

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FEB - 3 2021

RICK WARREN
COURT CLERK

112 _____

SHAZIA ITTIQ and SEEMA PANJWANI,
Plaintiffs,

v.

Case No. _____

OKLAHOMA STATE BOARD OF COS-
METOLOGY AND BARBERING;
SHERRY LEWELLING, in her official ca-
pacity as Executive Director of the Board;
JEFFREY SELLS, in his official capacity
as Chair of the Board; MACHELE CAL-
LICOAT, in her official capacity as Vice
Chair of the Board; PEGGY AVERY, AN-
THONY BALDINI, BILL HELTON,
CHRISTIE LUTHER, CHRISTY
MATHER, GREG MITCHELL, THAO
NGUYEN-PHAM, ERIN PIERCE, and
BRUCE WAIGHT, in their official capaci-
ties as members of the Board; and
DONNA GLASPER, in her official capac-
ity as an inspector for the Board,

Defendants.

CV-2021-242

**PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING
ORDER AND TEMPORARY INJUNCTION AND BRIEF IN SUPPORT**

Plaintiffs Shazia Ittiq and Seema Panjwani (collectively, "Plaintiffs") apply for a Temporary Restraining Order and Temporary Injunction against Defendants the Oklahoma State Board of Cosmetology and Barbering, the Board's members in their official capacities, and Donna Glasper, in her official capacity as an inspector for the Board. Plaintiffs supply this Brief in Support.

The Court should grant temporary injunctive relief because, otherwise, it will be impossible to return to the status quo at the end of this case. As shown below, Defendants are threatening to immediately close Plaintiffs' threading businesses, which have operated in Oklahoma City for more than a dozen years, and to interfere with their commercial leases and state licenses. Last week, one Plaintiff was ordered to close down her business. Without an order enjoining the Defendants from taking further steps to shut down the businesses, Shazia and Seema face not only losing the businesses they've spent years building, but also losing their licenses to practice their trades, their means to support themselves and their families, and their employees. They could also face crushing administrative fines and even criminal penalties.

In the Verified Petition they filed today, Plaintiffs demonstrate how the Board's enforcement actions rely on an unconstitutional exercise of its powers under Oklahoma's cosmetology laws. Unless the Court intervenes now, Plaintiffs businesses will be forced to close and it will become impossible to issue appropriate relief.

STATEMENT OF THE CASE

The following facts are drawn from Plaintiffs' Verified Petition, which is incorporated here by reference.

Plaintiffs Shazia Ittiq and Seema Panjwani are in the business of eyebrow threading. Pet. ¶¶ 2–4. Threading is a safe, simple grooming technique originally from South Asia. *Id.* ¶¶ 25–37. It involves nothing but a strand of cotton thread, formed into a kind of lasso, which is brushed across the surface of the skin to

remove unwanted hairs. *Id.* ¶¶ 25–38. Like knitting or fishing, threading is fundamentally easy to learn, but it takes many years of practice to become an expert. *Id.* ¶ 39.

Shazia and Seema both learned threading while growing up in Pakistan. *Id.* ¶¶ 48–49, 72–73. They moved to Oklahoma as adults and have since become U.S. citizens. *Id.*

The two women are supporting their families through their threading businesses in Oklahoma City. *Id.* ¶¶ 13–14, 48, 72. They have run these businesses for years without incident. *Id.* ¶¶ 52, 55, 74–75, 83. Indeed, threading is gentler, less expensive, and faster than other hair-removal methods, making it increasingly popular in the United States. *Id.* ¶¶ 32, 35–36. Shazia’s business opened eight years ago. *Id.* ¶ 52. She operates Brows & More at the Penn Square Mall and Brow Art 23 at the Quail Springs Mall. *Id.* ¶¶ 58–59. Seema opened her Eyebrow Threading and Beauty Salon in Oklahoma City five years ago, and her business has already grown to include three salons. *Id.* ¶¶ 75–78. Shazia holds an Oklahoma cosmetology license; Seema holds an Oklahoma esthetician license; and all of their salons are licensed by the state. *Id.* ¶¶ 53, 79.

The Oklahoma Board of Cosmetology and Barbering is now threatening to force Shazia’s and Seema’s businesses to immediately close, destroying the enterprises these women have spent years building. *Id.* ¶¶ 62–68, 85–87, 121–32. Board representatives are demanding that Shazia and Seema stop employing skilled threaders who have not obtained an Oklahoma esthetician, cosmetology,

or barber license. *Id.* ¶¶ 61–70, 84–89, 125–26, 129. To enforce the Board’s licensing requirement, the Board may refer the situation to a prosecutor, seek a court order enjoining the employment of unlicensed threaders, impose daily accumulating administrative fines, suspend or revoke licenses necessary to carry on the business, or take other enforcement action as it sees fit. *Id.* ¶¶ 144, 151.

But the licensing requirement is irrational. Becoming an esthetician, cosmetologist, or barber involves zero instruction in threading. *Id.* ¶¶ 6, 104, 108–09. The easiest license to obtain of the three—the esthetician license—requires a minimum of 600 hours of coursework and two exams. *Id.* ¶¶ 6, 100. It costs thousands of dollars to obtain a license. *Id.* ¶ 111. The required training involves not one minute of threading instruction. *Id.* ¶¶ 6, 104, 108–09. And the technique is not tested on the licensing exams. *Id.* ¶¶ 114, 116–17.

The Board’s licensing requirement is not only irrational; it is unconstitutional. Laws must serve a public purpose. Yet this law serves no one’s interest but that of the cosmetology industry. There is a total mismatch between the Board’s requirements to obtain a license and the job threaders actually perform. *See, e.g., id.* ¶¶ 57, 82, 107–08, 118. The threaders who work for Shazia and Seema perform only threading. *Id.* ¶¶ 56, 80. Estheticians are taught and tested on all kinds of other cosmetology practices, such as makeup, microdermabrasion, chemical peels, and light therapy. *See id.* ¶¶ 104, 114–18. Threaders perform none of those. *See id.* ¶¶ 56, 80. The state’s irrational licensing requirement puts Shazia and Seema in an impossible place: Licensees don’t know

how to thread, while experts who *can* provide quality threading services are not permitted to perform the technique they've already mastered. *Id.* ¶¶ 41–44, 55–57, 81–85.

Shazia and Seema depend on skilled, unlicensed threaders to keep their businesses running, and those threaders rely on their jobs with Shazia and Seema to support themselves. *Id.* ¶¶ 61–62, 85–86. The businesses have been operating for years without injuring anyone. *Id.* ¶¶ 52, 55, 74–75, 83. This is unsurprising, as the practice of threading itself is safe. *Id.* ¶ 41. Indeed, there is hardly anything safer one person can physically do to another than threading—even clipping nails or face painting is more dangerous. *Id.* Threading businesses must and do comply with sanitation standards for salon establishments. *Id.* ¶ 45, 121, 124–26. And the businesses have been able to comply with state and local health orders and guidelines to operate under COVID-19 restrictions.

Today, Shazia and Seema have filed a lawsuit challenging the Board's licensing requirement for threaders as unconstitutional under the Oklahoma Constitution's inherent rights and due process clauses. *Id.* ¶¶ 152–79.

They have filed their case because, last week, during an inspection of Shazia's business, Defendant Donna Glasper insisted that she immediately shut down her business because she employs unlicensed threaders. *Id.* ¶¶ 9, 68. Because the Board conducts routine inspections of salons, Seema can expect the same treatment from the Board any day. *Id.* ¶ 87. The Board's threats to enforce the rule that “[o]nly licensed Facialist/Estheticians, Cosmetologists or Barbers

may perform threading,” Okla. Admin. Code 175:10-9-55, places Shazia and Seema at immediate risk of losing everything they’ve worked for: their businesses, their customers, their employees, their commercial leases, their establishment licenses, their cosmetology licenses, and their goodwill with all those involved in their threading enterprises. *Id.* ¶¶ 11, 63–70, 85–90.

If the Board is successful in shutting down their businesses while this case is pending, there will be no means for those businesses to survive regardless of the outcome.

ARGUMENT

A temporary restraining order and temporary injunction are necessary to preserve the status quo while Shazia and Seema challenge the constitutionality of the Board’s licensing requirement for threaders.

This Court has discretion, under 12 Okla. Stat. §§ 1382 and 1384.1, to issue temporary restraining orders and temporary injunctions. A temporary restraining order is appropriate “to maintain the subject of the controversy in status quo until a hearing may be had on the application for a temporary injunction.” *Callaway v. Sparks*, 1939 OK 180, ¶ 9, 89 P.2d 275, 277. And a temporary injunction is appropriate “to preserve the situation of the parties in status quo until a final determination of the controversy,” *Hastings v. Kelley*, 2008 OK CIV APP 36, ¶ 13, 181 P.3d 750, 753, and to “protect[] a court’s ability to render a meaningful decision on [the] merits of the controversy,” *Edwards v. Bd. of Cnty. Comm’rs*, 2015 OK 58, ¶ 10, 378 P.3d 54, 58.

Courts consider four factors when deciding whether to impose a temporary injunction: (1) whether the applicant has a reasonable probability of success on the merits; (2) whether there is a reasonable probability the applicant will suffer irreparable injury if injunctive relief is denied; (3) whether the threatened injury to the applicant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) whether the injunction would adversely affect the public interest. *See Inergy Propane, LLC v. Lundy*, 2009 OK CIV APP 8, ¶ 41, 219 P.3d 547, 561. While each factor must be weighed, “courts tend to focus most heavily upon the ‘irreparable harm’ requirement.” *Tulsa Order of Police Lodge No. 93 ex rel. Tedrick v. City of Tulsa*, 2001 OK CIV APP 153 ¶ 25, 39 P.3d 152, 158; *see, e.g., Daffin v. State ex rel. Okla. Dep’t of Mines*, 2011 OK 22 ¶¶ 7–11, 251 P.3d 741, 745 (concluding that temporary injunction was necessary, pending determination of statute and rule’s constitutionality, because a proposed mining operation threatened irreparable damage to the plaintiff’s property); *cf. Glaxo, Inc. v. Heckler*, 623 F. Supp. 69, 70–71 (E.D.N.C. 1985) (observing that a court may assign less importance to the applicant’s likelihood of success on the merits when an injunction would present little potential for harm to the defendants, or when the denial of an injunction would present significant risk of irreparable injury to the plaintiffs).

Each of the four factors favors temporary injunctive relief.

I. Shazia and Seema Are Likely to Succeed on the Merits.

This first factor weighs in favor of an injunction so long as the moving party has made a *prima facie* showing of a “reasonable probability” of success on the

merits. *Inergy*, 2009 OK CIV APP at ¶ 41, 219 P.3d at 561; see *Williams Expl. Co. v. U.S. Dep't of Energy*, 561 F. Supp. 465, 468 (N.D. Okla. 1980) (quoted in *Roye Realty & Developing, Inc. v. Watson*, 1990 OK CIV APP 21, ¶ 4, 791 P.2d 821, 823). Here, the Verified Petition makes at least a *prima facie* case on the following claims.

a. Inherent Right to the Enjoyment of the Gains of Their Own Industry, and Right to Substantive Due Process

The Oklahoma Constitution, in Article II, Sections 2 and 7, guarantees the right to conduct business and earn an honest living in the occupation of one's choice. A law restricting that right must have a real and substantial relationship to public health, safety, or welfare; it may not be arbitrary and capricious. See, e.g., *Torres v. Seaboard Foods, LLC*, 2016 OK 20, ¶ 28, 373 P.3d 1057, 1072 ("The means adopted must bear some real and substantial relation or be reasonably necessary for the accomplishment of a legitimate object falling within the scope of the police power, and the law must tend toward the preservation of public welfare, health, safety, or morals." (emphasis omitted) (quoting *Jacobs Ranch, L.L.C. v. Smith*, 2006 OK 34, 52, 148 P.3d 842, 857)), *superseded by statute*, 2019 Okla. Sess. Law Ch. 476 (deleting provision held unconstitutional); *Okla. City v. Johnson*, 1938 OK 464 ¶ 16, 82 P.2d 1057, 1059 ("Elastic as may be the police power to meet the imperative demands of our complex city life, and expanding as it is to meet the actual requirements of an advancing civilization, it still must yield to those rules of fundamental law designed to curb and check its unwarranted exercise of unreasonable and arbitrary enactments.").

The Verified Petition shows that Plaintiffs are more than likely to succeed on the merits. The Board is insisting that threaders—who provide only threading services—spend at least 600 hours (costing thousands of dollars) learning conventional cosmetology techniques and pass two irrelevant exams. Pet. ¶¶ 6–7, 104–18. These oppressive (and pointless) requirements do nothing to promote health and safety in licensed salons. After all, licensed salons must maintain safety and sanitation standards regardless of which employees provide services, and not a minute of the required training for threaders addresses the one service they provide: threading. *Id.* ¶¶ 31, 45, 56, 80, 108–09. This amounts to a total mismatch between the burdensome regulations and the practice being regulated. *See, e.g., id.* ¶¶ 57, 82, 107–08, 118. Far from being reasonably necessary to promote public health and safety, the Board’s licensing requirements affirmatively deceive consumers because they suggest, falsely, that licensed cosmetologists know how to thread. *See id.* At the same time, the Board’s requirements decrease the availability of highly-skilled threading services, funneling consumers to more dangerous, more complicated, and more costly hair-removal processes. *See id.* ¶¶ 39–40.

On nearly identical facts, the Texas Supreme Court struck down the state’s attempt to license threading as though it were conventional cosmetology. *See Patel v. Tex. Dep’t of Licensing & Reg.*, 469 S.W.3d 69 (Tex. 2015). Like here, the state required threaders to obtain at least an esthetician license, which involved hundreds of curriculum hours not related to activities threaders perform (at least

320 of the 750 total hours required were unrelated to threading in that case). *See id.* at 90. The Court reasoned that under the state constitution’s due-course-of-law clause, a law restricting a person’s right to earn an honest living may not be so unreasonably burdensome that it becomes oppressive relative to the underlying governmental interest. *Id.* at 87. The court concluded that the 320 required training hours (more than 42% of the total) unrelated to threading, combined with the fact that threaders had to pay for the training while also losing the opportunity to make money actively pursuing their trade, was unreasonable and oppressive relative to the governmental interest in promoting health and safety in salons. *Id.* at 90.

The supreme courts of Georgia and Pennsylvania have recently adopted the reasoning of *Patel*, when considering state professional requirements imposed on lactation-care providers and short-term property managers, respectively. *See Jackson v. Raffensperger*, 843 S.E.2d 576 (Ga. 2020); *Ladd v. Real Estate Comm’n*, 230 A.3d 1096 (Pa. 2020). The Georgia Supreme Court—reversing the trial court’s dismissal of lactation-care providers’ claims—reiterated that the state constitution’s due-process and equal-protection guarantees protect the right to work in one’s chosen profession free from “unreasonable government interference.” *Jackson*, 843 S.E.2d at 578. Likewise, the Pennsylvania Supreme Court—reversing the trial court’s dismissal of short-term property managers’ claims—explained that the licensing requirements for an occupation must “bear a ‘real and substantial relation’ to the public interest they seek to advance” and

must not be “unreasonable, unduly oppressive, or patently beyond the necessities of the case.” *Ladd*, 230 A.3d at 1109.

The same principles control under the Oklahoma Constitution—and have for a long time. In 2016 the Oklahoma Supreme Court again emphasized what is “well settled”: that the state’s exercise of police power must be

reasonable under all the circumstances. The means adopted must bear some *real and substantial relation or be reasonably necessary for the accomplishment of a legitimate object falling within the scope of the police power*, and the law or regulation must tend toward the preservation of public welfare, health, safety, or morals.

Torres, 2016 OK 20 ¶ 28, 373 P.3d at 1072 (emphasis in original) (tracing this principle back to 1930 and quoting *Jacobs Ranch*, 2006 OK at 52, 148 P.3d at 857). The Court further explained the “long-recognized principle” that “a court’s constitutional analysis [must be] based upon what the statute *actually accomplishes*,” not what the government claims it is accomplishing. *Id.* ¶ 21, 373 P.3d at 1068. Accordingly, the Oklahoma Supreme Court has struck down as unconstitutional a barbering regulation that mandated opening and closing hours, because it was “unreasonable and arbitrary.” *See Johnson*, 1938 OK 464 ¶ 21, 82 P.2d at 1060.

Forty years later, the Oklahoma Supreme Court assessed the “reasonableness” of a weight-limit regulation for vehicles on a particular street. The regulation hindered the plaintiff’s ability to carry on his trade—running a sand-mining business—because it prohibited his trucks, when full of sand, from operating on the road. *See Red River Constr. Co. v. City of Norman*, 1981 OK 20 ¶ 4, 624 P.2d 1064, 1066. The government claimed the regulation would preserve

the road's integrity and promote the safety of children waiting for school buses and citizens attending a nearby park. *Id.* ¶ 5, 624 P.2d at 1067. But the Court looked at the regulation's actual effects: the sand-truck traffic had not damaged the road, and the ordinance would require the plaintiff to traverse the street with his trucks more often to carry on his business (by making more trips with less sand in the trucks), thereby increasing any threat to nearby pedestrians. *Id.* ¶ 7, 624 P.2d at 1067. The Court concluded that the weight-limit restriction "bears no real or substantial relationship to public health, safety or welfare"; it was not "reasonably related" to a legitimate government interest. *Id.*

Applying these principles to Shazia's and Seema's verified allegations demonstrates a reasonable probability of success on their Inherent Rights and Substantive Due Process claim. The hundreds of required curriculum hours unrelated to activities threaders perform, combined with the fact that threaders must pay for that schooling while foregoing work in their trade, does not bear a "real and substantial" relationship to promoting health and safety in salons; it is an unreasonable restriction on their right to earn an honest living and enjoy the gains of their own industry. This Court, like the Texas Supreme Court, is likely to find the state's threading regulations unconstitutional.

Accordingly, Shazia's and Seema's petition demonstrates a reasonable probability of success on their Inherent Rights and Substantive Due Process claim. Indeed, their claims look very likely to succeed.

b. Due Process Right to Equal Protection

Shazia and Seema are also likely to prevail on their equal protection claim. Article II, Section 7 of the Oklahoma Constitution guarantees equal protection of the laws through its Due Process clause. *See Fair Sch. Fin. Council of Okla., Inc. v. State*, 1987 OK 114 ¶ 54 & n.48, 746 P.2d 1135, 1148 & n.48. This anti-discrimination guarantee protects against “unreasonable or unreasoned classifications” serving no legitimate or important governmental objectives. *Id.* at n.48 (citing *Davis v. Passman*, 442 U.S. 228, 234 (1979)); *see also Wilson & Co. v. Hickey*, 1939 OK 496 ¶ 7, 97 P.2d 564, 566 (“One of the essential requirements as to classification, so that it may not violate the equal protection guarant[ee], is that the classification must not be capricious or arbitrary, but must be reasonable and natural.”). Classifying threaders the same as those who perform different services (estheticians, cosmetologists, and barbers) and different from those who perform similarly safe services (salon assistants who clean, organize, answer phone calls, etc.) is an unreasonable way to preserve public health and safety.

As set out in the Verified Petition, not one minute of threading instruction is included in the 600 hours required for licensure, the Board’s exams do not test threading, and threaders provide only threading services, not the conventional cosmetology services taught and tested for state licensure. Pet. ¶¶ 104–18. Sanitation is the only component of the training even arguably related to threading, and sanitation training composes a small fraction of the 600 hours of curriculum (80 hours, or 13%). *Id.* ¶¶ 104, 109. The threading licensing

requirements in *Patel* were struck down even though 320 hours were arguably relevant to threading (more than 42% of the 750-hour training program). *See* 469 S.W.3d at 90. Regardless, licensed threading salons like Shazia's and Seema's must maintain sanitation standards. Pet. ¶ 31. The Board's regulations treat threaders the same as estheticians, who perform different, more dangerous services. They treat threaders unlike salon assistants, who perform simple and safe tasks similar to threaders. Indeed, employees who clean and organize the salon and answer phone calls are not required to hold an esthetician license. *Id.* ¶¶ 123, 175–76. Threaders are therefore irrationally lumped with cosmetologists when they do not practice cosmetology techniques.

Because the Board's classification and treatment of threaders does not reasonably serve a public health or safety objective, Shazia and Seema are likely to succeed on their equal protection claim.

II. Shazia and Seema Will Suffer Irreparable Harm Without Injunctive Relief.

A person's "[i]njury is irreparable when it is incapable of being fully compensated by money damages, or where the measure of damages is so speculative that arriving at an amount of damages would be difficult or impossible." *House of Sight & Sound, Inc. v. Faulkner*, 1995 OK CIV APP 112, ¶ 10, 912 P.2d 357, 361. Absent a temporary restraining order and temporary injunction, Shazia and Seema will suffer the irreparable injury of being forced to close their businesses, as well as irreparable injury to their constitutional right to pursue the occupation of their choosing.

For Shazia, closing her business would mean the end of her business. Pet. ¶ 69–70, 136. She would lose the majority of employees, breach her commercial lease (which requires the business to continue operating), lose her space in the malls, damage her goodwill with her customers, and lose her ability to support herself and her family. *Id.* ¶¶ 139–44. If the Board revokes the licenses because she employs unlicensed threaders, her ability to practice her trade would be lost forever. *Id.* ¶ 144. And the Board will have inflicted these injuries in violation of Shazia’s constitutional rights—by itself an irreparable harm. *Cf. Okla. Pub. Employees Ass’n v. Okla. Mil. Dep’t*, 2014 OK 48 ¶¶ 32–33, 330 P.3d 497, 509 (recognizing that loss of rights is irreparable harm); *see also Ezell v. City of Chicago*, 651 F.3d 684, 699 (7th Cir. 2011) (“When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.” (quoting 11A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure*, § 2948.1 (2d ed. 1995))). Shazia has no adequate remedy at law—even money damages could not make her whole.

Seema faces similar impending harms. Any day, an inspector from the Board could find an unlicensed threader providing services at one of Seema’s salons and make the same threats as the Board delivered to Shazia. After all, Seema’s allegations in this lawsuit candidly acknowledge that she employs unlicensed threaders. Pet. ¶ 79. If the Board enforces the licensing rule—as Seema has every reason to believe it will—she faces permanent closure of her business, breach of her commercial leases, revocation of her licenses to operate

any salon business (how she supports herself and her family), loss of her employees, and diminished goodwill with her customers. *Id.* ¶¶ 148–51. As with Shazia, the Board will have inflicted these injuries in violation of Seema’s constitutional rights—itself an irreparable harm.

These injuries have no adequate remedy at law. Sovereign immunity generally bars compensatory damages against state government. In any event, shutting down a business is an irreparable injury because it unwinds years of work to build a location, reputation, and customers. Shazia and Seema face the additional irreparable injuries of losing their cosmetology licenses and commercial leases. There is no legal remedy for such injuries. If the Board is allowed to shut down the threading salons in this case, it will be the end of those businesses and, should Plaintiffs prevail, the best they can hope for would be to start new businesses. Avoiding this irreparable harm depends on the Defendants being enjoined from enforcing the Board’s licensing.

III. The Balance of Harms Favor Seema and Shazia.

The harm to Shazia and Seema, absent injunctive relief, greatly outweighs any possible injury to Defendants. The Board has allowed Plaintiffs’ businesses to operate for a combined 13 years—since 2013 in Shazia’s case and 2016 in Seema’s. The Board has granted Shazia and Seema, and their salons, licenses to operate. Pet. ¶¶ 53, 79. It has repeatedly inspected their facilities and issued reports concluding that they are in compliance with all state cosmetology laws *except* that they employ unlicensed threaders. *Id.* ¶¶ 63–68, 87, 125–26. None of this is news.

Yet the Board has suddenly determined to close the salons immediately, apparently with no further process of any kind.

The status quo in this case is that Plaintiffs may legally operate. Clearly the Board now disagrees that Plaintiffs may continue to employ unlicensed threaders. Plaintiffs have interposed their Verified Petition, in which they show a strong likelihood of success on the merits. They point to directly on-point case law in which courts have struck down regulations more rational than those at issue. Shazia and Seema stand to lose everything. The Board loses nothing if this Court compels it to uphold the status quo during the pendency of this case.

Accordingly, the benefits to Shazia and Seema of an injunction substantially outweigh any risk of harm to Defendants.

IV. The Public Interest Will Not Be Harmed by Granting Injunctive Relief.

No public interest will be harmed by granting injunctive relief. Shazia and Seema have been providing safe, high-quality threading services to the public for years, without injuring anyone. They have obtained and maintain licenses for themselves and their businesses. They are regularly inspected by the Board, which for years has known that they employ unlicensed threaders.

There is no pressing need to shut down Plaintiffs' businesses—in fact, there is no need of any kind. No one has been injured. No fraud has occurred. The businesses operate today as they have operated for a combined 13 years to date: by providing high-quality threading services in a licensed salon under the supervision of a licensed cosmetologist or esthetician. The *additional* licensing

requirement for threaders that the Board seeks to enforce is senseless; it does nothing to lessen any public danger from threading services; nor could it, because the Board does nothing to ensure that licensed cosmetologists know the first thing about threading.

In the face of such an irrational license, it is in the public interest to allow the businesses to continue to operate until this case can be resolved on the merits. It is in the public interest to protect contractual relationships from governmental interference. It is in the public interest to allow Shazia and Seema's employees to keep working. It is in the public interest to maintain the status quo until this court can render a decision on the merits.

CONCLUSION

For the foregoing reasons, Shazia and Seema respectfully request that this Court grant them the following injunctive relief against Defendants:

A. Temporary Restraining Order prohibiting the Board from:

- 1) enforcing, directly or indirectly, the license requirement for threaders, 59 Okla. Stat. §§ 199.6.C, .D, 199.11.A.7–10; Okla. Admin. Code §§ 175:10-7-17(a), -9-55(a), against Shazia, Seema, their employees, and their businesses;
- 2) revoking Shazia's or Seema's cosmetology or establishment licenses; and
- 3) interfering with Shazia's or Seema's commercial relationships with their landlords, employees, and customers.

B. Mandatory injunctive relief prohibiting the Board from the same.

Dated: February 3, 2021

Respectfully submitted,



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* Applications for admission *pro hac vice*
pending

CERTIFICATE OF SERVICE

I do hereby certify that a true, correct and exact copy of the above and foregoing document was served via process with the Verified Petition on:

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