NO. 12-5218

UNITED STATES COURT OF APPEALS
FOR THE
TENTH CIRCUIT

PAUL CAMPBELL FIELDS,
Plaintiff-Appellant,

v.

CITY OF TULSA, ET AL.,
Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
HONORABLE GREGORY K. FRIZZELL
Civil Case No. 11-cv-115-GKF-TLW

PETITION FOR REHEARING AND REHEARING EN BANC

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GLOSSARY OF TERMS

COP ..... Chief of Police

DCOP ..... Deputy Chief of Police

IA ..... Internal Affairs

TPD ..... Tulsa Police Department

INTRODUCTION

A. Purpose for Rehearing and Rehearing En Banc.

A rehearing is necessary because the panel erroneously and impermissibly disregarded material points of fact and law that fundamentally alter the outcome of this case—a case which presents questions of *exceptional* importance regarding the application of the First Amendment in a public employee context. In sum, the panel's free exercise decision is patently wrong and contrary to Supreme Court and Circuit precedent. Indeed, *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993), *Axson-Flynn v. Johnson*, 356 F.3d 1277 (10th Cir. 2004), and *Shrum v. City of Coweta*, 449 F.3d 1132 (10th Cir. 2006)—cases relied upon by Plaintiff *yet not even cited by the panel*—compel reversal. And the panel's free speech decision is similarly erroneous and creates harmful precedent that will have a chilling effect on the First Amendment rights of public employees. Consideration by the full court is therefore necessary to secure and maintain uniformity of the court's decisions. *See* Fed. R. App. P. 35 & 40.

B. Issues Presented and the Panel's Erroneous Conclusions.

This case presents, *inter alia*, the following issues: (1) "Whether Defendants violated the Free Exercise Clause of the First Amendment *by summarily punishing Plaintiff for objecting to an order based on his sincerely held religious beliefs*," and (2) "Whether Plaintiff's proposed Second Amended Complaint stated a claim

under the Free Speech Clause of the First Amendment." (Pl.'s Opening Br. at 3, 4; *see also id.* at 2, 31-42, 52-56) (emphasis added). The panel erroneously resolved both issues in Defendants' favor. In doing so, the panel improperly ignored material facts, misapprehended Plaintiff's *central free exercise argument*, and ignored precedent. Justice requires reconsideration of Plaintiff's free exercise claim because material facts and controlling precedent compel reversal. At a minimum, *a reversal and remand for a jury trial on this claim is warranted*. And the panel's decision regarding Plaintiff's request to amend his complaint to add a free speech claim fares no better. Following the filing of Plaintiff's first amended complaint, Defendants issued their order setting forth Plaintiff's final punishment. This order included, *for the first time*, notice that Plaintiff was being punished for his "actions and writings that were made public"—"actions and writings" *made by Plaintiff's attorneys*, and not Plaintiff himself, *in the course of advancing his constitutional claims*. The panel's conclusion that this claim would be futile is clearly erroneous and establishes harmful precedent that will have a chilling effect on public employees who want to seek redress for the violation of their constitutional rights in a court of law.

SUMMARY OF MATERIAL FACTS[1]

[1] Because this case is before the court on the granting of summary judgment in Defendants' favor, the panel was required, *but failed*, to draw all reasonable inferences supported by the evidence in Plaintiff's favor. *Byers v. City of*

- **Defendants punished Plaintiff for ***objecting*****, on ***religious*** **grounds, to an order mandating attendance at a proselytizing event held at a local mosque.**

Plaintiff, a Tulsa police captain, was punished for objecting to an order that conflicted with his "*personal religious convictions*" and notifying Defendants that he "*intend[s] not to follow this directive*, *nor require any of [his] subordinates to do so if they share similar religious convictions*." (App. 170-71, 195 [emphasis added]). For objecting to this order on religious grounds,[2] Plaintiff was *immediately* stripped of his command, *immediately* transferred to another division where he was subsequently assigned to the graveyard shift, and *immediately* subjected to an IA investigation.[3] As Defendants admit, Plaintiff was punished for ***his*** "refusal to attend and ***refusal to assign officers*** from [his] shift, ***who shared [his] religious beliefs, to attend***" the "Appreciation Day" hosted by the Islamic Society of Tulsa (hereinafter "Islamic Event"). (App. 174, 200 [emphasis added]). Indeed, Plaintiff's "Sworn-Employee Performance Evaluation"—an evaluation that was approved and signed by Defendants Jordan (COP) and Webster (DCOP)—states that "Captain Fields *was disciplined* during this rating period for *refusing to*

Albuquerque, 150 F.3d 1271, 1274 (10th Cir. 1998). The facts set forth in this petition were *highlighted* in both the district court and in this court, but essentially ignored.

[2] Major Harris testified that Plaintiff's email notification to his superiors setting forth his religious objection to the order was proper because Plaintiff "got [her] permission" to send it. (App. 1073-75).

[3] As Major Harris testified, Plaintiff's punishment was inconsistent with other similarly situated officers of his rank in that he was punitively transferred *before* the investigation commenced. (App. 308-10).

attend ***and*** *refusing to direct that officers attend* a law enforcement appreciation day at a local mosque." (App. 174-76, 179, 987-90, 992 [emphasis added]).

Inexplicably, the panel erroneously held that "the attendance Order did not burden Fields's religious rights because it did not require him to violate his personal religious beliefs by attending the event; he could have obeyed the order by ordering others to attend, and he has not contended on appeal that he had informed his supervisors that doing so would have violated his religious beliefs." (Op. at 3). As the facts demonstrate *without dispute*, Plaintiff was punished because *he* refused *to attend* and *to order officers who shared his religious beliefs to attend* the Islamic event—precisely what he told his supervisors. In short (and as argued *throughout* this case), Plaintiff was "disciplined" *because* of his religious beliefs. The panel's claim that Plaintiff's view of the order "was wrong" and "not even . . . reasonable" (Op. at 13) is simply shocking in light of the record evidence.

- **More specifically, Defendants punished Plaintiff because he raised a religious objection *based on his Christian beliefs*.**

In a candid moment, Defendant Jordan admitted this fact, stating: "I can't have a police department where everybody refuses to give – *to interact with Muslims* because they say it's their *religious reasons*." (App. 1052 [emphasis added]). And it is important to highlight that Plaintiff was one of the officers *primarily* responsible *for protecting* the mosque from the threats targeting its members. As the host of the Islamic Event acknowledged, Plaintiff "was one of

the people who was out here night after night during the threat, watching out for our building and community. So we can only say thank you to him." (App. at 1124). Consequently, this case has *nothing* to do with refusing to perform *legitimate* police services, as the panel erroneously suggests. (*See* Op. at 26).

- **Officers have *never* been ordered to attend an event that involved religious proselytizing like the Islamic Event at issue here.**

Defendant Jordan admitted that *no similar event was ever mandatory in his thirty-plus years on the police department*. (App. 251-52). He testified as follows:

> Q. Are you aware of any instances where [officers] were invited to watch a [religious] service in which you made the event mandatory?
> A. No. I don't know of any.
> Q. Are you aware of any instances where [officers] were invited to hear presentations about a (sic) certain religious beliefs that you made mandatory?
> A. No.
> Q. Are you aware of any where [officers] were invited to tour the sanctuary, whether it be a synagogue or a church, where you made it mandatory?
> A. Not that I'm aware of, no, sir.

(App. 251-52). Consequently, the panel was *wrong* to compare the Islamic Event with *any* other "appreciation" event. (*See* Op. at 4). And this was not "community policing";[4] *it was proselytizing*.

[4] This event was not designed, nor conducted, as a community policing event. "The emphasis and focus of community policing is to address causes of crime and crime trends as well as crime prevention. There was no agenda on the Islamic Society event flyer or in any of the emails directing attendance at the Islamic Society event for the invited officers to discuss crime or crime related issues of any kind. To the contrary, the expressed agenda was focused on religious activities: mosque tours, meeting religious leaders, watching a prayer service, and receiving presentations

- **The Islamic Event was advertised as including—and did include—proselytizing.**

As announced, the Islamic Event included "Mosque Tours," "Meet[ing] Local Muslims & Leadership," "Watch[ing] the 2-2:45 pm weekly congregational prayer service," and receiving "Presentations" on Islamic "beliefs." (App. 170-71, 193). In short, the event *promoted the religion of Islam*, and there is no disputing this fact. (App. 340, 345-46; *see also* App. 283-91). As the panel acknowledged, during the event, the Muslim hosts "discussed Islamic beliefs, Mohammed, Mecca, and why and how Muslims pray; they showed officers a Koran; and they showed the officers Islamic religious books and pamphlets that were for sale and encouraged the officers to buy them." (Op. at 8; App. 340, 345-46; *see also* App. 283-91). Moreover, "[a]fter the event the Islamic Society posted on its website a photograph of officers sitting at a table with members of the mosque with the caption, 'Discover Islam Classes for Non-Muslims.'"[5] (Op. at 8).

- **Despite *knowing* that the Islamic Event would include religious content, Defendants did not reach out to the Muslim hosts to inform them that they should not engage in religious discussions with the officers or try to proselytize them, and Defendants admit that there was nothing that would have prevented the Muslim hosts from doing so.**

Defendant Jordan testified as follows:

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on Islamic religious beliefs." (App. 1055-56; *see also* App. 1054-58, 1065).

[5] Consequently, the panel's decision on Plaintiff's Establishment Clause claim, (Op. at 15-19), is similarly erroneous, (*see* Pl.'s Opening Br. at 43-48).

Q. Let me just back up so my question is clear. Did you or anyone from the Tulsa Police Department reach out to anyone associated with the Islamic Society of Tulsa requesting the members of the Islamic Society of Tulsa not to engage in any religious discussions or proselytizing of the police officers?
A. Not to my knowledge, no.
Q. So prior to this event, based on your knowledge, *there was nothing that would have prevented the Islamic Society of Tulsa from engaging in religious discussions or proselytizing the police officers who attended the event*?
A. *No, there was nothing that would prevent them from doing that*.

(App. 1042) (emphasis added). Despite this fact and knowing that officers, such as Plaintiff, are *prohibited* from discussing *their* faith while in uniform, (App. 250), Defendants still punished Plaintiff for objecting, on religious grounds, to the order mandating officer attendance—including his attendance—at this event.

- **Friday, the holy day for Islam,[6] was specifically chosen by the Muslim hosts—*and it was approved by Defendants*—because worship services would be taking place in the mosque.**

Ms. Sheryl Siddiqui, who was testifying on behalf of the Islamic Society pursuant to Rule 30(b)(6), testified as follows:

Q. And why did you – or did you select Friday as the date for this event, or was it something that the Tulsa Police Department selected?
A. *We proposed it, and they approved it*.
Q. Why did you propose a Friday for the event?
A. As I mentioned, we've hosted events for law enforcement in the past, and *given the option to stay for the prayer*, *most of the officers chose to stay*. And they were very involved in the – in [t]he – in *watching what was going on*, *they had lots of questions*. They seemed to tell us that it was very helpful to them.

[6] (App. 168, 298-99 [acknowledging that it is a "special day" for Islam]).

(App. 298-99 [emphasis added]).

- **There were no volunteers from Plaintiff's shift.** (App. 323 [testimony of Major Harris acknowledging that no one volunteered from Plaintiff's shift]); *see also* App. 173 [informing Defendants that the number of volunteers was "zero"]).

- **Defendants would not punish an officer seeking an exemption from the mandatory order on non-religious grounds.**

It was permissible for an officer to raise a medical objection (*e.g.*, food allergy) or some other *non-religious* ground (*e.g.*, desire to take a vacation day) for not attending the Islamic Event. (App. 314-16; *see also* App. 261-62 [employing a subjective, case-by-case evaluation for exemptions]).

- **Plaintiff's punishment was "harsh" *and* retaliatory.**

In addition to his immediate and punitive transfer and being subjected to an IA investigation, Plaintiff was "*suspended without pay for 80 hours/10 days*," warned that "[a]ny further violations of Rules and Regulations . . . *will lead to more severe disciplinary action*, *including dismissal*," and that he would "*not be considered for future promotions* for a period of . . . at least one (1) year from the effective date of this order." (App. 97-98). As Major Harris' testified, this harsh punishment was retaliatory.[7] (App. 326 [testifying that she believed Defendants

[7] The fact that the event was made voluntary for Plaintiff's shift the very next day and for the entire department two days later further demonstrates that the punishment was retaliatory and that Defendants had no legitimate basis for their actions. (App. 319-21; *see also* App. 176, 199).

took adverse action against Plaintiff for exercising his rights]).

- **Plaintiff was punished for filing this lawsuit, which made public the allegations that Defendants violated his constitutional rights.**

Plaintiff's free speech claim is *not* based on *any* statement, oral or written, Plaintiff made pursuant to his official duties. Rather, Plaintiff's claim is based upon the fact that Defendants punished him for filing this lawsuit, which made public the allegations set forth in his complaint—allegations that plainly address matters of public concern. According to Defendants, they punished Plaintiff because his "actions and writings *that were made public* brought discredit upon the department." (App. 97). Yet, the only "public" actions and writings about this matter were the court-filed pleadings, websites that covered this lawsuit (none of which belong to Plaintiff), and whatever media covered the litigation (*n.b*. Plaintiff never spoke to the media nor made a public statement about this litigation)—all of which address matters of public concern. (*See* App. 50-100, 267, 322). Indeed, the Islamic Event itself was covered by the media. (App. 343).

Defendant Jordan testified as follows:

> Q. What information did you have that *anything* that Captain Fields specifically wrote was made public? I should say by him.
> A. By him? *I don't know of anything by him*. It was just by his – his hire of attorneys.

(App. 266 [emphasis added]; *see also id*. [referring to websites *not* created by Plaintiff that allegedly "accused [Defendant Jordan] of assisting in global jihad"]).

ARGUMENT

I. The Panel's Free Exercise Decision Is Patently Erroneous and Conflicts with Supreme Court and Circuit Precedent.

Inexplicably, the panel stated the following:

> In his appellate briefs, however, Fields may be making an additional free-exercise argument. Although not crystal clear on this point, the briefs may be asserting that even if the Attendance Order was valid, TPD's *reason* for imposing punishment, or at least the reason for the severity of the punishment, *was the religious nature of Fields's objection to the order*—that is, someone who refused to obey the Attendance Order for purely secular reasons, or no reason whatsoever, would not have been punished or would have received a lesser punishment. Moreover, *there is evidence in the record that would support this assertion*. *Some statements by TPD officials suggest that at least part of the motive for punishing Fields was that he posed a religious objection to the order and refused to attend the mosque event on religious grounds*.
>
> *The problem with this argument is that* ***it was not preserved in the district court***.

(Op. at 14 [emphasis added]). It is ***impossible*** to square the panel's ruling with the facts and arguments presented in this court[8] and in the district court.[9] In sum, it is

[8] Plaintiff's statement of the issue shows that the panel was patently wrong. But even more to the point, Plaintiff's opening argument to this court was that the district court erred by ignoring the gravamen of Plaintiff's free exercise claim and instead creating a straw man argument—*which is precisely what the panel has done here*. (Pl.'s Opening Br. at 31-33 [stating that the district court improperly "based its entire opinion upon a straw man" and arguing that "contrary to the district court's conclusion, a reasonable juror could reach only one conclusion in this case: Plaintiff was punished for raising a religious objection to an order mandating attendance at the Islamic Event—an objection that was based upon Plaintiff's sincerely held religious beliefs."]). The same argument was also made in Plaintiff's supplemental authority letter submitted to the panel on September 20,

impossible to conclude based on the arguments, facts, and controlling law that Plaintiff's constitutional rights were not violated. Indeed, "[t]he principle that government may not enact laws that suppress *religious belief* or practice is . . . well understood." *Lukumi*, 508 U.S. at 523 (emphasis added). "Official action *that targets* religious conduct for distinctive treatment cannot be shielded by mere compliance with the requirement of facial neutrality." *Id*. In *Axson-Flynn*, this court held that subjecting the student plaintiff to possible punishment because she objected to reciting lines in a script that she believed were offensive to her religion sufficiently burdened her religious beliefs to trigger a violation of the Free

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2013. (*See* Doc. 01019129627) (highlighting the court's recent decision in *Hobby Lobby*). In short, the "*reason* for imposing punishment . . . ***was*** *the religious nature of Fields's objection to the order*." That is, Defendants punished Plaintiff for objecting to the order based on his Christian beliefs.

[9] The examples are far too numerous to cite here. Indeed, Plaintiff's recitation of the facts alone shows that the panel was wrong. Nonetheless, even a cursory review of the filings in the district court confirms the panel's error. (*See, e.g.*, Pl.'s Mot. for Summ. J. at 14 [Doc. 42] [arguing that "the record in this case is undisputed: Plaintiff acted 'for religious reasons'—and was punished for it"] at 15 [arguing that Plaintiff "was denied 'employment benefits' for invoking his religious beliefs"] at 16-20 [arguing that an order that is "discriminatorily motivated" (*i.e.*, facial neutrality is not the test) must survive strict scrutiny and citing *Lukumi*, *Axson-Flynn*, and *Shrum*]; Pl.'s Reply in Supp. of Mot. for Summ. J. at 7 [Doc. 53] ["Here, Plaintiff was singled out and punished for raising a religious objection to the mandatory order, yet if he sought an exemption from the order based on a medical reason or because he wanted to go on vacation that would have been permitted, as Defendants acknowledge." (emphasis added)]; Resp. to City Mot. for Summ J. at 14 & n.7 [Doc. 52] [arguing that "[u]nder extant free exercise jurisprudence, subjecting a person to punishment because she merely objects to reciting lines in a script that she believes are offensive to her religion . . . sufficiently burden[s] a plaintiff's religious beliefs to trigger a violation of the Free Exercise Clause" and citing *Axson-Flynn* for support]).

Exercise Clause. 356 F.3d at 1277; *see also id*. at 1294 (stating that "[a] rule that is discriminatorily motivated and applied is not a neutral rule of general applicability" and remanding "on whether the script adherence requirement was discriminatorily applied to religious conduct"). And in *Shrum*, this court held that the free exercise claim of a police officer who alleged that his religious commitment "was a motivating factor in the actions taken against him" [*i.e.*, changing his work schedule] should proceed to trial. 449 F.3d at 1143-45; *see also id.* at 1145 ("If Officer Shrum's factual allegations are correct—that he was singled out precisely because of Chief Palmer's knowledge of his religious commitment—then Chief Palmer's claim of qualified immunity must fail."); (*see* App. 1052 [Defendant Jordan testifying that he "can't have a police department where everybody refuses . . . to interact with Muslims because they say it's their religious reasons"]). At a minimum, the panel's decision should be vacated, the district court reversed, and the case remanded for a jury trial on the free exercise claim.

II. The Panel's Decision that Plaintiff's Free Speech Claim Is Futile Is Patently Erroneous and Establishes Harmful Precedent.

The panel framed the issue as follows: whether "the district court should have allowed [Plaintiff] to amend his complaint to include a claim that Defendants retaliated against him for filing this lawsuit," in violation of the First

Amendment.[10] As noted by the panel, the district court rejected Plaintiff's retaliation claim by (erroneously) concluding that "the subject matter of his lawsuit was not a matter of public concern."[11] (Op. at 23). The panel, however, stated that it "need not address the public-concern issue. Regardless of whether the lawsuit was on a matter of public concern, [Plaintiff's] claim cannot survive the balancing of interests at the third step of the *Garcetti/Pickering* analysis." (Op. at 23). The panel is wrong, and its decision will have an immense chilling effect on public employees who may want to seek redress for the violation of their constitutional

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[10] In a footnote, the panel stated, "Perhaps Fields could have framed his claim as a violation of his right to petition. . . . But our analysis would be the same." (Op. at 22 n.1). This statement is curious because in his opening brief, Plaintiff argued:

> Inherent in the right to freedom of speech is the right to seek redress of one's grievances in a court of law. "It was not by accident or coincidence that the rights to freedom of speech and press were coupled in a single guaranty with the rights of the people peaceably to assemble and to petition for redress of grievances. All these, though not identical, are inseparable. They are cognate rights . . . ." *Thomas v. Collins*, 323 U.S. 516, 530 (1945); *see also United Mine Workers of Am. v. Ill. State Bar Ass'n*, 389 U.S. 217, 221-22 (1967). Indeed, "[t]he right to petition is cut from the same cloth as the other guarantees of [the First] Amendment, and is an assurance of a particular freedom of expression." *McDonald v. Smith*, 472 U.S. 479, 482-83 (1985); *see also id.* at 484 ("Filing a complaint in court is a form of petitioning activity."). Consequently, the Supreme Court has long recognized that public interest litigation to enforce constitutional rights, as in this case, is activity protected by the First Amendment's "freedoms of expression and association." *See NAACP v Button*, 371 U.S. 415, 437-44 (1963).

(Pl.'s Opening Br. at 54-55).

[11] (*See* Pl.'s Opening Br. at 53 [quoting *Connick v. Myers*, 461 U.S. 138, 143 (1983) and stating that "speech that '*fairly* [*may be*] *considered as relating to*' issues 'of political, social, or other concern to the community' is speech involving 'matters of public concern'"]).

rights in a court of law. The panel begins its "balancing of interests" by relying on its prior erroneous rulings on Plaintiff's constitutional claims and then simply dismissing Plaintiff's interest as a result. (Op. at 25). Thus, per the panel's decision, *in this Circuit* a public employee who is considering whether to vindicate his or her constitutional rights in a court of law is now faced with a very difficult decision because if the employee does not ultimately prevail, the defendant-employer can fire (or take other adverse action against) the plaintiff-employee for the negative publicity the employer may receive as a result of the lawsuit. The panel asserts that Plaintiff's "challenge to a superior's order, by disobedience *or by litigation*, sets a powerful example," further asserting that this "would likely undermine not just his superiors' confidence in his loyalty and willingness to implement orders, but also his own authority as a commander." (Op. at 26) (emphasis added). The panel's assertions are *wrong*. Plaintiff swore an oath to "obey the lawful orders of [his] superiors," "[t]o stand up for what [he] know[s] is right," and "[t]o stand up against wrongs in any form." (App. 167, 186-87). As Defendants acknowledged, pursuant to Plaintiff's sworn oath, he has a *duty* to point out orders he believes are improper, including those that violate his religious beliefs. (App. 167, 246). In fact, Defendant Jordan admitted that Plaintiff did *not* violate his oath in this matter and was thus *not* punished for that. (App. 263). Defendant Jordan further admitted that there are no rules or regulations specifying

how an objection to an order should be brought to the attention of the chain of command. (App. 1037-41). And the record shows that Plaintiff's "challenge to [his] superior's order" was proper, as his supervisor, Major Harris, admitted. (App. 1073-75 [testifying that Plaintiff's email objecting to the order was proper because "he got my permission" to send it]). In short, contrary to the panel's flawed view of leadership, Plaintiff's actions demonstrate moral courage and fortitude—character traits too often missing from public officials.

In sum, a court of law should *never* allow the government to punish an employee for filing a civil rights lawsuit that seeks to vindicate constitutional rights, as the panel has done here. *See David v. City & Cnty. of Denver*, 101 F.3d 1344, 1356 (10th Cir. 1996) ("[E]ven speech that focuses on internal employment conditions and is made in the context of a personal dispute may be regarded as pertaining to a matter of public concern if it addresses important constitutional rights which society at large has an interest in protecting.") (internal quotations and citation omitted); *G & V Lounge, Inc. v. Mich. Liquor Control Comm'n*, 23 F.3d 1071, 1079 (6th Cir. 1994) ("[I]t is always in the public interest to prevent the violation of a party's constitutional rights.").

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests a rehearing and en banc review.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing petition is proportionally spaced, has a typeface of 14 points Times New Roman, and does not exceed 15 pages, excluding material no counted under Rule 32 of the Federal Rules of Appellate Procedure.

I further certify that pursuant to 10th Cir. R. 25.5, all required privacy redactions have been made.

I further certify that the hard copies of this petition to be submitted to the court are exact copies of the version submitted electronically.

I further certify that the electronic submission of this brief was scanned for viruses with the most recent version of a commercial virus scanning program and is free of viruses.

AMERICAN FREEDOM LAW CENTER

/s/ Robert J. Muise
Robert J. Muise (P62849)

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2014, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that on this day, twelve (12) hard copies of the petition were caused to be sent to the Clerk of the Court via Federal Express, next day service.

AMERICAN FREEDOM LAW CENTER

/s/Robert J. Muise
Robert J. Muise (P62849)

ATTACHMENTS

Opinion: *Fields v. City of Tulsa*, No. 12-5218 (10th Cir. May 22, 2014)

Judgment: *Fields v. City of Tulsa*, No. 12-5218 (10th Cir. May 22, 2014)