

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO:

Ikram Khan, Shahid Hussain
Rahu, Arshad Khan, Mohammad
Masroor, Masoom Shaik, Arafath
Mohammad, Suleman Waheed,
Muhammad Mahmood, Muhammad
Ajmal, Zafer Mohamed, Sarfaraz Khan,
Abdul Azeez Mohammed, Shaik Abdul
Mannan, and Aslam Shaik.

Plaintiffs,

v.

Mustapha Saoui, Jamal Zoubir, Farooq
Hussain, Marlon Haniff, Izzeldin Shibeika,
Mehdi Wajih, Ahmed Anakkar, Bouna
Cisse, Khaalis Ansaar, and AbdulRahman
Shuli (All In their Official Capacity as
Members of the Shura Governing Body of
the Islamic Community Center of South
Charlotte,

Defendants.

**PETITION FOR AN EX PARTE
TEMPORARY RESTRAINING ORDER,
MOTION FOR PRELIMINARY
INJUNCTION, AND COMPLAINT FOR
DECLARATORY RELIEF**

NOW COME Plaintiffs, Ikram Ullah Khan, Shahid Hussain Rahu, Arshad Khan, Mohammad Masroor, Masoom Shaik, Arafath Mohammad, Suleman Waheed, Muhammad Mahmood, Muhammad Ajmal, Zafer Mohamed, Sarfaraz Khan, Abdul Azeez Mohammed, Shaik Abdul Mannan, and Aslam Shaik ("Plaintiffs"), by and through the undersigned counsel, respectfully petition the Court to issue a temporary restraining order and preliminary injunction, and for declaratory relief against Defendants Mustapha Saoui, Jamal Zoubir, Farooq Hussain, Marlon Haniff, Izzeldin Shibeika, Mehdi Wajih, Ahmed Anakkar, Bouna Cisse, Khaalis Ansaar, and AbdulRahman Shuli (All In their Official Capacity as Members of the Shura Governing Body of the Islamic Community Center of South Charlotte ("Defendants"). In support thereof, Plaintiffs

respectfully show unto the Court as follows:

1. The Islamic Community Center of South Charlotte ("ICCSC") is a non-profit corporation registered and incorporated with the South Carolina Secretary of State on January 22, 2008, and operating and governing all activities at the Islamic Center located at 1048 Gand Road in Fort Mill, South Carolina.
2. Plaintiff Ikram Ullah Khan is a resident of Union County, North Carolina, a member of the ICCSC, the current Chairperson of the Shura governing body of the ICCSC elected on November 21, 2019 serving as Chairperson until December 31, 2022, and a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
3. Plaintiff Shahid Hussain Rahu is a resident of Union County, North Carolina, a member of the ICCSC, and a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
4. Plaintiff Arshad Khan is a resident of Union County, North Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
5. Plaintiff Mohammad Masroor is a resident of Mecklenburg County, North Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
6. Plaintiff Masoom Shaikis is a resident of York County, South Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
7. Plaintiff Arafath Mohammad is a resident of Union County, North Carolina, a

member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.

8. Plaintiff Suleman Waheed is a resident of Mecklenburg County, North Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
9. Plaintiff Muhammad Mahmood is a resident of Lancaster County, South Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
10. Plaintiff Muhammad Ajmal is a resident of Mecklenburg County, North Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
11. Plaintiff Zafer Mohamed is a resident of Mecklenburg County, North Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
12. Plaintiff Sarfaraz Khan is a resident of York County, South Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
13. Plaintiff Abdul Azeez Mohammed is a resident of York County, South Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
14. Plaintiff Shaik Abdul Mannan is a resident of York County, South Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.

15. Plaintiff Aslam Shaik is a resident of Union County, North Carolina, a member of the ICCSC, and is a candidate for the 2023 - 2025 Shura governing body of the ICCSC.
16. Defendant Mustapha Saoui is a resident of York County, South Carolina and a current member of the 2022 Shura governing body of the ICCSC.
17. Defendant Jamal Zoubir is a resident of York County, South Carolina and a current member of the 2022 Shura governing body of the ICCSC.
18. Defendant Farooq Hussain is a resident of Mecklenburg County, North Carolina and a current member of the 2022 Shura governing body of the ICCSC.
19. Defendant Marlon Haniff is a resident of Mecklenburg County, North Carolina and a current member of the 2022 Shura governing body of the ICCSC.
20. Defendant Izzeldin Shibeika is a resident of Mecklenburg County, North Carolina and a current member of the 2022 Shura governing body of the ICCSC.
21. Defendant Mehdi Wajih is a resident of Mecklenburg County, North Carolina and a current member of the 2022 Shura governing body of the ICCSC.
22. Defendant Ahmed Anakkar is a resident of York County, South Carolina and a current member of the 2022 Shura governing body of the ICCSC.
23. Defendant Bouna Cisse is a resident of York County, South Carolina and a current member of the 2022 Shura governing body of the ICCSC.
24. Defendant Khaalis Ansaar is a resident of York County, South Carolina and a current member of the 2022 Shura governing body of the ICCSC.
25. Defendant AbdulRahman Shuli is a resident of Mecklenburg County, North Carolina and a current member of the 2022 Shura governing body of the ICCSC.

26. The alleged questions of law are pertinent to Lancaster County, South Carolina, and take place in large part in Lancaster County, South Carolina.
27. Although venue is not necessary for a declaratory judgment action; this action relates to a matter of public interest in compliance with S.C. Code § 33-31-206.
28. Jurisdiction and venue are proper with this Court, the Lancaster County Court of Common Pleas pursuant to South Carolina Code § 15-53-20 *et seq.*
29. As required by S.C. Code § 33-31-206, ICCSC, established the “Constitution and By Laws” (“ICCSC Bylaws”) to regulate and govern the affairs of the organization. *See Exhibit A.*
30. On November 4, 2022, as required under XIII, Section 4 of the ICCSC Bylaws, the Election Committee issued the final list of 35 candidates for the 2023 Shura governing board ballot. *See Exhibit B.*
31. All Plaintiffs were identified as eligible candidates for the 2023 Shura governing board ballot.
32. On November 11, 2022, Defendant Saoui, issued an email to the current Shura Board, acting on behalf of all Defendants and demanding “the ICCSC Election committee to stop the election process” based on allegations that “there is [a] plan by some brothers to take over the entire ICCSC Shura body.”
33. On November 18, 2022, Defendant Haniff affirmed via correspondence through the ICCSC website and the ICCSC WhatsApp Group that all Defendants had reached the agreement to cancel elections scheduled November 18th and November 20th, without the consideration of Plaintiff Ikram Khan, the current Chairperson of the ICCSC Shura body, in violation of Article IX,

Section 4(a) of the ICCSC Bylaws.

34. On November 27, 2022, all Defendants moved and voted to remove Plaintiff Ikram Khan from his position as Chairperson of the ICCSC Shura body without any prior notice, hearing or due process, and without the proper vote of two-thirds of the Shura governing body as mandated by Article VIII, Section 4(k) of the ICCSC Bylaws.
35. On December 1, 2022, all Defendants called for a meeting of the Shura governing body (the "December 1st meeting") and voted to revoke the membership and candidacy of all Plaintiffs for the ballot to elect for the 2023 - 2025 Shura governing body without an appropriate hearing, in violation of Article V, Section 4 of the ICCSC Bylaws.
36. At the December 1st meeting, all Defendants introduced a candidacy ballot eliminating the names of all of the Plaintiffs and on December 2nd, announcing an election to take place with the limited candidates for December 9, 2022 and December 10, 2022. *See Exhibit C.*

PETITION FOR A TEMPORARY RESTRAINING ORDER AND MOTION FOR A PRELIMINARY INJUNCTION (Rule 65(b), SCRCP)

37. Plaintiffs reallege and reincorporate the allegations of Paragraphs One (1) through Thirty-Six (36) as if fully set forth herein.
38. Rule 65 of the civil rules provides that an *ex parte* temporary restraining order (TRO) may not issue "unless it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served and a hearing

had thereon." Rule 65(b), SCRPC.

39. A TRO should be issued here to prevent *ultra vires* action by the Defendants and to prevent the Defendants from acting contrary to all governing documents and instituting irreversible actions including but not limited to the improper elections of a new Shura governing body, eliminating the current authority of current Shura governing members and ICCSC members, and the amendment of current by laws, where Plaintiffs will not be able to recover such harm.
40. Accordingly, a TRO should be granted preventing the Defendants from the continued actions as identified within this complaint in contrary to the ICCSC bylaws including but not limited to the enjoying the removal of Plaintiff Khan as current Chairperson of the Shura governing body, and the removal of membership and candidacy of all Plaintiffs for the 2023 - 2025 Shura governing body elections.

FIRST CAUSE OF ACTION

(Declaratory Relief)

41. Plaintiffs reallege and reincorporate the allegations of Paragraphs One (1) through Forty (40) as if fully set forth herein.
42. Pursuant to South Carolina Code § 15-53-20 *et seq*, the Court should declare that:
 - a. The Removal by all Defendants of Plaintiff Khan as Chair of the Shura governing body violates the ICCSC bylaws and governing documents.
 - b. The Removal by all Defendants of all Plaintiffs as candidates for the 2023 - 2025 Shura governing body violates the ICCSC bylaws and

- governing documents.
- c. The cancellation of the election by all Defendants scheduled for November 20, 2022 violates the ICCSC bylaws and governing documents.
 - d. The scheduling and participation in the November 18th special meeting by all Defendants violates the ICCSC bylaws and governing documents.
 - e. The scheduling and facilitation of the elections scheduled for December 9, 2022 and December 10, 2022 violates the ICCSC bylaws and governing documents.

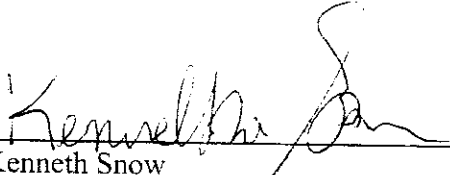
**SECOND CAUSE OF ACTION
(Injunctive Relief)**

- 43. Plaintiffs reallege and reincorporate the allegations of Paragraphs One (1) through Forty-Two (42) as if fully set forth herein.
- 44. Pursuant to South Carolina Code § 15-53-120, the Court should enter a temporary and, after a merits hearing, permanent injunction enjoining the Defendants from any further actions related to the following:
 - a. The Removal of Plaintiff Khan as Chairperson of the Shura governing body;
 - b. The Removal of all Plaintiffs as candidates for the 2023 - 2025 Shura governing body;
 - c. The holding of any elections for the 2023 - 2025 Shura governing body without the inclusion of all Plaintiffs as eligible candidates;

- d. The continuation of any actions in violations of the ICCSC bylaws and governing documents including but not limited to the improper setting of meetings, the improper removal of the Shura Chairperson's powers as identified under Article IX, Section 4 of the ICCSC bylaws;
- e. The improper use of ICCSC funds to further and/or defend the improper activities taken by the Defendants in violating the ICCSC bylaws and governing documents; and
- f. Any further relief necessary to conform the Defendants' conduct to the law and effectuate the orders and judgment of this Court.

WHEREFORE, having fully set forth the complaint above, Plaintiffs pray that this honorable Court grant their petition for a TRO and, after discovery, enter a final declaratory judgment and injunctive relief as set forth above, along with any further relief the Court deems just and proper.

Stipulated and agreed to this the 7 day of December, 2022.


Kenneth Snow
THE SNOW LEGAL GROUP, PLLC
6827 Fairview Road, Suite D
Charlotte, NC 28210
Attorney for Plaintiffs
kennsnow@snowlegal.com

VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Ikrum Kuan
Signature

IKRAM KUAN
Printed Name

Sworn before me on December 7th, 2022,

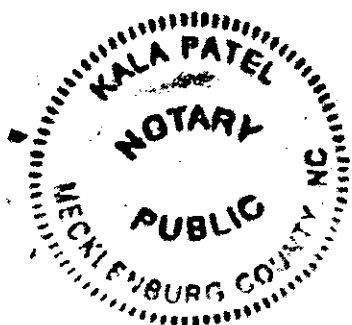
Kala Patel

Kala Patel
Print Name

Notary Public for Mecklenburg Co, NC

My Commission Expires
April 11, 2026

My commission expires _____



VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Shahid Hussain Rahu

Signature

Shahid Hussain Rahu

Printed Name

State: Florida

County: Miami Dade

Sworn before me on December 7, 2022,
by Shahid Hussain Rahu who produced ID: DRIVER LICENSE



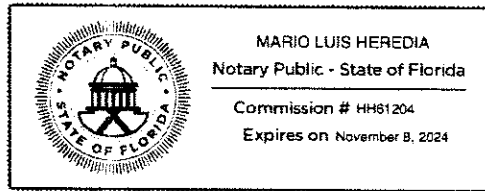
Mario Luis Heredia

Print Name

Notary Public for Florida

My commission expires 11/08/2024

Notarized online using audio-video communication



VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

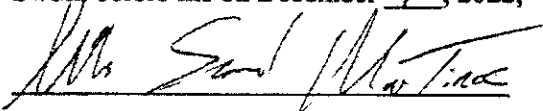


Signature

Mohammad Masroor

Printed Name

Sworn before me on December 7, 2022,



Elik Samuel Martinez

Print Name

Notary Public for Mecklenburg

My commission expires February 13, 2027

ELIKS SAMUEL MARTINEZ
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires Feb. 13, 2027

VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Masoom Vali Shaik

Signature

Masoom Vali Shaik

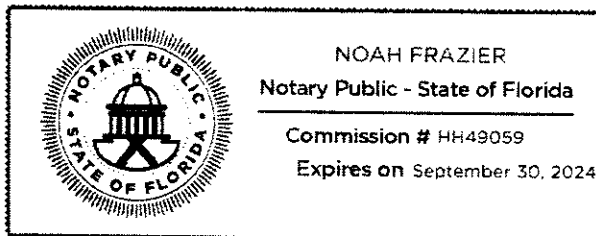
Printed Name

Sworn before me on December 7, 2022, by Masoom Vali Shaik who produced a SC driver's license.

Noah Frazier

Noah Frazier

Print Name



Notary Public for the State of Florida, County of Alachua.

My commission expires 09/30/2024

Notarized online using audio-video communication

VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Arafath Mohammad

Signature

Arafath Mohammad

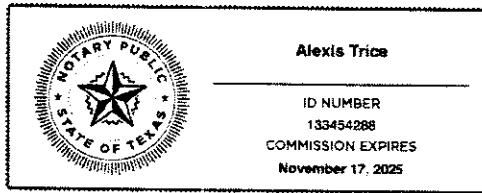
Printed Name

Sworn before me on December 7th, 2022,

Alexis Trice

Alexis Trice

Print Name



County: Harris

Notary Public for State of Texas

Notarized online using audio-video communication

My commission expires 11/17/2025

VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Suleman Wahed
Signature Suleman Wahed

SOULEMAN WAHED
Printed Name

Sworn before me on December 7, 2022.

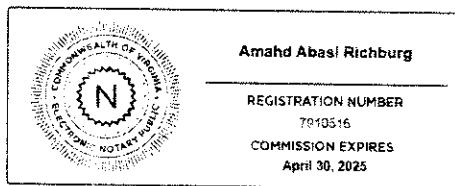
Amahd Abasi Richburg

Amahd Abasi Richburg

Print Name

Notary Public for Virginia, Prince William County

My commission expires 04/30/2025



Notarized online using audio-video communication

VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Muhammad
Signature

MUHAMMAD MAHMOOD
Printed Name

Sworn before me on December 7th, 2022.

R

Renji George
Print Name



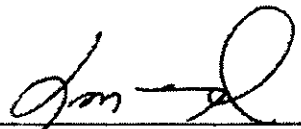
Notary Public for South Carolina

My commission expires 04-10-2024

North Carolina
Mecklenburg County

VERIFICATION:

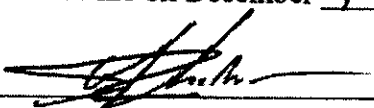
I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.



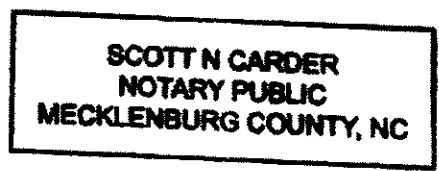
Signature

Muhammad Ajmal
Printed Name

Sworn before me on December 7, 2022,



Scott N Carder
Print Name



Notary Public for The UPS Store

My commission expires 03/25/2023

VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

MLM

Signature

ZAFER MOHAMED

Printed Name

Sworn before me on December 7th, 2022,

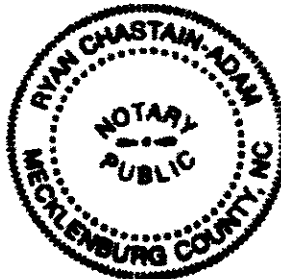
Ryan Chastain-Adam

Ryan Chastain-Adam

Print Name

Notary Public for North Carolina

My commission expires May 25, 2023



VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.



Signature

SARFRAZ KHAN

Printed Name

Sworn before me on December 7th, 2022,

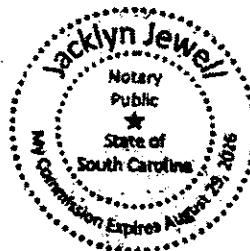
Jacklyn Jewell

Jacklyn Jewell

Print Name

Notary Public for South Carolina

My commission expires August 29, 2026



VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Azeez

Signature

Ahmed Azeez Mohammed

Printed Name

Sworn before me on December 7, 2022,

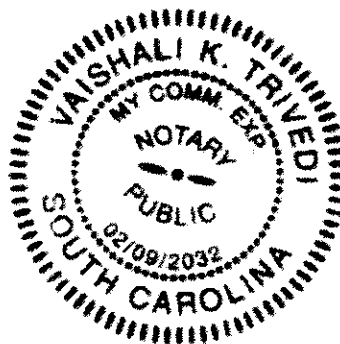
Vaishali Trivedi

Vaishali Trivedi

Print Name

Notary Public for South Carolina

My commission expires Feb 9, 2032



VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

Shaik Abdul Mannan

Signature

Shaik Abdul Mannan

Printed Name

Sworn before me on December 7th, 2022,
by Shaik Abdul Mannan

Jaylen C Ford

Jaylen C Ford

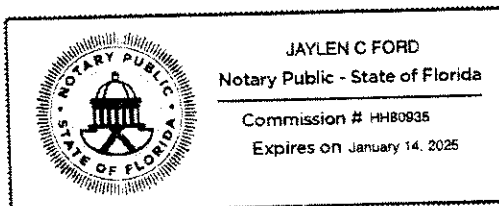
Print Name

Notary Public for Florida

STATE OF FLORIDA, COUNTY OF BROWARD

My commission expires 01/14/2025

Notarized online using audio-video communication
Type of identification produced: SC driver's license



VERIFICATION:

I have read the petition for a temporary restraining order and complaint for declaratory and injunctive relief and verify that its contents are true and correct to the best of my knowledge.

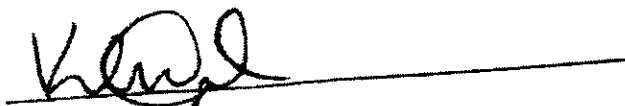


Signature

ASLAM SHAIK

Printed Name

Sworn before me on December 7, 2022,



Kimberly Crawford
Print Name

Notary Public for Northern Carolina Mecklenburg Co.

My Commission Expires
June 10, 2024

My commission expires _____

