

CAUSE NO. D-1-GN-09-004118

ASHISH PATEL; ANVERALI SATANI;  
SHAZIA HUSSAIN; NAZIRA MOMIN;  
TAHEREH ROKHTI; NASIM RAJABALI;  
MINAZ CHAMADIA; and VIJAY LAKSHMI  
YOGI,

Plaintiffs,

v.

TEXAS DEPARTMENT OF LICENSING AND  
REGULATION; WILLIAM H. KUNTZ, JR., in  
his official capacity as executive director of the  
Texas Department of Licensing and Regulation;  
TEXAS COMMISSION OF LICENSING AND  
REGULATION; FRANK DENTON, in his  
official capacity as chairman of the Texas  
Commission of Licensing and Regulation;  
MIKE ARISMENDEZ, in his official capacity  
as vice chairman of the Texas Commission of  
Licensing and Regulation; LEWIS BENAVIDES,  
in his official capacity as member of the Texas  
Commission of Licensing and Regulation;  
LUANN ROBERTS MORGAN, in her official  
capacity as member of the Texas Commission of  
Licensing and Regulation; FRED N. MOSES, in  
his official capacity as member of the Texas  
Commission of Licensing and Regulation;  
LILIAN NORMAN-KEENEY, in her official  
capacity as member of the Texas Commission  
of Licensing and Regulation; and DEBORAH  
YURCO, in her official capacity as member of the  
Texas Commission of Licensing and Regulation,

Defendants.

§ IN THE DISTRICT COURT

§ TRAVIS COUNTY, TEXAS

§ 345 JUDICIAL DISTRICT

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**PLAINTIFFS' ORIGINAL PETITION,**  
**APPLICATION FOR INJUNCTIVE RELIEF,**  
**AND REQUEST FOR DISCLOSURE**

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TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Ashish Patel, Anverali Satani, Shazia Hussain, Nazira Momin, Tahereh Rokhti, Nasim Rajabali, Minaz Chamadia, and Vijay Lakshmi Yogi, Plaintiffs herein, and file their Original Petition, Application for Injunctive Relief, and Request for Disclosure against the Texas Department of Licensing and Regulation (“the Department”); the Texas Commission of Licensing and Regulation (“the Commission”); the executive director of the Department, namely Mr. William H. Kuntz, Jr.; the chairman of the Commission, namely Mr. Frank Denton; the vice chairman of the Commission, namely Mr. Mike Arismendez; and the members of the Commission, namely Messrs. Lewis J. Benavides and Fred N. Moses and Meses. LuAnn Roberts Morgan, Lilian Norman-Keeney, and Deborah Yurco, Defendants herein. In support of their Petition and Application for Injunctive Relief, Plaintiffs would show the Court the following:

### **I. INTRODUCTION**

1. This lawsuit seeks to vindicate Plaintiffs’ economic liberty rights under the Texas Constitution.
2. Plaintiffs are Texans engaged in the business of eyebrow threading.
3. Eyebrow threading is an ancient grooming technique widely practiced in South Asian and Middle Eastern communities. “Threading,” as it is commonly known, is increasingly practiced for compensation in Texas.
4. Threaders tightly wind a single strand of cotton thread, form a loop in the thread with their fingers, tighten the loop, and then quickly brush the thread along the face of a client, trapping unwanted hair in the loop and removing the hair from its follicles.

5. Without any changes in state law or administrative rules, Defendants have abruptly taken the position that threading is the practice of cosmetology, requiring government-issued licenses for both threading business owners and their employees.
6. The only notice that Defendants have provided to Plaintiffs and their industry generally is that Defendants have imposed \$2,000 administrative fines on eyebrow threaders and have threatened to put them out of business.
7. But Plaintiffs remain uncertain which license, if any, Defendants purport to require.
8. In oral communications, Defendants' representatives have demanded Plaintiffs obtain facialist specialty licenses, which require 750 hours of instruction at a privately operated, government-approved beauty school.
9. In written communications, Defendants have demanded Plaintiffs obtain general cosmetology operator licenses, which require 1,500 hours of instruction.
10. Defendants and their approved beauty schools offer no training in threading whatsoever.
11. Defendants have not added threading to their suggested or mandatory curricula for cosmetology licensing.
12. Defendants do not test any licensing applicant's competency in threading.
13. In beauty school, Plaintiffs would receive instruction in a host of irrelevant trades—for example, hairstyling, dyeing, nail care, makeup, and facial treatments—none of which relate to Plaintiffs' business or employment.

14. Beauty school is prohibitively expensive, costing approximately \$7,000 to \$22,000 (depending on which license Defendants ultimately purport to require).
15. Plaintiffs Patel, Satani, and Hussain are threading business owners. Defendants' unwritten policies are frustrating their partnership's efforts to expand into new markets statewide, negotiate time-sensitive contracts, and hire competent employees. The current and future success of their business turns on Defendants' power to regulate eyebrow threading.
16. Plaintiffs Momin, Rajabali, Chamadia, and Yogi are employed as eyebrow threaders in San Antonio, Texas. The Department has subjected threaders there, Mses. Momin, Rajabali, and Yogi included, to \$2,000 administrative fines. Now Defendants wants them to attend beauty school at a cost of between \$7,000 and \$22,000.
17. Plaintiff Rokhti was employed as a threader in Plano, Texas when the Department issued her a \$2,000 administrative fine. After receiving notice of the Department's actions against her, Ms. Rokhti quit her job and relocated to Spring, Texas, where she is unable to find comparable work.
18. Plaintiffs are constitutionally entitled to economic liberty—the right to work in the occupation of their choice free from unreasonable governmental interference.
19. Defendants' unreasonable interference with Plaintiffs' economic liberty violates the privileges or immunities and due process guarantees afforded them by the Texas Constitution and, accordingly, should be declared unconstitutional and enjoined.

## **II. PARTIES AND SERVICE OF PROCESS**

### **PLAINTIFFS**

20. Plaintiff Ashish Patel lives in Manor, Texas. He is a resident of Travis County. Mr. Patel's nickname is Ash. He is a partner in a threading business, A Plus A Enterprises LLC, a Texas limited liability company d/b/a Perfect Browz, which employs eyebrow threaders. Ash does not have a cosmetology license.
21. Plaintiff Anverali Satani lives in Austin, Texas. He is a resident of Travis County. Mr. Satani's nickname is Aziz. He is a partner in a threading business, A Plus A Enterprises LLC, a Texas limited liability company d/b/a Perfect Browz, and the sole owner of Shape and Beauty LLC, a Texas limited liability company d/b/a Browz & Henna, both of which employ eyebrow threaders. Aziz does not have a cosmetology license.
22. Plaintiff Shazia Hussain lives in Houston, Texas. She is a resident of Harris County. Ms. Hussain is a partner in a threading business, A Plus A Enterprises LLC, a Texas limited liability company d/b/a Perfect Browz, which employs eyebrow threaders. She does not have a state cosmetology license.
23. Plaintiff Nazira Momin lives in San Antonio, Texas. She is a resident of Bexar County. Ms. Momin is currently employed for the purpose of performing threading services and has been threading for approximately 20 years. Ms. Momin does not have a cosmetology license.
24. Plaintiff Tahereh Rokhti lives in Spring, Texas. She is a resident of Harris County. Until recently, Ms. Rokhti was employed for the purpose of performing threading services, but Defendants' actions caused her to abandon her trade. She

is currently employed for six hours per week in a lower-paying job. Ms. Rokhti has been threading for approximately 30 years. She does not have a state cosmetology license.

25. Plaintiff Nasim Rajabali lives in San Antonio, Texas. She is a resident of Bexar County. Ms. Rajabali is currently employed for the purpose of performing threading services and has been threading for approximately 30 years. Ms. Rajabali does not have a cosmetology license. However, she is currently attending beauty school in order to obtain a cosmetology operator's license and hopes to complete her coursework in February or March 2010.

26. Plaintiff Minaz Chamadia lives in San Antonio, Texas. She is a resident of Bexar County. Ms. Chamadia is currently employed for the purpose of performing threading services and has been threading for approximately 10 years. Ms. Chamadia does not have a cosmetology license.

27. Plaintiff Vijay Lakshmi Yogi lives in San Antonio, Texas. Ms. Yogi is a resident of Bexar County. Her nickname is Vijay. She is currently employed for the purpose of performing threading services and has been threading for approximately 8 years. Vijay does not have a cosmetology license.

#### **DEFENDANTS**

28. Defendant Texas Department of Licensing and Regulation ("the Department") is an agency of the State of Texas headquartered in Travis County. The Department may be served with process by serving it at its business address, namely 920 Colorado Street in Austin, Texas 78701.

29. Defendant William H. Kuntz is sued in his official capacity as executive director of the Texas Department of Licensing and Regulation. Mr. Kuntz may be served with process by serving him at the Department's business address, namely 920 Colorado Street in Austin, Texas 78701.
30. Defendant Texas Commission of Licensing and Regulation ("the Commission") is an agency of the State of Texas headquartered in Travis County. The Commission may be served with process by serving it at its business address, namely 920 Colorado Street in Austin, Texas 78701.
31. Defendant Frank Denton is sued in his official capacity as chairman of the Texas Commission of Licensing and Regulation. Mr. Denton may be served with process by serving him at the Commission's business address, namely 920 Colorado Street in Austin, Texas 78701.
32. Defendant Mike Arismendez is sued in his official capacity as vice chairman of the Texas Commission of Licensing and Regulation. Mr. Arismendez may be served with process by serving him at the Commission's business address, namely 920 Colorado Street in Austin, Texas 78701.
33. Defendant Lewis Benavides is sued in his official capacity as a member of the Texas Commission of Licensing and Regulation. Mr. Benavides may be served with process by serving him at the Commission's business address, namely 920 Colorado Street in Austin, Texas 78701.
34. Defendant LuAnn Roberts Morgan is sued in her official capacity as a member of the Texas Commission of Licensing and Regulation. Ms. Morgan

- may be served with process by serving her at the Commission's business address, namely 920 Colorado Street in Austin, Texas 78701.
35. Defendant Fred N. Moses is sued in his official capacity as a member of the Texas Commission of Licensing and Regulation. Mr. Moses may be served with process by serving him at the Commission's business address, namely 920 Colorado Street in Austin, Texas 78701.
36. Defendant Lilian Norman-Keeney is sued in her official capacity as a member of the Texas Commission of Licensing and Regulation. Ms. Norman-Keeney may be served with process by serving her at the Commission's business address, namely 920 Colorado Street in Austin, Texas 78701.
37. Defendant Deborah Yurco is sued in her official capacity as a member of the Texas Commission of Licensing and Regulation. Ms. Yurco may be served with process by serving her at the Commission's business address, namely 920 Colorado Street in Austin, Texas 78701.
38. The state Attorney General is notified of this proceeding pursuant to Section 37.006(b) of the Texas Civil Practices and Remedies Code. The state Attorney General may be served with process by serving the Honorable Greg Abbott at his business address, namely 300 West 15th Street in Austin, Texas 78701.

### **III. DISCOVERY CONTROL PLAN**

39. Plaintiffs intend to conduct Level 2 discovery under Rule 190.3 of the Texas Rules of Civil Procedure.



#### **IV. JURISDICTION AND VENUE**

40. The Court has subject matter jurisdiction because Plaintiffs seek to vindicate their rights under the Texas Constitution, because Plaintiffs seek a declaratory judgment pursuant to the Uniform Declaratory Judgments Act, *see* Tex. Civ. Prac. & Rem. Code § 37.003, because Plaintiffs seek a declaratory judgment pursuant to the Administrative Procedure Act, *see* Tex. Gov't Code § 2001.038, and because Plaintiffs seek injunctive relief against state agencies and officers. *See* Tex. Civ. Prac. & Rem. Code § 65.021.
41. Venue is proper in Travis County pursuant to Sections 15.002(a)(3), 15.005, and 65.023 of the Texas Civil Practices and Remedies Code and Section 2001.038(b) of the Texas Government Code.

#### **V. FACTS**

##### **THE ART OF EYEBROW THREADING**

42. Plaintiffs hereby incorporate the allegations set forth above, all of which are fully re-alleged here.
43. Eyebrow threading is an all-natural grooming practice that involves the removal and shaping of human eyebrow hair with cotton thread and nothing else.
44. The art of 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 the tension on the thread. As the threader moves the loop along the brow, hair is trapped in the loop and removed from its follicles.

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

46. In the South Asian and Middle Eastern communities to which Plaintiffs belong, threaders frequently learn their art at a young age from family or friends.

#### **THE BENEFITS OF EYEBROW THREADING**

47. Americans' awareness of the benefits of threading, as compared to waxing and other Western epilatory practices, is increasing.

48. Threading is all-natural, non-invasive, and safe.

49. Threading does not involve the use of heat, chemicals, or sharp objects.

50. Threading does not involve skin-to-skin contact between the threader and customer.

51. Each customer is serviced using a fresh, sanitary piece of thread.

52. Threading can cause a slight pricking or scraping sensation, but is painless relative to other forms of eyebrow hair removal.

53. Threading does not irritate the skin like other eyebrow hair removal techniques, such as waxing and tweezing.

54. Unlike waxing, threading does not risk burning or removing a customer's skin.

55. Threading is inexpensive and less time consuming than other forms of hair removal—shaping eyebrows seldom costs more than \$10 or takes longer than five minutes.

56. Some threaders apply over-the-counter astringents, such as witch hazel, or over-the-counter soothing powders, such as baby powder, to clean or numb hair follicles before or after threading.

57. The low cost of threading—for both threading businesses and their customers—creates vibrant competition with other epilatory practices, which keeps prices low for consumers of all forms of commercial eyebrow shaping.

#### **THE GOVERNMENT’S ACTIONS**

58. Since at least 2005, Defendants have been aware of the many threaders operating in the State of Texas; however, prior to April 2009, Defendants never enforced state cosmetology laws or their administrative rules against threaders.

59. Prior to April 2009, Defendants never took the position, orally or in writing, that threading constitutes the regulated practice of cosmetology.

60. Without any changes in state law or administrative rules, Defendants now take the position that the compensated practice of eyebrow threading is the practice of cosmetology and, therefore, Defendants purport to require government-issued licenses for individual threaders, their supervisors, and the businesses that employ them.

61. Defendants’ representatives are now visiting threading salons around the state and issuing warnings, cease-and-desist instructions, and administrative penalties based on the unlicensed practice of threading.

62. The Commission has imposed administrative judgments against eyebrow threaders and threading businesses, and the Department continues to file administrative actions against threaders.

63. Plaintiffs are not aware of any potential for injury to threading customers, nor a single injury in fact that might justify Defendants' decision to enforce the state's cosmetology laws and rules against threaders.

#### **SQUELCHING IMMIGRANT ENTREPRENEURSHIP**

64. Plaintiffs cannot afford, in terms of money or time, to obtain government-issued cosmetology licenses.

65. Initially, Plaintiffs are uncertain which license Defendants purport to require.

66. In oral communications to Plaintiffs, Defendants' representatives have indicated that threaders must obtain a facialist specialty license, while indicating in writing that threaders must obtain the state's general cosmetology operator's license.

67. Accordingly, in order to obtain cosmetology licenses, Plaintiffs would have to undergo either 750 hours of instruction in a private, government-approved beauty school (the facialist specialty requirement), *see* Tex. Occ. Code § 1602.257, or 1,500 hours of instruction (the cosmetology operator requirement). *See* Tex. Occ. Code § 1602.254.

68. Beauty school is prohibitively expensive for Plaintiffs, costing approximately \$7,000 to \$22,000, depending on which license Defendants purport to require and which private beauty school Plaintiffs could attend—in terms of admissions decisions, proximity, and cost.

69. In beauty school, Plaintiffs would receive instruction in a host of irrelevant trades—for example, hairstyling, dyeing, nail care, makeup, and facial treatments—but would receive no training in threading whatsoever.
70. Defendants do not have a threading training program or suggested curriculum and they do not test applicants’ competency in threading prior to licensing any category of Texas cosmetologists.
71. Even if Plaintiffs completed beauty school, Defendants would require them to pay approximately \$128 to a for-profit, out-of-state company in order to take a written and practical examination of their abilities (again, not including threading).
72. Even if Plaintiffs passed Defendants’ licensing examinations, they would still have to pay the Department approximately \$53, biannually, for a license.
73. As licensees, Plaintiffs would be required to renew their licenses every two years and, before renewing, to complete six hours of private, government-approved continuing education classes at some cost to Plaintiffs.

#### **HEAVY-HANDED ENFORCEMENT**

74. Plaintiffs face stiff penalties for the unlicensed practice of threading.
75. The unlicensed practice of cosmetology is a criminal misdemeanor. *See* Tex. Occ. Code § 1602.554.
76. Defendants are authorized to impose administrative fines of up to \$5,000 per alleged violation, per day for the unlicensed practice of cosmetology. *See* Tex. Occ. Code § 51.302.

77. Defendants or the state Attorney General may sue a threader in district court for up to \$5,000 per alleged violation, per day, plus court costs, attorneys' fees, investigation costs, witness fees, and deposition costs if the threader merely "*appears to be in violation*" or is "*threatening to violate*" any occupational law or administrative rule. *See* Tex. Occ. Code § 51.352 (emphasis added).
78. Because it is illegal to practice threading without a license, to employ someone who does not have a license, or employ a supervisor who does not have a license, threading businesses are at risk of daily fines of up to \$15,000. *See* Tex. Occ. Code §§ 51.302, 1602.251(a), 1602.403(b) & (c).
79. The executive director of the Department is empowered to issue cease and desist orders for the unlicensed practice of cosmetology and may even temporarily close down a business without giving the business an opportunity to be heard. *See* Tex. Occ. Code § 1603.455-.456.
80. The state Attorney General may seek an injunction to divest an eyebrow threader or threading business of its otherwise lawfully obtained licenses, permits, or certifications. *See* Tex. Occ. Code § 1603.451.
81. The Department has no discretion to grant a cosmetology license to a person who has practiced cosmetology without a license. *See* Tex. Occ. Code § 1603.401. This means that even if Plaintiffs relent, attend beauty school, pay the Department all the requisite fees, and pass all the required examinations, they may never be able to lawfully practice any form of cosmetology in the State of Texas. *Cf.* Tex. Occ. Code § 51.353 (Commission *may* deny a license based on violation of a law administered by the Department or a rule or order of the Commission).

## **VI. INJURY TO PLAINTIFFS**

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

83. Defendants' actions threaten Plaintiffs' economic liberty—their ability to earn an honest living free from unreasonable governmental interference.

### **ASH PATEL**

84. Plaintiff Ash Patel is a partner in a threading business, A Plus A Enterprises LLC, a Texas limited liability company d/b/a Perfect Browz, which employs eyebrow threaders. Ash's partners are Plaintiffs Aziz Satani and Shazia Hussain. Ash's partnership is currently engaged in contract negotiations to expand its operations around the state. Defendants' unwritten policies are presently frustrating Ash's efforts to negotiate critical contracts for commercial leaseholds, operating partnerships, and the employment of competent eyebrow threaders.

85. Ash and his partners have executed leases for eight eyebrow threading locations—two in Corpus Christi, three in San Antonio, and three in Houston. Due to Defendants' unwritten policies and the regulatory uncertainty they are generating, Ash and his partners have only been able to open one location, in San Antonio, but continue to bear contractual obligations for their seven other locations.

86. Due to their present uncertainty regarding Defendants' policies, Ash and his partners have been forced to decline an offer of an otherwise attractive leasehold interest in Austin.

87. Defendants' unwritten policies are presently frustrating Ash's efforts to secure contracts with location operators. Location operators are at the heart of Ash's business plan and the only way for a three-person partnership to operate stores spread out around the state. Ash is attempting to contract with location operators, but they have uniformly declined his offers to form operating partnerships upon learning of Defendants' apparent intent to regulate eyebrow threading.
88. Defendants' unwritten policies are presently frustrating Ash's efforts to hire competent eyebrow threaders. Ash is attempting to hire licensed cosmetologists, but they have no training or skill in eyebrow threading. Ash is likewise attempting to hire skilled eyebrow threaders without cosmetology licenses, but they have uniformly declined his offers of employment upon learning of Defendants' apparent intent to regulate eyebrow threading. Ash has offered to pay unlicensed, competent eyebrow threaders to pursue cosmetology licenses, but Ash remains unsure which license, if any, Defendants purport to require.
89. Ash is personally under contractual obligations to keep his stores open for 12 hours daily, but he cannot find sufficient staff to operate his stores in accordance with his contractual obligations.
90. Ash is personally under contractual obligations to comply with all state laws and industry regulations in the conduct of his business, but he remains reasonably uncertain of what, exactly, his legal obligations are.
91. Defendants' actions threaten Ash's investment-backed expectations.



92. Defendants' actions threaten Ash's primary source of income and, accordingly, his ability to support himself and his family.

93. Defendants' actions threaten Ash's ability to obtain a cosmetology license in the future, if he should decide he wants one for another purpose.

94. Defendants' actions threaten Ash with punishing administrative fines, civil penalties, and even criminal penalties.

#### **ANVERALI "AZIZ" SATANI**

95. Plaintiff Aziz Satani is a partner in a threading business, A Plus A Enterprises LLC, a Texas limited liability company d/b/a Perfect Browz, which employs eyebrow threaders. Aziz's partners are Plaintiffs Ash Patel and Shazia Hussain. Aziz's partnership is currently engaged in contract negotiations to expand its operations around the state. Defendants' unwritten policies are presently frustrating Aziz's efforts to negotiate critical contracts for commercial leaseholds, operating partnerships, and the employment of competent eyebrow threaders.

96. Aziz and his partners have executed leases for eight eyebrow threading locations—two in Corpus Christi, three in San Antonio, and three in Houston. Due to Defendants' unwritten policies and the regulatory uncertainty they are generating, Aziz and his partners have only been able to open one location, in San Antonio, but continue to bear contractual obligations for their seven other locations.

97. Additionally, Aziz is the sole owner of another threading business, Shape and Beauty LLC d/b/a Browz & Henna. On or about May 20, 2009, Defendants'

representative purported to give Aziz the option of immediately obtaining a cosmetology license, which is physically impossible, or shutting down his business, which is financially impossible, based on allegations that Aziz employed an unlicensed threader and supervises threaders without a license.

98. Due to their present uncertainty regarding Defendants' policies, Aziz and his partners have been forced to decline an offer of an otherwise attractive leasehold interest in Austin.

99. Defendants' unwritten policies are presently frustrating Aziz's efforts to secure contracts with location operators. Location operators are at the heart of the partnership's business plan and the only way for a three-person partnership to operate stores spread out around the state. Aziz is attempting to contract with location operators, but they have uniformly declined his offers to form operating partnerships upon learning of Defendants' apparent intent to regulate eyebrow threading.

100. Defendants' unwritten policies are presently frustrating Aziz's efforts to hire competent eyebrow threaders. Aziz is attempting to hire licensed cosmetologists, but they have no training or skill in eyebrow threading. Aziz is likewise attempting to hire skilled eyebrow threaders without cosmetology licenses, but they have uniformly declined his offers of employment upon learning of Defendants' apparent intent to regulate eyebrow threading. Aziz has offered to pay unlicensed, competent eyebrow threaders to pursue cosmetology licenses, but Aziz remains unsure which license, if any, Defendants purport to require.

101. Aziz is personally under contractual obligations to keep his stores open for 12 hours daily, but he cannot find sufficient staff to operate his stores in accordance with his contractual obligations.
102. Aziz is personally under contractual obligations to comply with all state laws and industry regulations in the conduct of his business, but he remains reasonably uncertain of what, exactly, his legal obligations are.
103. Defendants' actions threaten Aziz's investment-backed expectations.
104. Defendants' actions threaten Aziz's primary sources of income and, accordingly, his ability to support himself and his family.
105. Defendants' actions threaten Aziz's ability to obtain a cosmetology license in the future, if he should decide he wants one for another purpose.
106. Defendants' actions threaten Aziz with punishing administrative fines, civil penalties, and even criminal penalties.

**SHAZIA HUSSAIN**

107. Plaintiff Shazia Hussain is a partner in a threading business, A Plus A Enterprises LLC, a Texas limited liability company d/b/a Perfect Browz, which employs eyebrow threaders. Shazia's partners are Plaintiffs Ash Patel and Aziz Satani. Shazia's partnership is currently engaged in contract negotiations to expand its operations around the state. Defendants' unwritten policies are presently frustrating the partnership's efforts to negotiate critical contracts for commercial leaseholds, operating partnerships, and the employment of competent eyebrow threaders.

108. Shazia recently purchased a percentage share of the Perfect Browz partnership comprised of Ash Patel, Aziz Satani, and herself. The partners have executed leases for eight eyebrow threading locations—two in Corpus Christi, three in San Antonio, and three in Houston. Due to Defendants’ unwritten policies and the regulatory uncertainty they are generating, Shazia and her partners have only been able to open one location, in San Antonio, but continue to bear contractual obligations for their seven other locations.
109. Due to their present uncertainty regarding Defendants’ policies, Shazia and her partners have been forced to decline an offer of an otherwise attractive leasehold interest in Austin.
110. Defendants’ unwritten policies are presently frustrating Shazia’s efforts to secure contracts with location operators. Location operators are at the heart of her partnership’s business plan and the only way for a three-person partnership to operate stores spread out around the state.
111. Defendants’ unwritten policies are presently frustrating Shazia’s efforts to hire competent eyebrow threaders.
112. Shazia’s partnership is under contractual obligations to keep her stores open for 12 hours daily, but she cannot find sufficient staff to operate the partnership’s stores in accordance with its contractual obligations.
113. Shazia’s partnership is under contractual obligations to comply with all state laws and industry regulations in the conduct of its business, but she remains reasonably uncertain of what, exactly, the partnership’s legal obligations are.
114. Defendants’ actions threaten Shazia’s investment-backed expectations.

115. Defendants' actions threaten one of Shazia's sources of income and, accordingly, her ability to support herself and her family.

116. Defendants' actions threaten Shazia's ability to obtain a cosmetology license in the future, if she should decide she wants one for another purpose.

117. Defendants' actions threaten Shazia with punishing administrative fines, civil penalties, and even criminal penalties.

**NAZIRA MOMIN**

118. The Department has served Plaintiff Nazira Momin with a notice of alleged violation seeking to impose a \$2,000 administrative penalty based on the unlicensed practice of eyebrow threading. Ms. Momin cannot afford to pay this fine.

119. Ms. Momin is faced with a February 18, 2010 hearing before the State Office of Administrative Hearings in Austin regarding the Department's allegations that she practices cosmetology without a license.

120. Ms. Momin is fully proficient in the art of threading and has devoted substantial time and effort to developing her trade.

121. Ms. Momin would have to stop working in order to complete the 750 or 1,500 hours of training necessary to obtain a cosmetology license, causing her to lose further income and possibly her current employment.

122. If Defendants are permitted to continue issuing administrative penalties and cease-and-desist instructions, Ms. Momin will be forced to stop practicing her trade.

123. Defendants' actions threaten Ms. Momin's sole source of income and, accordingly, her ability to support herself and her family.
124. Defendants' actions threaten Ms. Momin's ability to obtain a cosmetology license in the future, if she should decide she wants one for another purpose.
125. Defendants' actions threaten Ms. Momin with further punishing administrative fines, civil penalties, and even criminal penalties.

**TAHEREH ROKHTI**

126. The Department has served Plaintiff Tahereh Rokhti with a notice of alleged violation seeking to impose a \$2,000 administrative penalty based on the unlicensed practice of eyebrow threading. Ms. Rokhti cannot afford to pay this administrative fine.
127. Ms. Rokhti is faced with a January 7, 2010 hearing before the State Office of Administrative Hearings in Austin regarding the Department's allegations that she practiced cosmetology without a license.
128. Ms. Rokhti is fully proficient in the art of threading and has devoted substantial time and effort to developing her trade.
129. Defendants' unconstitutional conduct has forced Ms. Rokhti to stop practicing her trade. As a result, Ms. Rokhti has lost income and the ability to support her family. She is currently employed only six hours a week doing incomparable work that she does not enjoy.
130. Ms. Rokhti would have to stop looking for suitable employment in order to complete the 750 or 1,500 hours of training necessary to obtain a cosmetology license, causing her to lose further income.

131. Defendants' actions are keeping Ms. Rokhti from pursuing her well-paying trade and, accordingly, threaten her ability to support herself and her family.
132. Defendants' actions threaten Ms. Rokhti's ability to obtain a cosmetology license in the future, if she should decide she wants one for another purpose.
133. Defendants' actions threaten Ms. Rokhti with further punishing administrative fines, civil penalties, and criminal penalties.

**NASIM RAJABALI**

134. The Department requested and the Commission entered an administrative judgment against Plaintiff Nasim Rajabali, which purports to impose a \$2,000 penalty for the unlicensed practice of eyebrow threading. She cannot afford to pay the penalty.
135. Ms. Rajabali is fully proficient in the art of threading and has devoted substantial time and effort to developing her trade.
136. If Defendants are permitted to continue issuing administrative penalties and cease-and-desist instructions, Ms. Rajabali will be forced to stop practicing her trade.
137. Defendants' actions threaten Ms. Rajabali's sole source of income and, accordingly, her ability to support herself and her family.
138. Defendants' actions threaten Ms. Rajabali's ability to obtain a cosmetology license in the future, if she should decide she wants one for another purpose.

139. Defendants' actions threaten Ms. Rajabali's investment-backed expectations because she is more than two-thirds of the way through cosmetology training and, if Defendants are successful in their attempt to impose administrative fines against her, she may never be able to realize the fruits of her considerable investments of time, money, and energy. *See* Tex. Occ. Code § 1603.401 (Department has no discretion to grant license to persons who have violated cosmetology laws or rules).

140. Defendants' actions threaten Ms. Rajabali with further punishing administrative fines, civil penalties, and even criminal penalties.

#### **MINAZ CHAMADIA**

141. Plaintiff Minaz Chamadia is aware of Defendants' actions against her co-workers and reasonably fears the Department will imminently serve her with one or more notices of alleged violation.

142. Ms. Chamadia is fully proficient in the art of threading and has devoted substantial time and effort to developing her trade.

143. If Defendants are permitted to continue issuing administrative penalties and cease-and-desist instructions, Ms. Chamadia will be forced to stop practicing her trade.

144. Defendants' actions threaten Ms. Chamadia's sole source of income and, accordingly, her ability to support herself and her family.

145. Defendants' actions threaten Ms. Chamadia's ability to obtain a cosmetology license in the future, if she should decide she wants one for another purpose.



## **VIJAY YOGI**

146. The Department requested and the Commission entered an administrative judgment against Plaintiff Vijay Yogi, which purports to impose a \$2,000 penalty for the unlicensed practice of eyebrow threading. She cannot afford to pay the penalty.
147. Ms. Yogi is fully proficient in the art of threading and has devoted substantial time and effort to developing her trade.
148. If Defendants are permitted to continue issuing administrative penalties and cease-and-desist instructions, Ms. Yogi will be forced to stop practicing her trade.
149. Defendants' actions threaten Ms. Yogi's sole source of income and, accordingly, her ability to support herself and her family.
150. Defendants' actions threaten Ms. Yogi's ability to obtain a cosmetology license in the future, if she should decide she wants one for another purpose.
151. Defendants' actions threaten Ms. Yogi with further punishing administrative fines, civil penalties, and even criminal penalties.

## **VII. CAUSES OF ACTION**

### **FIRST CAUSE OF ACTION**

#### **(TEX. CONST. ART. I, § 19 – DEPRIVATION OF LIBERTY; PRIVILEGES OR IMMUNITIES)**

152. Plaintiffs hereby incorporate the allegations set forth above, all of which are fully re-alleged here.
153. Article I, Section 19 of the Texas Constitution provides that:

No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disenfranchised, except by the due course of the law of the land.

154. Among the rights secured by the privileges or immunities guarantee of the Texas Constitution is the right to earn an honest living in the occupation of one's choice free from unreasonable governmental interference.
155. Defendants have violated the privileges or immunities guarantee of the Texas Constitution by unreasonably applying Texas' cosmetology laws and administrative rules to the commercial practice of eyebrow threading.
156. Defendants have no important, legitimate, or rational reason for applying Texas' cosmetology laws and rules to the commercial practice of eyebrow threading.
157. Defendants are presently and unconstitutionally requiring or attempting to require Plaintiffs to obtain licenses that are not reasonably related to their chosen occupation.
158. Pursuant to the Uniform Declaratory Judgments Act, *see* Tex. Civ. Prac. & Rem. Code § 37.001, *et seq.*, Plaintiffs respectfully request the Court enter a judgment declaring that Defendants violate the privileges or immunities guarantee of the Texas Constitution insofar as they apply Sections 1601.002, 1601.251, 1602.002, 1602.251, and/or 1602.403 of the Texas Occupations Code to Plaintiffs based on the commercial practice of eyebrow threading.
159. Pursuant to the Administrative Procedure Act, *see* Tex. Gov't Code § 2001.038, Plaintiffs respectfully request the Court enter a judgment declaring that Defendants violate the privileges or immunities guarantee of the Texas

Constitution insofar as they apply Sections 1601.002, 1601.251, 1602.002, 1602.251, and/or 1602.403 of the Texas Occupations Code to Plaintiffs based on the commercial practice of eyebrow threading.

## **SECOND CAUSE OF ACTION**

### **(TEX. CONST. ART. I, § 19 – DEPRIVATION OF LIBERTY; DUE COURSE OF THE LAW OF THE LAND)**

160. Plaintiffs hereby incorporate the allegations set forth above, all of which are fully re-alleged here.
161. Article I, Section 19 of the Texas Constitution provides that:  
  
No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disenfranchised, except by the due course of the law of the land.
162. Among the rights secured by the due course of the law of the land guarantee of the Texas Constitution, commonly known as the constitution's "due process" guarantee, is the right to earn an honest living in the occupation of one's choice free from unreasonable governmental interference.
163. Defendants have violated the due process guarantee of the Texas Constitution by unreasonably applying Texas' cosmetology laws and administrative rules to the commercial practice of eyebrow threading.
164. Defendants have no important, legitimate, or rational reason for applying Texas' cosmetology laws and rules to the commercial practice of eyebrow threading.
165. The state's police power does not extend to the regulation of harmless commercial practices such as eyebrow threading.

166. Defendants are presently and unconstitutionally requiring or attempting to require Plaintiffs to obtain licenses that are not reasonably related to their chosen occupation.
167. Pursuant to the Uniform Declaratory Judgments Act, *see* Tex. Civ. Prac. & Rem. Code § 37.001, *et seq.*, Plaintiffs respectfully request the Court enter a judgment declaring that Defendants violate the due course of the law of the land guarantee of the Texas Constitution insofar as they apply Sections 1601.002, 1601.251, 1602.002, 1602.251, and/or 1602.403 of the Texas Occupations Code to Plaintiffs based on the commercial practice of eyebrow threading.
168. Pursuant to the Administrative Procedure Act, *see* Tex. Gov't Code § 2001.038, Plaintiffs respectfully request a declaratory judgment declaring that Defendants violate the due course of the law of the land guarantee of the Texas Constitution insofar as they apply Sections 1601.002, 1601.251, 1602.002, 1602.251, and/or 1602.403 of the Texas Occupations Code to Plaintiffs based on the commercial practice of eyebrow threading.

### **VIII. APPLICATION FOR TEMPORARY RESTRAINING ORDER**

169. Plaintiffs hereby incorporate the allegations set forth above, all of which are fully re-alleged here.
170. Plaintiffs' application for a temporary restraining order is authorized by Sections 65.011, 65.013, and 65.021 of the Texas Civil Practices and Remedies Code.
171. Plaintiffs Patel, Satani, and Hussain are facing imminent and irreparable harm to their businesses and livelihoods.

172. Defendants' threatened enforcement actions against Messrs. Patel and Satani and Ms. Hussain frustrate their fulfillment of contractual obligations to landlords and business associates.
173. Messrs. Patel and Satani and Ms. Hussain are prevented from effectively expanding their eyebrow threading partnership around the state because they cannot find sufficient location operators and employees with cosmetology licenses at a critical time in their business's expansion. Potential location operators and employees have been scared off by Defendants' actions toward eyebrow threaders.
174. Mr. Satani's separate threading business has been instructed to immediately obtain cosmetology licenses for all employees and supervisors. *See Exhibit A*.
175. Plaintiffs Momin, Rajabali, Chamadia, and Yogi are facing imminent and irreparable harm to their livelihoods. Each depends on employment as an eyebrow threader to support herself and to help support her family.
176. Plaintiffs Momin and Rokhti are imminently threatened with administrative hearings that seek to impose \$2,000 administrative fines for the unlicensed practice of threading. *See Exhibits B & C*.
177. The Department has called Ms. Momin to Austin for an administrative hearing scheduled to take place on February 18, 2010. The Department alleges that she must pay \$2,000 to the government for the unlicensed practice of threading. *See Exhibit B*.

178. The Department has called Ms. Rokhti to Austin for an administrative hearing scheduled to take place on January 7, 2010. The Department alleges that she must pay \$2,000 to the government for the unlicensed practice of threading. *See Exhibit C.*
179. Mses. Rajabali and Yogi are threatened with imminent execution of \$2,000 administrative judgments for the unlicensed practice of threading, which will become due on January 15, 2010, unless the Commission takes timely action on Mses. Rajabali and Yogi's pending motions for rehearing. *See Exhibits D & E.*
180. Messrs. Patel and Satani and Ms. Hussain will forever lose business opportunities and their attendant earnings if Defendants are not restrained from enforcing the state's cosmetology laws and administrative rules against them.
181. Mses. Momin, Rajabali, Chamadia, and Yogi reasonably fear they will soon be forced to leave their jobs and will forever lose their attendant earnings if Defendants are not restrained from enforcing the state's cosmetology laws and administrative rules against them.
182. Ms. Rokhti continues to look for suitable employment, whereas she could easily be rehired as a threader if not for Defendants' threatening actions.
183. Plaintiffs reasonably fear further administrative action against them for the unlicensed practice of threading.
184. Plaintiffs' Original Petition demonstrates a likely right to relief on the merits because Defendants' conduct violates the Texas Constitution, which guarantees Plaintiff economic liberty and due process of law.

185. Plaintiffs have no other adequate legal, administrative, or other remedy by which to prevent or minimize the continuing irreparable harm to their right to engage in the occupation of their choosing free from unconstitutional government restraint, guaranteed by the privileges or immunities and due process clauses of the Texas Constitution.
186. Plaintiffs are willing to post bond.
187. The Court should temporarily restrain Defendants' attempts to impose administrative penalties on Plaintiffs based on any and all of the causes identified by the following docket numbers: Department Complaint No. COS2009001661D and Commission Docket No. COS2009001661D (assessing \$2,000 penalty against Plaintiff Rajabali); Department Complaint No. COS2009001662D, Commission Docket No. COS2009001662D, and State Office of Administrative Hearings Docket No. 452-10-1457.COS (demanding Plaintiff Momin appear for hearing on \$2,000 penalty); Department Complaint No. COS2009008004D and State Office of Administrative Hearings Docket No. 452-10-0455.COS (demanding Plaintiff Rokhti appear for hearing on \$2,000 penalty); and Department Complaint No. COS2009001660D and Commission Docket No. COS2009001660D (assessing \$2,000 penalty against Plaintiff Yogi).
188. The Court should temporarily restrain Defendants from applying Sections 1601.002, 1601.251, 1602.002, 1602.251, and/or 1602.403 of the Texas Occupations Code to Plaintiffs based on the commercial practice of eyebrow threading.

189. The Court should temporarily restrain Defendants from initiating any administrative proceedings against Plaintiffs based on the commercial practice of eyebrow threading.

**IX. APPLICATION FOR TEMPORARY INJUNCTION**

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

191. Plaintiffs respectfully ask the Court to set their application for temporary injunction for a hearing and, following the hearing, to issue a temporary injunction against Defendants.

**X. APPLICATION FOR PERMANENT INJUNCTION**

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

193. Plaintiffs respectfully ask the Court to set their application for permanent injunction for a hearing and, following the hearing, to issue a permanent injunction against Defendants.

**XI. ATTORNEYS' FEES**

194. Plaintiffs hereby request all costs and reasonable attorneys' fees, as permitted by Section 37.009 of the Texas Civil Practices and Remedies Code.

**XII. REQUEST FOR JURY TRIAL**

195. Plaintiffs request a trial by jury and submit herewith the requisite fee.



### **XIII. REQUEST FOR DISCLOSURE**

196. Plaintiffs request that Defendants disclose to Plaintiffs, within 50 days of the service of this request, the information and materials described in Rule 194.2(a), (b), (c), (e), (i), and (l) of the Texas Rules of Civil Procedure.

### **XIV. PRAYER AND RELIEF REQUESTED**

WHEREFORE, Plaintiffs pray for judgment as follows:

- A. For a temporary restraining order barring Defendants from enforcing Texas' cosmetology laws and administrative rules against Plaintiffs based on the commercial practice of eyebrow threading, as set forth in detail in Plaintiffs' application for temporary restraining order above;
- B. For a temporary injunction barring the same;
- C. For a permanent injunction barring the same;
- D. For a declaratory judgment that Defendants violate the privileges or immunities guarantee of the Texas Constitution by unreasonably interfering with Plaintiffs' right to pursue eyebrow threading;
- E. For a declaratory judgment that Defendants violate the due process guarantee of the Texas Constitution by unreasonably interfering with Plaintiffs' right to pursue eyebrow threading;
- F. For an award of one dollar in nominal damages;
- G. For an award of attorneys' fees and court costs; and
- H. For all other relief to which Plaintiffs may show themselves entitled.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of December, 2009.

**INSTITUTE FOR JUSTICE**

By 

Wesley Hottot (TX Bar No. 24063851)  
Matthew R. Miller (TX Bar No. 24046444)  
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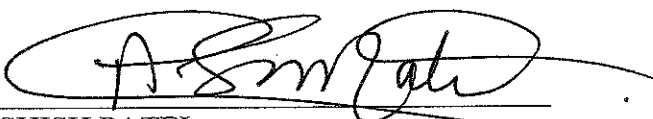
**ATTORNEYS FOR PLAINTIFFS**

\* Motion *pro hac vice* to be filed

**VERIFICATION**

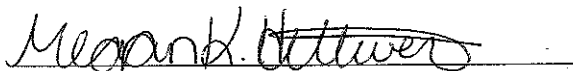
THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

BEFORE ME, the undersigned authority, on this day personally appeared ASHISH PATEL, known to me to be the person whose name is subscribed below and, after having been duly sworn, on his oath stated that he is over 18 years of age, of sound mind, and capable of offering the following testimony to the court: “the facts set forth in paragraphs 2-15, 20, 42-74, 84-94, 169, 171-73, 180, 183, and 186 of the foregoing Plaintiffs’ Original Petition, Application for Injunctive Relief, and Request for Disclosure are within my personal knowledge and are true and correct.”

  
\_\_\_\_\_  
ASHISH PATEL

SUBSCRIBED AND SWORN TO before me on this 8th day of December, 2009.



  
\_\_\_\_\_  
Notary Public — State of Texas

My Commission Expires: July 27, 2013

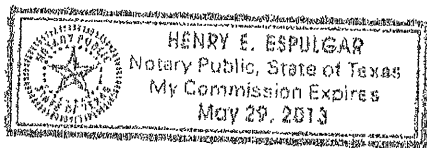
VERIFICATION

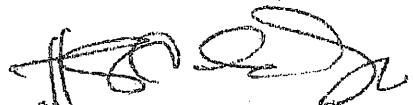
THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared SHAZIA HUSSAIN, known to me to be the person whose name is subscribed below and, after having been duly sworn, on her oath stated that she is over 18 years of age, of sound mind, and capable of offering the following testimony to the court: "the facts set forth in paragraphs 2-15, 21, 42-74, 107-17, 169, 171-73, 180, 183, and 186 of the foregoing Plaintiffs' Original Petition, Application for Injunctive Relief, and Request for Disclosure are within my personal knowledge and are true and correct."

  
\_\_\_\_\_  
SHAZIA HUSSAIN

SUBSCRIBED AND SWORN TO before me on this 7<sup>th</sup> day of December, 2009.



  
\_\_\_\_\_  
Henry E. Espulgar  
Notary Public — State of Texas

My Commission Expires: 5-29-2013

**VERIFICATION**

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

BEFORE ME, the undersigned authority, on this day personally appeared ANVERALI SATANI, known to me to be the person whose name is subscribed below and, after having been duly sworn, on his oath stated that he is over 18 years of age, of sound mind, and capable of offering the following testimony to the court: “the facts set forth in paragraphs 2-15, 22, 42-74, 95-106, 169, 171-174, 180, 183, and 186 of the foregoing Plaintiffs’ Original Petition, Application for Injunctive Relief, and Request for Disclosure are within my personal knowledge and are true and correct.”

  
\_\_\_\_\_  
ANVERALI SATANI

SUBSCRIBED AND SWORN TO before me on this 8<sup>th</sup> day of December, 2009.



  
\_\_\_\_\_  
Notary Public — State of Texas

My Commission Expires: July 27, 2013

VERIFICATION

THE STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR           §

BEFORE ME, the undersigned authority, on this day personally appeared NAZIRA MOMIN, known to me to be the person whose name is subscribed below and, after having been duly sworn, on her oath stated that she is over 18 years of age, of sound mind, and capable of offering the following testimony to the court: “the facts set forth in paragraphs 2-7, 10-14, 16, 23, 42-56, 58-65, 67-74, 118-25, 169, 175-77, 181, 183, and 186 of the foregoing Plaintiffs’ Original Petition, Application for Injunctive Relief, and Request for Disclosure are within my personal knowledge and are true and correct.”

N. N. Momin.  
NAZIRA MOMIN

SUBSCRIBED AND SWORN TO before me on this 3rd day of December, 2009.




Megan K. Hettwer  
Notary Public — State of Texas

My Commission Expires: July 27, 2013

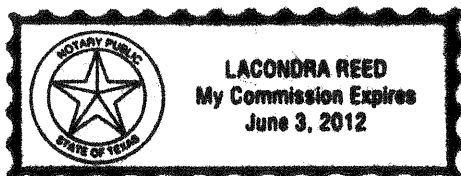
**VERIFICATION**

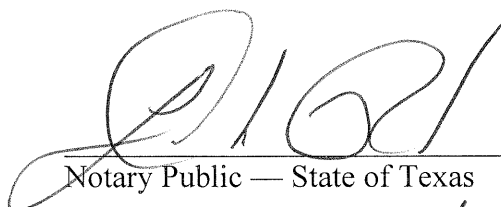
THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared TAHEREH ROKHTI, known to me to be the person whose name is subscribed below and, after having been duly sworn, on her oath stated that she is over 18 years of age, of sound mind, and capable of offering the following testimony to the court: “the facts set forth in paragraphs 2-7, 10-14, 17, 24, 42-56, 58-65, 67-74, 126-33, 169, 176, 178, 182-83, and 186 of the foregoing Plaintiffs’ Original Petition, Application for Injunctive Relief, and Request for Disclosure are within my personal knowledge and are true and correct.”

  
\_\_\_\_\_  
TAHEREH ROKHTI

SUBSCRIBED AND SWORN TO before me on this 4th day of December, 2009.



  
\_\_\_\_\_  
Notary Public — State of Texas  
My Commission Expires: June 3, 2012

**VERIFICATION**

THE STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR           §

BEFORE ME, the undersigned authority, on this day personally appeared NASIM RAJABALI, known to me to be the person whose name is subscribed below and, after having been duly sworn, on her oath stated that she is over 18 years of age, of sound mind, and capable of offering the following testimony to the court: “the facts set forth in paragraphs 2-7, 10-14, 16, 25, 42-56, 58-65, 67-74, 134-40, 169, 175, 179, 181, 183, and 186 of the foregoing Plaintiffs’ Original Petition, Application for Injunctive Relief, and Request for Disclosure are within my personal knowledge and are true and correct.”

  
\_\_\_\_\_  
NASIM RAJABALI

SUBSCRIBED AND SWORN TO before me on this 3rd day of December, 2009.



  
\_\_\_\_\_  
Notary Public — State of Texas

My Commission Expires: July 27, 2013



**VERIFICATION**

THE STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR           §

BEFORE ME, the undersigned authority, on this day personally appeared MINAZ CHAMADIA, known to me to be the person whose name is subscribed below and, after having been duly sworn, on her oath stated that she is over 18 years of age, of sound mind, and capable of offering the following testimony to the court: “the facts set forth in paragraphs 2-7, 10-14, 16, 26, 42-56, 58-65, 67-74, 141-45, 169, 175, 181, and 186 of the foregoing Plaintiffs’ Original Petition, Application for Injunctive Relief, and Request for Disclosure are within my personal knowledge and are true and correct.”

*Min D Chamadia*  
\_\_\_\_\_  
MINAZ CHAMADIA

SUBSCRIBED AND SWORN TO before me on this 3rd day of December, 2009.



*Megan K. Hettwer*  
\_\_\_\_\_  
Notary Public — State of Texas

My Commission Expires: July 27, 2013

**VERIFICATION**

THE STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR           §

BEFORE ME, the undersigned authority, on this day personally appeared VIJAYLAKSHMI YOGI, known to me to be the person whose name is subscribed below and, after having been duly sworn, on her oath stated that she is over 18 years of age, of sound mind, and capable of offering the following testimony to the court: “the facts set forth in paragraphs 2-7, 10-14, 16, 27, 42-56, 58-65, 67-74, 146-51, 169, 175, 179, 181, 183, and 186 of the foregoing Plaintiffs’ Original Petition, Application for Injunctive Relief, and Request for Disclosure are within my personal knowledge and are true and correct.”

VIJAY LAKSHMI YOGI  
VIJAYLAKSHMI YOGI

SUBSCRIBED AND SWORN TO before me on this 3rd day of December, 2009.



Megan K. Hettwer  
Notary Public — State of Texas

My Commission Expires: July 27, 2013