

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

HASEEB ABDULLAH,

Plaintiff/Petitioner,

vs.

**KEN PAXTON, in his Official Capacity as
Attorney General for the State of Texas,
GLENN HEGAR, in his Official Capacity
as Comptroller of Public Accounts for the
State of Texas and Director of The Texas
Treasury Safekeeping Trust Company,
PORTER WILSON, in his Official
Capacity as Executive Director of ERS, and
AMY BISHOP, in her Official Capacity as
Executive Director of TCDRS**

Cause No. 20-1245

CIVIL ACTION

PLAINTIFF'S ORIGINAL COMPLAINT

I. PARTIES

1. Plaintiff Haseeb Abdullah is an American citizen. He is presently domiciled in Travis County, Texas.
2. Defendant Ken Paxton is the Attorney General for the State of Texas. His official address is 300 W. 15th Street Austin, Texas, 78701. Plaintiff brings this suit against Defendant Paxton in his official capacity.
3. Defendant Glenn Hegar is the Comptroller of Public Accounts for the State of Texas and Director of The Texas Treasury Safekeeping Trust Company. The main office of the

Comptroller is located at 111 East 17th Street, Austin, Texas, 78774. Plaintiff brings this suit against Defendant Hegar in his official capacity.

4. Defendant Porter Wilson is the Executive Director of the Employees Retirement System of Texas (“ERS”). The main office for ERS is located at 200 East 18th Street, Austin, Texas 78701.
5. Defendant Amy Bishop (collectively with Porter Wilson, “Director Defendants”) is the Executive Director of the Texas County and District Retirement System (“TCDRS”). The main office for TCDRS is located at Barton Oaks Plaza IV, Ste. 500, 901 S. MoPac Expy., Austin, TX 78746.

II. JURISDICTION AND VENUE

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1), because all Defendants reside in this District and the actions forming the base of these causes of action occurred in this District.
7. This Court has jurisdiction over this action under 28 U.S.C. § 1331. Jurisdiction is also conferred under 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act), which enables parties to bring lawsuits in federal court to obtain declaratory relief not otherwise available.
8. This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367.

III. STATEMENT OF CLAIMS

A. State of Texas Employee Retirement System

9. Plaintiff Haseeb Abdullah (“Plaintiff”) was employed by the State of Texas from September 2008 until March 2018.

10. Plaintiff worked for the State of Texas through the Texas Department of Public Safety, as an Attorney in the Administrative License Revocation section; the Texas Department of Insurance, Division of Workers' Compensation, as an Assistant General Counsel; and the Texas Department of Licensing and Regulation, as an Attorney in the Enforcement Division.
11. Each month that Plaintiff was employed by the State of Texas, he contributed a portion of his pre-tax salary to the ERS.
12. This pension plan and employee contribution was a mandatory requirement for all employees of the State of Texas.
13. In order to keep the ERS pension system solvent, the contributions required from State of Texas Employees, State of Texas Agencies and Texas Taxpayers have increased in recent years.
14. Although Plaintiff is not currently a State of Texas employee, and thus is not currently making monthly contributions, he is still an ERS member, and his vested pension continues to be maintained and overseen by ERS.
15. Over a period of time between approximately April 2019 until June 2019, the Executive Director of ERS, Porter Wilson ("ERS's ED"), divested approximately \$68 million of the ERS fund from its investment in DNB ASA.
16. DNB ASA (formerly DnB NOR ASA) is Norway's largest financial services group. A detailed recitation of the specifics of DNB's present financial figures are available in its Annual Report for 2019.¹

¹ https://vp267.alertir.com/afw/files/press/dnb_asa/202003043677-1.pdf (last visited August 06, 2020).

17. American investors make up approximately 19% of DNB ASA's investors as of 2019.²
18. DNB ASA follows an investment code of ethics in all of its investments, and applies this code of ethics consistently over all of its investments, regardless of the investor's country of origin.
19. DNB ASA's investment code of ethics is based on Norwegian and International law.
20. DNB ASA is one of the most profitable companies in the world.
21. According to media reports and ERS's own admissions, ERS's ED divested from DNB ASA based on Texas Government Code § 808 ("Section 808").³
22. Section 808.055 requires that if a company continues to boycott Israel, the relevant state governmental entity is required to "sell, redeem, divest, or withdraw all publicly traded securities of the company."
23. Provisions like Section 808 are broadly referred to as "anti BDS laws," with "BDS" referring to the Palestinian-led peaceful boycott of Israel and Israeli based products, based on Israel's occupation of Palestine and its treatment of Palestinian citizens.
24. ERS's ED divested from DNB ASA, against the fiduciary interest of pension holders such as Plaintiff.
25. Plaintiff, State of Texas Employees, State of Texas Retirees, State of Texas Agencies, and State of Texas taxpayers all rely on ERS to make sound fiduciary decisions in the management of their pensions.
26. On August 21 2019, Plaintiff made public comments in front of the ERS Board of Trustees regarding his opinion that ED's decision to divest from DNB ASA runs counter

² *Id.* at 21.

³ https://www.expressnews.com/news/politics/texas_legislature/article/Texas-ban-on-companies-that-boycott-Israel-drives-13768924.php (last visited June 12, 2020).

to Plaintiff's fiduciary interests, as well as the investment advice of ERS's own in house employee investors.

27. For example, in oral testimony before the Senate Business and Commerce Committee in 2017, Tom Tull, ERS' chief investment official was asked to provide his opinion on the potential impact of legislation requiring divestment from companies that engage in BDS, and he responded by stating the following: "the effect on the trust is really non-quantifiable...for a variety of reasons. 1) it could...have a market impact in terms of the public companies that we're investing in; 2) it could have an effect on private companies that we would like to invest in in terms of availability of deal flow" and "aside from that, we have a fiduciary duty to do what is in the best interests of our constituents."
28. Further, when asked about whether he was concerned about the prospect of such legislation passing, Mr. Tull expressed his opinion that it is always a cause for concern when the flexibility of being able to invest in free markets is constrained, and that it is "a negative" to narrow the "investment environment that [ERS has] to work with in finding good companies that [ERS] can invest in at a reasonable price" in order to benefit the trust.⁴
29. Following Plaintiff's public comments to the Board of Trustees, Plaintiff spoke with Assistant General Counsel Brannon Andrews, who informed him that the Board of Trustees did not change the ED's decision regarding divestment from DNB ASA.

B. Texas County and District Retirement System

30. In April of 2018, Plaintiff began his employment with Travis County. Plaintiff works as an Assistant County Attorney for Travis County, in the Health and Social Services

⁴ http://tlcsenate.granicus.com/MediaPlayer.php?clip_id=11832 (at 50:00-53:00).

Division.

31. Travis County is a member of the TCDRS with mandatory participation by certain classes of employees. Under this System, seven percent (7%) of an employee's gross salary is deducted each pay period, and an employee is fully vested after eight years of service.
32. Accordingly, Plaintiff contributes 7% of his gross salary to TCDRS every pay period.
33. Since 2017, TCDRS has been sending letters under the authority of Section 808, as described above, to its various outside investment vendors ("IV") updating them on companies from which they should divest, or if they have not yet invested in these companies, informing them that they are not to do so.
34. These instructions are based on the determination that the named companies have been found to participate in activities supporting the boycott of Israel.
35. Upon information and belief, since at least 2018, TCDRS's Executive Director Amy Bishop (TCDRS's ED) has sent letters to all TCDRS IV encouraging divestment from DNB ASA.
36. Those IV who do not have direct holdings in DNB ASA are nonetheless actively encouraged not to invest in DNB ASA.
37. Those IV who do have direct holdings in DNB ASA are encouraged to divest in DNB ASA, and go against their fiduciary duties to their clients, including TCDRS's members.
38. In taking these actions under the authority of Texas Government Code 808, TCDRS has created an environment with its IV that has had the effect of stifling free speech, at the expense of its duties to prioritize optimal financial outcomes in the execution of the relevant fiduciary obligations.

39. As a result of these actions, Plaintiff's contributions have become less fiscally sound.
40. On June 25, 2020, Plaintiff made public comments in front of the TCDRS Board or Trustees about TCDRS's ED's decision being not only against the fiduciary interests of Plaintiff, but also against the investment advice of TCDRS's own IVs.
41. After Plaintiff made his public comments to the TCDRS Board of Trustees, he reached out to TCDRS's General Counsel Ann McGeehan to find out if the ERS Board of Trustees had acted on Plaintiff's public comments, and overruled the TCDRS's ED's decision to encourage divesting from DNB ASA. Plaintiff was informed that the Board of Trustees has not changed the TCDRS's ED's decision regarding divesting from DNB ASA.
42. Plaintiff's liberty interest in his personal contributions has been harmed and continues to be harmed due to the actions of the Defendants.
43. Because of the requirements of Texas Government Code 808, Plaintiff as well as all other similarly situated individuals, cannot rely on the assurance that investment decisions are being made based on the determinations regarding optimal financial outcomes.
44. At this time, through his attempts to communicate his concerns to the Director Defendants, Plaintiff has exhausted all means reasonably available to him to address the harm created by the divestment requirement under Section 808.

IV. CLAIMS FOR RELIEF

A. Count 1-Freedom of Speech Under the First Amendment to the U.S. Constitution

45. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.
46. By its plain language, Section 808 is in violation of the freedom of speech protections

guaranteed by the First Amendment to the U.S. Constitution.

47. The stated purpose and practical effect of Section 808 is to deter any actions that can be construed as boycotting the State of Israel.
48. When the primary purpose of a boycott is not to gain an economic advantage, but to advance a political or social message, the boycott constitutes speech activity and is thus entitled to the protections provided by the First Amendment.
49. Further, corporations are afforded similar protections under the First Amendment as individuals.
50. Thus, the chilling effect that Section 808 has on the rights of both individuals and corporations to engage in the peaceful boycott of Israeli products and companies is in direct violation of the First Amendment.
51. Specifically, Section 808 constitutes a form of viewpoint discrimination, which the Supreme Court has held is a “particularly pernicious” form of speech restriction. *R.A.V. v. St. Paul* 505 U.S. 377, 395 (1992).
52. Viewpoint discrimination, a form of content-based speech restriction, occurs when the government singles out a particular viewpoint or perspective on a subject for unfavorable treatment, such that speech related to the disfavored viewpoint is subject to restriction.
53. Here, the financial restrictions encompassed in Section 808 apply to and penalize only one particular viewpoint with respect to the political and social conversation surrounding the relationship between Israel and Palestine.
54. Plaintiff, as well as all other similarly situated individuals, is directly harmed by the enactment and enforcement of Section 808. As a result of its promulgation, the individuals tasked with making decisions concerning Plaintiff’s financial interests must

consider criteria that unlawfully discriminates against a particular viewpoint, rather than solely administering those interests with the goal of optimizing financial outcomes.

55. Specifically, divestment from DNB ASA has resulted in harm to Plaintiff's liberty interests in the disposition of his own property.

56. Were it not for the mandates of Section 808, Plaintiff would not suffer this harm.

B. Count 2-Establishment Clause Under the First Amendment to the U.S. Constitution

57. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.

58. The First Amendment of the Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

59. This provision has been construed to prohibit both the establishment of religion, as well as the passing of laws that prefer one religion over another.

60. The Supreme Court has interpreted the Establishment Clause to apply equally to both federal and state governments. *Everson v. Bd. Of Educ.*, 330 U.S. 1, 15 (1947) ("the 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can...pass laws which aid one religion, aid all religions, or prefer one religion over another").

61. On its face, Section 808 does not purport to favor one religion over another; rather, it addresses the boycott of the State of Israel. However, statements made in the passing of the legislation that enabled Section 808 make clear that the lawmakers who supported and sponsored the bill had overtly religious intentions in doing so.

62. For example, the bill's sponsor, Representative Phil King, R-Weatherford, told news outlets in 2017 that he "introduced the legislation because as a Christian he felt his

religious heritage is linked to Israel and the Jewish people, America's national security depends on having Israel as an ally in the Middle East, and Texas has a large Jewish population and does a lot of business with Israel.⁵

63. Statements, like the ones described above, that reveal an intention to legislate based on religious preference or animus can be considered by the Court in assessing a constitutional challenge to government action, even where that action is facially neutral. *See Hawai'i v. Trump*, 241 F. Supp. 3d 1119, 1137 (D. Haw. 2017) (“these plainly worded statements, made in the months leading up to and contemporaneous with the signing of the Executive Order...betray the Executive Order’s stated secular purpose. Any reasonable, objective observer would conclude, as does the Court...that the stated secular purpose...is, at the very least, secondary to a religious objective”) (internal quotations omitted).
64. Thus, under the Establishment Clause, it is impermissible for state and local governments to make legislation based on an intent to place certain religious classifications in a favorable position, or to legislate based on the lawmakers own subjective religious imperatives.
65. Plaintiff, as well as all other similarly situated individuals, is directly harmed by the enactment and enforcement of Section 808. As a result of its promulgation, the individuals tasked with making decisions concerning Plaintiff’s financial interests must consider criteria that unlawfully favors a particular religion, rather than solely administering those interests with the goal of optimizing financial outcomes.

⁵ <https://www.courthousenews.com/fifth-circuit-throws-out-challenge-to-texas-ban-on-boycotting-israel/> (last visited June 12, 2020).

C. Count 3-Due Process Clause Under the Fifth and Fourteenth Amendments to the U.S. Constitution

66. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.
67. The Fifth Amendment of the Constitution provides that “No person shall ... be deprived of life, liberty, or property, without due process of law.”
68. The Fourteenth Amendment of the Constitution provides that “nor shall any State deprive any person of life, liberty, or property, without due process of law.”
69. The Supreme Court has affirmed that “[t]he Fourteenth Amendment to the United States Constitution provides that a state shall not deprive any person of life, liberty, or property, without due process of law.” *Town of Castle Rock v. Gonzales*, 545 U.S. 748 (2005).
70. Section 808.004 of the Texas Government Code purports to prevent individuals from exercising any private right of action to challenge Section 808: “A person ... may not sue or pursue a private cause of action against the state, a state governmental entity, a current or former employee, a member of the governing body, or any other officer of a state governmental entity, or a contractor of a state governmental entity, for any claim or cause of action, including breach of fiduciary duty, or for violation of any constitutional, statutory, or regulatory requirement in connection with any action ... made or taken in connection with this chapter.”
71. Furthermore, Section 808.056 states that a covered governmental entity may only cease divestment from a designated company “only if clear and convincing evidence shows that” a loss in the value of “all assets” that state governmental agency manages, and even then “only to the extent necessary” and only after providing “a written report to the

comptroller, the presiding officer of each house of the legislature, and the attorney general setting forth the reason and justification, supported by clear and convincing evidence, for deciding to cease divestment or to remain invested in a listed company.”

72. On its face, Section 808 through its sub-provisions listed above violates the due process rights of Plaintiff and others similarly situated, in that it deprives them of their rights to be heard and to have a meaningful opportunity to respond prior to deprivation of any constitutional interest.
73. Under the Fifth Amendment’s Due Process clause, Plaintiff is entitled to a right to be heard, and a meaningful opportunity to respond, regarding the deprivation or harm to his liberty interest in the property of his investments.
74. Plaintiff has been afforded no such opportunity prior to the deprivation of his property interests that has occurred, and continues to occur, as a result of Section 808’s requirements that those administering such interests unconstitutionally discriminate against certain companies, in contravention of their fiduciary duty to make decisions that optimize Plaintiff’s financial outcomes.
75. Section 808, through the provisions listed above, further imposes an improper burden on the rights of Plaintiff and others similarly situated. The stated requirement for state governmental entities of “clear and convincing evidence” and involvement of both houses of the legislature, the attorney general and the comptroller, before anything less than absolute adherence to Section 808 creates an improper burden on the rights of Plaintiff and others similarly situated.
76. Therefore, the provisions contained within Section 808 are unconstitutional on the face of the plain language of the statute.

D. Count 4-Violations of Article I of the Texas Constitution

77. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.
78. The Texas Constitution requires in Article I, the Texas “Bill of Rights,” that “no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.” Section 3, Article I, Texas Constitution.
79. Section 3a of Article I of the Texas Constitution requires that “Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.”
80. Section 7 of Article I of the Texas Constitution mandates that “No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.”
81. Section 19 of Article I of the Texas Constitution mandates that “No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.” *See Patel v. Tex. Dep’t of Licensing and Regulation*, 469 S.W. 3d 69, 80 (Tex. 2015).
82. For the reasons set forth above and incorporated herein by reference, Defendants have violated the rights of Plaintiff and others similarly situated which are protected by the identified Sections of Article I of the Texas Constitution.
83. Under the Texas Constitution, Plaintiff is entitled to a right to be heard, and a meaningful opportunity to respond, regarding the deprivation or harm to his liberty interest in the property of his investments.
84. Plaintiff has been afforded no such opportunity prior to the deprivation of his property interests that has occurred, and continues to occur, as a result of Section 808’s

requirements that those administering such interests unconstitutionally discriminate against certain companies, in contravention of their fiduciary duty to make decisions that optimize Plaintiff's financial outcomes.

85. Section 808, through the provisions listed above, further imposes an improper burden on the rights of Plaintiff and others similarly situated. The stated requirement for state governmental entities of "clear and convincing evidence" and involvement of both houses of the legislature, the attorney general and the comptroller, before anything less than absolute adherence to Section 808 creates an improper burden on the rights of Plaintiff and others similarly situated.

86. Therefore, the provisions contained within Section 808 are unconstitutional under Article I of the Texas Constitution on the face of the plain language of the statute.

E. Count 5-Article XVI, Section 67 of the Texas Constitution

87. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.

88. Under Article XVI, Section 67 of the Texas Constitution, "each statewide benefit system must have a board of trustees to administer the system and to invest the funds of the system in such securities as the board may consider prudent investments."⁶

89. In making decisions regarding investments, "a board shall exercise the judgment and care under the circumstances then prevailing that persons of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs...in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of the capital."⁷

90. The discriminatory requirements of Section 808 rob Plaintiff, and all other similarly

⁶ TX Const. Article XVI, Section 67(a)(3).

⁷ *Id.*

situated individuals, of the opportunity to avail themselves of the benefit of this duty of care, with respect to the investment of their state-administered benefits, in direct contravention of the mandates of the Texas Constitution.

F. Count 6-Breach of Fiduciary Duty

91. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.
92. The duty owed by a fiduciary is one of loyalty and good faith, strict integrity and accountability, and fair and honest dealing. *Sassen v. Tanglegrove Townhouse Condominium Ass'n*, 877 S.W.2d 489, 492 (Tex. App.--Texarkana 1994, writ denied); *see also Douglas v. Aztec Petroleum Corp.*, 695 S.W.2d 312, 318 (Tex. App.--Tyler 1985, no writ).
93. A breach of fiduciary duty occurs when a fiduciary violates his duty to act in the best interest of another. The elements of a claim for breach of fiduciary duty are 1) the existence of a fiduciary relationship between the plaintiff and defendant; 2) a breach of fiduciary duty to the plaintiff by the defendant; and 3) the defendant's breach proximately caused injury to the plaintiff or benefit to the defendant. *Jones v. Blume*, 196 S.W.3d 440, 447 (Tex. App.- Dallas 2006, pet. denied).
94. Director Defendants in this matter owed a fiduciary duty to Plaintiff as a matter of law, based on their trusted relationship as the guardians of Plaintiff's property interests. *Meyer v. Cathey*, 167 S.W.3d 327, 331 (Tex.2005).
95. Director Defendants breached their fiduciary duty to Plaintiff by propounding and enforcing legislation that requires the individuals administering Plaintiff's financial interests to consider discriminatory factors that are unrelated to optimizing financial outcomes.

96. The actions of Director Defendants have proximately caused harm to Plaintiff and all others similarly situated, by depriving him of the benefit of the fiduciary duties owed to him and the financial harm that is incurred as a result of that deprivation.⁸

G. Count 7–Breach of the Foreign Commerce Clause

97. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.

98. The dormant Foreign Commerce Clause is the analogue of the dormant Interstate Commerce Clause.

99. Both clauses refer to the principle that although there is no text in the Constitution that explicitly prohibits the states from regulating interstate or foreign commerce, the Constitution has reserved that power for the federal government. Accordingly, this commerce power properly rests with Congress, and states are barred from passing legislation that discriminates against commerce.

100. Congressional power to regulate foreign commerce stems from the federal government’s authority to “speak with one voice when regulating commercial relations with foreign governments.” *Japan Line, Ltd., v City of L.A.*, 441 U.S. 434, 435 (1979).

101. The requirements set forth in Section 808 impermissibly regulate state investments in foreign markets, based on discriminatory considerations.

102. Further, the overarching purpose of Section 808, and other similar anti-BDS legislation, is to benefit the state of Israel, and suppress speech taken in protest; accordingly, the divestment requirements contained in Section 808 seek to affect and regulate behavior beyond the immediate market in which it is operating.

⁸ The provision of Section 808 prohibiting a private right of action for breach of fiduciary duty, and the coordinating provision purporting to indemnify any state actors who abide by the requirements of Section 808, are unconstitutional under both the U.S. Constitution and the Texas Constitution for the reasons set forth above, and therefore do not preclude this cause of action.

103. Plaintiff, as well as all other similarly situated individuals, is directly harmed by the unconstitutional enactment and enforcement of Section 808. As a result of its promulgation, Plaintiff's financial interests are being administered based on criteria that impermissibly encroaches on the federal government's authority over foreign commerce, rather than the sole consideration of optimal financial outcomes.

H. **Count 8—Breach of the Federal Government's Exclusive Power to Regulate Foreign Affairs**

104. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.

105. "Power over external affairs is not shared by the States; it is vested in the national government exclusively," and as a result, state laws that encroach on the federal government's authority over foreign affairs can be challenged as constitutionally impermissible. *United States v. Pink*, 315 U.S. 203, 232 (1942).

106. Section 808, and all other similar legislation, seeks to influence foreign affairs and foreign policy by dissuading business entities in Texas and the United States, in addition to other nations from participating in a social and political movement (BDS) and utilizing the state's legislation to penalize those that do not comply.

107. Accordingly, Section 808 impermissibly encroaches on the exclusive authority of the federal government to regulate foreign affairs. *See Zschernig v. Miller*, 389 U.S. 429, 432 (1968).

108. Plaintiff, as well as all other similarly situated individuals, is directly harmed by the unconstitutional enactment and enforcement of Section 808. As a result of its promulgation, Plaintiff's financial interests are being administered based on criteria that impermissibly encroaches on the federal government's authority to regulate foreign

affairs and dictate foreign policy, rather than the sole consideration of optimal financial outcomes.

I. Count 9-Relief Pursuant to the Declaratory Judgment Act

109. Plaintiff hereby alleges and incorporates all paragraphs above by reference herein.

110. As additional relief, Plaintiff seeks a declaratory judgment that Section 808 is unlawful in both its terms and application, pursuant to the causes of action cited above.

111. Plaintiff's harm directly results from the continued application of Section 808 to his financial interests.

112. A favorable declaration by this Court would redress this harm by eliminating the unconstitutional considerations mandated by Section 808.

V. JURY DEMAND

113. Plaintiff requests a jury trial on this matter.

VI. RELIEF REQUESTED

Plaintiff prays for judgment of liability in favor of the Plaintiff and against the Defendants, and respectfully requests that this Court grant the following relief:

- a. Issue a declaratory judgment finding the anti-BDS legislation described above to be unconstitutional and enjoining its future use.
- b. For attorney's fees and costs, including reasonable attorneys' fees and costs as provided by any applicable provision of law, against Defendants; and
- c. Any additional relief this Court deems just, proper and equitable, including nominal damages.

Respectfully submitted,

/s/ Christina A. Jump

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