



## **2.00 REQUEST FOR DISCLOSURE**

2.01 Pursuant to Rule 194; Tex.R.Civ.P., you (Defendants, Judge Cercone and Dallas County) are requested to disclose within fifty (50) days after service of this Request the information or material in T.R.C.P. 194.2(a), T.R.C.P. 194.2(b), T.R.C.P. 194.2(c), T.R.C.P. 194.2(d), T.R.C.P. 194.2(e), T.R.C.P. 194.2(f), T.R.C.P. 194.2(g), T.R.C.P. 194.2(h), T.R.C.P. 194.2(i), T.R.C.P. 194.2(j), and T.R.C.P. 194.2(k).

## **3.00 PARTIES**

3.01 Plaintiff Amardeep Singh, is an individual and resident of Dallas County, Texas.

3.02 Defendant, The Honorable Albert Bernard Cercone in His Official Capacity, Judge, Justice of the Peace 3-1, Dallas County is an individual and a resident of Dallas County. He may be served at his residence located at 7525 Greenbrier, Dallas, Texas 75225 or any place he may be found.

3.03 Defendant Dallas County, Texas is a political subdivision of the State of Texas. Pursuant to §17.024(a) Civil Practice and Remedies Code it may be served by actual service on the Dallas County Judge, The Honorable Jim Foster Dallas County Judge, 411 Elm Street, Dallas, Texas 75202.

## **4.00 JURISDICTION AND VENUE**

4.01 The amount in controversy, exclusive of interest and costs, exceeds the minimum jurisdictional limits of this court. This court has jurisdiction pursuant to

§110.005(b)(c) Texas Civil Practice and Remedies Code.

4.02 All or a substantial part of the events or omissions giving rise to this claim occurred in Dallas County, Texas; therefore, venue is proper pursuant to §15.002(a)(1) of the Texas Civil Practice and Remedies Code.

#### **5.00 STATEMENT OF FACTS**

5.01 Plaintiff brings this suit to recover injunctive relief and damages that result from the denial of Mr. Singh's right to the free exercise of his religion by the official actions of Judge Cercone. On or about June 23, 2006, Mr. Singh appeared in the Justice of the Peace Court 3-1, Dallas County, Texas in response to a notice of hearing concerning the deferred disposition of a speeding ticket. While sitting in the court room, Mr. Singh was told by court personnel to remove his "hat". Mr. Singh was wearing a turban. Mr. Singh is a devout Sikh and the wearing of a turban is mandated by his faith. The turban covers his long uncut hair, which is also mandated by his faith. Mr. Singh attempted to explain the religious significance of the turban to the court personnel. This was to no avail and the court personnel said that he could take it up with the judge. Shortly thereafter Judge Cercone entered the courtroom and ordered Mr. Singh to remove his "hat". Mr. Singh attempted to explain the religious significance of the turban. The judge was not interested in what Mr. Singh had to say and eventually ordered Mr. Singh out of the courtroom or face arrest.

Mr. Singh left the court room and consulted with his uncle who is also a devout Sikh. He is also a high priest. After consulting his uncle, Mr. Singh removed his turban and put his hair in a pony tail so that he could return to the courtroom. Mr. Singh was put in the personally compromising and humiliating position of having to remove his turban in order to attend court.

5.02 Many other faiths have as a part of their religious tradition the wearing of head coverings of special significance, many orthodox Jews wear a yarmulke. Many Muslim women wear a hijab, and some Christian sisters wear a headcovering. Sikhism is the fifth largest religion in the world, with approximately 24 million adherents. There are approximately 500,000 Sikhs in the United States. See Exhibit "a," declaration of Rajbir Singh Datta. Sikh men are easily identifiable by their turbans. Sikhism respects the religions of others and their traditions, and one purpose of this lawsuit is to ensure that judicial officials show appropriate respect for the traditions of not only the Sikh religion, but all religions.

5.03 Mr. Singh attempted to rectify this matter without litigation by engaging the assistance of Sikh American Legal Defense and Education Fund. The District Attorney's Office answered their letter in a dismissive manner. A second letter by Mr. Singh to Judge Cercone went unanswered.

5.04 All conditions precedent to the filing of this suit pursuant to §110.006 Texas Civil Practices and Remedies Code have been met in that the notice referred to in said

section has previously been received. Attached and fully incorporated herein are exhibits “b” and “c” evidencing that the notice as required pursuant to the statute was mailed and received. Pursuant to the code this lawsuit is filed within the guidelines and time period prescribed by law. The notice that was sent to Judge Cercone is fully incorporated herein and is attached as exhibit “d”.

## **6.00 CLAIMS FOR RELIEF**

**6.01** Texas Civil Practices and Remedies Code §110.003, the Texas Religious Freedom Restoration Act, prohibits the actions of Judge Cercone in substantially burdening Mr. Singh’s right to free exercise of his religion. By forcing Mr. Singh to remove his religiously mandated turban as a condition to appearing in court, Judge Cercone substantially burdened the free exercise of Mr. Singh’s religion. Furthermore Mr. Singh was denied his right to appear in court without first having to abandon his right to the free exercise of his religion. The action of Judge Cercone in not allowing Mr. Singh to practice a mandatory tradition of his faith while in court serves no compelling state interest and is a substantial burden on Mr. Singh’s right to free exercise of his religion.

## **6.2 Injunctive Relief**

Pursuant to the Texas Religious Freedom Restoration Act §110.005(a)(2) Mr. Singh seeks the enjoin Judge Cercone and Dallas County’s courts from discriminating against Mr. Singh and others like him in the future by preventing Judge Cercone or

other judges in Dallas County Justice Courts from compelling those who wear religiously mandated apparel to remove said items as a condition of entering the courtroom.

**7.00 DAMAGES**

7.01 Plaintiff brings this cause of action for all damages to which he is entitled to pursuant to §110.005(a)(3) Texas Civil Practice and Remedies Code for compensatory damages.

**7.02 ATTORNEY'S FEES**

Mr. Singh also seeks reasonable attorney's fees, court costs, and other reasonable expenses incurred in bringing this action pursuant to §110.005(a)(4) Texas Civil Practice and Remedies Code.

**8.00 PRAYER**

WHEREFORE, Plaintiff prays that Defendants, Judge Cercone and Dallas County be cited to appear, answer, and on final trial, Plaintiff have:

8.01 Injunctive relief described above;

8.02 Judgment against Defendants Judge Cercone and Dallas County for a sum within the jurisdictional limits of this Court for Plaintiff's damages as described above, with pre-judgment and post-judgment interest at the highest legal rate;

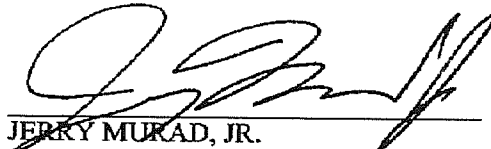
8.03 Costs of suit;

8.04 Attorney's fees and expenses; and

8.05 Such other and further relief, both general and special, at law or in equity, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,

LAW OFFICE OF JERRY MURAD



JERRY MURAD, JR.

LISA GRAYBILL  
Texas Bar No. 24054454  
Legal Director  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF TEXAS  
1210 Rosewood Avenue  
Austin, Texas 78702  
512-478-7300 (ext. 116)

State Bar No. 00784654  
Burnett Plaza, Suite 3430  
801 Cherry Street, Unit 21  
Fort Worth, Texas 76102  
817.335.5691  
817.870.1162 - Fax

ATTORNEY FOR PLAINTIFF  
COOPERATING ATTORNEY FOR THE  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF TEXAS

PLAINTIFF RESPECTFULLY REQUESTS A JURY TRIAL



3. Sikhism is a distinct religious faith that is over 500 hundred years old. There are approximately 500,000 Sikhs living in the United States, and approximately 24 million Sikhs worldwide. In terms of adherents, Sikhism is the fifth largest religion in the world.
4. Sikhism traces its origin to Punjab, located both in present-day Pakistan and Northern India. Its historical origin was in response to the rigid caste system in India. A primary tenet of Sikhism is the belief that just as God transcends the boundaries of race, class, gender, and ethnicity, so should humankind. Sikhism is universally open to all, and respects and recognizes all human beings as equals. Sikhs believe that all people have the right to follow their own path to God, without condemnation or coercion from others.
5. One of the more conspicuous and noteworthy articles of the faith is the *Kesh* (uncut hair). The hair is never cut, out of respect for God's creation. The *Kesh* are tied up in a knot or bun and covered with a turban. The turban is a piece of cloth that is 18-25 feet long and is wrapped and unwrapped each time it is worn or removed, respectively. The turban of a Sikh is his or her primary identifying feature. It is a statement of belonging to the Sikh faith, and a statement of the inner commitment to God. The uncut hair and the turban are a declaration to

live in accordance with the Sikh faith. Regardless of the circumstances or the type of employment or activity, by wearing the turban the Sikh keeps his or her form and identity as a Sikh.

6. During the time of the Sikh Guru's, which spanned the year 1469 – 1708, the turban, or "*daastar*" carried a completely different connotation from that of the traditional Western understanding of a hat as an article of clothing worn for aesthetic non-religious purposes. The turban represented respectability and was a sign of nobility. The followers of the Sikh faith were presented with the command, by the last Guru, Guru Gobind Singh, to wear a turban to place them on an equal footing with those who claimed nobility. Thus, the unshorn hair and the turban became an integral part of a Sikh's identity. Historically, Sikhs have been persecuted in a manner which forces removal of their turban, thus symbolically removing their dignity and relationship with God.
7. Forcing a Sikh to remove his or her turban in public is akin to conducting a public strip search. Sikhs view their turbans as an important connection to God that covers a very private and personal part of the body. Accordingly, removal of a turban is considered one of the most invasive acts imaginable. If search or inspection of a Sikh's turban is necessary for safety or security reasons, the Sikh should be provided a private room

with an individual of the same gender.

8. I was contacted by the plaintiff in this case, Amardeep Singh, in July 2006. After Mr. Singh explained what happened in Judge Cercone's courtroom, I wrote a letter, dated August 21, 2006, to Judge Cercone explaining the significance of the turban to Sikhs, protesting Mr. Singh's treatment, and requesting an apology from the court as well as an agreement for court personnel to undergo training on religious diversity. By letter dated August 31, 2006, Grant Brenna, Assistant District Attorney, replied as counsel for Judge Cercone stating he "could not confirm the facts as [I] portrayed them." Mr. Singh submitted a follow up letter in June 2007, reiterating the facts that form the basis of his complaint and requesting the same relief, to which neither Mr. Brenna nor any other representative of Judge Cercone responded to the best of my knowledge.
9. SALDEF has successfully interceded on behalf of Sikhs in similar situations, and been able to resolve these issues short of litigation. For example, in early 2006 after SALDEF intervened in a Laurens County, Georgia matter in which a probate judge had denied a Sikh American the ability to enter his courtroom based on the court's "no-hat" policy, the judge issued an apology to the man and agreed to clarify the court's

policy to ensure no individual was deprived of his or her rights by being denied entry to the court because of their religious apparel in the future.

10. Additionally, in March 2007, SALDEF worked with the City of Lawrenceville, Georgia to resolve an incident involving another Sikh American man who was denied entry to the courthouse due to his turban. The City of Lawrenceville subsequently agreed to revise its current court room policy relating to religious garb and to allow SALDEF to conduct a cultural awareness presentation for the court personnel. SALDEF also presented a model security screening procedure and protocol that is respectful of not only the Sikh turban, but any individual wearing a religious head covering.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Rajbir Singh Datta". The signature is written in a cursive style with a large initial 'R' and 'D'.

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August 30, 2007

Rajbir Singh Datta

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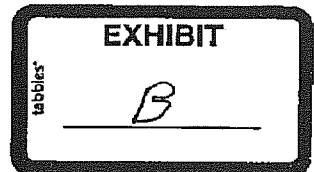
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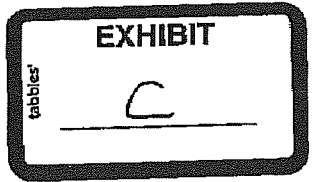
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06/19/2007

Sent To Hon. Al Cerverone  
 Street, Apt. No.,  
 or PO Box No. East Dallas Government Center  
 City, State, ZIP+4 3443 St. Francis Dallas

P.B. Form 3800, Jan. 2002 See Reverse for Instructions



VIA CERTIFIED MAIL

June 21, 2007

Hon. Al Cercone  
East Dallas Government Center  
3443 St. Francis  
Dallas, Texas 75228-4116

Dear Judge Cercone:

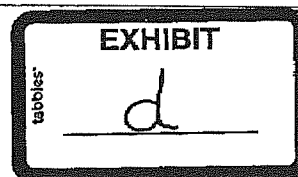
My name is Mr. Amardeep Singh and I was denied my constitutional right to defend myself in court, on June 26, 2006, case number JT0554278A *The State of Texas v. Amardeep Singh*, due to his refusal to remove his religiously mandated turban, and was thus found guilty of his alleged charges.

I am a practicing Sikh of South Asian descent and, as such, has a beard and long, uncut hair which is covered by his religiously-mandated turban. The right of Sikhs to wear their turbans is well established by judicial precedent throughout the United States. It is further protected by Texas' own Religious Freedom Restoration Act of 1999<sup>1</sup> and the Free Exercise Clause of the U.S. Constitution.

On June 23, 2006, I attempted to appear in your courtroom while contesting a traffic citation, as is his absolute right under Texas law. I was first denied entrance by the security guard, citing the court's "no-hats" policy. I was then told to remove his "hat" for entry into the courtroom by the court clerk. I explained that his turban was not a hat, but a turban and is worn for religious reasons. The court clerk insisted that I must remove my turban or speak to the Judge and I consented to speak to you, the Judge. After your arrival into the courtroom you did not allow me to speak, but instead demanded that I "get out" of the courtroom, in violation of my state and federal constitutional and statutory rights. When I asked why, you stated that everyone is equal in a courtroom and cannot wear hats. I was again told to either take off his hat or get out, so he left the courtroom. The court clerk came after me and tried to convince him to take off his turban again. I declined again and tried, again, to explain why I could not. The clerk said that if I argued about taking off my hat then I would be found in contempt and sent to jail.

I had been ordered to court to show the cause of not taking his defensive driving class, after having previously appeared in court without any issue. Because I was barred from entering the courtroom due to my religiously mandated turban, it was entered into the record that I had not appeared before the judge when my case was called forward. I was found guilty by default, despite the reality that I was barred from entering the courtroom by both the court deputies and yourself, effectively preventing his appearance. I was denied me right to appear before a judge, as is my right under the law.

Like other devout Sikhs, my hair, beard, and turban have deep religious meaning to him, symbolizing my personal relationship with and devotion to God. Accordingly, Sikhs treat these articles of faith with a utmost respect and pride. A turban is not an "optional" clothing item to put on and remove at will, like a baseball cap. Asking a Sikh to remove his turban is considered humiliating, and is an outright violation of the United States Constitution and Article I, Section 3 of the Texas State Constitution. In order to rectify this situation and prevent similar transgressions in the future, SALDEF expects the following from the court:



1. Written apology to Mr. Singh for the way he was treated and your assurance that similar conduct will not happen again, either against Mr. Singh or other religiously observant individuals appearing in your courtroom;
2. Expunging from Mr. Singh's record of your wrongful ruling against him on the traffic violation and obligation to pay a fine;
3. A clarification and amendment of the court's "no-hats" policy to allow the wearing of religious head coverings, as is protected by the First Amendment to the United States Constitution, made available to the public; and,
4. Establishment of a cultural awareness and competency training for all court employees and judges regarding the proper treatment of persons with religiously-mandated head coverings and garb, whether turbans or otherwise.

I consider this incident to be very serious, and intend to pursue whatever action is necessary at the state and federal levels in order to prevent future incidents like this. I look forward to your prompt response.

Sincerely,

Amardeep Singh

CC:

- Chris Watkins, District Attorney for Dallas County
- Amardeep Singh
- American Civil Liberties Union
- Rajbir Singh Datta; Sikh American Legal Defense and Education Fund