

**19th JUDICIAL DISTRICT COURT
FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA**

NO.

DIVISION "CIVIL"

USHABEN CHUDASAMA, PANNA
SHAH, and LDGS,
INCORPORATED, doing business
as THREADING STUDIO & SPA,

Plaintiffs,

v.

LOUISIANA STATE BOARD OF
COSMETOLOGY, STEVE YOUNG,
in his official capacity as executive
director of the Board, and
FRANCES HAND, WILLIAM
MICHAEL GRAYSON, EDWIN H.
NEILL III, JAMES WILLIAMS,
MELINDA TILLEY, MELLA
BROWN, DEIDRE DELPIT, and
ELIZA JILL HEBERT, in their
official capacities as members of the
Board.

Defendants.

FILED: _____

DEPUTY CLERK

PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

NOW INTO COURT, through undersigned counsel, come Plaintiffs Ushaben Chudasama, Panna Shah and LDGS, Incorporated, doing business as Threading Studio & Spa, who file this Petition for Declaratory and Injunctive Relief against Defendants the Louisiana State Board of Cosmetology, Steve Young, in his official capacity as executive director of the Board, and Frances Hand, William Michael Grayson, Edwin H. Neill III, James Williams, Melinda Tilley, Mella Brown, Deidre Delpit, and Eliza Jill Hebert, in their official capacities as members of the Board.

INTRODUCTION

1. This lawsuit seeks to vindicate Plaintiffs' right to economic liberty under the Louisiana Constitution. Plaintiffs are engaged in the business of eyebrow threading, an ancient grooming technique widely practiced in South Asian and Middle Eastern communities. "Threading," as it is commonly known, is a simple form of hair removal that uses a single strand of cotton thread—and nothing else—to lift unwanted hair from its follicle. To practice this simple technique in Louisiana, the state forces eyebrow threaders to obtain an esthetician's license, which necessitates completing 750 hours in cosmetology school and passing three licensing exams. Defendants require threaders to satisfy these requirements even though threading is not taught or tested as a condition of licensure. As a result, threaders are required to endure hundreds of hours of irrelevant training and three irrelevant examinations before Defendants will license them to do their jobs. These laws deprive Plaintiffs and others engaged in the commercial practice of threading of their constitutional right to economic liberty—a right protected by Article I, Sections 2, 3, and 24 of the Louisiana Constitution.

PARTIES

2. Plaintiff LDGS, Incorporated is a corporation owned by Lata and Deepak Jagtiani. LDGS is organized and in good standing under the laws of Louisiana. The corporation is domiciled in Jefferson Parish and does business as Threading Studio & Spa ("Threading Studio"), a licensed esthetics salon located at 3000 Severn Ave., #8, Metairie, Louisiana 70002, in Jefferson Parish.

3. Plaintiff Ushaben Chudasama is an individual 44 years of age. She started threading when she was 16 years old. She is domiciled in Jefferson Parish, Louisiana, and is an employee of the Threading Studio. She does not have an esthetician's license.

4. Plaintiff Panna Shah is an individual 56 years of age. She has threaded since she was 22 years old. She is domiciled in Jefferson Parish, Louisiana and was an employee of the Threading Studio. She does not have an esthetician's license.

5. Defendant the Louisiana State Board of Cosmetology is a state board created under the laws of Louisiana and domiciled in East Baton Rouge Parish, Louisiana. La. R.S. § 37:571(A). The Board is authorized by Louisiana law to regulate the practice of cosmetology and to administer the state's cosmetology licensing laws, including its esthetics licensing laws. La. R. S. § 37:575.

6. The Board is located at 11622 Sun Belt Court, Baton Rouge, Louisiana 70809.

7. Plaintiffs also sue Steve Young, executive director of the Board, in his official capacity, as he is responsible for supervising all employees of the Board, performing all administrative duties of the Board, supervising all inspectors, performing administrative inspections, and performing any duties as may be prescribed by the Board for the proper administration of the cosmetology laws. La. R.S. § 37:576(A). His office is in East Baton Rouge Parish.

8. Plaintiffs sue the members of the Board in each of their official capacity, namely Frances Hand, William Michael Grayson, Edwin H. Neill III, James Williams, Melinda Tilley, Mella Brown, Deidre Delpit, and Eliza Jill Hebert as the agents ultimately responsible for administering and enforcing the state's cosmetology laws. La. R.S. 37:575(A)(2). Their office is in East Baton Rouge Parish.

9. The state Attorney General will be served within thirty days with a copy of the proceeding pursuant to Louisiana Code of Civil Procedure article 1880.

JURISDICTION AND VENUE

10. Plaintiffs seek to vindicate their rights under Article I, Sections 2, 3, and 24 of the Louisiana Constitution of 1974.

11. Plaintiffs seek declaratory and injunctive relief and nominal damages pursuant to Louisiana Code of Civil Procedure articles 1871 and 3601 and pursuant to any implied remedies under Article I, Sections 2, 3, and 24 of the Louisiana Constitution. This Court has jurisdiction pursuant to these provisions and pursuant to Article 5, Section 16 of the Louisiana Constitution.

12. Venue is proper in this court pursuant to La. R.S. § 13:5104.

FACTS

Plaintiff Threading Studio

13. Plaintiff the Threading Studio is a threading business owned by Lata Jagtiani and her husband Deepak “Jack” Jagtiani. Lata manages the business’s day-to-day operations, and Jack oversees its accounting and paperwork.

14. The Jagtianis are originally from Gujarat, India. In 1985, they came to the United States to pursue a better life for themselves and their children.

15. The Jagtianis moved to Louisiana in 1996. They have lived in Louisiana ever since and raised their two children in the state.

16. Lata first learned how to thread eyebrows when she was 13 years old. She is passionate about threading and has always enjoyed sharing the technique with others.

17. When Lata moved to Louisiana, she saw a need for threading services in the New Orleans area and dreamed of opening her own threading business. In 2012, her dream was realized when she opened the Threading Studio. It has now been in business for four years.

18. The Threading Studio holds an esthetics salon license.

19. Neither Lata nor Jack holds an esthetician’s license from the state. As

salon owners, they are not required to hold an esthetician's license so long as the Threading Studio has a salon license and has a licensed manager working in the salon.

20. When Lata and Jack first opened the Threading Studio, it originally offered only threading services at a kiosk in Lakeside Mall, 3301 Veterans Memorial Blvd., Metairie, Louisiana 70001. In 2013, Lata opened the business's current Severn location as a standalone salon and expanded the Threading Studio's services at this location to include makeup, facials, eyelashes and waxing. Lata has always ensured licensed estheticians provide these esthetics services.

21. Although the Threading Studio offers these other services, threading has remained its most popular and profitable service, generating the most money for the business and its employees.

22. Lata closed the Threading Studio's kiosk location after Defendants refused to license the location as an esthetics salon. Lata worked for months to satisfy the Board's many requirements for obtaining a salon license, and she met them all, except the Board's requirement that the kiosk have its own running water. Lata ensured the Threading Studio's employees always used hand sanitizer between customers, but Defendants demanded running water at the kiosk for the purpose of handwashing. The mall would not allow Lata to install running water at the kiosk, and Defendants deemed the use of hand sanitizer insufficient. Rather than violate the Board's orders, Lata reluctantly shut down the location. She is working on opening a new location with running water.

23. Although threading is the Threading Studio's most popular and profitable service, Lata has had great difficulty finding employees who are both licensed estheticians and expert eyebrow threaders. When Lata has been able to hire licensed estheticians, they have required training in eyebrow threading, and

they have never been as skilled in the technique as the business's unlicensed employees.

24. Because Lata cannot find licensed estheticians who are experts in threading, the Threading Studio's current and future success depends on its ability to employ unlicensed threaders.

25. The unlicensed threaders the business has employed are experts. For example, Plaintiff Ushaben Chudasama has been threading for 28 years and Plaintiff Panna Shah has been threading for 34 years. Both women have far more threading experience than Lata's licensed estheticians, and they require no additional training.

26. The Threading Studio's customers often express a preference for Plaintiffs Ushaben Chudasama and Panna Shah and for other unlicensed threaders because they are experts at what they do.

27. In the last four years, Defendants have routinely sent inspectors to Lata's business. In some of these inspections, inspectors have witnessed unlicensed threaders providing threading services.

28. Since the Threading Studio first opened, Defendants have cited the business on multiple occasions for providing unlicensed threading services and have sent cease-and-desist instructions to the Threading Studio.

29. In February 2016, Defendants sent an administrative complaint to Lata and the Threading Studio notifying the business to show cause as to why its esthetics salon license should not be suspended or revoked.

30. On June 13, 2016, Defendants held an administrative hearing and found that the Threading Studio had violated the state's cosmetology licensing laws by providing unlicensed threading services. Defendants fined the Threading Studio \$4,900 and placed its salon license on probation for a period of two years.

31. A condition of the Threading Studio's probation is that it cannot

employ any unlicensed threaders.

32. The Threading Studio paid its \$4,900 fine to the Board. This was a significant expense for the business.

33. If Defendants discover an unlicensed threader working at the Threading Studio, Defendants may immediately revoke its esthetics salon license, assess administrative fines and civil penalties and shut down the business.

34. To comply with Defendants' order, Lata was forced to terminate some of the Threading Studio's most experienced unlicensed threaders, including Plaintiff Panna Shah. Customers call asking for these threaders and are disappointed these threaders are unavailable.

35. Defendants' enforcement of the state's cosmetology laws against the Threading Studio has caused the business to suffer substantial and irreparable harm. Defendants' actions taken against the Threading Studio prevent the business from hiring competent threaders and providing high-quality services to its customers. Without unlicensed threaders, the Threading Studio is unable to reliably serve its customers, function and grow.

36. If she were legally permitted to employ unlicensed threaders, Lata would employ Plaintiffs Ushaben Chudasama and Panna Shah as threaders, and she would attempt to hire other unlicensed threaders who are experts at what they do.

Plaintiff Ushaben Chudasama

37. Plaintiff Ushaben Chudasama is an eyebrow threader who lives in Kenner, Louisiana.

38. In 1993, Ushaben moved to Louisiana from Gujarat, India to pursue a better life for her family. She is married and the mother of four children who are now young adults. She has since always lived in Louisiana and considers it home.

39. Ushaben became a U.S. citizen in 2002.

40. Ushaben is an expert threader and has devoted substantial time and effort to developing her trade. She learned how to thread from her family when she was 16 years old, and she later worked as a threader in India.

41. Threading is an important part of Ushaben's culture. Before moving to Louisiana, threading was a reliable means of supporting herself and her family.

42. Ushaben is unable to obtain an esthetician's license in the state. She cannot afford to take time away from work to obtain largely irrelevant cosmetology training.

43. Ushaben is an employee of Plaintiff Threading Studio & Spa. After the Threading Studio opened, Ushaben began working there as a threader. She originally worked approximately 35 hours per week. She also would occasionally fill in for licensed estheticians when they were absent.

44. In September 2015, a Board inspector witnessed Ushaben threading without a license in the Threading Studio and cited the business.

45. Ushaben was frightened by the experience but could not afford to stop threading altogether. She continued working in the salon but significantly reduced her hours to reduce the risk of being detected and punished by Defendants.

46. Because Defendants disciplined the Threading Studio and ordered it to terminate all of its unlicensed threaders, Ushaben can no longer thread at the Threading Studio. And, because she is unlicensed, she cannot legally work as a threader for any other business in Louisiana and working at any other business would subject that business to discipline. Further, simply working as an unlicensed threader, whether for another business or for herself, could subject Ushaben herself to administrative penalties and fines.

47. She now works part-time as a receptionist at the Threading Studio but earns less in this position. As a receptionist, she does not receive the tips she received when she was threading. She misses the financial security and stability

she enjoyed when she was threading.

48. Unable to earn a living threading, Ushaben has had to pursue additional work to support herself and her family. She presently works as a part-time receptionist for the business and works in a second job in retail earning less than she could earn threading. Ushaben finds this work unsatisfying and would much prefer to return to threading full-time.

49. If Ushaben did not have to obtain an esthetician's license, she would work full-time at the Threading Studio and would be able to better provide for her family.

50. Defendants' application of the state's licensing laws against threading businesses and threaders prevents Ushaben from pursuing a well-paying trade and threatens her ability to support herself and her family.

Plaintiff Panna Shah

51. Plaintiff Panna Shah is originally from Gujarat, India. She is married and the mother of two children who are now young adults. She came to the United States in 2006 in search of a better life for her family.

52. Since moving to the United States, Louisiana has always been her home.

53. Panna became a U.S. citizen in 2011.

54. Panna is an expert threader and has devoted substantial time and effort to developing her trade.

55. Panna first learned how to thread at a threading salon in India. Now she has been threading for more than 30 years.

56. In India, Panna worked as a threader and relied on threading to support herself and her family.

57. After Panna moved to Louisiana, she worked in a threading salon for six months. She enjoyed her work but stopped working at the salon when she

learned she needed an esthetician's license.

58. Panna cannot afford to take time away from work and her family to attend cosmetology school and to satisfy the state's cosmetology licensing requirements.

59. Panna has worked in several other retail jobs to make ends meet.

60. In 2013, Panna decided to thread part-time at the Threading Studio to supplement her income. Though she feared the Board could take action against her, she greatly enjoyed her work at the Threading Studio and the increased financial security it brought to her family. She earned substantially more threading at the Threading Studio than working in retail, where she earns a minimum wage.

61. After the Board disciplined the Threading Studio for employing unlicensed threaders, the Threading Studio had to terminate Panna.

62. Panna wants to someday open her own threading business and, until then, she wants to thread full-time at the Threading Studio, but she is unable to do either of those things because she cannot afford to stop working and obtain an esthetician's license. And, because she is unlicensed, she cannot legally work as a threader for any other business in Louisiana, and working at any other business would subject that business to discipline. Further, simply working as an unlicensed threader, whether for another business or for herself, could subject Panna herself to administrative penalties and fines.

63. Defendants' actions have greatly affected Panna's ability to support herself and her family. If she did not have to obtain an esthetician's license to thread, she would start her own threading business, thread full-time and have increased financial security and stability.

The Technique of Eyebrow Threading

64. Eyebrow threading is an all-natural grooming technique that involves the removal and shaping of human eyebrow hair with only cotton thread.

65. Threading is a precise method for removing narrow bands of hair, making it ideal for shaping eyebrow hair.

66. Eyebrow threading dates back centuries and is widely practiced in South Asian and Middle Eastern communities. In these communities to which Plaintiffs Ushaben Chudasama and Panna Shah belong, threaders often learn their art a young age and are taught by family and friends.

67. Eyebrow threading involves tightly winding a single strand of cotton thread, looping it, and then drawing the thread taut between the fingers. The loop is then pressed against a customer's brow and quickly opened and closed by increasing and decreasing tension in the thread. As the threader moves the loop along the brow, hair is trapped in the loop and removed from its follicles.

68. Safely performing this technique in a public setting requires threaders to sanitize their hands between each customer, to use a fresh, sanitary strand of thread for each customer, and to maintain a clean work area.

69. Threading requires fewer sanitary precautions than other cosmetology techniques because it does not involve skin-to-skin contact between the threader and customer, does not reuse the same tools on different customers, and does not involve dangerous chemicals or heat.

The Benefits of Eyebrow Threading

70. Eyebrow threading was brought to this country by South Asian and Middle Eastern immigrants and, today, Americans' awareness of the many benefits of threading is increasing.

71. Threading is safe and non-invasive.

72. Unlike other Western hair removal techniques, threading does not involve the use of chemicals, heat, or sharp objects.

73. Threading does not risk burning or removing parts of the customer's skin.

74. Threading is inexpensive and less time consuming than other forms of hair removal. Eyebrow threading typically costs between \$10 to \$20 and takes less than 10 minutes.

75. The low cost of threading—for both businesses and their customers—creates vibrant competition with other hair removal services and keeps prices low for all forms of commercial eyebrow shaping.

Louisiana’s Cosmetology Licensing Regime

76. Louisiana’s cosmetology laws are found at La. R.S. §§ 37:561 *et seq.* Louisiana’s cosmetology regulations can be found at Louisiana Admin. Code Title 46, Part XXXI, §§ 101 *et seq.*

77. Before 2010, threaders did not need an esthetician’s license in the state.

78. In 2010, the Louisiana legislature amended the state’s definition of esthetics to include “threading.” *See* La. 2010 Reg. Session, Act. 728, <http://legis.la.gov/legis/ViewDocument.aspx?d=722554>; *see also* La. R.S. § 37:563.

79. No person may practice esthetics without an esthetician’s license. La. R.S. § 37:581(A); La. R.S. § 37:563.

80. However, those who perform cosmetology services on any member of their immediate household are exempted from the state’s cosmetology licensing laws. La. R.S. § 37:581(B)(5).

81. Additionally, Louisiana law does not require an esthetics salon owner to possess an esthetician’s license so long as the business holds a salon license and employs a licensed manager who is present. La. R.S. § 37:589(A).

82. To qualify for an esthetician’s license, an applicant must satisfy the following requirements:

- a) Be at least 16 years old in age;
- b) Complete tenth grade at an approved high school or its equivalent in

training;

c) Pass an examination conducted by the Board to determine the applicant's fitness for licensure;

d) Pay the appropriate fees required by law, which include at least \$25 for a theory examination, \$25 for a practical examination, \$25 for an esthetician's license and an additional fee for the national theory examination; and

e) Complete and pass a 750-hour esthetics course at a Board-approved or licensed cosmetology school. La. R.S. § 37:582; La. R.S. § 37:595(B)(2).

Louisiana's Mandatory Cosmetology Schooling and Curriculum

83. Defendants are responsible for "determin[ing] and issu[ing] standards for recognition and approval of educational programs of schools whose graduates shall be eligible for licensure in this state." La. R.S. § 37:575(A)(7).

84. Defendants are also responsible for "specify[ing] and enforc[ing] requirements for training in schools. *Id.*

85. Defendants have determined that applicants for an esthetician's license must complete 750 hours of instruction in the following areas:

- a. Scientific concepts
 - (1) Sanitation and Sterilization
 - (2) Human Physiology and Anatomy
 - (3) Skin Histology
 - (4) Skin Diseases and Disorders
 - (5) Nutrition
 - (6) General Chemistry
- b. Services
 - (1) Skin Analysis
 - (2) Draping
 - (3) Product Selections

- (4) Cleansing Procedure
- (5) Selecting and Employing Massage
- (6) Selecting and Employing Mask Therapy
- (7) Electricity and Various Electrical Apparatus
- (8) Hair Removal
- (9) Hazards to Skin
- (10) Aromatherapy
- (11) Spa
- (12) Makeup

c. Louisiana Cosmetology Act and Rules and Regulations

LAC 46:XXXI.303.

86. Defendants maintain a list of all licensed cosmetology schools on its website. See Louisiana State Board of Cosmetology, <http://www.lsbclouisiana.gov/Board/School/LSBCschools.pdf>. Defendants' list of cosmetology schools includes 18 cosmetology schools which offer a Board-approved esthetics program.

87. Although state law requires threaders to attend cosmetology school, Defendants do not require cosmetology schools to teach threading.

88. Nearly every minute of instruction in cosmetology school does not relate to the practice of threading. Defendants therefore require threaders to complete hundreds of hours that are completely irrelevant to threading.

89. To the extent any licensed cosmetology schools provide instruction that actually relates to threading, such as general hair removal or sanitation training, this instruction makes up only a small fraction of the 750 hours required, and students do not learn how to thread in the process. Still, it would take a threader more than four and half months to complete this irrelevant course of instruction, even if she attended cosmetology school for 40-hours per week, every week.

90. Cosmetology school is also prohibitively expensive for threaders, who are often people of modest means. Tuition to complete an esthetics course in a Louisiana cosmetology school costs approximately \$6,000 to \$13,000, depending on which school threaders can attend.

Louisiana's Esthetics Licensing Exams

91. After completing an approved esthetics program, applicants are also required to pass three licensing examinations: a practical examination, a national theory examination, and a Louisiana state theory examination. *See Louisiana State Board of Cosmetology, Testing, Esthetician Exam Information, <http://www.lsbclouisiana.gov/testing.aspx>.*

92. Defendants are responsible for administering the state's licensing examinations. La. R.S. § 37:575(A)(4).

93. Licensing examinations are required to "include practical demonstrations and written and oral tests" and "to reflect the subjects normally taught in approved schools in the course required for the appropriate certificate of registration." La. R.S. § 37:586(B).

94. Just as Defendants do not require the state's cosmetology schools to teach threading, the esthetician's licensing examinations do not test threading.

95. The state's practical esthetician's examination does not test threading. *See Louisiana State Board of Cosmetology, Esthetician Practical Exam, 2011 Updates, <http://www.lsbclouisiana.gov/Testing/2011%20Esthetician%20practical%20presentation.pdf>.*

96. Defendants administer the state's national theory examination using a computer-based exam created by the National-Interstate Council of State Boards of Cosmetology to test applicants. The state exclusively uses this exam for its national theory examination.

97. The national theory examination does not test threading.

98. The state theory examination does not test threading.

99. Each of the three required examinations is irrelevant to threading because they require no knowledge of threading.

Defendants' Heavy-Handed Enforcement

100. Defendants are responsible for “establish[ing] and enforc[ing] compliance with professional standards and rules of conduct of cosmetology.” La. R.S. § 37:575(A)(6). Defendants can also inspect licensed facilities to ensure compliance and “conduct any investigation, inquiry or hearing as is necessary to supervise the regulatory provisions” of the state’s cosmetology laws. La. R.S. § 37:575(A)(10); La. R.S. § 37:575(B)(5).

101. Defendants have sent inspectors to search for unlicensed threaders in threading salons.

102. Defendants issue warnings, cease-and-desist instructions and administrative penalties and fines to threading salons based on the unlicensed practice of threading.

103. Defendants are authorized to impose administrative fines of up to \$5,000 on individuals who violate the state’s cosmetology laws. La. R.S. § 37:604(A). In a disciplinary action, the Board may also assess all costs incurred in connection with the proceedings. La. R.S. § 37:604(C).

104. Defendants may file a lawsuit against a licensed or unlicensed individual to enforce the state’s cosmetology licensing laws and regulations and seek an injunction. La. R.S. § 37:605(A). In an action for an injunction, Defendants may impose a penalty of up to \$5,000, as well as reasonable attorney’s fees and court costs on an individual who has violated the cosmetology laws. La. R.S. § 37:605(B); La. R.S. § 37:606(C)(D).

105. Defendants have imposed administrative fines and penalties on threading businesses for employing unlicensed threaders and continue to threaten punishing these businesses based on the unlicensed practice of threading.

106. Defendants' heavy-handed enforcement of the state's licensing requirements against threading businesses threatens the current and future success of these businesses.

107. Threaders who provide their services to the public similarly risk harsh penalties, including being fined as much as \$5,000 and losing their livelihoods.

108. The threat of punishment has the effect of chilling many businesses from hiring unlicensed threaders, preventing threaders from earning a living and providing their services to consumers.

Injury to Plaintiffs

109. Plaintiffs hereby incorporate the allegations set forth above, all of which are fully re-alleged here.

110. Defendants' actions threaten Plaintiffs' economic liberty—their right to provide commercial threading services free from unreasonable governmental interference.

Injury to Plaintiff Threading Studio

111. Defendants' actions have caused the Threading Studio real, substantial and irreparable harm.

112. Defendants' enforcement of the state's cosmetology laws against the Threading Studio prevents the studio from employing competent, experienced threaders.

113. Because of Defendants' actions, Lata has been forced to terminate the Threading Studio's most qualified, experienced threaders and hire licensed estheticians who lack any training in threading. The Threading Studio has had to expend considerable resources finding licensed estheticians to thread in the salon

and teaching them how to thread. None of these individuals has reached the level of expertise that Plaintiffs Chudasama and Shah have.

114. Defendants' actions threaten the business's ability to survive and prosper. Because of Defendants' actions, the Threading Studio cannot effectively operate its business. It is unable to reliably offer threading services to its customers without employing unlicensed threaders. It would also like to expand, but it is unable to do so because it cannot find qualified licensed estheticians to meet present demand.

115. Defendants' actions have harmed the Threading Studio's goodwill with its customers. Its customers have expressed dissatisfaction that certain unlicensed threaders, including Plaintiffs Ushaben Chudasama and Panna Shah, are no longer available.

116. To continue operating its business, the Threading Studio was forced to pay a \$4,900 fine to the Board as a penalty for providing unlicensed commercial threading services. Its salon license has also been put on probation for a period of two years, and Lata continues to operate the business under the threat of further punishment from the Board, including being fined and forced to shut down.

117. But for Defendants' actions, the Threading Studio would employ Plaintiffs Ushaben Chudasama and Panna Shah as threaders, it would hire other unlicensed, highly skilled threaders, and it would be able to reliably offer threading services to its consumers. Lata knows enough unlicensed, highly skilled threaders that, but for Defendants' actions, she could expand the Threading Studio and increase the business's financial stability and security. She could also provide employment and entrepreneurial opportunities for others.

Injury to Plaintiff Ushaben Chudasama

118. Defendants' actions have caused and will continue to cause real, substantial and irreparable harm to Ushaben.

119. Although Ushaben is fully proficient in the art of threading and has devoted substantial time and effort to developing her trade, Defendants require Ushaben to obtain an esthetician's license to legally thread eyebrows.

120. To attend cosmetology school, Ushaben would have to stop working. She cannot afford to spend thousands of dollars to attend a cosmetology school to learn skills that are irrelevant to threading.

121. Because of Defendants' actions, Ushaben can no longer work as a threader at the Threading Studio and now works as a part-time receptionist for the business. As a receptionist, Ushaben earns less than she did as a threader and no longer receives tips. She also works a second job in retail to support her family.

122. But for Defendants' application of the state's cosmetology laws to threading, Ushaben would work full-time as a threader at the Threading Studio and would enjoy increased financial stability and security. She would also have more time for her family.

123. Defendants' actions and the state's licensing requirements deprive Ushaben and other threaders in Louisiana from pursuing their calling and lawfully providing their services to the public.

Injury to Plaintiff Panna Shah

124. Defendants' actions have caused and will continue to cause real, substantial and irreparable harm to Panna.

125. Although Panna is fully proficient in the art of threading and has devoted substantial time and effort to developing her trade, Defendants require Panna to obtain an esthetician's license to legally thread eyebrows.

126. Panna is unable to take time away from work and her family to complete the state's irrelevant licensing requirements. If she attended cosmetology school, she would have to stop working. She cannot afford to spend thousands of dollars to attend a cosmetology school to learn skills that do not relate to her trade.

127. Because of Defendants' actions, Panna was terminated by the Threading Studio. She has had to work in retail to support her family. She earns substantially less in this position and does not receive tips. She is dissatisfied with this position and would rather work as a threader.

128. Panna wants to open her own threading business where she can thread full-time, but she is unable to do so because of the state's cosmetology laws.

129. But for Defendants' application of the state's cosmetology laws to threading, Panna would go back to work for the Threading Studio at least until she can open her own business. Threading full-time would allow Panna to do what she loves, while giving her increased financial stability and security.

130. Defendants' actions and the state's licensing requirements deprive Panna and other threaders in Louisiana from pursuing their calling and lawfully providing their services to the public.

CAUSES OF ACTION

COUNT I

Violation of Article I, Section 2 of the Louisiana Constitution— Substantive Due Process

131. Plaintiffs hereby incorporate the allegations set forth above, all of which are fully re-alleged here.

132. Article I, Section 2 of the Louisiana Constitution guarantees "no person shall be deprived of life, liberty or property, except by due process of law."

133. Article I, Section 2 protects the right to earn a living and to conduct business free from unreasonable governmental interference.

134. Under Article I, Section 2, a law that restricts an individual's economic liberty must have a real and substantial relationship to public health, safety, or welfare.

135. Under Article I, Section 2, a law that impairs an individual's economic liberty must be rationally related to a legitimate governmental interest.

136. Under Article I, Section 2, a law that impairs an individual's economic liberty must not be arbitrary and capricious.

137. Louisiana's cosmetology laws, as applied to Plaintiffs and others who provide commercial threading services, have no real and substantial relationship to public health, safety, or welfare.

138. Louisiana's cosmetology laws, as applied to Plaintiffs and others who provide commercial threading services, do not advance any legitimate governmental interest.

139. Louisiana's cosmetology laws, as applied to Plaintiffs and others who provide commercial threading services, are arbitrary and capricious.

140. The state's police power does not permit the regulation of eyebrow threading in this manner.

141. For each of these reasons, Louisiana's cosmetology licensing laws and regulations as applied to Plaintiffs by Defendants, their agents and employees, unconstitutionally deprive Plaintiffs of their right to due process of law protected by Article I, Section 2 of the Louisiana Constitution.

142. Plaintiffs have no other legal, administrative, or other remedy by which to prevent or minimize the continuing irreparable harm to their constitutional rights that is a direct and proximate result of Defendants' application of Louisiana's laws and regulations to threading businesses and threaders, including Plaintiffs. Unless Defendants are enjoined from committing the above-described violations of Article I, Section 2 of the Louisiana Constitution, Plaintiffs and other threading businesses and threaders will continue to suffer great and irreparable harm.

COUNT II

Violation of Article I, Section 3 of the Louisiana Constitution— Right to Individual Dignity and Equal Protection

143. Plaintiffs hereby incorporate the allegations set forth above, all of which are fully re-alleged here.

144. Article I, Section 3 of the Louisiana Constitution guarantees:

No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for a crime.

145. Under Article I, Section 3, regulatory classifications must have a real and substantial relationship to public health, safety, or welfare.

146. Under Article I, Section 3, regulatory classifications must be rationally related to a legitimate governmental interest.

147. Under Article I, Section 3, regulatory classifications must not be arbitrary and capricious.

148. Under Article I, Section 3, the right to equal protection of the laws protects both similarly situated people from being treated differently and differently situated people from being treated similarly.

149. Requiring threaders to attend cosmetology school and obtain an esthetician's license, while not requiring instruction or training in threading, has no real and substantial relationship to public health, safety, or welfare.

150. Requiring threaders to attend cosmetology school and obtain an esthetician's license, while not requiring instruction or training in threading, is not rationally related to any legitimate governmental interest.

151. Requiring threaders to attend cosmetology school and obtain an esthetician’s license, while not requiring instruction or training in threading, is arbitrary and capricious.

152. The state’s police power does not extend to the regulation of eyebrow threading in this manner.

153. For each of these reasons, Louisiana’s cosmetology licensing laws and regulations as applied to Plaintiffs by Defendants, their agents and employees, unconstitutionally deprive Plaintiffs of equal protection of the laws.

154. Plaintiffs have no other legal, administrative, or other remedy by which to prevent or minimize the continuing irreparable harm to their constitutional rights that is a direct and proximate result of Defendants’ application of Louisiana’s laws and regulations to threading businesses and threaders, including Plaintiffs. Unless Defendants are enjoined from committing the above-described violations of Article I, Section 3 of the Louisiana Constitution, Plaintiffs and other threading businesses and threaders will continue to suffer great and irreparable harm.

COUNT THREE

Violation of Article I, Section 24 of the Louisiana Constitution—

Unenumerated Rights

155. Plaintiffs hereby incorporate the allegations set forth above, all of which are fully re-alleged here.

156. Article I, Section 24 of the Louisiana Constitution, states, in relevant part, that the “enumeration of certain rights” in the Louisiana Constitution, “shall not deny or disparage other rights retained by the people.” Therefore, the people of Louisiana have rights beyond just those enumerated in the Louisiana Constitution’s Declaration of Rights, and these rights receive the same protection as those rights that are enumerated in the Louisiana Constitution.

157. Article I, Section 24 protects Plaintiffs' right to economic liberty—that is, their right to earn a living and conduct business free from unreasonable governmental interference.

158. Under Article I, Section 24, a law that impairs an individual's economic liberty must have a real and substantial relationship to public health, safety, or welfare.

159. Under Article I, Section 24, a law that impairs an individual's economic liberty must be rationally related to a legitimate governmental interest.

160. Under Article I, Section 24, a law that impairs an individual's economic liberty must not be arbitrary and capricious.

161. Louisiana's cosmetology laws, as applied to Plaintiffs and others who provide commercial threading services, have no real and substantial relationship to public health, safety, or welfare.

162. Louisiana's cosmetology laws, as applied to Plaintiffs and others who provide commercial threading services, do not advance any legitimate governmental interest.

163. Louisiana's cosmetology laws, as applied to Plaintiffs and others who provide commercial threading services, are arbitrary and capricious.

164. The state's police power does not extend to the regulation of eyebrow threading in this manner.

165. For each of these reasons, Louisiana's cosmetology laws and regulations as applied to Plaintiffs by Defendants, their agents and employees, unconstitutionally deprive Plaintiffs of the unenumerated right to economic liberty protected by Article I, Section 24 of the Louisiana Constitution.

166. Plaintiffs have no other legal, administrative, or other remedy by which to prevent or minimize the continuing irreparable harm to their constitutional rights as a direct and proximate result of Defendants' application of

Louisiana's laws and regulations to threading businesses and threaders, including Plaintiffs. Unless Defendants are enjoined from committing the above-described violations of Article I, Section 24 of the Louisiana Constitution, Plaintiffs and other threading businesses and threaders will continue to suffer great and irreparable harm.

PRAYER FOR RELIEF REQUESTED

WHEREFORE, Plaintiffs pray for relief as follows:

A. For an entry of judgment declaring that La. R.S. §§ 37:561 *et seq.* and its implementing regulations, Louisiana Admin. Code, Title 46, Part XXXI, §§ 101 *et seq.* are unconstitutional when applied to Plaintiffs' practice of eyebrow threading, and to the practice of eyebrow threading generally.

B. For an order permanently enjoining Defendants from enforcing Louisiana's cosmetology laws and regulations to Plaintiffs' practice of eyebrow threading specifically and to the practice of eyebrow threading generally.

C. For an award of nominal damages for violations of the Louisiana Constitution.

D. For all other relief to which Plaintiffs may show themselves entitled.

WHEREFORE, Plaintiffs pray that Defendants herein be served with a copy of this petition and duly cited to appear and answer this petition and that after all legal delays and due proceedings had that there be judgment herein in favor of Plaintiffs.

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