

CAUSE NO. DC-19-03121

Treva Parker-Ayodele

**RIFAT MALIK,**

**Plaintiff,**

**v.**

**COUNCIL ON AMERICAN-ISLAMIC  
RELATIONS, DALLAS-FORT WORTH  
CHAPTER,**

**Defendant.**

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**IN THE DISTRICT COURT**

**298<sup>th</sup> JUDICIAL DISTRICT**

**DALLAS COUNTY, TEXAS**

**RIFAT MALIK’S FIRST AMENDED PETITION**

Plaintiff Rifat Malik, in support of her complaint against Defendant Council on American-Islamic Relations, Dallas-Fort Worth Chapter (“CAIR-DFW”), herein alleges, on personal knowledge as to her own actions and on information and belief as to all other matters, as follows:

**PRELIMINARY STATEMENT**

1. Plaintiff requests damages, declaratory relief, and an award of attorneys’ fees against Defendant for Defendant’s accusations about Plaintiff and threats to Plaintiff’s reputation.

**DISCOVERY CONTROL PLAN**

2. The discovery in this case is intended to be conducted under Level 2 pursuant to Tex. R. Civ. P. 190.3.

**CLAIM FOR RELIEF**

3. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000 and non-monetary relief.

### **THE PARTIES**

4. Plaintiff Rifat Malik is an individual and is a resident of Dallas County, Texas.

5. Defendant Council on American-Islamic Relations, Dallas-Fort Worth Chapter is a Texas nonprofit corporation, with its principal place of business at 13111 North Central Expressway, 4<sup>th</sup> Floor, Dallas, Dallas County, Texas. CAIR-DFW can be served through its registered agent, Bilal Khaleeq, 811 South Central Expressway #307, Richardson, Texas 75080, or by serving its president or any vice president.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction pursuant to Texas Government Code Section 24.007 because the amount in controversy is greater than \$500, and pursuant to Texas Civil Practice and Remedies Code Section 37.003 because Plaintiff seeks declaratory relief.

7. This Court has personal jurisdiction over Defendant because it is a resident of Texas.

8. Venue is proper in this Court pursuant to Texas Civil Practice and Remedies Code Section 15.002(a)(1) and (3) because all or a substantial part of the events or omissions giving rise to these claims occurred in Dallas County, and because Defendant's principal office is in Dallas County.

### **REQUEST FOR DISCLOSURE**

9. Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

## **FACTUAL BACKGROUND**

### **Plaintiff Rifat Malik**

10. Plaintiff Rifat Malik is an award-winning journalist and highly respected Muslim community advocate and champion of civil rights and equality in the United States.

11. Plaintiff's work has been published in the Dallas Morning News, The Guardian, The Times, and The London Evening Standard.

12. As a television journalist who worked for Britain's internationally acclaimed Channel 4 News, she was one of the first Muslim women to co-anchor a main evening news show. She was also a political reporter on the weekly British current affairs show Powerhouse.

13. Plaintiff attended journalism school in the United Kingdom. After enjoying a successful career as journalist and news anchor in the United Kingdom, Plaintiff and her family moved to the US in 2004 and later to Texas in 2013.

14. Plaintiff has written extensively and powerfully for decades on issues surrounding racism and discrimination and has been a fearless advocate and representative for Muslim women. She is a member of the South Asian Journalists Association and Muslim American Women in Media. She has helped provide vital communications and advisory support for numerous Muslim organizations such as MDA, the first Muslim Sorority in the US, The DFW Muslim Bar Association, ICNA Relief, and various Islamic Centers across DFW. She also volunteers with TMWF, a Muslim domestic violence charity.

15. Plaintiff currently works as a freelance writer and hosts a show on Radio Caravan 104.1FM called The Viewpoint where she interviews politicians and community reps on current affairs.

16. She is also working with a team of writers and journalist to launch a national Muslim digital newspaper later this year.

17. Plaintiff also co-founded a successful business, for which she manages a staff of approximately 30 people.

18. Plaintiff comes from a family of noted public servants. Her brother was the first Muslim in British history to be elected a member of Parliament and to be appointed a government minister. Her father was one of the first Muslims in the United Kingdom to be elected mayor.

### **Plaintiff's Involvement In CAIR-DFW**

19. Plaintiff was asked to become a member of the Board of Directors of CAIR-DFW ("Board") in December of 2014. In that role, she was widely regarded as a dedicated and respected member who played a constructive role in its development and success. She was asked to manage Defendant's annual gala fundraiser in 2017 and 2018, and each gala raised over \$200,000 for the organization.

20. Over time, the Board asked Plaintiff to take on increasing responsibilities in organization management on a voluntary basis. Plaintiff complied, in the last year spending over ten hours a day running office initiatives at the cost of her own business and social life. As a member of the Board, she kept her colleague members apprised of the organization's operations. Another Board member, Sabina Rafiqi, would regularly attend all staff meetings and occasionally assist Plaintiff and regularly update the Board.

### **Plaintiff's Agreement to Fill Interim Executive Director Position**

21. In early fall 2017, several months after two Executive Directors of CAIR-DFW left their positions amidst allegations of unethical conduct and mismanagement, Plaintiff's fellow Board members urged her to assume the role of Acting Executive Director and begin running the day-to-day operations of CAIR-DFW. The Board did so without regard to the fact that Plaintiff

would not be paid in that position, even though the Executive Director position is a full time, paid staff position.

22. Plaintiff was hesitant to assume that role because she understood it would likely entail a hefty time commitment that would require her to sacrifice time she could be working on her family business. Nevertheless, at her colleagues' urging and in the spirit of wishing to see CAIR-DFW succeed, Plaintiff assumed the role.

23. As Acting Executive Director, Plaintiff was in charge of CAIR-DFW's office staff and its daily operations, including but not limited to planning events, interfacing with the public and the media, community relations, and administrative management. At times she would spend up to twelve hours a day working on CAIR-DFW initiatives.

24. Among the staff that Plaintiff supervised during her time as Acting Executive Director was employee Inayat Sahin. Ms. Sahin began working at CAIR-DFW before Plaintiff stepped into the role of Acting Executive Director. By December 4, the Board was unhappy with Ms. Sahin for several reasons related to the performance of her job functions and her conduct in the workplace and in the community.

25. By way of example only, on at least one occasion Ms. Sahin publicly attributed certain directives to Mr. Allababidi when Mr. Allababidi had never made the statements she claimed he did. By way of further example only, she almost alienated a key substantial donor to CAIR-DFW through rude commentary and personal attacks. The Board considered Ms. Sahin's behavior to be overly aggressive and inappropriate.

26. After the Board successfully pressured Plaintiff into assuming the Acting Executive Director role, Ms. Sahin's conduct became increasingly hostile toward Plaintiff. This

hostility was observed by others, including Ms. Rafiqi, who asked Ms. Sahin to stop attacking other individuals at the organization.

27. Eventually, Ms. Sahin was asked to leave the organization. However, she remained in contact with Defendant's affiliate, the national Council on American Islamic Relations ("CAIR-National"). In particular, Ms. Sahin remained in close contact with Nihad Awad, the Executive Director of CAIR-National, and Danette Zaghari-Musk, a CAIR-National employee.

28. Because of Ms. Sahin's hostility toward Plaintiff, Ms. Sahin sought to influence CAIR-National to force Defendant to remove Plaintiff from the Board of and any other position within Defendant's organization. She convinced CAIR-National, and in particular CAIR-National employee Danette Zaghari-Mask, to compile a dossier of false allegations against Plaintiff authored by former disgruntled employees from Defendant.

29. However, Defendant has admitted that the only complaints in that dossier came from Ms. Sahin herself and one other former employee. Moreover, the other former employee had very little (if any) complaints with regard to Plaintiff.

30. Ms. Sahin also gained an ally in Mr. Awad, who had previously already sought to exert his influence over CAIR-DFW operations improperly. By way of example only, when CAIR-DFW made a job offer to a female Christian academic for the position of Executive Director after the Board had interviewed her and found her to be a good fit, Mr. Awad had intervened and expressed that he would not allow her appointment because he found her to be not pro-Palestine enough and that her writing on domestic violence was "vulgar and disgusting." He blamed Plaintiff for defending the offer, and threatened to dis-affiliate CAIR-National from CAIR-DFW if the offer was not retracted.

31. Plaintiff learned about the dossier and CAIR-National's efforts to discredit her from Suhaib Allababidi, then the President of the Board. Mr. Allababidi supported Plaintiff and urged CAIR-National's Mr. Awad and Ms. Zaghari-Mask that Plaintiff was not at fault, and that any complaints that were compiled against her applied to Board directives, not to Plaintiff's conduct. He even threatened to resign if she was unfairly targeted. Nevertheless, Mr. Awad continued to pressure him and ignored his version of the events, despite the fact that Mr. Allababidi had more firsthand knowledge than anyone at CAIR-National or Ms. Sahin.

32. Under pressure from CAIR-National and Ms. Sahin, Defendant's Board sought to justify its removal of Plaintiff. In order to do so, it adopted Ms. Sahin's false statements regarding Plaintiff and disseminated them both orally and in writing to other parties. It adopted these statements knowing they were false because the Board had prior experience with Ms. Sahin's fabrications and did not trust her. Nevertheless, it used her false statements as a pretext to justify its own actions and subsequently disseminated the disparaging statements in order to attempt to make its positions appear reasonable.

#### **The Board's Email to Plaintiff**

33. On March 2, 2018, the Board sent an email to Plaintiff asking her to resign. While the email was sent from Mr. Allababidi directly to Plaintiff, it was clear that the email was circulated to other individuals, including individuals at third party CAIR-National. This is evident from the misspelling of Mr. Allababidi's own name in the email.

34. The email contained several false statements regarding Plaintiff that were injurious to her reputation. By way of example only, the Board accused Plaintiff of (1) "[c]reating a conflict of interest by being a board member and calling yourself 'acting executive director;'" and (2) "[u]sing the 'acting executive director' title to suppress opposing views."

35. Each of these statements is false.

36. Defendant's Board gave Plaintiff the title of Acting Executive Director and urged Plaintiff to assume the role. She did not assume the role or title of her own accord. Moreover, there was no conflict of interest posed by her assumption of the Acting Executive Director role.

37. Plaintiff never used her title or position to suppress opposing viewpoints. At all times, she behaved professionally and appropriately as a manager of the day-to-day operations. She received all viewpoints and considered them in her role. By way of example only, Plaintiff conducted lengthy staff meetings so that all viewpoints could be shared and discussed at length.

38. Plaintiff was shocked that CAIR-DFW would make such false statements about her and disseminate them. She attempted to inquire about the basis for these statements, but CAIR-DFW refused to respond on numerous occasions.

39. At the Board's request, Plaintiff stepped down from her position.

#### **CAIR-DFW's Communications with Key Leaders in the Muslim Community**

40. After Plaintiff resigned, she attempted to turn back to focusing on her business and resuming her career as a journalist.

41. In the meantime, CAIR-DFW continued to propagate the false statements in the email as well as other false information among key leaders in the Muslim community, leading those leaders to cut off or reduce contact with Plaintiff.

42. In one instance, Defendant's dissemination of false accusations relating to Plaintiff were shared with Sheikh Omar Suleiman, an imam in the DFW area who is widely recognized as a popular and powerful thought leader on religious, social, and interfaith issues.

43. As a result of Defendant's false statements, Plaintiff is no longer able to partner with Sheikh Suleiman, even though he has coordinated with her on community events in prior years.



44. In another instance, Defendant disseminated its false and defamatory statement with a key individual at another non-profit focused on issues in the Muslim community. As a result, that individual questioned Plaintiff's reputation.

45. These outcomes, resulting directly from Defendant's dissemination of false, disparaging statements about Plaintiff, harm Plaintiff's ability to gain career opportunities. By way of example only, Plaintiff's articles published in the Dallas Morning News are predicated on her access to key Muslim communities and leaders. Her inability to access them injures her ability to write and publish such articles.

46. In disseminating the false and disparaging statements described above, Plaintiff knew of or acted with reckless disregard as to their falsity.

**CAIR-DFW's Defamatory Statements Have and Continue to Injure Plaintiff's Occupation**

47. Defendant's conduct has damaged Plaintiff's reputation and career and has resulted in humiliation and mental anguish. The nature of CAIR-DFW's statements are presumed to have damaged the reputation of Plaintiff because they are false statements that injure her occupation. By way of example only, presenting opposing viewpoints is a crucial aspect of Plaintiff's career as a journalist. Defendant, by falsely accusing Plaintiff of suppressing such viewpoints and creating conflicts of interest, is directly injuring Plaintiff's integrity as a journalist.

48. This harm will continue until Defendant ceases disseminating these false statements and retracts them.

**FIRST COUNT**  
**(Declaratory Relief)**

49. Plaintiff repeats and re-alleges each of the foregoing Paragraphs as if fully set forth herein.

50. Plaintiff requests declaratory relief pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code.

51. Declaratory relief is warranted when (1) an actual justiciable controversy exists as to the rights and status of the parties; and (2) the Court can resolve the controversy by the declaration sought.

52. A real and justiciable controversy exists between Plaintiff and Defendant. Plaintiff donated countless time and resources in managing Defendant organization and conducting its day-to-day business. Despite Plaintiff's professionalism and tireless efforts, Defendant has continuously disseminated false accusations concerning Plaintiff's integrity and professionalism.

53. Accordingly, Plaintiff seeks a judicial declaration that Plaintiff served the organization with integrity, professionalism, and sound judgment.

54. Plaintiff also seeks a judicial declaration that Defendant's remarks have disparaged and defamed Plaintiff and that Defendant should cease this conduct.

55. In addition, Plaintiff is entitled to recover reasonable and necessary attorneys' fees based on Texas Civil Practice and Remedies Code 37.009.

**SECOND COUNT**  
**(Statutory Libel Pursuant to Tex. Civ. Prac. & Rem. Code § 73.001)**

56. Plaintiff repeats and re-alleges each of the foregoing Paragraphs as if fully set forth herein.

57. Plaintiff brings this claim pursuant to Texas Civil Practice and Remedies Code Section 73.001. A statement falls within the statutory definition of libel if it is a defamatory statement that: (1) "injure[s] a living person's reputation and thereby expose[s] the person to public hatred, contempt or ridicule, or financial injury," or (2) "impeach[es] any person's

honesty, integrity, virtue, or reputation,” or (3) “publish[es] the natural defects of anyone and thereby expose[s] the person to public hatred, ridicule, or financial injury.”

58. Defendant’s statements constitute statutory libel per se. As set forth above, Defendant published in written form false statements suggesting that Plaintiff created conflicts of interest in managing CAIR-DFW and that she used her position to suppress opposing views, thereby impeaching Plaintiff’s honesty, integrity, virtue, and reputation.

59. Defendant’s statements also constitute statutory libel per se because they suggested that Plaintiff created conflicts of interest in managing CAIR-DFW and that she used her position to suppress opposing views, thereby injuring her reputation and exposing her to financial injury due to the loss of job opportunities as a journalist or community leader.

60. Defendant’s conduct was purposeful and/or negligent.

61. Plaintiff has been humiliated and suffered mental anguish.

62. Pursuant to Tex. Civ. Prac. & Rem. Code § 73.055, Plaintiff has requested that Defendant cease this conduct and corrects or retracts the libelous statements.

63. Because Defendant has violated Tex. Civ. Prac. & Rem. Code § 73.001, Plaintiff requests an award of all damages and any other relief to which this Court deems her entitled.

**THIRD COUNT**  
**(Common Law Libel)**

64. Plaintiff repeats and re-alleges each of the foregoing Paragraphs as if fully set forth herein.

65. Plaintiff brings this claim because Defendant published statements that constitute libel per se. A statement constitutes libel per se, without regard to the statutory definition of libel, if, on its face, among other things, it injures a person in her office, profession, or occupation.

66. As set forth above, Defendant purposefully and/or negligently published false statements suggesting that Plaintiff created conflicts of interest in managing CAIR-DFW and that she used her position to suppress opposing views.

67. Defendant's statements injured Plaintiff in her occupation by insinuating impropriety in the handling of the organization. Plaintiff has suffered the loss of job opportunities as a journalist and community leader.

68. Plaintiff has been humiliated and suffered mental anguish.

69. Pursuant to Tex. Civ. Prac. & Rem. Code § 73.055, Plaintiff has requested that Defendant cease this conduct and correct or retract the libelous statements.

70. Because Defendant's statements constitute libel per se, Plaintiff requests an award of all damages and any other relief to which this Court deems her entitled.

**FOURTH COUNT**  
**(Common Law Slander)**

71. Plaintiff repeats and re-alleges each of the foregoing Paragraphs as if fully set forth herein.

72. Plaintiff brings this claim because Defendant made statements constituting slander. A statement is slander per se if, among other things, it injures a person in her office, profession, or occupation.

73. As set forth above, Defendant purposefully and/or negligently communicated false and defamatory statements suggesting that Plaintiff created conflicts of interest in managing CAIR-DFW and that she used her position to suppress opposing views to one or more third party(ies) without justification.

74. Defendant's statements injured Plaintiff in her occupation by insinuating impropriety in the handling of the organization. Plaintiff has suffered the loss of job opportunities as a journalist and community leader.

75. Plaintiff has been humiliated and suffered mental anguish.

76. Pursuant to Tex. Civ. Prac. & Rem. Code § 73.055, Plaintiff has requested that Defendant cease this conduct and correct or retract the slanderous statements.

77. Because Defendant's statements constitute slander per se, Plaintiff requests an award of all damages and any other relief to which this Court deems her entitled.

**DEMAND FOR JURY TRIAL**

78. Plaintiff demands a jury trial on all issues so triable.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiff respectfully request that the Court enter a Judgment and Order in its favor and against Defendant as follows:

(a) Declaratory relief that:

(i) Plaintiff served Defendant organization with integrity, professionalism, and sound judgment; and

(ii) a finding declaring that Defendant's statements have disparaged and defamed Plaintiff and that Defendant must cease this conduct;

(b) All actual, compensatory, consequential, and exemplary damages Plaintiff is entitled to receive;

(c) Reasonable and necessary attorneys' fees incurred in the prosecution of this cause pursuant to Tex. Civ. Prac. and Rem. Code 37.009;

(d) All costs of court incurred in this proceeding;

- (e) Pre-judgment and post-judgment interest at the highest lawful rates; and
- (f) All such other relief, at law or in equity, to which Plaintiff may be justly entitled.

Date: March 4, 2019

Respectfully submitted:

/s/ Sadaf R. Abdullah  
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