STATE OF MAINE
YORK, SS.

SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT
CIVIL DOCKET NO. YOR-25-46

TABAREK ALDARRAJI,
Appellant

vs.

TAREQ ALOLWAN
Appellee

On Appeal from the Maine District Court
(York County)

BRIEF FOR APPELLANT

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Introduction

Tabarek Aldarraji, if a Quaker or Friend, would be considered married by the State of Maine. If a member of the Bahai sect, she would be considered married by the State of Maine. Quakers (or Friends) and members of the Bahai sect are afforded a statutory exception to the record-keeping requirements contained in 19-A M.R.S. Part 2, Chapter 23, Subchapter 1. These two religious sects have the statutory authority to be recognized as married upon completion of a marriage ceremony solemnized in the form practiced in their faith and according to the rules and principles their faith. The Maine Legislature has conferred this benefit on these two religions to the exclusion of all other religions.

Tabarek appeals the decision of the District Court that, while she is religiously married in the Shia sect of Islam, she may not maintain an action for divorce in the State of Maine; her religious marriage is not recognized because she did not adhere to the record-keeping provisions contained 19-A M.R.S. Part 2, Chapter 23, Subchapter 1, and is not a member of the legislatively preferred religion. She asks this Court to apply Maine statutory law to the facts of this case, according to choice of law principles; apply Maine constitutional principles under Article I, Section 3 of the Maine Constitution, and, if necessary, principles according the United States Constitution, Amendment I. She seeks a finding that

19-A M.R.S. § 658 is unconstitutional and the relief that the religious exception within it be extended to the parties at bar.

Statement of Facts

Tabarek Aldarraji is a devout adherent to the Shia sect of the Muslim faith. Transcript Volume I (Tr. Vol. I), 89:22-90:13. Raised in Iraq, she came to the United States in July, 2018. Tr. Vol. I, 79:21-25. Tareq Alolwon is a devout adherent to the Shia sect of the Muslim faith. Tr. Vol I 47:16-17. Raised in Saudi Arabia, he came to the United States in 2006; Tareq has dual citizenship. Tr. Vol. I, 9:10-19; 31:22-32:8. Tabarek and Tareq met through a mutual friend in 2019. Tr. Vol. I, 9:20-10:4.

Tabarek and Tareq travelled from Maine to Dubai (Tr. Vol. 1, 45:21-24) and were married there November 16, 2019, (Tr. Vol. I, 103:12-22) in a religious wedding ceremony solemnized in the form practiced in the Shia sect of Islam sect (Tr. Vol I, 101:8-19; 38:10-13) according to the rules, principles of the Shia sect of Islam (Tr. Vol. I, 101:20-102:1;38:13-16), as confirmed by a Religious Marriage Certificate dated January 16, 2020. A. at 54; 55. The practice of a Sheik marrying a Muslim couple is common in the Muslim faith. Tr. Vol. I, 35:11-18.

The parties returned to Maine after the wedding to receive the Certificate from Sheik Usari, the Biddeford, Maine, resident, and religious leader of the Biddeford Mosque, Hussiena Alsadeeq. Tr. Vol. I, 99:18-101:5; 108:6-109:7. The

parties then hosted a reception in Turkey January 16, 2020, and there the witnesses to the Dubai wedding signed and dated the Certificate. Tr. Vol I, 102:8-106:8. The parties consummated the marriage January 16, 2020. Tr. Vol. I, 106:9-14. Tabarek had the full belief that she was lawfully married when the parties consummated the marriage. Tr. Vol. I, 109:11-110:5. The parties returned to live together in Maine after the celebration (Tr. Vol. I, 21:7-13), purchased a home in Saco August 31, 2022, (A. at 58), and welcomed a child, Taj November 29, 2022. A. at 35; T. Vol. I, 25:22-26:6.

As practitioners of the Shia Muslim faith, Tabarek and Tareq are devoted to the tenets of Haram. Tr. Vol. I, 41:9-23; 89:19-90:13. The tenets of Haram set forth rules concerning what a practitioners of the Shia Muslim faith must not do. Tr. Vol. I 89:19-21. Tabarek and Tareq each followed these religious principles together, and each in relation to the other. Tr. Vol. I, 110:3-13.

The particular tenets of Haram to which both parties adhere prohibit an unmarried woman from being seen without her hijab (head covering) by any man not immediate family, prohibit her from being together in a private place with a man who is not a member of her immediate family, prohibit personal touch with a man not of her immediate family, including sexual intercourse, and prohibits unmarried women from having children. Tr. Vol. I, 92:16-94:4.

Tareq believes that the consequences for someone who commits haram are God's business but does not know what God does to those who commit haram. Tr. Vol. I, 41:9-21. Tabarek has personal knowledge of the earthly consequences of these acts. Vol. I, 94:21-24. In the Shia sect of Islam, a woman who has a child without being married could be killed by the family; the baby could also be killed. Tr. Vol. I, 94:21-95:9. If the child was not killed, the child could be thrown on the trash or left in the hospital. If the child survived, that child would not be accepted into society, including into school. Tr. Vol. I, 95:10-21. In Saudi Arabia, where Tareq maintains citizenship, Tabarek would not be recognized as the mother of the child. Tr. Vol. I, 96:19-97:5.

Tabarek never committed Haram. Tr. Vol. I, 94:17-20; 106:9-107:25.

In April 2024, Tabarek learned that Tareq had booked travel to Saudi Arabia for himself and Taj; Tareq refused Tabarek's request to accompany them. Tr. Vol I, 88:11-24. Tabarek signed and filed her Complaint for Divorce April 17, 2024, A. at 34; Tr. Vol. I, 125:15:19, and sought a protection order against Tareq April 23, 2024, to prevent him from taking Taj to Saudi Arabia. Vol. I, 85:16-18;86:24-87:1. She believed that Tareq would not return Taj to the United States. Tr. Vol. I, 126:17-127:2. This was at the same time that Tareq had kicked Tabarek out of the family home in Saco, Maine, just days before it sold on May 3, 2024. Tr. Vol.

I, 111:20-112:13. Tareq retained all of the proceeds from the May 3, 2024, sale of the family home. Tr. Vol. I, 112:12-18.

Shortly before the sale of the family home, Tabarek learned that Tareq had obtained an *ex Parte* divorce from Sheik Usari. Tr. Vol. I, 112:22-113:15. Tareq sought the divorce from Usari when he learned that Tabarek had initiated her divorce action in the District Court. Tr. Vol. I, 47:2-7. Both Sheik Usari and Tareq refused to provide Tabarek any documentation concerning the alleged divorce. Tr. Vol. I, 113:22-114:1.

Tareq filed his motion to dismiss July 29, 2024 (A. at 3) and was ordered to file a Parental Rights and Responsibilities case August 10, 2024. A. at 3-4. Tabarek filed her opposition and Tareq his Reply. A. at 3. The Case Management Magistrate noted Tabarek's concern that Tareq would leave the United States with Taj, A. at 3-4. Tareq then sought an order that Taj's passport be removed from Tabarek's possession, which was denied. A. at 4-5.

The Motion was set for testimonial hearing and was heard in the District Court over the course of two days.[1] The District Granted the Motion to Dismiss, finding that the parties were not married, and thus could not maintain an action for divorce. This appeal follows.

[1] Presumably, the Motion filed under Rule 12(b)6 was not considered under the standard associated with that rule, but was instead considered on the merits via a hearing under Rule 107.

Standard of Review

1. Statutory analysis

We review statutory interpretation de novo as a question of law. McLeod v. Macul, 2016 ME 76, ¶ 13, 139 A.3d 920, 925 (citing *Me. Sch. Admin. Dist. No. 37 v. Pineo*, 2010 ME 11, ¶ 16, 988 A.2d 987). "When interpreting a statute, our objective is to give effect to the Legislature's intent. To determine that intent, we first look to the statute's plain meaning. If there is no ambiguity, we do not examine legislative history." *Lothrop v. Lothrop*, 2016 ME 23, ¶ 5, 132 A.3d 860, 861-62 (citing *Garrison City Broad., Inc. v. York Obstetrics & Gynecology, P.A.*, 2009 ME 124, ¶ 9, 985). Interpreting the plain language of a statute also involves considering the statute's "subject matter and purposes . . . and the consequences of a particular interpretation." *Dickau v. Vt. Mut. Ins. Co.*, 2014 ME 158, ¶ 21, 107 A.3d 621. We apply statutes according to plain language unless the result is illogical or absurd. *Strout v. Cent. Me. Med. Ctr.*, 2014 ME 77, ¶ 10, 94 A.3d 786.

A statute is presumed to be constitutional and the person challenging the constitutionality has the burden of establishing its infirmity. *Kenny v. Dep't of Human Servs*., 1999 ME 158, P7, 740 A.2d 560, 563. Because we must assume that the Legislature acted in accord with constitutional requirements, if a statute can be reasonably interpreted as satisfying those constitutional requirements, it must be so read, notwithstanding unconstitutional interpretations of the same

statute. *Portland Pipe Line Corp. v. Envtl. Improvement Comm'n*, 307 A.2d 1, 15-16 (Me. 1973) (citing *Kenny v. Dep't of Human Servs.*, 1999 ME 158, 740 A.2d 560).

2. Constitutional analysis

"Under our primacy approach, when an appellant raises a claim under both the Maine Constitution and the United States Constitution, we ordinarily address the claim under the Maine Constitution first. If the state constitutional provision provides the relief sought by the defendant, then there is no federal violation. We begin with a discussion of federal case law only to orient the reader, and we thereafter cite federal precedent only to the extent we find it persuasive." State v. White, 2022 ME 54, ¶ 31, 285 A.3d 262, 272 (citing Athayde, 2022 ME 41, A.3d 387).

A. United States Constitution

The First Amendment guarantees religious freedom by providing: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." U.S. Const. Am. I. This is applicable to the several states via U.S. Const. amend. XIV.

In addressing the constitutional protection for free exercise of religion, Federal cases establish that a neutral and generally applicable law need not be justified by a compelling governmental interest even if the law has the incidental effect of

burdening a particular religious practice. *babalu Div. v. Smith*, 494 U.S. 872, 878, 110 S. Ct. 1595, 1600 (1990). Neutrality and general applicability are interrelated; failure to satisfy one requirement is a likely indication that the other has not been satisfied. A law failing to satisfy these requirements must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest. *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 531-32, 113 S. Ct. 2217, 2226 (1993) (citing *Emp't Div. v. Smith*, 494 U.S. 872, 874, 110 S. Ct. 1595, 1597 (1990))

A law that specifically singles out a religious conduct for disparate treatment is odious to our Constitution. See *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 467, 137 S. Ct. 2012, 2025 (2017), triggering the most exacting scrutiny, Id. at 462 (citing *Lukumi*). The "most exacting scrutiny" means strict scrutiny. *Espinoza v. Mont. Dep't of Revenue*, 591 U.S. 464, 464, 140 S. Ct. 2246, 2249 (2020).

B. Maine Constitution

Article I, Section 3 is more protective of religious liberties than its federal counterpart: where the statute is generally applicable, application of Maine's standard, established under *Blount v. Dep't of Educ. & Cultural Servs*., 551 A.2d 1377, 1379 (Me. 1988) and *Rupert v. Portland*, 605 A.2d 63, 65 (Me. 1992), is akin to the test proposed in the Justice Souter concurrence in *Church of Lukumi*

Babalu Aye v. City of Hialeah, 508 U.S. 520, 523, 113 S. Ct. 2217, 2222 (1993). *See Fortin v. Roman Catholic Bishop of Portland*, 2005 ME 57, ¶ 56, 871 A.2d 1208, 1227-28.

The test involves a four-part analysis to determine whether: 1. The activity burdened is motivated by a sincerely held religious belief; 2. The challenged state action restrains the free exercise of a religious belief. If the first two elements are established, the burden shifts to Appellee to show: 3. A compelling public interest; and 4. That the challenged statute uses the least restrictive means accomplish that compelling public interest. *Fortin v. Roman Catholic Bishop of Portland*, 2005 ME 57, ¶¶ 58-69, 871 A.2d 1208, 1228-1231.[2]

The analysis under Article I, Section 3 concerning a law that *facially* discriminates against the free exercise of religion should result in strict scrutiny analysis. The analysis under the Federal counterpart is as follows: such a law is odious to our Constitution. See *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 467, 137 S. Ct. 2012, 2025 (2017), triggering the most exacting scrutiny, Id. at 462 (citing *Lukumi*). The "most exacting scrutiny" means strict scrutiny. *Espinoza v. Mont. Dep't of Revenue*, 591 U.S. 464, 464, 140 S. Ct. 2246, 2249 (2020).

[2] The Fortin court did not resolve whether Maine has adopted the bifurcated analysis concerning neutrality (formal and substantive neutrality). Fortin at ¶ 49.

Questions Presented

1. Choice of Law issues: Should this Court apply Maine statutory law, as opposed to any other law, to a marriage between two residents of the State of Maine, solemnized by an officiant in the State of Maine via telephone to the United Arab Emirates?
2. Did the parties enter into a valid marriage as provided by Maine statute?
   A. A.Does 19-A M.R.S. § 657 indicate that the recording of intentions and marriage license process is directory and/or provide an exception to the recording of intentions and marriage license record-keeping provisions?
      i. Does the reference to jurisdiction or authority in 19-A § 657 create authority for someone professing to be a marriage officiant to solemnize via telephone from Maine a ceremony conducted in the United Arab Emirates, where the marriage is lawful and consummated with the full belief of either of the persons married that they are lawfully married, where this was not prohibited by the statute in effect at the time of the ceremony?
      ii. Does 19-A M.R.S. § 658 provide a faith-based exception to the recording of intentions, issuance of marriage license, filing of cautions, record of marriages, contents of license or any other element contained in 19-A M.R.S. Part 2, Chapter 23, Subchapter 1?
3. Does 19-A M.R.S. § 658 violate Maine Constitution Article I, Section 3 and/or United States Constitution Amendment I?
   A. Federal Constitutional principles
      i. 19-A M.R.S. § 658 is not facially neutral
      ii. 19-A M.R.S. § 658 is not substantively neutral
      iii. 19-A M.R.S. § 658 cannot withstand strict scrutiny
   B. Maine Constitutional Principles applied in Fortin
      i. The activity burdened is motivated by a sincerely held religious belief.
      ii. 19-A M.R.S. § 658 restrains the free exercise of that belief.
      iii. 19-A M.R.S. § 658 is not motivated by a compelling public interest.
      iv. Less restrictive means can achieve the purported interest.

Argument

1. Choice of Law issues: This Court should apply Maine statutory law, as opposed to any other law, to a marriage between two residents of the State of Maine, solemnized by an officiant in the State of Maine via telephone to the United Arab Emirates.

In this matter, the laws of two jurisdictions are involved: the State of Maine and the United Arab Emirates. The District Court issued the legal conclusion that "the parties are not, and were not, legally married in Maine, or anywhere else, although they were married religiously under the Islam faith."

In analyzing 19-A M.R.S. § 657 in the Order on Defendant's Motion to Dismiss, the District Court instinctively adopted a conflicts of law analysis to conclude that the laws of Maine applied to the legal question before it. That is to say, the Court did not attempt to apply the law of the United Arab Emirates.

This Court has looked the Restatement (Second) Conflict of Law (1971) in matters where there may be a choice of law issue. *See, e.g., Schroeder v. Rynel, Ltd.,* 1998 ME 259, ¶ 8, 720 A.2d 1164, 1166 (collecting cases) ("In accordance with past decisions favoring the use of the Restatement to resolve choice of law disputes, we adopt the guidelines of the Restatement (Second) Conflicts of Laws section 187(2) to interpret this contractual choice of law provision"). *See*

Also Adams v. Buffalo Forge Co., 443 A.2d 932, 934 (Me. 1982) (rejection of *lex loci delicti* choice of law rule in favor of restatement principals).

There is Maine case law supporting an application of *lex domicilli* to determine which jurisdiction's law (in the case of conflict) should be used. Regarding marital status, "In case of a conflict of laws, the *lex domicilii* controls the status of the person, though his contractual or property rights may be subject to other laws. The state has the absolute right to determine or alter the civil status of all its inhabitants. No matter where they may temporarily be, and no matter where the contracts or acts giving rise to such status may have been made or done. Other states or countries will in this matter accept without question the decrees of the courts of the home state." *Gregory v. Gregory*, 78 Me. 187, 189, 3 A. 280, 281 (1886). In view of this decision, it is fair to say that Maine was an early adopter of the principles set forth in Restatement (Second) Conflict of Laws §§ 283 (Validity of Marriage) and 6 (Choice-of-Law Principals), at least to the extent those principles deviate from the *lex loci celebrationis* rule.

Use of Maine statutory law to analyze marital status, consistent with today's 19-A M.R.S. § 650, has long been the standard: "There can be no question but that the public is greatly concerned in the marriage status or res, for that is the very foundation of our social structure. Not every one can enter into that status at

pleasure, because of statutory regulations. *Usen v. Usen*, 136 Me. 480, 502, 13 A.2d 738, 750 (1940).

While there appears to be little Maine case law surrounding the choice of law issue, there are instructive cases from other jurisdictions:

In Re Farraj, 72A.D3d 1082 (N.Y. App. Div. 2010), 900 N.Y.S 2d 340, involved a formal marriage ceremony in accordance with Islamic law. One of the parties to the wedding lived in New York and the other in New Jersey. Id. at 1083. An Imam came from New York to perform the ceremony at a relative's home in New Jersey. Id. Immediately after the ceremony, the couple traveled back to Brooklyn, New York, where they lived until the husband's death. Id. The husband's son from a prior union attempted to deprive the wife of the spousal intestate share of the estate, as the couple had not obtained the marriage license required by New Jersey law. Id. The New York court eschewed the *lex loci celebrationis* rule and applied New York statutory marital law, which did not require a license, citing Restatement (Second) Conflict of Laws § 283. Id. at 1083-1084. This approach involved determining the state, which, with respect to the particular issue, has the most significant relationship to the spouses and the marriage. Id. The New York court considered the factors in Restatement (Second) Conflict of Laws § 6 and found that New Jersey's interest in enforcing its marriage

requirements was not particularly strong where the couple left that state after the ceremony and lived in New York for the entirety of their marriage. Id. at 1084.

This case is analogous to *In Re Farraj* in that the parties are both devout adherents to the Shia sect of the Muslim faith (Tr. Vol I, 89:22-90:13, 47:16-17); the parties here traveled to another jurisdiction because their faith required certain family members to be present (who were not able to travel to the United States) Vol. I, 45:17-25. After the ceremony, the couple returned to the State of Maine, where they have lived ever since. Vol. I, 21:7-13, A. at mortgage. The parties conceived and raised their child here in Maine. A. at 35, Tr. Vol. I, 25:22-26:6. Tabarek had a justified expectation that they were married, since they had participated in a formal marriage ceremony in accordance with forms, rules, and principles of the Islamic faith. (*see* Restatement (Second) Conflict of Laws § 6; § 283 cmt. b).

Donlann v. Macgurn, 55 P. 3d 74 - Ariz: Court of Appeals, 1st Div., Dept. E 2002 is an Arizona case involving a wedding ceremony in Mexico for a marriage litigated in Arizona, with the dissolution petition dismissed by the trial court. Id. at ¶ 10. The appellate court recognized that while application of the *lex loci celebrationis* rule was technically correct (and thus the finding that a technical flaw in ceremony rendered the marriage invalid) Id. at ¶¶ 13-14, Arizona Law contains a provision similar to Maine's 19-A § 657 (there, a belief that the officiant was

authorized to validate the ceremony (Id. ¶¶19-21). The appellate court applied Restatement (Second) Conflict of Laws § 283, and applied the exception contained in the Arizona statutes concerning the technical omission. Id. at ¶27. The reasoning involved the application of Arizona law to the ceremonial conduct in another country. Id. There, as here, there was a statutory provision of the forum that resulted in the validation of the marriage via analysis under the law of the forum. The cases are similar; 19-A M.R.S. § 658 provides an exception to the record-keeping provisions of 19-A Part 2, Chapter 23, Subchapter 1, the basis for the invalidation below, for ceremonies conducted by adherents to particular religions. The District Court should have applied 19-A M.R.S. § 658 (the law of the forum), which would inevitably have led to the constitutional analysis contained elsewhere in the brief.[3]

The District Court was correct to apply Maine law to determine the validity of the marriage; the District Court should have applied the exception in 19-A M.R.S. § 658, just as the *InRe Farraj* court applied the New York Licensing

[3] Two other cases explicating the choice of law analysis in validity of marriage cases, and which may be helpful to the Court on this issue are *In re Geraghty*, 169 N.H. 404(N.H. 2016), 150 A.3d 386 (New Hampshire law applied to challenge to New York marriage, engaging in Restatement analysis; and McPeek v. McCardle, 888 N.E.2d 171 (Ind. 2008) (Marriage in violation of law of state of celebration held valid when complying with the forum state's law).

exception to a New Jersey ceremony, and as the *Donlann* court applied the Arizona exception to a Mexico ceremony.[4]

2. The parties entered into a valid marriage as provided by Maine statute.

In Maine, the requirements for a valid marriage are provided by statute. *Belliveau v. Whelan*, 2019 ME 122, ¶ 5, 213 A.3d 617, 618. This Court has continuously left policy decisions regarding marriage and divorce to the Legislature. Id. at ¶ 5.

A. 19-A M.R.S. § 657 indicates that the recording of intentions and marriage license process is directory and/or provide an exception to the recording of intentions and marriage license record-keeping provisions.

The Court below found that "Plaintiff and Defendant never followed any of the statutory requirements to be married legally in Maine, which requirements are set forth in 19-A M.R.S. §§ 651, 652 and 656." Order at 3. The Court determined that the provisions of 19-A M.R.S. Part 2, Chapter 23, Subchapter 1, are mandatory, and not directory. Order at 5. In construing a statute as being mandatory or directory, the purposes of the statute as well as the language must be considered. *Boynton v. Adams*, 331 A.2d 370, 372 (Me. 1975). The Court cited 1 M.R.S. § 71(9-A) for the proposition that all sections of Subchapter 1 are

[4] To the extent that Tareq challenges the District Court's correct choice to apply Maine law, Tabarek will enumerate and analyze the Restatement factors in her Reply.

mandatory to create a valid marriage in the State of Maine. However, a statute containing the imperative "shall" may nevertheless be considered directory in view of the purposes of that statute. *See Bradbury Mem'l Nursing Home v. Tall Pines Manor Assocs.*, 485 A.2d 634, 641-42 (Me. 1984). The purpose of the statute is central to the interpretation here, as in *Bradbury*.

The intentions and licensing statutes in question are for the purpose of complete and accurate reporting of information. *See* 22 M.R.S. § 2701(3) (cited in 19-A M.R.S. § 654). While these record-keeping and reporting requirements are located in 19-A M.R.S. Part 2, Ch. 23, Subchapter 1, record-keeping and reporting is not the fundamental purpose of 19-A M.R.S. Ch. 23 (Marriage); 19-A M.R.S. § 650 tells us that courts of this State have a duty and are legally required to construe the provisions of Maine's marriage laws in accordance with the vital importance of marriage in this state:

> The union of 2 people joined in a monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of monogamous marriage in the support of harmonious families and the physical and mental health of children; and the State has the compelling interest in promoting the moral values inherent in a monogamous marriage. 19-A M.R.S. § 650(1).

Courts are also required to construe 19-A M.R.S. Part 2, Chapter 23 (Marriage) according to its purpose to encourage a monogamous family unit as the basic building block, to nurture, sustain and protect a monogamous family unit, and to support and strengthen monogamous Maine families against improper interference from out-of-state influences or edicts. 19-A M.R.S. § 650(2).

A trial court's interpretation of a statute is reviewed for errors of law, *Daniels v. Tew Mac Aero Servs., Inc.*, 675 A.2d 984, 987 (Me. 1996), by examining the plain meaning of the statutory language, seeking to give effect to the legislative intent, and construe that language to avoid absurd, inconsistent, unreasonable, or illogical results. *Mahaney v. State*, 610 A.2d 738, 741 (Me. 1992). The reviewing court considers the whole statutory scheme of which the section at issue forms a part so that a harmonious result, presumably the intent of the Legislature, may be achieved. Only when the statutory language is ambiguous will we look beyond its plain meaning and examine other indicia of legislative intent, including legislative history. *Melanson v. Belyea*, 1997 ME 150, ¶ 4, 698 A.2d 492, 493 (internal citations omitted).

The full text of 19-A M.R.S. § 657 is as follows:

> **Lack of jurisdiction or authority.** A marriage, solemnized before any known inhabitant of the State professing to be a justice, judge, lawyer admitted to the Maine Bar or marriage officiant or an ordained or

> licensed minister of the gospel, is not void, nor is its validity affected by any want of jurisdiction or authority in the justice, judge, lawyer, marriage officiant or minister or by any omission or informality in entering the intention of marriage, if the marriage is in other respects lawful and consummated with a full belief, on the part of either of the persons married, that they are lawfully married.

The District Court misconstrued the statute by disregarding it altogether in making its mandatory/directory determination. The plain language of the statute sets forth conditions precedent to excuse any omission and any informality in entering the intention of marriage under Section 651. The plain language of that statute endorses the validity of a marriage, despite any omission or informality in entering intentions under Section 651 and suggests that this record-keeping step is not central to the findings and purpose of 19-A M.R.S Part 2, Chapter 23, and thus Section 651 is merely directory.[5]

The District Court misconstrued Section 657 by misinterpreting the clause "if the marriage is in other respects lawful." The Court engaged in circular reasoning, explaining that the exception to 19-A M.R.S. § 651 (entering intentions) contained

[5] This inference is supported by the content of Section 660, which provides for record-keeping amendments for marriages solemnized greater than one year in the past. Further statutory sections suggesting the directory nature of the record-keeping provisions of Subchapter 1 are the burdens placed on the officiant, and not the parties to the marriage ceremony, in these record-keeping activities. *See* Sections 654 & 658.

in 19-A M.R.S. § 657 would only apply when the parties to the marriage had not exercised that exception, reasoning that only complete compliance with section 651 would make the marriage "in other respects lawful," thereby availing the exception (and when availed, negating the condition of otherwise lawful). This creates an absurd result that exercising the explicit exception makes that exception unavailable. The meaning of the clause "if the marriage is in other respects lawful" pertains to Subchapter 2, the mandatory provisions of 19-A M.R.S. Part 2, Chapter 23, concerning consanguinity, persons subject to guardianship, polygamy, or foreign ceremonies completed with the purpose to evade these mandatory provisions. *See* 19-A M.R.S. § 701 (Prohibited Marriages, exceptions).

The plain language 19-A M.R.S. § 657 sets out an exception to the 19-A M.R.S. § 651 (Recording of Intentions), so long as the factors in that section are met, including the union being otherwise lawful (in compliance with Subchapter 2 (Restrictions). Additionally, the clear preference of Maine statutes for the validity of monogamous marital unions (*See* 19-A M.R.S. § 650), and the statutory scheme as a whole suggests the directory nature of the recording of intentions and licensing process.

On the facts of this case, the exception is available, because all factors are met: 1. The marriage was solemnized before a known inhabitant of the state (Hussein Yassari of Biddeford, Maine) (A. at 54, 55); 2. who professed to be an

ordained or licensed minister of the gospel (Imam of the Husseina Al Sadiq) (A. at 54, 55); 3. the marriage was in other respects lawful (that is, it complied with 19-A M.R.S. § 701); and 4. was consummated with Tabarek's full belief that she was lawfully married (Tr. Vol. I, 106:9-107:25).

i. The reference to jurisdiction or authority in 19-A § 657 creates authority for someone professing to be a marriage officiant to solemnize via telephone from Maine a ceremony conducted in the United Arab Emirates, where the marriage is lawful and consummated with the full belief of either of the persons married that they are lawfully married, where this was not prohibited by the statute in effect at the time of the ceremony.[6]

The Sheik had the authority to perform the wedding. 19-A M.R.S. § 655(1)(B)(2), as a cleric engaged in ministering via the Husseina Al Sadeeq (A. at 056, 057) in the service of citizens of the Muslim faith, the religious body to which he belongs. The conclusion that the District Court made concerning 19-A M.R.S. § 657 appears to relate to questions of jurisdiction.[7]

According to 19-A M.R.S. § 657 The Parties' marriage solemnized before the Sheik, a known inhabitant of Maine (Tr. Vol. I, 34:11-24) who professed to be

[6] Reviewing this question in the context of this case ay result in an analysis of doctrinal matters; however, there is no disagreement between the parties that they were married according to the forms, rules and principles of the Shia sect of Islam.

[7] The Court found that the ceremony did not occur in Maine, and thus declined to apply Section 658.

an ordained or licensed minister of the gospel is not void, and its validity would not be affected by any want of jurisdiction . . . of the Sheik to solemnize that ceremony.[8]

> "The jurisdiction and sovereignty of the State extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted by the State over places ceded by the State to the United States. This section shall not limit or restrict the jurisdiction of the State over any person or with respect to any subject, within or without its boundaries, which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law." 1 M.R.S. § 1.

Section 657 is not the only Maine statute authorizing exercise of extra-territorial jurisdiction. *See, e.g., State v. Lamont*, 2021 Me. Super. LEXIS 68, *5.[9]

By its plain language, 1 M.R.S. § 1 reserves extraterritorial jurisdiction when there is a reason to exercise it. It is undisputed that both of the Parties are residents of the State of Maine, and were at the time of the wedding;[10] Choice of Law Principles, recognized by Maine Courts, are another reason recognized by law

[8] So long it was not among the categories of prohibited unions (otherwise lawful) and consummated with the full belief of either party that that party was lawfully married.
[9] The case-law relative to Title 1 M.R.S. § 1 is sparse for what seems a foundational code section.
[10] It is undisputed that the marriage ceremony was solemnized in the form practiced in the Shia sect of Islam, according to the rules, principles of the Shia sect of Islam.

(and are addressed elsewhere in this brief); 19-A M.R.S. § 657 appears to confer jurisdiction on the unique facts of this case, or at least preserve the validity of a marriage and/or prevent voidness in this instance.

ii. 19-A M.R.S. § 658 provides a faith-based exception to the recording of intentions, issuance of marriage license, filing of cautions, record of marriages, contents of license and any other element contained in 19-A M.R.S. Part 2, Chapter 23, Subchapter 1.

A court's role is to apply the statute as written. *pierce v. Crest Shoe Co*., 655 A.2d 1245, 1247 (Me. 1995). Although a court is not required to "robotically" address every statutory factor, it must apply the law to the facts of the case. *See McLeod v. Macul*, 2016 ME 76, ¶ 23, 139 A.3d 920, 927 (internal citations omitted). The Court below declined altogether to apply 19-A M.R.S. § 658 on the basis that the ceremony did not occur in the State of Maine. In view of the Choice of Law issues addressed above, the validity of the marriage should be analyzed using Maine's statutory framework. When the issue is analyzed under Maine's statutory framework, the analysis must include a determination whether 19-A M.R.S. § 658 applies, and, if it applies, what effect it has in its application. The statute begins as follows:

> A marriage solemnized among Quakers or Friends, in the form practiced in their meeting, or solemnized among members of the Bahai

faith according to the rules and principles of the Bahai faith, is valid and not affected by this subchapter.[11]

First, there must be a marriage solemnized. The solemnized marriage must be among Quakers or Friends, or among members of the Bahai faith. The Quakers (or Friends) and the Bahai are two religious sects.[12] As to the Quaker ceremony, it must be in the form practiced at their meeting; As to the Bahai ceremony, it must be according to the rules and principles of the Bahai faith. 19-A M.R.S. § 658. If these criteria are met, then the marriage is valid and not effected by 19-A § Part 2, Chapter 23, Subchapter 1, notwithstanding any failure to follow those record-keeping provisions. Id.

There is no question that Section 658 provides an exception the record-keeping provisions of 19-A Part 2, Chapter 23, Subchapter 1, found lacking by the District Court. This exception has been recognized in Maine since 1969, as explained in *Pierce v. Sec'y of U. S. Dep't of Health, etc.*, 254 A.2d 46 (Me. 1969),

[11] Section 658 is contained in Title 19-A Part 2 Chapter 23 Subchapter 1. Thus, Section 658 references the subchapter in which it is contained, the same subchapter that contains the provisions that have formed the basis for the determination of invalidity of the marriage ("the parties failed to undertake any of the legal steps enumerated in 19-A M.R.S. §§ 651 or 652, and therefore, their marriage was not lawful in other respects.").

[12] **Society of Friends** a Christian religious sect founded in England c. 1650 by George Fox: the Frends have no formal creed, rites, liturgy, or priesthoot, and reflect violence in human relations, including was: see QUAKER. Webster's new World Dictionary, Second College Edition, Simon and Schuster, 1984. **Bahaism** a modern religion, developed orig. in Iran from Babism, that stresses principles of universal brotherhood, social equality, etc. Webster's new World Dictionary, Second College Edition, Simon and Schuster, 1984.

where that section was assessed in the context of common law marriage in this state:

> Although this issue has never been specifically determined in Maine, we find no indication in either the statutes or the case law that such "[common law] marriages" are deemed valid for any purpose. 19 M.R.S.A., §§ 1 to 122 inclusive provide detailed requirements pertaining to the solemnization of marriages. An exception is provided in the case of marriages "solemnized among Quakers or Friends" *and none other*.
>
> *Pierce v. Sec'y of U. S. Dep't of Health, etc.,* 254 A.2d 46, 47 (Me. 1969) (underscore supplied, italics in original).

Pierce v. Sec'y of U. S. Dep't of Health, etc. has been cited favorably in notable and familiar cases: *Henriksen v. Cameron*, 622 A.2d 1135, 1145 (Me. 1993); *State v. Patterson*, 2004 ME 79, ¶ 13, 851 A.2d 521, 524; *Belliveau v. Whelan*, 2019 ME 122, ¶ 5, 213 A.3d 617, 618. The later two cases were cited below for the proposition that the requirements for a valid marriage are provided by statute. Order at 5.

The statutory exception is available to two enumerated religious sects. There is no reasonable alternative explanation for the exception in 19-A M.R.S. § 658; the exception is available based upon membership in a particular religious

sect or denomination (together with of other factual analysis concerning performance of a ceremony according to the rules, principles and forms associated with those two religious sects).

3. 19-A M.R.S. § 658 violates Maine Constitution Article I, Section 3 and/or United States Constitution Amendment I.

Tabarek claims that 19-A M.R.S. § 658, as applied to the facts of this case, violates Maine Constitution Article I Section 3 and United States Constitution Amendment I, as applicable to this State via Amendment XIV.

"Under our primacy approach, when an appellant raises a claim under both the Maine Constitution and the United States Constitution, we ordinarily address the claim under the Maine Constitution first. If the state constitutional provision provides the relief sought by the defendant, then there is no federal violation. We begin with a discussion of federal case law only to orient the reader, and we thereafter cite federal precedent only to the extent we find it persuasive." *State v. White*, 2022 ME 54, ¶ 31, 285 A.3d 262, 272 (citing *Athayde*, 2022 ME 41, A.3d 387).

A. Federal Constitutional principles

Although 19-A M.R.S. § 658 is not a law of general applicability, Appellant analyzes as if it were. [13]

i. 19-A M.R.S. § 658 is not facially neutral.

The minimum requirement of neutrality is that a law not discriminate on its face. A law lacks facial neutrality if it refers to a religious practice without a secular meaning discernible from the language or context. *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 533, 113 S. Ct. 2217, 2227 (1993). 19-A M.R.S. § 658 is not formally neutral, because it overtly creates an exception to record-keeping requirement for two religious' sects to the exclusion of all others; there is no secular basis for the statute, thus it is subject to strict scrutiny.

ii. Even if it were to be considered facially neutral, 19-A M.R.S. § 658 does not meet substantive neutrality.

"Apart from the text, the effect of a law in its real operation is strong evidence of its object. To be sure, adverse impact will not always lead to a finding of impermissible targeting." *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 535, 113 S. Ct. 2217, 2228 (1993). Although it arguably demands a

[13] As such, the following framework discussed, which indicates strict scrutiny under either constitution, may not even be necessary. 19-A M.R.S. § 658 specifically targets the practices of two faiths by providing an exception to record-keeping provisions. As such, strict scrutiny applies.. Exclusion of Tabarek from a benefit to which she would be entitled as a Quaker or Bahai, solely because she is Shia Muslim, is odious to our Constitution and cannot stand. *See Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 467, 137 S. Ct. 2012, 2025 (2017).

secular object (maintaining records of monogamous marital unions in the State of Maine), it only accommodates the doctrinal differences of two religious' sects to the exclusion of all other sects, excluding the Shia sect of Islam. This is a "religious gerrymander." *Church of Lukumi Babalu Aye v. City of Hialeah,* 508 U.S. 520, 535, 113 S. Ct. 2217, 2228 (1993)(quoting *Walz v. Tax Comm'n of New York City*, 397 U.S. at 696).That is to say, the application of the principals in 19-A Part 2, Chapter 23, Subchapter 1, do not defer to the doctrinal issue of the Shia sect of Islam, which holds that the parties were in fact married by adherence to the forms, rules and principles of that sect, but it *does* defer to those of the Quaker and Bahai sects. *See Church of Lukumi Babalu Aye v. City of Hialeah,* 508 U.S. 520, 540, 113 S. Ct. 2217, 2231 (1993) (neutrality in its application requires an equal protection mode of analysis on the question of discriminatory object). The object of the Statute is promoting religion.[14] The statute has every appearance of an exception to the record-keeping requirements that is available only to two religious sects that it does not extend to worshippers in the Shia sect of Islam. *See Church of Lukumi Babalu Aye v. City of Hialeah, 508 U.S. 520, 545, 113 S. Ct. 2217, 2233 (1993)* (this is the evil that general applicability is designed to prevent). Therefore, to satisfy the commands of the First Amendment, a law restrictive of religious

[14] If the object is promoting the monogamous married family unit and well-being of children, it surely did not accomplish that aim here.

practice must advance "'interests of the highest order'" and must be narrowly tailored in pursuit of those interests. *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 546, 113 S. Ct. 2217, 2233 (1993). (Quoting *McDaniel v. Paty*, 435 U.S. at 628, quoting *Wisconsin v. Yoder*, 406 U.S. 205, 215, 32 L. Ed. 2d 15, 92 S. Ct. 1526 (1972)). a law cannot be regarded as protecting an interest 'of the highest order' . . . when it leaves appreciable damage to that supposedly vital interest unprohibited. *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 547, 113 S. Ct. 2217, 2234 (1993)

iii. 19-A M.R.S. § 658 cannot withstand strict scrutiny.

Even if 19-A M.R.S. § 658 was a law of general applicability, it could not withstand strict scrutiny. A law that targets religious conduct for distinctive treatment or advances legitimate governmental interests only against conduct with a religious motivation will survive strict scrutiny only in rare cases. *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 546, 113 S. Ct. 2217, 2233 (1993). The identity of the interest here is one of the following: to nurture and promote the unique institution of monogamous marriage in the support of harmonious families and the physical and mental health of children, and promoting

the moral values inherent in a monogamous marriage (19-A M.R.S. § 650(1)(A)); or complete and accurate recording of information (22 M.R.S. § 2701(3)).[15]

Assuming for the sake of argument the former interest, in the context of religious marriage ceremonies, is the compelling interest advanced by 19-A M.R.S. § 658, the statute is not narrowly tailored. This is because it is underinclusive, insofar as it advances the exception to the recor-keeping requirements only to those of the Quaker and Bahai sects, to the exclusion of Appellant, and member of the Shia sect of Islam. *See Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 547, 113 S. Ct. 2217, 2234 (1993) ("the ordinances are underinclusive to a substantial extent with respect to each of the interests that respondent has asserted, and it is only conduct motivated by religious conviction that bears the weight of the governmental restrictions.")

B. Maine Constitutional Principles applied in Fortin.

The Maine standard applied to free exercise claims is akin to the more rigorous standard advanced by Justice Souter concurring in *Lukumi*. In order to challenge a governmental regulation of general applicability, the challenger must demonstrate: 1) That the activity burdened by the regulation is motivated by a sincerely held religious belief; and 2) that the challenged regulation restrains the free exercise of

[15] Amici curiae in *Sitt v. Fowler*, U.S. No. 24-8401, have not asserted record-keeping as anything other than a legitimate interest.

that religious belief. If the challenger makes those showings, the burden shifts and the State can prevail only by proving both: 3) that the challenged regulation is motivated by a compelling public interest; and 4) that no less restrictive means can adequately achieve that compelling public interest. *Fortin v. Roman Catholic Bishop of Portland*, 2005 ME 57, ¶ 56, 871 A.2d 1208, 1227-28(*quoting Rupert*, 605 A.2d at 65-66 (*quoting Blount*, 551 A.2d at 1379).

Courts have generally held that states are forbidden from interfering in matters concerning religious doctrine. *Swanson v. Roman Catholic Bishop*, 1997 ME 63, ¶ 7, 692 A.2d 441, 443. Our constitutions ensure that religious organizations remain free from "secular control or manipulation" and retain "power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine." *Swanson v. Roman Catholic Bishop*, 1997 ME 63, ¶ 7, 692 A.2d 441, 443 (*citing Kedroff v. St. Nicholas Cathedral of Russian O. Ch.,* 344 U.S. 94, 116, 97 L. Ed. 120, 73 S. Ct. 143 (1952)). In applying neutral principles to resolve church-related disputes, courts must not consider doctrinal matters, deferring "to the resolution of [any] doctrinal issue by the authoritative ecclesiastical body." *Swanson v. Roman Catholic Bishop*, 1997 ME 63, ¶ 8, 692 A.2d 441, 443 (citing *Jones*, 443 U.S. at 604.)

i. The activity burdened is motivated by a sincerely held religious belief.

It is undisputed that both Tabarek and Tareq married in the religious tradition of the Shia Muslim sect pursuant to their sincerely held religious beliefs. Tabarek began wearing her Hijab at the age of seven years. She has adhered to the principles of Haram for her entire life, never so much as being alone in a private place with an unrelated male before her wedding.

The motivation to adhere to these principles, and to marry in form practiced in the Shia sect of Islam, was based on a sincere religious belief that a failure to do so would result in some sort of punishment in the afterlife. It was also motivated by earthly considerations that, among her religious community, if not adhering to Haram and marrying in the tradition of Shia Islam, both Tabarek and her daughter could be cast out by their religious community. Aside from the risk of physical harm to either of them, Tabarek would not be considered the mother of her child should they travel to Iraq, where Tareq is a dual citizen.

ii. The challenged regulation restrains the free exercise of that religious belief.

The Establishment Clause prohibits government action that creates a denominational preference among religions. *Anderson v. Town of Durham*, 2006 ME 39, ¶ 26 n.10, 895 A.2d 944, 953 (citing *Larson v. Valente*, 456 U.S. 228, 246, 102 S. Ct. 1673, 72 L. Ed. 2d 33 (1982); *Bd. of Educ. of Kiryas Joel Vill. Sch. Dist. v. Grumet,* 512 U.S. 687, 714, 114 S. Ct. 2481, 129 L. Ed. 2d 546 (1994)

(O'Connor, J., concurring)). Although *Anderson* did not consider Maine constitutional issues, this concept is helpful to understanding how Maine should analyze 19-A M.R.S. § 658 under Article 1 Section 3.

The exclusion of Tabarek from a public benefit of Maine's sanctioned exception to the record-keeping requirements involved in recognizing monogamous marriage, for which she is otherwise qualified, solely because she belongs to one religious sect and not another, is odious to our Constitution. *See Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 467, 137 S. Ct. 2012, 2025 (2017).

Here, 19-A M.R.S. § 658 restrains Tabarek's religious belief by failing to recognize her marriage in the Shia sect of Islam, where it does except other faiths from the record-keeping provisions of Subchapter 1.[16] Where a member of the Quaker or Bahai religious sects would considered legally married by the State of Maine by virtue of a religious wedding ceremony, a member of the Shia sect of Islam is not, as the District Court ruled. Accordingly, the State of Maine promotes or endorses those Quaker or Bahai practices to conduct wedding ceremonies in their faith, and refuses to recognize a marriage in the Shia sect of Islam such as the

[16] The requirement of submitting a certificate concerning the religious wedding ceremonies under 19-A M.R.S. § 658 is a duty of the officiant and not of the parties being married.

one between Tabarek and Tareq. Tabarek cannot marry in her faith and be accorded marital status in the State of Maine.[17]

iii. The challenged regulation is not motivated by a compelling public interest.

The critical distinction here is to divine the public interest in 19-A Part 2, Chapter 23 (Marriage). As noted elsewhere in this brief, the record-keeping provisions in Subchapter 1 are not central to the public interest promoted by 19-A M.R.S. § 658. The public interest promoted by 19-A M.R.S. § 658 is set forth in 19-A M.R.S. § 650: "The union of 2 people joined in a monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of monogamous marriage in the support of harmonious families and the physical and mental health of children; and the State has the compelling interest in promoting the moral values inherent in a monogamous marriage." *See Also* *Usen v. Usen*, 136 Me. 480 ("There can be no question but that the public is greatly concerned in the marriage status or res, for that is the very foundation of our social structure."); *Fortin* at Par. 57 (citing *New York V. Ferber*, 458 U.S. 747 (1982).

[17] Tareq advanced the proposition that Tabarek could have engaged in the record-keeping activities under Subchapter 1 after her religious wedding. Of course, this is not required of the Quaker or Bahai. Also, this is like closing the barn door after the horses have gone: Tabarek would have committed Haram nonetheless.

This is to say, 19-A M.R.S. § 658 is intended to promote monogamous marriage in the support of harmonious families and the physical and mental health of children, irrespective of whether the parties to the marriage engage in the directory record-keeping provisions of 19-A M.R.S. Part 2, Chapter 23, Subchapter 1. However, here, it has served to prevent the very thing that it is purported to promote.

iv. Less restrictive means can adequately achieve that compelling public interest.

The less restrictive means to achieve that compelling public interest is not elusive: it is contained in Tabarek's final communication to the District Court after hearing. That communication demonstrated that by striking certain language from the statute; without the addition of any language, the statute could be reformed to create a less restrictive means of effectuating the religious exception to the record-keeping provisions of 19-A M.R.S. § 658, as set forth there:

"A marriage solemnized ~~among Quaker or Friends~~, in the form practiced in ~~their meeting~~, or solemnized among members ~~of the Baha'I faith~~ according to the rules and principles of the ~~Baha'i~~ faith, is valid and not affected by this subchapter."

19-A M.R.S. § 658 does not withstand strict constitutional scrutiny under U.S. Constitution Am. I or Article I, Sec. 3.

Conclusion

Choice of law principles indicate that the facts of this case must be analyzed using Maine statutory framework. 19-A M.R.S. Part 2, Chapter 23, Subchapter 1, contains a religion-based exception to the record-keeping requirements of that Subchapter. Tabarek meets the requirements of that exception except that she is not a member of the Quaker (or Friends) sect or the Bahai sect. As a member of the Shia sect of Islam she is not afforded the same treatment as the two enumerated sects.

This Court should apply Maine constitutional free exercise principles to the specific facts of this case, and the District Court's application of 19-A M.R.S. § 658. This Court should find that 19-A M.R.S. § 658 is not a neutral law of general applicability, that it meets neither formal nor substantive neutrality, burdens Tabarek's sincerely held religious beliefs concerning religious marriage and the principles of Haram, and that the challenged statute restrains her free exercise of those religious beliefs. This Court should find that record-keeping provisions contained in 19-A M.R.S. Part 2, Chapter 23, Subchapter 1, are not compelling government interests, and that, if the interest at issue here is that contained in 19-A M.R.S. § 650, that 19-A M.R.S. § 658 is not narrowly tailored to serve that interest as it is under inclusive.

If necessary, this Court should apply federal constitutional principles and reach the same result under the indicated strict scrutiny analysis.

Tabarek seeks the remedy that this underinclusive statute be extended to the parties at bar, availing her of the religious exception contained in 19-A M.R.S. § 658, overrule the District Court's determination that the exception did not apply, instruct the District Court to enter a finding that the Parties are married according to Maine law and to reinstate the dismissed divorce proceedings, and other relief.

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CERTIFICATE OF SERVICE

I, Colin W.B. Chard, Attorney for Appellant, Tabarek Aldarraji, in the above matter, hereby certify that I have made service of the foregoing **Appellant Brief and Appendix** to the following persons by sending them each a copy by electronic mail and two physical copies of the Appellant Brief and one physical copy of the Appendix to the addresses below.

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Dated at Portland, Maine this 19th day of November, 2024.

By: /s/ Colin W.B. Chard, Esq. /s/
Colin W.B. Chard, Esq.
Attorney for Appellant

CERTIFICATE OF SERVICE I sent a native PDF version of this brief to the Clerk of this Court and to opposing counsel at the e-mail address provided in the Board of Bar Overseers' Attorney Directory. I sent 10 paper copies of this brief to this Court's Clerk's office via FedEx, and I sent two copies to opposing counsel using the same carrier, at the address provided on the briefing schedule

I am filing the electronic copy of this brief with this certificate. I will file the paper copies as required by M.R.App.P. 7A(i). I certify that I have prepared the brief and that the brief and associated documents are filed in good faith, conform to the page or word limits in M.R.App.7A(f), and conform to the form and formatting requirements of M.R.App.P 7A(g).