

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

JAMAL MIFTAH,

Plaintiff,

vs.

**CASE NO. CJ 2007-04083
Judge Gordon McAllister**

**ISLAMIC SOCIETY OF TULSA,
an Oklahoma non profit corporation,
ISLAMIC SOCIETY OF NORTH AMERICA,
An Indiana non profit corporation,
NORTH AMERICAN ISLAMIC TRUST,
an Indiana non profit corporation, FAROOQ ALI,
JAVED JALIWALA, SHERYL SIDDIQUI
SANDRA RANA, TARIQ MASOOD,
MUHAMMAD ASHWAIT,
HOUSSAM ELSOUIESSI a/k/a
ABU WALEED, MUJEEB CHEEMA
and AHMAD KABBANI, individually
and as Directors and Officers of the
ISLAMIC SOCIETY OF TULSA and
ABDULLAH ROE and NOORUDDIN DOE,
Individually.**

Defendants.

FIRST AMENDED PETITION

COMES NOW, Jamal Mifah, Plaintiff, by and through his Attorney of Record, B.

Kent Felty and would allege and prove the following:

JURISDICTION AND VENUE

1. Jamal Miftah is a legal permanent resident of the United States of America, the State of Oklahoma, the County of Tulsa.
2. Defendant the Islamic Society of Tulsa (hereinafter IST) is an Oklahoma Corporation with its principal place of business in Tulsa, Oklahoma.

3. The Islamic Society of North America (hereinafter ISNA) and the North American Islamic Trust (hereinafter NAIT) are Indiana corporations doing substantial and continuous business and holding property in Tulsa County, Oklahoma.
4. Defendants Farooq Ali, Javed Jaliwala, Sheryl Siddiqui, Sandra Rana, Tariq Masood, Muhammad Ashwait, Houssam Elsoueissi a/k/a Abu Waleed, Mujeeb Cheema and Ahmad Kabbani are residents of Tulsa County, Oklahoma and serve as Directors and Officers of the IST, otherwise known as the “Shura.”
5. Defendants Abdullah Roe and Nooruddin Doe are believed to be members of the Tulsa Mosque and residents of Tulsa County, Oklahoma.
6. The primary manifestations of Defendants’ actionable conduct occurred in Tulsa County, Oklahoma.
7. For all these reasons Jurisdiction, both personal and subject matter, and Venue are proper in Tulsa County, Oklahoma.

BACKGROUND AND RELATIONSHIPS

8. Paragraphs one (1) through seven (7) are incorporated by reference.
9. On or about July 15, 2005 six (6) Members of the Islamic Society of Tulsa (IST), including Jamal Miftah, delivered a letter to the Chairman and Members of the Governing Board (Shura) of that Society. Within the letter the six (6) members expressed concern over the “financial status” of the Society and asked that monthly accounts be posted and available to the members.

10. Shortly thereafter the July 15, 2005 letter, another letter was delivered to the Shura. That letter made specific reference to cash donations to outside organizations and the need for financial transparency to “block undue accusations” and “ensure compliance with the laws of the land.”
11. Shortly after a meeting between the Shura and the concerned members, Jamal Miftah followed up with another letter to the Shura, on or about August 23, 2005. Within that letter the Jamal Miftah reiterated his concern that the Society was operating in “grey areas” and raised further concern that cash payments made by the Shura amounted to “money laundering” and donations “can ultimately be funneled to undesirable organizations for illegal activities.” Jamal Miftah further made it clear to the Shura that he was concerned that this type of financial activity would damage Muslims in the USA and the World and “convey yet another wrong message to the world about Islam and Islamic organizations.” Jamal Miftah received no response and the Shura refused to adopt transparent accounting practices.
12. The Shura is the Governing Body of the Islamic Society of Tulsa charged with executing the policies of the parent organization, the Islamic Society of North America on a local level.
13. The Islamic Society of North America is responsible for formulating policy and teaching in North America and directs local Shuras to execute policy and practice consistent with its view.

14. The Islamic Society of North America (ISNA) is largely funded by the North American Islamic Trust (NAIT), which in turn is largely funded by the Kingdom of Saudi Arabia.
15. The North American Islamic Trust (NAIT) holds title to the real property of local Mosques, including the local Mosque in Tulsa where Plaintiff worshipped.
16. Defendants IST, through its Shura, ISNA and NAIT were all aware of Plaintiff's concerns expressed in the aforementioned letters.
17. Defendants IST, through its Shura, ISNA and NAIT were not in agreement with Plaintiff with regard for the need to avoid funneling cash donations to organizations with close links to Jihadist terrorists.
18. Defendants IST, ISNA and NAIT constructed and implemented a policy of intimidating dissident Muslims, by assault, by defamation, by the withdrawal of business opportunities, by ostracizing family members in the USA and abroad, and by putting vocal dissidents in danger of assassination via official or vigilante action with false claims of apostasy.
19. Defendants IST, its Shura, ISNA and NAIT all subscribe to the view that the death penalty is the appropriate punishment for an apostate Muslim and unless he or she is mentally ill or has converted to another religion under duress.
20. Defendants IST, its Shura, ISNA and NAIT are all aware that labeling a person "Anti-Islamic" or "Anti-Muslim" or a "Traitor to Islam" can logically result in that person's assassination or execution.

21. Defendants IST, its Shura, ISNA and NAIT identified Jamal Miftah as a dissident Muslim in need of “discipline” and or expulsion from the local Mosque.
22. On or about October 29, 2006 Jamal Miftah wrote an “op-ed” piece published in the Tulsa World calling on Muslim clerics and youth to forsake and stand against terrorists whose “heinous crimes (are) not pardonable by any religion and strictly forbidden in Islam...”
23. In the aforementioned op-ed piece Jamal Miftah also alleged that some mosques in the United States and around the world are being used to collect money for terrorists.
24. In response to Plaintiff’s letter the Defendants, acting in concert, directly and through agents, executed a policy and practice common to IST, NAIT and ISNA designed to injure Jamal Miftah by encouraging an atmosphere where he would be physically intimidated at the Mosque, excluded from the Mosque and otherwise destroyed in his name and possibly body.

COUNT ONE - ASSAULT

25. Paragraphs one (1) through twenty four (24) are incorporated by reference.
26. On or about November 18, 2006 Jamal Miftah went to the Tulsa Mosque owned and operated by the Defendants IST, ISNA and NAIT to offer his last prayer of the day (Ishaa prayer). Following prayers, the Iman of the Mosque, Ahmad Kabbani, a defendant herein, confronted Jamal Miftah in the Mosque and stated that he “should be ashamed” of the aforementioned op-ed piece, which was “anti-Islamic”.

27. Following the lead of Ahmad Kabbani, Houssam Elsouessi, a defendant herein, and two other members of the Mosque, Abdullah Roe and Nooruddin Doe, defendants herein, confronted Jamal Miftah.
28. These defendants screamed and shouted at Jamal Miftah, alleging that he was “anti Muslim” and a “traitor to Islam,” in an apparent attempt to incite a riot within the walls of the Mosque.
29. Abdullah Roe took his shoe off, waived said shoe and swung said shoe wildly at Jamal Miftah’s face, calling and shouting that that Jamal Miftah was “anti Muslim” and a “traitor to Islam.”
30. Jamal Miftah was put in imminent fear of serious bodily harm as the aforementioned defendants and others forced him into a wall.
31. Jamal Miftah was at that point rescued by another member of the Mosque and led outside of the Mosque.

COUNT TWO - DEFAMATION

32. Paragraphs one (1) through thirteen (31) are incorporated by reference.
33. The day after the assault noted above, Jamal Miftah received word through a member of the Mosque (not a defendant herein) that a Temporary Restraining Order had been issued against him, sworn to by Houssam Elsouessi, and that the restraining order would be removed if he issued a public apology for the op-ed piece, deemed to be “anti Muslim” and “anti Islamic” by the Shura.
34. On November 20, 2006 the Shura, met and issued a direction (fatwa) to members of the Mosque – ordering them to call the Tulsa Police Department

in the event Jamal Miftah returned to the Mosque, unless or until Jamal Miftah issued a public apology for his published opinion, which was anti Islamic and anti Muslim.

35. Jamal Miftah responded that the Shura must rescind its fatwa, alleging he was anti Muslim and anti Islamic and directing his expulsion from the Mosque.
36. On November 24, 2006 a local TV channel published the story of Jamal Miftah's expulsion from the Mosque. Within that story the Mosque leadership alleged that Miftah was being expelled because he was "loud" and that he would be allowed to return when he apologized, privately, to the Members and Leadership of the Mosque.
37. On November 29, 2006, Sandra Rana, a defendant herein, published a statement where she alleged that Jamal Miftah was physically removed from the Mosque after he threatened violence and cursed during a "discussion" of his published opinion. Rana stated that Jamal Miftah could attend prayers without restriction so long as acted in an "appropriate manner."
38. On December 1, 2006 the Mosque leadership issued a statement lifting the "ban" on Jamal Miftah "as long as there is no disturbance and that no one at the Mosque should confront him."
39. The published statements of the Defendants, alleging that Jamal Miftah is a traitor to Islam, anti Muslim, anti Islamic, had caused a disturbance in a Holy Place, had cursed in a Holy Place were made with actual malice and with the knowledge that the statements were false.

40. By reason of the published statements of the Defendants, alleging that Jamal Miftah is “a traitor to Islam... anti Muslim... anti Islamic” Jamal Miftah’s life has been put in danger in the sense that he has been labeled apostate from the Muslim Religion by the Defendants and vulnerable to the death penalty in Muslim countries and/or vigilante justice in his adopted homeland.
41. As a proximate cause of Defendants actions, joint and several, Jamal Miftah has been injured in his good name and brought into public disgrace and infamy in the Muslim community.
42. As a proximate cause of Defendants actions, joint and several, Jamal Miftah cannot safely travel to his home town in Pakistan, which is largely dominated by Jihadists and “refugees” from the Taliban Regime in Afghanistan.
43. As a proximate cause of Defendant’s actions, joint and several, Jamal Miftah is unable to travel attend to family business or protect his ancestral and inheritance rights in Pakistan.
44. As a proximate cause of Defendants actions, joint and several, Jamal Miftah has had to employ an attorney, apply for visa extensions for his visiting Mother in Law, a resident of Pakistan, due to fear for her safety and his inability to accompany her back to Pakistan, and make expensive and alternate arrangements for her eventual and desired return.
45. As a proximate cause of Defendants actions, joint and several, Jamal Miftah has been foreclosed from conducting business in the Muslim Community.

**COUNT THREE – INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS**

46. Paragraphs one (1) through twenty two (45) are incorporated by reference.

47. Defendants knew that if they labeled Jamal Miftah a “traitor to Islam... anti Muslim and anti Islamic” his life would be forfeit should he be found in a Muslim Country and labeled apostate and that he would live in constant fear and dread of vigilante “justice” from certain Muslims in the United States.
48. The acts of Defendants are the proximate cause of severe emotional distress in that Jamal Miftah is now labeled as apostate, forced along with his wife and four children to attend to prayers in their home, apart from the fellowship of other Muslims, prevented from traveling to any Muslim Country, including his homeland of Pakistan and robbed of his peace of mind and right to speak freely against those he believes have brought his faith into disrepute via attacks on his adopted homeland and other acts of terrorism.
49. The acts of Defendants, jointly and several, were and are outrageous.

WHEREFORE, premises considered, Jamal Miftah prays for justice, at law and in equity, including but not limited to money damages, to compensate him for actual damages incurred due to his inability to attend to family business and protect his rights in Pakistan, travel freely and without fear, transport family members back to Pakistan; the employment of immigration counsel, additional immigration filing fees for family members, and the loss of business opportunity in the Muslim Community. Jamal Miftah has also incurred damage to his good name, emotional damages, and would finally pray for punitive damages to discourage future misconduct by Defendants. He also prays for reasonable attorneys’ fees and costs incurred in bringing this action, pre and post judgment interest, an unequivocal written and published apology from all Defendants, and the public lifting of any fatwas or

directions to the Muslim community that may endanger his life and peace or the life and peace of his family.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, B. Kent Felty do hereby certify that I transmitted via e mail this Amended Complaint and placed a copy of same in the US Postal Service to all Counsel of Record on the 2d day of April, 2008.

B. Kent Felty