

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

**Herman Mays Jr., on his own behalf and as next friend and parent of C.M.; Elizabeth Mays, on her on behalf and as next friend and parent of C.M.; Bethany Felinton, on her own behalf and as next friend and parent of S.F., E.F., and C.F.; Jana Tigchelaar, on her own behalf and as next friend and parent of C.T. and S.T.; and Max Nibert.**

*Plaintiffs,*

vs.

**CIVIL ACTION NO.: 3:22-cv-00085**

**The Cabell County Board of Education;  
Ryan Saxe, in his official capacity as Superintendent of Cabell County Schools;  
Daniel Gleason, in his individual capacity and in his official capacity as Principal of Huntington High School, and Jeff Jones, in his individual capacity and in his official capacity as a Cabell County Schools teacher.**

*Defendants.*

**AMENDED COMPLAINT**

**Introduction**

1. The Cabell County Board of Education (the “Board”) and its school administrators systematically disregard the religious freedom of their students. For years, the Board has permitted Cabell County Schools administrators and teachers—and other outside adults—to promote evangelical Christianity and conduct religious activities directed at the Schools’ students. The resulting advancement of and preference for evangelical Christianity and

coercion of the Schools' students to participate in Christian religious activity violates the students' constitutional rights.

2. In spite of their knowledge of these constitutional violations, the Board and administrators have been repeatedly indifferent to the situation, allowing this practice and custom to persist and fostering an environment in which administrators and teachers can continue to pursue their unconstitutional agendas.

3. Most recently, as a result of this longstanding custom, schools within Cabell County sponsored religious revivals during the school day. At the behest of adult evangelists, Huntington High School held an assembly for students that sought to convert students to evangelical Christianity. Some students were forced to attend this adult-led worship service and religious revival during the school day. But regardless of whether attendance was mandatory or voluntary, the Defendants continue to violate the First Amendment by permitting—and coordinating and facilitating these sorts of events and encouraging students to attend and participate.

4. Parents and students bring this suit to obtain injunctive relief to end Defendants' unconstitutional custom and ensure these specific constitutional violations do not occur again in the future.

### **Jurisdiction and Venue**

5. This action arises under the First and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983.

6. This Court has jurisdiction under Article III of the United States Constitution, 28 U.S.C. § 1331, and 28 U.S.C. § 1343(a)(3)–(4).

7. The Court is authorized to award declaratory relief under 28 U.S.C. §§ 2201 and 2202.

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391 as the facts arose in the district and defendants Cabell County Board of Education, Ryan Saxe, and Daniel Gleason reside within the district.

### **Parties<sup>1</sup>**

9. Herman Mays, Jr. and Elizabeth Mays are the parents of C.M., a student who attends Huntington High School.

10. Bethany Felinton is the parent of S.F. and E.F., who are students who attend Huntington High School. Felinton is also the parent of C.F., who attends Southside Elementary School.

11. Jana Tigchelaar is the parent of C.T., a student who attends Huntington High School. Tigchelaar is also the parent of S.T., who attends Huntington Middle School.

12. Max Nibert is a student who attends Huntington High School.

13. Defendant Cabell County Board of Education is a municipal body and corporate entity existing under the laws of the state of West Virginia. The Cabell County Board of Education is responsible for the management of public schools within Cabell County.

14. Defendant Ryan Saxe is the Superintendent of Cabell County Schools.

15. Defendant Daniel Gleason is the Principal of Huntington High School, a public school within Cabell County Schools.

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<sup>1</sup> Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure, minors are identified by their initials. In order to comply with this rule, pleadings from Defendants must only use the initials of minors and not otherwise seek to improperly identify them by their full names.

16. Defendant Jeff Jones is a substitute teacher who is employed by Cabell County Schools.

### **Facts**

#### **A. Huntington High School hosts a worship service and revival presented by Nik Walker Ministries.**

17. Nik Walker is an evangelist who has hosted, and is currently hosting, a revival in the City of Huntington as part of a traveling ministry called Nik Walker Ministries, Inc.

18. Nik Walker Ministries has collaborated with a local church, Christ Temple Church, to host the revival.

19. The 11th week of the revival in Huntington by Nik Walker Ministries began on May 1, 2022.

20. Nik Walker Ministries is incorporated in West Virginia and is now operating out of Tennessee.

21. The “vision and commitment” of Nik Walker Ministries is “to pursue the work of the Lord,” “pursue the advancement of the Kingdom of God,” and “spread the Gospel across the nation.”

22. Nik Walker Ministries seeks to infiltrate public schools and to convert students to become evangelical Christians.

23. Cabell County Schools administrators have given Nik Walker Ministries access to students to preach to them during the school day at several schools this year.

24. Specifically, Cabell County Schools administrators authorized Nik Walker Ministries to conduct a religious revival in the Huntington High School auditorium during the school day on February 2, 2022.

25. The religious revival was primarily organized and planned by Huntington High School staff members and local ministers.

26. Students did not initiate the plans for the revival at Huntington High School.

27. A pastor at Christ Temple Church called Huntington High School seeking for the school to host a revival. A school staff member in the office took the call and provided a written message to Mr. Jones to call the pastor back.

28. Mr. Jones called the pastor at Christ Temple Church and was asked by the pastor if Nik Walker could come to the school to preach to students.

29. Mr. Jones told the pastor at Christ Temple Church that he would need to ask Principal Gleason if the Nik Walker assembly could be held at the school.

30. Mr. Jones then asked Principal Gleason if Nik Walker could come to the school for an assembly.

31. Principal Gleason approved the assembly, knowing that it was a religious worship event organized by school staff and ministers.

32. Principal Gleason set the date of the assembly and scheduled it for Wednesday, Feb. 2, 2022.

33. Principal Gleason told two students to create a list of students who would want to bring the Nik Walker assembly to the school.

34. Principal Gleason said that he wanted the two students to get a list of 150 kids.

35. Upon information and belief, the list of students was not a list of students who would attend but students who supported bringing the Nik Walker assembly to the school.

36. The list of students was not reviewed by administrators and teachers at Huntington High School on the day of the Nik Walker assembly to ensure that only students whose name appeared on the list attended the revival.

37. Regardless of which students attended the Nik Walker assembly, a school may not legally organize and host a minister's religious revival for students during the school day.

38. During the revival at Huntington High School, Walker preached about students needing to make a decision to follow Jesus or face eternal torment.

39. Walker said during the assembly:

“You will remember this service. You will remember this moment. You will remember this opportunity...where you had...this chance to make it right. And you will be tormented with this memory over, and over, and over, and over, and it never ends, like its eternity. And then it's done. So I present you with a fork in the road this morning.”

40. Walker instructed the students, teachers, and others attending the assembly to bow their heads in prayer. Students were told to visualize themselves standing before Jesus. Walker said, “What's he going to say to you? Is he going to say, ‘well done?’” Is he going to say, ‘I don't know you.’”

41. Walker said that students who were ready to “give your life over to Jesus, I want to pray with you in this moment.” Walker said he could “see it on some of your faces, some of you are ready to give it up, and follow this man...” In response, he asked students to raise their hands.

42. Walker then sent adult volunteers from Christ Temple Church into the crowd to pray with students who were raising their hands. He said, “if you feel a hand on your shoulder, they are going to pray with you, and agree with you, it's time to follow Jesus right now.”

43. At a further point Walker prayed, “Father, I thank you, that you are not going to let these students leave without you. You are not going to let them leave without knowing you.”

44. At another point Walker prayed, “I thank you for the revival spirit that is in this room.”

45. At one point Walker prayed, “Father, right now, we give our lives to you, we give our hearts to you. More importantly...we do your will from this point on...”

46. Nik Walker Ministries has presented this assembly at other Cabell County schools during the school day, where it also featured adults leading a revival.

**B. Plaintiffs C.M. and S.F. were forced to attend the Nik Walker Ministries assembly despite their opposition to the event.**

47. C.M. is a junior at Huntington High School.

48. For 30 minutes each day, C.M. and other students at Huntington High School are scheduled to attend homeroom, which is also called “COMPASS” by the school.

49. Homeroom is scheduled after the first two class periods and is set to take place each day from 9:37 a.m. to 10:07 a.m.

50. On February 2, 2022, C.M. was in Ms. Becky Nibert’s classroom for homeroom. Ms. Nibert is a teacher at Huntington High School.

51. That morning, Ms. Nibert took her entire class to the Nik Walker Ministries assembly.

52. C.M. and other students in their class were not given an option to abstain from attending the Nik Walker Ministries assembly.

53. C.M. immediately felt that the assembly was wrong and that they should not be forced to attend.

54. C.M. identifies as nonreligious, and C.M. does not want their school promoting any religion or encouraging students to attend religious events.

55. C.M. felt that they had no choice but to attend the Nik Walker Ministries assembly.

56. C.M. observed teachers praying with church volunteers during the Nik Walker Ministries assembly. C.M. also observed that Principal Gleason was present for the assembly as were the school's assistant principals.

57. S.F. is a junior at Huntington High School.

58. On February 2, 2022, S.F. was in Mr. Jeff Jones's classroom for homeroom. Mr. Jones is a long-term substitute teacher at Huntington High School.

59. That morning, Mr. Jones told the class that they were headed to the auditorium.

60. Mr. Jones took his class to the Nik Walker Ministries assembly in the school auditorium instead of conducting a normal homeroom.

61. S.F. did not receive prior notice that the assembly was a religious revival.

62. S.F. and other students in the class were not given an option to abstain from attending the Nik Walker Ministries assembly.

63. S.F. observed that Principal Gleason was present for the assembly as were the school's assistant principals.

64. S.F. wanted to leave the assembly but felt that they could not do so.

65. At one point, S.F. made eye contact with Mr. Jones and S.F. pointed to an exit, indicating that they wanted to leave. Mr. Jones shook his head from side to side, indicating "no."

66. S.F. is Jewish and they do not want their school promoting any religion or encouraging students to attend any religious events.

67. S.F. observed moments during the revival when most of the students, school administrators, and others in the auditorium were standing with their arms raised in prayer.

68. S.F. observed adult church volunteers placing their hands on students engaged in prayer.

69. One church volunteer placed their hands on a student who was praying within 5 feet of where S.F. was seated.

70. S.F. and a few other students did not participate in raising their arms in prayer.

71. S.F. felt extremely uncomfortable during the assembly.

72. As a result of not participating, S.F. felt that they were being stared at and that they were a minority in the room.

**C. Plaintiffs C.T. and Max Nibert object to Cabell County Schools' organization and hosting of, and administrators' and teachers' participation in, the Nik Walker Ministries assembly.**

73. C.T. is a student at Huntington High School.

74. C.T. attended school on February 2, 2022 and was aware that Nik Walker Ministries held a revival at their school during the school day.

75. C.T. does not want their school promoting any religion or encouraging students to attend religious events, especially events that conflict with C.T.'s personal views on religion.

76. C.T. identifies as Christian but is not a member or adherent of the evangelical Christian churches that are preferred by Huntington High School. Specifically, C.T. does not share the evangelical Christian beliefs touted by Nik Walker Ministries and Christ Temple Church.

77. C.T. feels like a second-class Christian in their school because the school has a close connection with a preferred version of evangelical Christianity.

78. C.T. will continue to attend Huntington High School and is concerned that they will be subject to prayer and religious worship conducted by ministers or school staff members.

79. Max Nibert attended school on February 2, 2022 and was aware that Nik Walker Ministries held a revival at his school during the school day.

80. Max Nibert is nonreligious and left the Christian church at a young age. He does not want his school promoting any religion or encouraging students to attend religious events, especially events that conflict with his personal views on religion.

81. Max Nibert feels excluded by the school's continuing affiliation and promotion of evangelical Christianity.

82. Max Nibert has had to undertake significant efforts to oppose the school's promotion and affiliation with evangelical Christianity.

**D. Cabell County Schools maintains a widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students.**

83. Cabell County Schools has repeatedly allowed teachers and outside adults to promote and conduct religious activity directed at the Schools' students.

84. The Cabell County Board of Education and its administrators have a widespread custom and practice of allowing adults into schools to preach to students.

85. The Cabell County Board of Education and its administrators have a widespread custom and practice of allowing teachers to initiate and lead religious activity for students as part of school programming.

86. Cabell County Schools' administrators are aware that religious activity at schools has been initiated and led by teachers or adults, while such activity has falsely been characterized as "student-led."

87. Despite prior warnings from the Freedom From Religion Foundation (FFRF), Cabell County Schools has repeatedly allowed adult proselytizing, prayer, and religious practices aimed at students within Cabell County Schools.

- i. The Nik Walker Ministries religious revival assemblies at Huntington East Middle School demonstrate the existence of a Cabell County Schools widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students.**

88. Huntington East Middle School held separate Nik Walker Ministries assemblies on February 1, 2022.

89. The Huntington East Middle School assemblies were requested by a staff member of the school.

90. The Huntington East Middle School assemblies were similar in content to the assembly held at Huntington High School.

91. The Huntington East Middle School assemblies were held during the school day in the gymnasium.

92. Some students who attended the Nik Walker Ministries assemblies at Huntington East Middle School did not do so voluntarily.

93. Parents of Huntington East Middle School students were not informed that Cabell County Schools was organizing and hosting Nik Walker Ministries at the school.

- ii. The teacher-run Fellowship of Christian Athletes and associated proselytizing at Huntington East Middle School demonstrates the existence of a Cabell County Schools widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students.**

94. Cabell County Schools and administrators currently allow a teacher at Huntington East Middle School to lead students in religious activities.

95. Mr. Gary Carpenter, a physical education teacher at Huntington East Middle School, leads students in religious activity during the school day with the knowledge and express or tacit permission of Cabell County Schools' administrators and the Cabell County Board of Education.

96. Mr. Carpenter organizes and leads a group at the school called the Fellowship of Christian Athletes (FCA).

97. The FCA activities at the school are not student-initiated and student-run. Instead, the FCA is run by Mr. Carpenter as a means of converting students and for him to gather what he calls "salvations."

98. Mr. Carpenter organizes the activities of FCA at Huntington East Middle School.

99. The meetings led by Mr. Carpenter are held during the middle of the school day. These religious meetings are provided at different times to students in sixth, seventh, and eighth grade.

100. Mr. Carpenter shares his Christian faith with students at Huntington East Middle School.

101. Mr. Carpenter seeks to convert students to Christianity through his FCA activities.

102. Mr. Carpenter tracks the number of "salvations" that he achieves through his FCA activities at Huntington East Middle School.

**iii. Ongoing staff-initiated prayer in Cabell County Schools demonstrates a Cabell County Schools widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students.**

103. During the current school year, Cabell County Schools' teachers have initiated, orchestrated, and participated in Christian prayers with students with the knowledge and express

or tacit permission of Cabell County Schools' administrators and the Cabell County Board of Education.

104. Huntington High School administrators and the Cabell County Board of Education continue to allow Mr. Jones and other staff members to actively participate in prayer with students.

105. In October of 2021, Mr. Jones requested that Huntington High School begin hosting prayers at the flagpole.

106. Even though the request to host prayer at the flagpole came directly from Mr. Jones—and not students—Principal Gleason gave Mr. Jones permission to host prayer around the flagpole.

107. On October 14, 2021, Mr. Jones sent an email to a listserv of Huntington High School teachers and staff and requested that they send him names of students who would be willing to help with the prayers.

108. On October 19, 2021, Mr. Jones sent another email to the listserv telling other staff that he received names of students from teachers to participate in the flagpole prayers. In the email, Mr. Jones gave instructions on how the prayers would be conducted at the flagpole.

109. Currently, Mr. Jones, while he is on duty, meets with students inside the school or at the flagpole to pray at the beginning of the school day.

110. Cabell County Schools and Huntington High School administrators are aware that the flagpole prayers are initiated by a teacher and that a teacher is actively participating in the prayers.

- iv. **Preaching that occurred at Southside Elementary School graduation demonstrates the existence of a Cabell County Schools widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students.**

111. On December 20, 2019, FFRF wrote to Superintendent Saxe regarding concerns about a graduation ceremony that was held on May 25, 2019, for Southside Elementary School fifth graders.

112. At the ceremony, a guest speaker spoke extensively about God and encouraged the fifth graders to listen to their priests and pastors.

- v. **Adult-led religious clubs that operated or are operating at Huntington Middle School and Cabell Midland High School demonstrate the existence of a Cabell County Schools widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students.**

113. On January 10, 2019, FFRF wrote to Superintendent Saxe regarding concerns that adults had created and were running religious clubs called Generation NXT within Cabell County Schools.

114. FFRF informed Superintendent Saxe that adults from local churches and a group called Generation NXT were putting on religious programming in area schools.

115. FFRF informed Superintendent Saxe that Generation NXT claimed to be operating at Huntington Middle School and Cabell Midland High School.

116. FFRF's January 10, 2019 letter concluded, "Please inform us promptly of the steps you are taking to address this matter." FFRF sent a follow-up letter to Superintendent Saxe on March 14, 2019, which said, "We request a written response from you as to what actions have been taken to resolve these concerns."

117. Cabell County Schools did not respond to these January and March 2019 letters from FFRF.

- vi. **A Huntington High School assembly featuring a Christian preacher demonstrates the existence of a Cabell County Schools widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students.**

118. FFRF reported numerous other problems with adults promoting religion to students at school to Superintendent Saxe's predecessor, William A. Smith.

119. In a March 30, 2017 letter, FFRF reported to Cabell County Schools that Huntington High School held a religious assembly on March 2, 2017.

120. This event featured Huntington High School bringing in Rocky Meadows as a speaker. Meadows was the pastor and founder of Lifehouse, a Christian-based drug and alcohol recovery facility.

121. At the assembly, Meadows told students how God saved him from drug addiction.

122. Meadows said to students, "For those who believe God isn't real, he is real."

123. He asked students, "How many of you believe Jesus Christ will save you from your sins?"

124. Meadows also asked students if they wanted to go to prison. When students jokingly raised their hands, he said, "Well, we have a spot for you and it comes with a boyfriend."

- vii. **A Huntington High School assembly featuring Christian rappers demonstrate the existence of a Cabell County Schools widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students.**

125. In the same March 30, 2017 letter, FFRF reported to Cabell County Schools a religious assembly that Huntington High School held in the fall of 2016.

126. At this assembly, Christian rappers performed during the school day at the school and promoted the Fellowship of Christian Athletes.

127. Presenters at the assembly told students to pray.

128. FFRF's letter said, "A student reports the assembly was supposedly voluntary, but the student's teacher mandated attendance."

**E. The Cabell County Board of Education manifests deliberate indifference to the constitutional rights of students by failing to end this widespread custom and practice and by failing to train its employees on the limitations of teacher and adult-led religious activities targeting students at school.**

129. Despite FFRF's prior warnings, and any remedial measures that Cabell County Schools said it was taking, adults have continued to promote religion to Cabell County students during the school day, including through religious assemblies.

130. Cabell County School administrators and the Board have not taken sufficient action to stop adults from preaching to students at school and at school-sponsored activities.

131. Cabell County School administrators and teachers have participated and encouraged adult-led religious activity within schools.

132. Cabell County School teachers have not received proper training and supervision relating to adult-led religious activity within schools.

133. Following the initial filing of this lawsuit, the Cabell County Board of Education voted to continue the employment of Mr. Jones as a substitute teacher despite his history of violating the rights of students.

134. At a disciplinary hearing before the Board, Mr. Jones indicated that he was unfamiliar with school policies concerning religious activity.

135. The Cabell County Board of Education has not mandated additional training to Mr. Jones or to any school employee despite the obvious need.

136. Following the initial filing of this lawsuit, the Cabell County Board of Education has refused to adopt new policies concerning the training of Cabell County Schools employees regarding the impropriety of initiating, organizing, or otherwise facilitating adult and employee-led religious activity for students.

137. Following the initial filing of this lawsuit, the Cabell County Board of Education has not adopted new policies concerning the impropriety of Cabell County Schools employees initiating, organizing, or otherwise facilitating adult and employee-led religious activity for students.

138. Despite the obvious need for additional training and policies, the Board has taken no action related to its policies concerning teachers and outside adults leading students in religious activity.

**F. Consistent with its widespread custom and practice, Cabell County Schools permitted the Nik Walker Ministries assemblies to occur in its schools.**

139. The Nik Walker Ministries assembly was organized and conducted by adults.

140. The Nik Walker Ministries assembly was not part of a bona fide meeting of a student group.

141. Huntington High School generally does not permit student groups to host school-wide assemblies in the auditorium during the school day that are led by adults unaffiliated with the school.

142. At the time that the Nik Walker Ministries assembly was held, co-curricular student clubs were not fully operational at Huntington High School because of Covid-19 protocols.

143. At the time that the Nik Walker Ministries assembly was held, student clubs were not meeting during COMPASS time at Huntington High School.

144. Huntington High School does not offer a forum for private speakers or groups to host events during COMPASS time in the school auditorium during the school day.

145. Any assemblies held during the school day are official Huntington High School events that are approved by the school principal.

146. Principal Gleason approved of the Nik Walker Ministries assembly before it was held.

147. Principal Gleason attended the Nik Walker Ministries assembly.

148. Principal Gleason observed that the Nik Walker Ministries assembly was an evangelical revival.

149. Principal Gleason observed that the revival was not student-led.

150. Principal Gleason observed that a minister, Nik Walker, was speaking not as a guest of any student group, but as the host of a religious revival.

151. Principal Gleason allowed the Nik Walker Ministries assembly to continue despite observations that the assembly was evangelical and not student-led.

152. The Cabell County Board of Education has inadequate policies in place to prevent the Nik Walker Ministries assembly from occurring again at schools within Cabell County.

153. The Plaintiffs, as parents of students and students attending schools in Cabell County, are likely to be subjected to similar religious assemblies in the future unless Defendants expressly abandon their widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students and undertake significant policy and/or training changes to prevent the actions this widespread custom and practice have previously permitted to occur.

**G. Responses to the Nik Walker Ministries assembly demonstrate the need for injunctive relief.**

154. Many students at Huntington High School were upset that the school approved the Nik Walker Ministries assembly and that some students were required to attend.

155. Huntington High School's handling of the Nik Walker Ministries assembly has caused a great divide among students and others in the community.

156. Herman Mays Jr., Bethany Felinton, and Jana Tigchelaar each made public statements expressing disapproval of the school's actions related to the Nik Walker Ministries assembly.

157. After publicly expressing disapproval, the homes of Mays, Felinton, and Tigchelaar each received proselytizing literature that was either mailed or hand-delivered to their mailboxes. Max Nibert received similar materials.

158. On February 9, 2022, Max Nibert organized a walkout during the school day as a form of protest. More than 100 students participated in the protest.

159. The walkout was in support of student rights and was opposed to the school's affiliation with one religion.

160. The walkout was not opposed to any person's religion, but only school sponsorship of religious activity.

161. C.M., S.F., and C.T. participated in the walkout.

162. Max Nibert has worked to prevent similar constitutional violations from occurring in his school.

163. Cabell County Schools has announced that it will undertake an "investigation" related to the Nik Walker Ministries assembly at Huntington High School. However, the school system has not indicated that it will change its policies, training, or supervision of employees.

164. Upon information and belief, the Cabell County Schools' "investigation" has characterized the Nik Walker Ministries events as largely "voluntary" and has attempted to explain away the obvious constitutional violations occurring as a result of the revival assembly by claiming that some teachers simply were mistaken about whether students in their class were required to attend the proselytizing event.

165. Unless Cabell County Schools abandons its widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students and undertakes policy changes, training, and monitoring, violations like the Nik Walker Ministries revival assembly and those other violations identified in this Complaint will continue to occur.

166. Plaintiffs, as parents of students and students attending schools in Cabell County, seek significant policy changes, training of employees, and supervision of employees in order to protect the constitutional rights of Cabell County Schools' students.

**H. Cabell County Schools' continued adherence to its widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students indicates a preference for evangelical Christianity on the part of the Schools and makes Plaintiffs susceptible to teacher and adult-led religious activity in the future.**

167. C.M., S.F, E.F., C.F. C.T, S.T. and Max Nibert are subject to religious activity by school staff and outside adults without warning at their schools.

168. As students within schools in Cabell County, each student is subject to Cabell County Board of Education policies, customs, and practices, including Cabell County Schools' widespread custom and practice permitting outside adults, as well as the Schools' administrators and teachers, to promote religion and conduct religious activities directed at the Schools' students. Student Plaintiffs are also subject to the consequences of Cabell County Schools' lack of guidance and training of school staff.

169. C.M. believes that he is not part of a favored religion at his school, which he understands to be evangelical Christianity.

170. As a person who is nonreligious, C.M. understands that school officials have an unfavorable opinion of his nonreligious views, and a favorable opinion of evangelical Christianity.

171. Bethany Felinton, as a parent of S.F, E.F, and C.F. feels obligated to undertake additional burdens to monitor school activities in order to ensure that her children will not be indoctrinated in religious matters while at school.

172. While S.F. was the only family member forced to attend the Nik Walker revival, the entire family has suffered the consequences of the event and the school's association with evangelical Christianity.

173. Bethany Felinton and members of her family do not all share the same religious beliefs. It is important to her as a parent that her children are not improperly influenced on religious matters by their school.

174. C.F., who is student at Southside Elementary, was bullied at school because it was known that C.F.'s family had objected to the Nik Walker Ministries revival.

175. C.F. will attend Huntington Middle School next year and will eventually attend Huntington High School.

176. C.F. is likely to encounter teacher and adult-led religious activities if Defendants are not enjoined.

177. Because they do not identify as evangelical Christians, S.F., E.F. and C.F. feel like outsiders in their school communities.

178. Jana Tigchelaar, as a parent of C.T. and S.T., feels obligated to undertake additional burdens to monitor school activities in order to ensure that her children will not be indoctrinated in religious matters while at school.

179. For Jana Tigchelaar and her children, religion is a personal matter. Jana Tigchelaar does not want her children's school involved in providing religious worship activities.

180. Jana Tigchelaar has been very selective about which Christian church her family attends based on the views and beliefs of the church.

181. Jana Tigchelaar does not wish for her children to participate in religious worship activities sponsored by Christ Temple Church or Nik Walker Ministries.

182. S.T. will continue to attend Huntington Middle School next school year and then will attend Huntington High School.

183. Because they do not identify as the preferred evangelical Christians, S.T. and C.T. feel like outsiders in their school communities.

184. Because it was known that C.T.'s family was opposed to the Nik Walker Ministries revival, C.T.'s relationships with other students have been negatively impacted.

**I. Absent injunctive relief, outside groups like Nik Walker Ministries will continue to engage in tactics that provide them an audience with students in Cabell County Schools.**

185. Nik Walker Ministries continues to seek access to students in public schools in West Virginia.

186. After students at Huntington High School made public objections to the revival that was held at their school, Nik Walker Ministries has sought to covertly continue its public school programs.

187. On February 8, 2022, Nik Walker Ministries posted a video to its Facebook page with the caption, "Jewell City Revival Update!" In the video, Walker says, "We just got back from Tolsia High School. So we just did an event in Tolsia. I don't have any pictures to show you because we didn't want to put those on the internet."

188. Nik Walker uses deception as a tool to further his ministry, including through grandiose claims that Walker has participated in miraculous healings.

189. On July 26, 2021, Nik Walker was featured in a video with Pastor Perry Stone, where Walker claimed that he helped baptize a man with a "withered hand." Walker claims the man's hand was miraculously healed by the baptism. Walker showed X-rays that he claimed were the "before" and "after" images of the man's hand. A video clip is available here:

<https://twitter.com/i/status/1420021526791925768> (Last accessed Feb. 10, 2022).

190. In actuality, the X-rays were images of hands from several Chinese children who suffer from Kashin-Beck disease, which were published in a 2018 *Scientific Reports* article. (See Song, QQ., Liu, H., Lian, W. *et al.* The characteristics of positive and confusing hand X-ray signs in diagnosing Kashin–Beck Disease in children in China. *Sci Rep* 8, 3277 (2018). <https://doi.org/10.1038/s41598-018-21675-5> )

191. In addition, Walker has incorrectly implied that if a student invites him to her school it provides him with legal license to preach to other students in the school setting.

192. The Plaintiffs seek an injunction to ensure that ministers who mislead Cabell County Schools’ administrators about the nature of their programs will not be permitted to have access to students during the school day.

### **Count One**

#### **42 U.S.C. § 1983 – Deprivation of Plaintiffs’ First Amendment Rights by Defendants**

193. The foregoing averments of this Complaint are incorporated by reference.

194. By sponsoring a worship service and revival during the school day, Defendants and their agents or employees violate the Establishment Clause of the First Amendment, which is incorporated to the states by the Fourteenth Amendment to the United States Constitution.

195. By endorsing and advancing religion through the Nik Walker Ministries assembly, Defendants have deprived Plaintiffs of rights secured by the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

196. By sponsoring religious worship and prayer events during the school day, Defendants coerce students to participate in religious activity.

197. Defendants’ policies, customs, and actions, as described herein, have no legitimate secular purpose, and instead have the purpose to advance Christianity.

198. Defendants' policies, customs, and actions have the effect of advancing and endorsing Christianity over all other religions and religion in general over nonreligion.

199. Defendants' actions improperly entangle the state in religious matters and beliefs.

200. Defendants violated C.M. and S.F.'s rights of conscience and their First Amendment rights by subjecting them to unwanted religious exercises. Defendants also illegally coerced C.M. and S.F. into attending and participating in a religious activity.

201. Defendants' practice violates well-established United States Supreme Court precedent, including *McCullum v. Board of Education*, 333 U.S. 203 (1948); *School District of Abington Township v. Schempp*, 374 U.S. 233 (1963); *Lee v. Weisman*, 505 U.S. 577 (1992); and *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000).

202. The Defendants' policies and practices encroach on the parental rights of each parent plaintiff related to decisions regarding the religious or nonreligious upbringing of their children.

203. Defendants' actions as described herein are acts and conduct performed under color of law within the meaning of 42 U.S.C. § 1983.

204. Defendants' unconstitutional acts described herein, if allowed to continue, will irreparably harm Plaintiffs.

205. Defendants' conduct, as described herein, unless enjoined, will cause, a deprivation of constitutional rights in violation of the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

**Request for Relief**

WHEREFORE, Plaintiffs respectfully request the following relief from this Honorable Court:

- A. A declaratory judgment declaring that
  - a. Defendants' custom, policy, and practice of permitting outside adults, as well as teachers, to conduct prayer and religious worship activities directed at students violates the Establishment Clause of the First Amendment;
  - b. Defendants' authorization and participation in the Nik Walker Ministries assemblies, as described above, violates the Establishment Clause of the First Amendment;
- B. A permanent injunction, enjoining Defendants, including Defendants' agents, from:
  - a. Sponsoring religious assemblies and other religious worship services during the school day;
  - b. Conducting or promoting assemblies and other adult-led religious activities to students during the school day; and
  - c. Participating in Nik Walker Ministries assemblies and other religious activities with students during the school day.
- C. Entry of judgment for Plaintiffs against each Defendant for nominal damages in the amount of \$1 to each Plaintiff.
- D. Costs and attorney's fees pursuant to 42 U.S.C. § 1988; and
- E. Such other relief as this Honorable Court deems just and proper.

Respectfully Submitted,

/s/ Marcus B. Schneider

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**CERTIFICATE OF SERVICE**

Counsel of record Defendants The Cabell County Board of Education, Ryan Saxe, in his official capacity as Superintendent of Cabell County Schools, and Daniel Gleason, in his individual capacity and his official capacity as Principal of Huntington High School will receive notice of and a copy of the foregoing Amended Complaint via the Court's CM/ECF system.

/s/ Marcus B. Schneider  
Marcus B. Schneider