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11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ARIZONA**

13 Dr. Andrew Snelling,

CIV NO.

14  
15 Plaintiff,

16 v.

17 United States Department of Interior;  
18 National Park Service; Ryan Zinke,  
19 Secretary of the U.S. Department of  
20 Interior, in his official capacity; Michael  
21 T. Reynolds, Director of the National Park  
22 Service, in his official capacity; Sue  
23 Masica, Regional Director, Intermountain  
24 Region of the U.S. National Park Service,  
25 in her official capacity; Christine S.  
26 Lehnertz, Superintendent, Grand Canyon  
27 National Park, in her official capacity,

28 Defendants.

**VERIFIED COMPLAINT**

(Jury Trial Demanded)

29 Dr. Andrew Snelling (“Plaintiff”), through counsel alleges the following causes of  
30 action against Defendants.

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I.

**INTRODUCTION**

1. This is a civil rights action to protect the statutory and First Amendment rights of an individual to perform geological research in a public park. Defendants have unlawfully restricted these rights by policies and practices, which involve content-based and viewpoint discrimination, are vague, and are inappropriately enforced. These constitutional defects give rise to both facial and as-applied constitutional challenges to Defendants’ discriminatory policies and practices.

II.

**JURISDICTION AND VENUE**

2. This action raises federal questions under the United States Constitution, particularly violations of the Free Speech and Free Exercise Clauses of the First Amendment, violations of equal protection and due process under the Fifth Amendment, as well as federal questions under the Religious Freedom Restoration Act, 42 U.S.C. § 2000(bb) et. Seq. (“RFRA”); these claims are properly challenged pursuant to federal law, particularly 28 U.S.C. §§ 1331; 1346; and 2201 – 2202.

3. This Court has original jurisdiction over the federal claims by operation of 28 U.S.C. §§ 1331 and 1346.

4. This Court has authority to grant the requested injunctive and declaratory relief under 28 U.S.C. §§ 2201 -2202 and attorney’s fees and costs under 28 U.S.C. § 2412 and the Equal Access to Justice Act.

5. Venue is proper in the U.S. District Court for the District of Arizona under 28 U.S.C. § 1391(e), because a Defendant resides within the District of Arizona and a

1 substantial part of the events giving rise to the action occurred within the District of  
2 Arizona.

3 **III.**

4 **IDENTIFICATION OF PLAINTIFF**

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6 6. Plaintiff Andrew Snelling is and was at all times relevant to this Complaint  
7 a citizen of Australia, and is a United States resident alien. His green card number is  
8 USCIS# 205-371-637, Category E26. It expires 03/17/2024

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10 7. Dr. Snelling has a Ph.D. in Geology from the University of Sydney,  
11 Australia's oldest and one of its most prestigious universities, which is highly ranked in  
12 the top 100 among universities throughout the world.

13  
14 8. Dr. Snelling has substantial field and laboratory experience over the last 45  
15 years relating to numerous aspects of theoretical and practical geological research. He  
16 conducts his scientific research in accord with his profession's ethical and scientific  
17 standards.

18  
19 9. Dr. Snelling is a professing Christian, and is primarily focused on  
20 investigating geological phenomena from the perspective of one who believes in the truth  
21 of the Old and the New Testaments.

22  
23 10. Dr. Snelling was associated as the Geology spokesman for the Creation  
24 Science Foundation.

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26 11. Since 2007, Dr. Snelling has been employed with Answers in Genesis, a  
27 Christian apologetics organization based in Petersburg, Kentucky that engages in the  
28 investigation of geological phenomena and other endeavors from a Biblical perspective.





1 river trips launching April 25, and July 9, 2014, which had already been permitted. See  
2 Ex. A.

3 25. As a general matter, scientific research within the Canyon does not create  
4 management issues or adverse impacts on the environment. Researchers are largely self-  
5 regulating and willingly comply with permit requirements and relevant state and federal  
6 laws protecting cultural resources, endangered species, riparian areas, and so on.  
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8 26. More specifically, between January, 2011 and April, 2016, the NPS recorded  
9 only a single complaint regarding a scientific research permit holder did not comply with  
10 the permit terms.  
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12 27. After Dr. Snelling submitted his application, the Research Permitting  
13 Coordinator, Ronda Newton, asked Dr. Snelling to finalize his report for a previously  
14 permitted sample collection research trip before she reviewed the November application.  
15 Dr. Snelling did so, and transmitted the report to Ms. Newton on December 2, 2013.  
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17 28. After Dr. Snelling transmitted the report, Park officials asked yet more  
18 questions, including more detailed locations for the sampling, a more detailed description  
19 for a sample site proximate to a helipad, and to specify which of the permitted river  
20 outfitters he would be utilizing. Dr. Snelling appropriately responded to these questions.  
21

22 29. On February 5, 2014, Ms. Newton requested that Dr. Snelling obtain and  
23 submit two peer reviews evaluating his research proposal.

24 30. Such reviews had not been requested in the course of Dr. Snelling's prior  
25 permit applications.  
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1           31.     In response to Ms. Newton’s request, Dr. Snelling supplied not two, but three  
2 peer reviews of this project, each of which rated the project highly and commended it for  
3 approval. See Ex. B.

4           32.     After having received the three peer reviews, Ms. Newton then sent Dr.  
5 Snelling’s application materials to Dr. Karl Karlstrom, of the University of New Mexico  
6 requesting his review on behalf of the NPS.

8           33.     Dr. Karlstrom has been controversial in the ongoing debate over the age of  
9 the Grand Canyon by proposing a significantly younger age for the Canyon—only 5 to 6  
10 million years--versus the more commonly proposed age in the range of 70 million years.

12          34.     Dr. Karlstrom’s responses briefly addressed a few scientific issues while  
13 demonstrating antipathy for Dr. Snelling’s religious faith and the religious views of the  
14 scientists who provided peer reviews on behalf of Dr. Snelling. See Ex. C.

16          35.     Dr. Karlstrom proceeded to ask Ms. Newton advice on which letterhead –  
17 the University of New Mexico or Northern Arizona University – he should submit his  
18 adverse commentary regarding Dr. Snelling’s proposal.

19          36.     By letter dated February 10, 2014, Dr. Karlstrom dissected Dr. Snelling’s  
20 faith in the Bible and his association with his ministry, and indicated that “alternate sites”  
21 were available to do Dr. Snelling’s research, without suggesting a single actual location.

23          37.     Thereafter, Ms. Newton sought a second peer review on behalf of the NPS  
24 from Dr. Peter Huntoon, University of Wyoming.

26          38.     The research Dr. Snelling sought to conduct would investigate some of the  
27 same geologic folds that Dr. Huntoon had investigated and previously published papers on.

1           39. Dr. Huntoon and Dr. Karlstrom have collaborated on various research  
2 projects through their careers, including geologic research within the Grand Canyon and  
3 on topics related to Dr. Snelling’s proposed research.

4           40. Dr. Huntoon condemned Dr. Snelling’ proposal by stating it “is not a  
5 question of fairness to all points of view, but rather adherence to your narrowly defined  
6 institution mandate predicated in part on the fact that *ours is a secular society as per our*  
7 *constitution.*” See Ex. D. Dr. Huntoon closed his report by urging the Park Service to  
8 include “internal screening processes [that] should include an examination of the  
9 credentials of the submitters so that those who represent inappropriate interests should be  
10 screened out.” *Id.*

11           41. In a subsequent email conversation on or about February 12, 2014 at 1:05  
12 P.M., Dr. Huntoon advised Ms. Newton that “[r]eviewing is fine, just not processing the  
13 dead end creationist material.” See Ex. E.

14           42. Ms. Newton also solicited another review from Dr. Ron Blakely of the  
15 Northern Arizona University, who summarily stated that “it is difficult to review such an  
16 outlandish proposal.” No actual analysis was provided. See Ex. R.

17           43. On March 4, 2014, Martha Hahn, Chief, Science and Resource Management  
18 Research Office, denied Plaintiff’s permit stating that “it has been determined that  
19 equivalent examples of soft-sediment folds can be found outside of Grand Canyon National  
20 Park.” See Ex. F.

21           44. Dr. Snelling repeatedly asked Ms. Hahn and Ms. Newton for the locations  
22 and details of these alternate folds Ms. Hahn had indicated were elsewhere in Arizona and  
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1 the Colorado Plateau within easy driving distance, but his legitimate requests were met  
2 with silence.

3 45. This was in direct contradiction to Dr. Snelling’s position that his due  
4 diligence research had not disclosed any adequate alternate locations; that the folds that he  
5 sought to examine were unique to the Canyon location; and that a primary purpose of his  
6 proposed study was to evaluate these particular folds to determine when the folding  
7 occurred. Defendants’ alleged rationale also ignored that Plaintiff’s research in the Grand  
8 Canyon was designed to expand on his prior published research done on these particular  
9 folds based upon the visual inspection of them.  
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12 46. On April 17, 2014, Martha Hahn noted that Dr. Snelling would be subject to  
13 being “banned from research in the national park system” if he were to collect the few fist-  
14 sized samples without a permit. See Ex. G.  
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16 47. Also on April 12, 2014, Ronda Newton suggested to Martha Hahn that she  
17 give a “heads up” to two individuals who were “willing to look out for folks like this on  
18 the river.” In context, “folks like this” referred to Dr. Snelling. See Ex. H.  
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20 48. Defendants’ asserted reason for denying the permit application—that  
21 appropriate geologic folds outside the Park would serve the objectives of the research—  
22 was pretextual.

23 49. The actual reason behind the rejection was because of Dr. Snelling’s  
24 Christian faith and scientific viewpoints informed by his Christian faith.  
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26 50. On February 8, 2016, Dr. Snelling submitted an amended research proposal  
27 which systematically responded to the alleged scientific “concerns” raised in the prior  
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1 reviews, including Dr. Karlstrom's February 10, 2014 letter, and provided extensive  
2 citations to relevant scientific literature to support his request. See Ex. I.

3 51. The amended proposal reduced the number of samples requested to a  
4 maximum of 40.

5 52. Dr. Snelling also supplied three peer reviews in compliance with the  
6 previously stated GCNP Research Office procedures. See Ex. J.

7 53. The delays began again, now with a demand for more detailed sampling site  
8 locations.  
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10 54. Dr. Snelling responded on February 28, 2016, by supplying projected  
11 locations within plus or minus 100 feet of the proposed sampling site obtained from a close  
12 examination of online cartographic data. See Ex. K.

13 55. Dr. Snelling's estimates are significantly more precise estimates of potential  
14 sampling sites than those provided in other permit applications which were granted, in  
15 which sampling sites would be described simply as being within a range of miles on the  
16 Colorado River.  
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18 56. When no permit was forthcoming through the balance of 2016 despite  
19 ongoing contacts between Dr. Snelling and Park personnel, Dr. Snelling through counsel  
20 notified Ms. Lehnertz on December 22, 2016 of the legal concerns arising from the  
21 stonewalling and again requested that the permit be issued. See Ex. L (omitting  
22 attachments).  
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24 57. Ms. Lehnertz did not acknowledge or respond to counsel's letter of  
25 December 22, 2016.  
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1           58.    On January 23, 2017, Dr. Snelling, again through counsel, sent a second copy  
2 of the December 22, 2016 letter to Ms. Lehnertz via overnight mail.

3           59.    Ms. Lehnertz did not acknowledge or respond to counsel’s letter of January  
4 23, 2017 and the accompanying copy of the December 22, 2016 letter.

5           60.    On March 31, 2017, Congressman Trent Franks contacted Ms. Lehnertz via  
6 facsimile, calling her attention to Dr. Snelling’s pending application and requesting that  
7 the permit be issued. See Ex. M.

8           61.    As of the date of filing this Complaint, Ms. Lehnertz has not acknowledged  
9 or responded to Congressman Franks’ March 31, 2017 communication.

10          62.    On April 25, 2016, Park Service officials issued a permit dated July 15, 2016  
11 to Dr. Snelling, not to conduct his research, but rather to have him traverse the Colorado  
12 River through the Grand Canyon and obtain on-site GPS data and photographs for each of  
13 his proposed sampling sites which would obligate him to duplicate the same river raft trans-  
14 Canyon trip that the research itself would require.

15          63.    The July 15, 2016 permit was issued without any contest as to the validity of  
16 Dr. Snelling’s research or informing him that there were other substantially identical  
17 “folds” outside of the Park’s boundaries that he could examine.

18          64.    Based upon comprehensive records of all scientific research permits issued  
19 during 2014 through 2016, no other researcher was obligated to conduct a preliminary  
20 reconnaissance trip to obtain and supply on-site GPS data to locate potential sampling sites.

21          65.    To the contrary, the NPS issued several permits for more extensive and  
22 invasive geologic sampling than that proposed by Dr. Snelling—including a permit to Dr.  
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1 Karlstrom—based on applications which identified potential sampling sites as being within  
2 a range of miles along the Colorado River. See Ex. N.

3 66. Specifically, the July 15, 2016 permit imposed this unprecedented  
4 requirement on Doctor Snelling:

5  
6 No samples are authorized for collection. PI [principal investigator] will take  
7 photographs and GPS coordinates of the exact sites where collections are requested.  
8 Upon conclusion of the July 2016 river trip, PI will submit the photopoints, GPS  
9 coordinates, and a narrative explaining the methodology of how the samples will be  
10 extracted so that the collection sites will not be visible to the public after the samples  
11 have been taken. GPS coordinates are to be submitted to GRCA Research  
12 Coordinator in an ESRI shapefile.

13 See Permit # GRCA-2016-SCI-0013, Ex. O.

14 67. This requirement directly contradicts the Park's own guidelines for  
15 applications, which state as follows:

16 Description of study area

17 Clearly describe the study area in terms of park name(s), geographic location(s), and  
18 place names. Provide UTM coordinate information (if known prior to the  
19 conducting the study) in NAD83HARN, as appropriate.

20 See Guidelines for Study Proposals, USDI NPS GNCP,  
21 [https://www.nps.gov/grca/learn/nature/upload/GUIDELINES-FOR-STUDY-  
22 PROPOSALS.pdf](https://www.nps.gov/grca/learn/nature/upload/GUIDELINES-FOR-STUDY-PROPOSALS.pdf).

23 68. The Park has routinely authorized applications proposing far more aggressive  
24 sampling without the demand that the researchers first conduct an independent trip to locate  
25 each sampling site with specific GPS data. For example:

- 26 a. Investigator Dr. Brian Clark was authorized to collect “50 basketball-sized  
27 rock samples” with the locations specified as “[a]long the mainstream  
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1 Colorado through the Grand Canyon National Park.” Permit # GRCA-2014-  
2 SCI-0016, Ex. P.

3 b. Investigator Mr. Donald Bills (a non-Ph.D. qualified researcher) was  
4 authorized to collect “water samples, soil, sediment and rock samples...as  
5 needed” from “RM25 to RM 60; Havasu Creek.... North Rim from the Rim  
6 to the River ...; Horseshoe Mesa in and around the Grapevine Mine; Horn  
7 Creek Drainage; Salt Creek Drainage; 150 Mile Canyon; Tuckup Canyon.”  
8 Permit # GRCA-2014-SCI-0019, Ex. Q.

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10 c. Investigator Dr. Karl Karlstrom was authorized to collect “250 fist-sized rock  
11 samples, 12 basketball-sized rock samples, 20 (gallon-sized Ziploc bags)  
12 samples of sand or sandstone chunks....” at a location specified as “[a]long  
13 the mainstream Colorado River through Grand Canyon National Park.”  
14 Permit # GRCA-2014-SCI-0015, Ex. N.

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17 69. There is a very limited capacity for river trips through the Colorado River at  
18 the Grand Canyon, with extended lead time necessary to secure reservations.

19 70. By demanding precise GPS locations and photos for each sampling spot via  
20 a preliminary scouting trip, the Defendants are at least doubling the cost of the research,  
21 and potentially delaying it for a year.

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23 71. There is no assurance that the demanded GPS data can be obtained in a single  
24 trip. Weather and river conditions, and the potential that landing spots may be occupied  
25 by other tours could prevent landing at one or more sample sites, which would necessitate  
26 additional trips just to obtain the scouting data demanded by the NPS.  
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1           72. Nor is there any assurance that if Dr. Snelling complies with this  
2 unprecedented demand for site-specific GPS data for every location where a fist-sized rock  
3 might be removed, that a research permit will actually issue.

4           73. These onerous burdens are simply a pretext to prevent Dr. Snelling's research  
5 from occurring.

6           74. After Dr. Snelling did not accept the draconian proposal offered, Ronda  
7 Newton emailed Dr. Snelling on July 5, 2016 to notify him that his permit had been  
8 cancelled. See Ex. S.

9           75. The Defendants' actions as outlined demonstrate animus towards the  
10 religious viewpoints of Dr. Snelling, and violate Dr. Snelling's free exercise rights by  
11 imposing inappropriate and unnecessary religious tests to his access to the Park.

12           76. In committing the above-referenced acts, the Defendants have enforced  
13 vague standards and have indulged in viewpoint discrimination, denying Plaintiff equal  
14 protection of the laws by stonewalling the 2013 application and attempting to block the  
15 2016 application by erecting prohibitively expensive and time delaying requirements.

16           77. On May 4, 2017, President Donald Trump issued an Executive Order  
17 Promoting Free Speech and Religious Freedom to the agencies under his authority to  
18 establish the following policy:

19           Section 1. Policy. It shall be the policy of the executive branch to vigorously  
20 enforce Federal law's robust protections for religious freedom. The Founders  
21 envisioned a Nation in which religious voices and views were integral to a  
22 vibrant public square, and in which religious people and institutions were  
23 free to practice their faith without fear of discrimination or retaliation by the  
24 Federal Government. For that reason, the United States Constitution  
25 enshrines and protects the fundamental right to religious liberty as  
26 Americans' first freedom. Federal law protects the freedom of Americans  
27 and their organizations to exercise religion and participate fully in civic life  
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1 without undue interference by the Federal Government. The executive  
2 branch will honor and enforce those protections.

3 78. Defendants' policies and practices that resulted in denying Dr. Snelling the  
4 research permit he requested are inconsistent with the May 4, 2017 Executive Order  
5 Promoting Free Speech and Religious Liberty, specifically that portion stating "All  
6 executive departments and agencies (agencies) shall, to the greatest extent practicable  
7 and to the extent permitted by law, respect and protect the freedom of persons and  
8 organizations to engage in religious and political speech."  
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10 **VI.**

11 **STATEMENT OF LAW**

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13 79. At all times relevant to this Complaint, each and all of the acts alleged herein  
14 were attributed to the Defendants who acted under color of a statute, regulation, custom,  
15 or usage of the United States of America.  
16

17 80. As a lawful resident alien of the United States, Plaintiff enjoys the protections  
18 of the Religious Freedom Restoration Act and the constitutional protections of the Bill of  
19 Rights, excepting only those that are expressly reserved to citizens of the United States.  
20

21 81. Plaintiff challenges Defendants' policies and denial of the requested permits  
22 on their face and as applied.

23 82. Defendants knew or should have known that denying Plaintiff a permit is a  
24 violation of his constitutional rights.  
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26 83. The denial of an individual constitutional right is presumptively irreparable  
27 harm which cannot be fully compensated by an award of money damages.  
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VII.

**FIRST CAUSE OF ACTION**

**VIOLATION OF THE RIGHT TO FREEDOM OF SPEECH UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION**

84. Plaintiff realleges all allegations set forth above and incorporates them herein.

85. Defendants' research permit policies and practices violate the free speech protections of the First Amendment to the United States Constitution facially and as applied because they permit Park officials to engage in content-based and viewpoint discrimination, are vague, are overbroad, are prior restraints, and grant government officials unfettered discretion in the restriction of scientific research based on the religious views of the research applicant.

86. Scientific investigation is an activity protected by the First Amendment to the United States Constitution.

87. The Grand Canyon National Park is a designated public forum that Defendants have opened it up for scientific investigational purposes.

88. Regardless of the type of forum, government may not discriminate based on the religious viewpoints of the actor.

89. Defendants' policies and practices as applied to Plaintiff constitute impermissible content- and viewpoint-based restrictions on constitutionally protected activities.

90. Defendants' policies and practices as applied to Plaintiff infringe his right to associate to express ideas and exercise his faith.





1 99. Defendants' activities are motivated by hostility towards Dr. Snelling's  
2 viewpoints and sincerely held religious beliefs.

3 100. Defendants' policies and practices have burdened Dr. Snelling's free  
4 exercise of his religion absent any compelling state interest.

5 101. Defendants' policies and practices have substantially burdened the exercise  
6 of Dr. Snelling's free exercise of religion absent any rational government basis.

7 102. Defendants failed to use the least restrictive means to achieve any compelling  
8 government interest that may exist.

9  
10 WHEREFORE, Plaintiff respectfully requests that the Court grant the relief set forth  
11 hereinafter.

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13 **IX.**

14 **THIRD CAUSE OF ACTION**

15 **VIOLATION OF THE RIGHT TO DUE PROCESS UNDER THE FIFTH**  
16 **AMENDMENT TO THE UNITED STATES CONSTITUTION**

17 103. Plaintiff realleges all allegations set forth above and incorporates them  
18 herein.

19 104. Defendants' policies and practices constitute violations of the right of due  
20 process of law under the Fifth Amendment to the U.S. Constitution.

21 105. Defendants' research permitting policies and practices are vague, lack  
22 defining terms, and allow for unbridled governmental discretion.

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24 WHEREFORE, Plaintiff respectfully requests that the Court grant the relief set forth  
25 hereinafter.

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**X.**

**FOURTH CAUSE OF ACTION**

**VIOLATION OF EQUAL PROTECTION UNDER THE FIFTH AMENDMENT  
TO THE UNITED STATES CONSTITUTION**

106. Plaintiff realleges all matters set forth in the preceding paragraphs and incorporates them herein.

107. Freedom of speech under the First Amendment is a fundamental right.

108. The Fifth Amendment requires that the government treat all similarly situated individuals equally.

109. Upon information and belief, Defendants allow similarly situated persons access to the Grand Canyon National Park for the purposes of scientific research.

110. Defendants' practice of not responding to Dr. Snelling's request for a permit and/or refusing to grant him a permit, while routinely and consistently issuing permits to other geologic researchers, treats Dr. Snelling differently from other similarly situated individuals and groups on the basis of the content and viewpoint of speech and sincerely held religious beliefs.

111. Defendants do not have a compelling or legitimate governmental interest for such disparate treatment.

112. Defendants' policies and practices comprise an unconstitutional and continuing interference and infringement upon the rights of Dr. Snelling to equal protection of the laws as guaranteed by the Fifth Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully requests that the Court grant the relief set forth hereinafter.

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**XI.**

**FIFTH CAUSE OF ACTION**

**VIOLATION OF THE RELIGIOUS FREEDOM RESTORATION ACT,**  
**42 U.S.C. § 2000(bb) et. seq.**

113. Plaintiff realleges all matters set forth in the preceding paragraphs and incorporates them herein.

114. Federal laws are subject to the Religious Freedom Restoration Act, and federal laws which substantially burden one's exercise of religion, even if neutral and generally applicable, must be in furtherance of a compelling governmental interest and be the least restrictive means of furthering that interest.

115. Defendants' policies and practices as set forth above substantially burdened Dr. Snelling's exercise of religion.

116. Defendants cannot produce a compelling governmental interest justifying their activities as set forth above.

117. Defendants failed to use the least restrictive means to achieve any compelling government interest that may exist.

WHEREFORE, Plaintiff respectfully requests that the Court grant the relief set forth hereinafter.

**XII.**

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Assume jurisdiction over this action;

1           B.           Declare that the policies and practices as described in this Complaint,  
2 including but not limited to the USDI NPS GCNP Guidelines for Study Proposals (see ¶  
3 67, infra) are facially unconstitutional and violate the RFRA because they violate the right  
4 to freedom of speech, equal protection, the right to due process, and the right to free  
5 exercise of religion, which are guaranteed to Plaintiff under the Constitution of the United  
6 States and by operation of federal law;

8           C.           Declare that the Defendants’ policies and practices as described in the  
9 Complaint are unconstitutional and violate the RFRA as applied to Plaintiff because they  
10 violate his right to freedom of speech, the right to equal protection, the right to due process,  
11 and the right to free exercise of religion, which are guaranteed to Plaintiff under the  
12 Constitution of the United States and by operation of federal law;

14           D.           Issue a mandatory injunction directing Defendants to issue a research  
15 permit to Dr. Snelling to authorize the research described in his revised application of  
16 February 8, 2016.

18           E.           Issue a mandatory injunction directing the Defendants to provide a  
19 research launch for Dr. Snelling to conduct the requested research to compensate for the  
20 time lost to Defendants’ actions.

22           F.           Issue a preliminary and permanent injunction against the Defendants,  
23 their agents, officials, servants, employees, and any other persons acting in their behalf,  
24 from enforcing said policies and practices against Plaintiff and others for their participation  
25 in the activities described in this Complaint;

1 G. Grant to Plaintiff an award of attorneys' fees in an amount to be  
2 deemed appropriate by this Court in accordance with 28 U.S.C. § 2412 and the Equal  
3 Access to Justice Act;

4 H. Grant to Plaintiff an award of his costs of litigation in accordance with  
5 the 28 U.S.C. § 2412 and the Equal Access to Justice Act;

6 I. Grant to Plaintiff an award of nominal damages in an amount deemed  
7 appropriate by this Court; and  
8

9 J. Grant such other and further relief as this Court deems just and proper.  
10

11 **JURY DEMAND**

12 Plaintiff hereby demands a trial by jury of all issues so triable.

13 RESPECTFULLY submitted this 9<sup>th</sup> day of May 2017.  
14

15 /s/ Michael L. Kitchen  
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