>