
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LUBAVITCH-CHABAD OF ILLINOIS, INC.)
LUBAVITCH-CHABAD OF EVANSTON, INC.)
d/b/a THE TANNENBAUM CHABAD HOUSE,)
and RABBI DOV HILLEL KLEIN,)

Plaintiffs,)

v.)

NORTHWESTERN UNIVERSITY)
TIMOTHY STEVENS, PATRICIA)
TELLES-IRVIN,)

Defendant.)

PLAINTIFFS' COMPLAINT

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Plaintiffs Lubavitch-Chabad of Illinois, Inc., Lubavitch Chabad of Evanston, Inc. d/b/a The Tannenbaum Chabad House and Rabbi Dov Hillel Klein (“Plaintiffs”) by and through their attorneys, R. Tamara de Silva and Jonathan Lubin respectfully state their complaint against Northwestern University (“Defendant”) as follows:

INTRODUCTION

1. This is a civil action, seeking legal and equitable relief under 42 U.S.C. § 1981, 42 U.S.C. § 2000a (“Title II of the Civil Rights Act of 1964”) and 42 U.S.C. § 2000d (“Title VI of the Civil Rights Act of 1964”) for Defendant’s discrimination against the Chabad Chassidism and the Jewish faith.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to the Judicial Code, 28 U.S.C. §§ 1331, 1343(a), 1367 and under the doctrine of pendent jurisdiction.
3. Venue is proper pursuant to Judicial Code, 28 U.S.C. § 1391(b) because all defendants reside in this District.

PARTIES

4. Lubavitch-Chabad of Illinois, Inc. (hereinafter “LCI”) is a non-profit corporation in the State of Illinois, whose purpose *inter alia* is to provide immersive education and religious experiences to student, facu about the Lubavitch-Chabad Jewish movement, a branch of Chassidic Judaism (hereinafter, “Chabad Chassidism”), and to provide religious opportunities for all who are practice or are interested in Chabad Chassidism. LCI operates through, and is affiliated with, over 30 centers, or “Chabad Houses” in the State of Illinois.

5. Lubavitch-Chabad of Evanston, Inc (hereinafter, “Tannenbaum Chabad House”) is one such organization. The Tannenbaum Chabad House was established to disseminate Jewish and Chassidic teachings and to provide an immersive Jewish and Chassidic experience to Northwestern University students and faculty, Evanston residents, and visitors from all over the world. Tannenbaum Chabad House has existed for 27, has forged lifetime relationships, and has had a deeply positive impact at all levels of campus life and beyond. At the very inception of the Tannenbaum House, in the early 1980s, Chabad had to litigate its right practice religion freely in the City of Evanston. The Court, in hearing the matter, determined that “the real fear of the defendant City and intervenors is that [Chabad] will use its property to permit the plaintiffs to practice their ancient religion in the way they have conducted it for the past centuries.” Today, Chabad once again has to fight for that right. The Tannenbaum Chabad House operates out of a location in Evanston, Illinois.
6. Rabbi Dov Hillel Klein is the director, Rabbi, and founder of the Tannenbaum Chabad House. Rabbi Klein has been the director of the Tannenbaum Chabad House for almost 30 years. Rabbi Klein resides in Evanston, Illinois.
7. Northwestern University (“University”) is a university, which receives public funding, including funding from the federal government, and is located in Evanston, Illinois. University Chaplain Timothy Stevens and Vice President for Student Affairs Patricia Telles-Irvin made the decision Complained of, to discriminate against the Tannenbaum Chabad House, Lubavitch-Chabad of Illinois, and Rabbi Klein.

FACTUAL ALLEGATIONS

8. Northwestern University is home to a large number of religious organizations with which it openly affiliates, including organizations representing many of the world’s

- religions. The University claims that it offers a wide variety of religious worship and community options but is discriminating against Chabad and the Jewish faith.
9. Faith based and religious organizations contribute to campus life, and offer students the opportunity to practice the religion of their choosing.
 10. Until September 11, 2012, the University associated officially with the Tannenbaum Chabad House. As a result of this association, Rabbi Klein occupied several positions in the University Chaplaincy. As a result of that association, Rabbi Klein was also able to freely interact with students on campus, just like other chaplains and other religious leaders who interacted with University students.
 11. Through one such position, Rabbi Klein contracted with a third party, Sodexo, to facilitate the sale of kosher food – that is, food that permissible for Torah-abiding, Jewish law-abiding, people to consume. As part of that contract, Rabbi Klein would receive a stipend each year for his services to Sodexo.
 12. Abruptly, and without warning, over the late summer of 2012, the University announced its intention to disassociate with the Tannebaum Chabad House, Rabbi Klein and the Jewish faith. The decision was announced by Defendants Stevens and Telles-Irvin.
 13. Northwestern's decision to single out the Tannebaum Chabad House and discriminate against the Chabad and the Jewish faith was memorialized in a letter to Rabbi Klein on September 11, 2012, signed by Defendants Stevens and Telles-Irvin.
 14. Northwestern had no legal reason to disassociate from the Tannenbaum House. The University knew that its proffered reasons were specious and based upon innuendo and falsehood. The reasons offered for that disassociation were wholly pretextual and meant to single out Chabad against all other faiths for removal from Northwestern University.

15. Even if the reasons offered for that disassociation were not false, many other campus organizations including religious organizations, had committed the same acts for which Rabbi Klein stood falsely accused. The University was aware of this, and chose only to disassociate with Chabad.
16. Those actions constituted discriminatory and disparate treatment taken solely on the basis of Rabbi Klein's, LCI's and the Tannenbaum Chabad House's affiliation with Chabad Chassidism. Northwestern University would not have taken this action if Plaintiffs were not adherents of Chabad Chassidism.
17. As a result of the disassociation, the University seeks to enjoin Rabbi Klein, as a representative of the Tannenbaum Chabad House, from participating in "any programs, services, or events associated with Northwestern students, staff, or faculty. The University has forbid him from renewing his contract with Sodexo, a third-party that is unaffiliated with the University. The University has sought to forbid him from sponsoring a Birthright Israel trip – a free tour for University students – with University students, despite that Birthright Israel is not at all affiliated with Northwestern University. The University has also indicated that it will be requiring Alpha Epsilon Pi to drop Rabbi Klein as an advisor.
18. If Rabbi Klein is enjoined from participating in the above referenced activities, and contracts, and if Rabbi Klein is cut off from providing authentic Jewish and Chassidic experiences to Northwestern University students, it would cause irreparable harm to Rabbi Klein, to the charter and purposes of the Tannenbaum Chabad House, and to Lubavitch-Chabad of Illinois. It would also cause irreparable harm to Jewish students of Northwestern University.

19. No remedy can be as adequate or complete as the equitable remedy of an injunction enjoining Defendant's discriminatory and illegal conduct.

COUNT I – 42 U.S.C. § 1981

Against all Defenendants

20. Plaintiff repeats and realleges paragraphs 1-19 as if stated herein in full:
21. The University's decision to prevent Rabbi Klein, and the Tannenbaum Chabad House from contracting with Sodexo, Birthright Israel, and Alpha Epsilon Pi, violates 42 U.S.C. 1981.
22. Wherefore, Plaintiffs pray that this Honorable Court will enter an Order finding Defendant to have violated 42 U.S.C. § 1981, ordering Defendant cease and desist all such illegal behavior, and awarding all possible damages, including an injunction, actual damages, punitive damages, and reasonable costs and attorney's fees.

COUNT II - 42 U.S.C. § 2000A

TITLE II OF THE CIVIL RIGHTS ACT OF 1964

Against all Defendants

23. Plaintiff repeats and realleges paragraphs 1-22 as if stated herein in full.
24. Association with the University constitutes a place of public accommodation for the purposes of Title II of the Civil Rights Act of 1964.
25. The University's students include students that come from across the country. The University is a significant force in Illinois' economy, and therefore affects interstate commerce.
26. The University's decision constitutes a violation of Plaintiffs' rights under 42 U.S.C. § 2000a.
27. WHEREFORE, Plaintiffs pray that this Honorable Court will enter an Order finding Defendant to have violated 42 U.S.C. § 2000a, ordering Defendant cease and desist all

such illegal behavior, and awarding all possible damages, including an injunction, actual damages, punitive damages, and reasonable costs and attorney's fees.

COUNT III - 42 U.S.C. § 2000d
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
Against all Defendants

28. Plaintiff repeats and realleges paragraphs 1-27 as if stated herein in full.
29. The University receives significant funding from the federal government. Therefore, the University is not permitted to discriminate against individuals or campus groups on the basis of their religion.
30. The University's decision constitutes impermissible and unconscionable discrimination against the Plaintiffs solely on the basis of their religion.

WHEREFORE, Plaintiffs pray that this Honorable Court will enter an Order finding Defendant to have violated 42 U.S.C. § 2000d, Ordering Defendants cease and desist all such illegal behavior, and Awarding all possible damages, including an injunction, actual damages, punitive damages, and reasonable costs and attorney's fees.

Respectfully submitted,

By: /s/ R. Tamara de Silva (Plaintiffs' Lead Counsel)

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September 14, 2012

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JURY DEMAND

Plaintiffs demand a jury to hear and decide all issues of fact.

Respectfully submitted, September 14, 2012

/s/R. Tamara de Silva

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