STATE OF SOUTH CAROLINA COUNTY OF LANCASTER 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, v. Mustapha Saoui, Jamal Zoubir, Farooq Hussain, Marlon Haniff, Izzeldin Shibeika, Mehdi Wajih, Ahmed Anakkar, Bouna Cisse, Khaalis Ansaar, Abdul Rahman Shuli (All in their Official Capacity as Members of the Shura Governing Body of the Islamic Community Center of South Charlotte), Defendants.	IN THE COURT OF COMMON PLEAS SIXTH JUDICIAL CIRCUIT C/A No.: 2022-CP-29-01637 **ORDER DISMISSING PLAINTIFF'S CLAIMS**

THIS MATTER came before the Court on November 6, 2025, on the dispositive motions filed by both the Plaintiffs and Defendants in the matter. Following review of the extensive pleadings, the findings of the court-ordered Arbitration Panel, and arguments of counsel, this Court hereby GRANTS the Motion for Partial Summary Judgment of the Defendants, DENIES the Motion for Summary Judgment of the Plaintiffs, and DISMISSES WITH PREJUDICE the Plaintiffs' First Cause of Action for Declaratory Relief and their Second Cause of Action for Injunctive Relief. The parties' earlier requests for preliminary injunctive relief have already been denied by the Court.

The counterclaims brought by Defendants in this matter are not currently before the Court for disposition.

FACTUAL RECORD

The Plaintiffs and Defendants in this action are (or were) members of the Islamic Community Center of South Charlotte ("ICCSC"), which is a Mosque (or "Masjid") located in the Fort Mill area of South Carolina. Under the provisions of the North American Islamic Trust, Inc. ("NAIT"), which holds the ICCSC's real estate and improvements in trust, the ICCSC is required to use the property exclusively for Islamic religious, educational, and similar activities, all in furtherance of Islamic faith and in compliance with the Islamic Rules of Conduct, and the applicable laws, rules, regulations, and terms of the NAIT's trust.

The ICCSC is also guided by its Constitution and By-Laws, which commits the ICCSC and its members to follow Islamic religious belief "based on Quran and Sunnah according to the methodology of the people of Summah and Jama'h."

This dispute began in November 2022 and concerned the election of members to the "Shura," which is the governing body of the Masjid. Prior to the election, some of the Plaintiffs circulated a list of candidates for election that consisted of only one race. Specifically, the candidates were exclusively of "Desi" descent, referring primarily to persons of South Asian descent, such as Pakistanis, Indians, and Bangladeshis. The Defendants are from a broad number of ethnicities, including those of "Desi" descent, and have the support of the Masjid's Imam, Sheikh Abdi Dahir, who is himself an ethnic Somali.

When the Plaintiffs' list was discovered, a majority of the Shura voted to delay the election scheduled for November 2022 until the issue regarding the list was resolved. At that point, the Shura split into two camps, with each side accusing the other of misconduct. Each side held its own Shura election for the 2023-2025 term in December 2022. The Plaintiffs also filed this lawsuit

in December 2022, seeking Declaratory and Injunctive Relief, asking this secular Court to declare the acts of the Defendants to be invalid.

Thereafter, this Court denied initial motions for preliminary injunctive relief, and by Order dated March 21, 2024, this Court referred the matter to religious arbitration before the Assembly of Muslim Jurists of America (AMJA). Specifically, the Court especially sought direction on three questions. However, the Court's Order did not limit the scope of AMJA to only those three questions. In fact, the Court's Order stated as follows:

> During arguments the parties averred that they would be open to the Court staying this matter to allow them to pursue arbitration. After a lengthy recess to allow the attorneys to speak with their respective clients about resolving the issues, **the attorneys announced that the parties had agreed to stay this case and refer this dispute to the AMJA**. The parties further agreed to the scope of specific issues to be arbitrated, as announced into the record during the hearing, and as reflected in a draft order emailed to the Court. When subsequently announcing the agreement into the record as to what "status quo" means, there was disagreement with traffic flow and parking concerns which occur between services, so **the Plaintiffs changed their minds from the AMJA as arbiter to wanting the American Arbitration Association as arbiter. The Court finds that the issues presented in this case are so intertwined with religious practices and customs that the parties would be best served by arbitration with the AMJA**.
>
> …
>
> This case is STAYED while the parties arbitrate their issues with the Assembly of Muslim Jurists of America.

(***Court's Order, March 21, 2024, pp. 3-4***) (emphasis added). The three specific questions that the Court referred to AMJA were:

- Did the Defendants correctly determined that the Plaintiffs behaved in an un-Islamic manner?
- Did the Defendants act appropriately in removing the Plaintiffs from the Shura and in removing them from ICCSC membership, and by suspending the original scheduled election?
- Did either the Plaintiffs or the Defendants act appropriately by conducting subsequent Shura elections in December 2022?

Furthermore, and importantly, in their closing brief to the AMJA Panel, the Plaintiffs invited the AMJA Arbitration Panel to go beyond the three specific questions referred by the Court, and to pass judgment on at least two other issues:

- to provide further direction and guidance on the way forward for the ICCSC and declare only one Shura to manage its affairs,[1] and
- to declare whether Sheikh Abdi Dahir is incompetent to serve as the ICCSC's Imam.

Following the arbitration hearing, the three Muslim clerics serving on the AMJA Arbitration Panel, who are experts in Islamic jurisprudence, issued their ruling on June 5, 2025. The Panel answered the three specific questions referred to AMJA as follows:

(1) Did the Defendants correctly determined that the Plaintiffs behaved in an un-Islamic manner? AMJA determined that the leading Plaintiff, Ikram Ullah Khan, had behaved in an un-Islamic manner. As to the other Plaintiffs, the AMJA Panel found that actions such as "creating a list that does not represent the diverse population of the community [] are not wise and can lead to unnecessary and harmful strife in the community," but that the list was not "strong enough to be deemed haram [prohibited]."

(2) Did the Defendants act appropriately in removing the Plaintiffs from the Shura and in removing them from ICCSC membership, and by suspending the original

[1] In their own words, Plaintiffs urged the AMJA Arbitration Panel to rule as follows:

> While three *specific* questions were presented to the AMJA Arbitration Panel by the Civil Court, **it is our hope that the decision of the Panel will provide not only answers to those questions, but also will provide guidance and direction to the ICCSC to enable the parties to dismiss all claims and counterclaims, resolving the lawsuit in its entirety and relieving the burden on the Community**. We believe that with a single duly elected Shura in place, the ICCSC will be able to function properly and work towards realizing the larger vision shared by all the members.

(***Plaintiff's Closing Brief, p. 1***) (emphasis added). Plaintiffs also insisted in their Closing Brief that the AMJA Arbitration Panel should find that Sheikh Abdi Dahir – the religious leader of the ICCSC – did not meet the qualifications to serve as its Imam, and specifically asked the AMJA Arbitration Panel to "consider whether every vote, verdict and opinion provided by [Sheikh Abdi Dahir] in the matter is valid, or should be invalidated and deemed null and void." (***Plaintiff's Closing Brief, pp. 4-5***) (emphasis added).

scheduled election? No, because the Defendants did not conduct a formal investigation and hold a formal hearing into the Plaintiffs' alleged misconduct.

(3) Did either the Plaintiffs or the Defendants act appropriately by conducting subsequent Shura elections in December 2022? The AMJA Panel determined that neither election was valid.

As to the additional issues posed by the Plaintiffs in their Closing Brief to the Panel, the AMJA Arbitration Order found as follows:

(4) To resolve other outstanding matters between the parties, including the identity of the Shura. The Arbitration Panel found as follows:

> "Given that 2025 is an election year and there are only a few months left until elections, the Arbitration Panel recommends that elections be held as scheduled in November. A new, neutral three (3) person election committee should be appointed within the next 30 days to immediately solicit nominations for candidates. The members of this election committee should not be anyone who was a named Plaintiff or Defendant in this case. All individuals whose membership was terminated should have their membership reinstated, except for Ikram Ullah Khan, to allow for their eligibility and participation in the upcoming Shura elections.
>
> "Until the newly-elected Shura goes into effect on January 1, 2026, the Shura of the Defendants should stay in place and be the only Shura for the continuity of ICCSC operations. All other activities by the Plaintiffs' Shura should cease, including fundraising, hosting a second Friday prayer, and any other activity in the ICCSC."

(5) Is Sheikh Abdi Dahir incompetent to serve as the Imam of the ICCSC? The Arbitration Panel found as follows:

> "Plaintiffs, in their Closing Brief, brought additional concerns regarding the qualifications of ICCSC Imam Abdi Dahir. The Arbitration Panel does not find these concerns to be valid. Imam Abdi Dahir appears to be a mature, educated, and honorable Imam of ICCSC. The Arbitration Panel found that Imam Abdi Dahir was qualified to serve as an imam. However, Imam Abdi Dahir does not possess the unique qualifications to issue a *fatwa* (religious edict) on the specific matter of revocation of the membership of the Plaintiffs. This does not deem him unqualified to serve as the community's imam. As a matter of context, the vast majority of imams throughout the United States, even those with degrees from Islamic universities and institutions, do not possess the qualifications to issue *fatwas.*"

Since the AMJA Arbitration Panel issued its findings, the "Shura of the Defendants" have implemented, and are implementing, the directives and recommendations of the AMJA Arbitration Panel. The Plaintiffs have not ceased the operations of their Shura, and have continued to fundraise and hold separate prayer meetings.

FINDINGS OF THE COURT ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

"Where cross motions for summary judgment are filed, the parties concede the issue before [the court] should be decided as a matter of law." *Wiegand v. U.S. Auto. Ass'n*, 391 S.C. 159, 163, 705 S.E.2d 432, 434 (2011); *Buonaiuto v. Town of Hilton Head Island*, 440 S.C. 144, 150, 889 S.E.2d 625, 628-29 (S.C. App. 2023).

Essentially, the Plaintiffs have asked this Court to accept some parts of AMJA's arbitration findings and ignore or overrule other aspects of the AMJA's arbitration findings. At oral argument, the Plaintiffs asked the Court to assign a secular receiver to control the affairs of the Masjid until a new Shura election – controlled by the Court-appointed receiver – can be conducted.

In support of their motion, Plaintiffs have argued that the AMJA Arbitration Panel was not truly a "religious tribunal" and that the "parties jointly selected AMJA to resolve a limited set of questions." Neither of these assertions is supported by the record. First, the Plaintiffs have admitted that, in their Motion for Summary Judgment, they "incorrectly stated that AMJA Arbitrators did not interpret or apply religious doctrine," and a cursory review of AMJA's findings clearly indicate that the AMJA Arbitration Panel – consisting of three experts in Muslim jurisprudence – relied on Islamic religious precepts to reach their findings. Second, the Court's order clearly indicates that the Plaintiffs did <u>not</u> consent to the Court's referral of the matter to AMJA. Rather, they requested that the Court refer the case to the American Arbitration

Association. However, in light of the obviously religious nature of the issues facing the parties, the Court overruled the Plaintiffs' objections and referred the matter to AMJA.

Plaintiffs also argue that, in issuing findings beyond the three specific questions listed in the referral Order, the AMJA Arbitration Panel members exceeded the scope of its authority as arbitrators. In so arguing, Plaintiffs have ignored entirely their own invitation to the AMJA Arbitration Panel to address the very issues of which they now complain. It is axiomatic that parties may "agree to extend the arbitrator's authority in [their] submissions." *See Sun Ship, Inc. v. Matson Navigation Co.*, 785 F.2d 59, 62 (3rd Cir. 1986) ("Even assuming the questions *went beyond the arbitration provisions of the contract*, 'once the parties have gone beyond their promise to arbitrate and have supplemented the agreement by defining the issue to be submitted to an arbitrator, courts must look both to the contract and to the submission to determine his authority.' ") (emphasis added); *United Food & Com. Workers, Loc. Union No. 7R v. Safeway Stores, Inc.*, 889 F.2d 940, 946 (10th Cir. 1989). Simply put, the Plaintiffs cannot on one hand invite the AMJA Arbitration Panel to expand the scope of its review – as they did by inviting AMJA to declare the Imam to be unfit for his duties, or assign a "single Shura" to manage Masjid affairs – and on the other protest when the AMJA Panel issues a final order on religious matters that addresses the very matters Plaintiffs asked it to address. In fact, the AMJA Arbitration Panel did exactly as Plaintiffs asked. It provided guidance and direction to the ICCSC on the matters that the Court and the parties brought before them, and the Court would violate the First Amendment by attempting to countermand the religious guidance handed down by the AMJA Arbitration Panel.

Further, Plaintiffs' disagreements with some, but not all, of the findings of the AMJA Arbitration Panel – at least those they do not like – are insufficient grounds to set aside an arbitration finding. "As a preliminary matter, internal inconsistencies within an arbitral judgment

are not grounds for vacatur." *Saint Mary Home, Inc. v. Serv. Employees Int'l Union, Dist. 1199*, 116 F.3d 41, 44–45 (2nd Cir.1997) ("Internal inconsistencies in the opinion are not grounds to vacate the award notwithstanding the Home's plausible argument that the arbitrator's decision was misguided or our own concerns regarding the arbitrator's conclusion."); *Westerbeke Corp. v. Daihatsu Motor Co.*, 304 F.3d 200, 211-12 (2nd Cir. 2002) (same).

Even more fundamentally, Plaintiffs' motion bids this Court to rule on matters clearly outside the purview of a secular civil court, as Judge Gibbons clearly recognized in issuing his Order referring the matter to AMJA. Indeed, the U.S. Supreme Court has declared this type of intrusion into the religious affairs of our citizenry a clear and unmistakable violation of the First Amendment. Where an ecclesiastical tribunal – such as the AMJA Arbitration Panel – decides "disputes over the government and direction of subordinate bodies, the Constitution requires that civil courts accept their decisions as binding upon them." *Serbian E. Orthodox Diocese for U. S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 724–25, 96 S. Ct. 2372, 2387–88, 49 L. Ed. 2d 151 (1976); *Fire Baptized Holiness Church of God of Americas v. Greater Fuller Tabernacle Fire Baptized Holiness Church*, 323 S.C. 418, 423, 475 S.E.2d 767, 770 (S.C. App. 1996) ("The interpretation of the Discipline, and what it mandates, is a matter for the ecclesiastical tribunal of the National Church, not the civil court. **Absent fraud or collusion, the decisions of the proper church tribunals on matters purely ecclesiastical, although affecting civil rights, are accepted in litigation before the secular courts as conclusive because the parties in interest made them so by contract or otherwise**.") (emphasis added).

The Supreme Court of South Carolina has made these principles clear in *Pearson v. Church of God*, 325 S.C. 45, 53, 478 S.E.2d 849, 853 (1996), where it ruled that "courts may not engage

in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration," and that:

> It would not be proper for a trial court (or for this Court) to determine whether the Church acted consistently with its religious laws and doctrines, its system of discipline and administration in revoking Pearson's ministry. That would be a quintessentially ecclesiastical matter over which a court could not exercise jurisdiction.

Id. at 53, 478 S.E.2d at 853; *see also All Saints Par. Waccamaw v. Protestant Episcopal Church in Diocese of S.C.*, 385 S.C. 428, 445, 685 S.E.2d 163, 172 (2009) ("[W]here a civil court is presented an issue which is a question of religious law or doctrine masquerading as a dispute over church property or corporate control, it must defer to the decisions of the proper church judicatories in so far as it concerns religious or doctrinal issues."); *Clark v. Moore*, 2014 WL 4102313, at *1 (S.C. Aug. 20, 2014) (vacating order of special referee on matter that was an "ongoing ecclesiastical dispute" concerning church governance, discipline, and administration). Plaintiffs' demand that this Court intervene in these religious matters must be rejected by this Court, and as a matter of both state and federal law.[2]

Furthermore, because AMJA has issued its findings as set forth above, this Court must also declare Plaintiffs' demand of declaratory or injunctive relief to be not only unconstitutional, but also to be "moot." In South Carolina, our courts do not concern themselves with moot or speculative questions. *Sloan v. South Carolina Dep't of Transp.,* 379 S.C. 160, 167–68, 666 S.E.2d 236, 239–40 (2008). A court will not pass judgment on moot and academic questions, or adjudicate a matter when no actual controversy capable of specific relief exists. *Curtis v. State,* 345 S.C. 557,

[2] Plaintiffs' argument that the Court may disregard or overrule the AMJA Panel because it is not a part of a "hierarchical" religious structure is misplaced. Because Plaintiffs themselves invited the AMJA Arbitration Panel to issue findings on the issues covered in AMJA's Order, this Court has no basis to overrule AMJA's arbitration findings.

567, 549 S.E.2d 591, 596 (2001). A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy. *Id.* Mootness also arises when some event occurs making it impossible for the reviewing court to grant effectual relief. *Id.*

Here, the issues currently before this Court have been addressed in detail by the AMJA Arbitration Panel's findings. Nevertheless, the Plaintiffs are now asking a secular Court to weigh in on religious matters and ignore or overrule the findings of the Panel, even though in so doing, this Court would be trampling on the First Amendment's guarantees of free exercise of religion. Because the Court cannot do so, its judgment could have no lawful effect on the existing controversy. For this reason alone, the Court cannot rule as the Plaintiffs wish it to rule.

CONCLUSION

As set forth above, because this Court has no legal or Constitutional basis to overrule the AMJA Arbitration Panel's findings, it cannot rule on as Plaintiffs request regarding their claims for Declaratory and Injunctive Relief. In light of the findings of the AMJA Arbitration Panel, and the dictates of the First Amendment of the U.S. Constitution and the South Carolina Supreme Court, this Court cannot grant the relief sought by Plaintiffs, and it is proper to deny the relief as "moot" and/or beyond the proper scope of this Court's jurisdiction.

For these reasons, the Plaintiffs' lawsuit is dismissed with prejudice.

AND IT IS SO ORDERED.

_____
The Honorable Paul M. Burch
Presiding Judge
Sixth Judicial Circuit

_____, 2025
Lancaster, South Carolina

Lancaster Common Pleas

Case Caption: Ikram Ullah Khan Et Al. VS Mustapha Saoui Et Al.

Case Number: 2022CP2901637

Type: Order/Summary Judgment

So Ordered

s/Paul M. Burch, Judge #2048