The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HARBORVIEW FELLOWSHIP, a Washington nonprofit corporation, Plaintiff, vs. GOVERNOR JAY INSLEE, in his official capacity; SECRETARY OF HEALTH JOHN WIESMAN, in his official capacity, Defendants.	CASE NO. 3:20-cv-05518-RBL THE UNITED STATES' STATEMENT OF INTEREST IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER

Pursuant to 28 U.S.C. § 517, the United States respectfully submits this Statement of Interest supporting Plaintiff's Motion for Temporary Restraining Order filed on June 9, 2020. ECF No. 13.

This case involves important questions of how to balance the deference owed to public officials in addressing a pandemic threatening the health and safety of the public with fundamental constitutional rights. While a state or local government has significant discretion to decide what measures to adopt to meet a public health threat, the Constitution requires that, whatever level of restrictions it adopts, government treat religious gatherings that same as

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comparable nonreligious gatherings, absent a compelling governmental interest pursued through the least restrictive means.

Here, Defendants discriminate against religious worshipers because they fail to treat religious gatherings the same as comparable nonreligious gatherings. Defendants permit people to gather at restaurants and taverns at 50% capacity with no numerical cap so long as social distancing and hygiene protocols are followed. Yet, Defendants limit gatherings at places of worship like Plaintiff to 25% of capacity with a hard cap of 50 people, regardless of adherence to social distancing and hygiene protocols. Defendants likewise limit outdoor worship to 100 people regardless of distancing, hygiene, and other precautionary measures. Yet, they permit protests without numerical limitation with only an unenforceable and unenforced suggestion by the Governor for "people to be safe for themselves and the people around them" by "wearing a mask and . . . distancing as much as you can." ECF No. 13,7.

The discriminatory treatment of religious gatherings, indoors and outdoors, triggers strict scrutiny review under the Supreme Court's precedents, and the State has not met its burden to justify this discrimination under that standard. Plaintiff thus has demonstrated a likelihood of success on the merits of its claim under the Free Exercise Clause of the United States Constitution.

INTEREST OF THE UNITED STATES

The Attorney General has statutory authority "to attend to the interests of the United States in a suit pending in a court of the United States." 28 U.S.C. § 517.

The United States has a substantial interest in the preservation of its citizens' fundamental right to the free exercise of religion, expressly protected by the First Amendment. To that end, the United States regularly files statements of interest and amicus briefs on

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important issues of religious liberty in courts at every level, from trial courts to the Supreme Court of the United States. In addition, the Attorney General has issued comprehensive guidance interpreting religious-liberty protections available under the United States Constitution and federal law. *Federal Law Protections for Religious Liberty*, 82 Fed. Reg. 49,668 (Oct. 26, 2017) ("Attorney General Guidelines"). As relevant here, the Attorney General Guidelines explain that "[a]lthough government generally may subject religious persons and organizations to neutral, generally applicable laws," government cannot "apply such laws in a discriminatory way" or otherwise "target persons or individuals because of their religion." *Id.* at 49,669.

The United States also has a strong interest, especially in the midst of the COVID-19 pandemic, in ensuring the development and maintenance of the best possible public health strategies to combat the virus and protect the people of the United States from harm. But that interest must be balanced with constitutional liberties. This case raises issues of national public importance regarding the interplay between the government's compelling interest in protecting public health and safety from COVID-19 and citizens' fundamental right to the free exercise of religion.

BACKGROUND[1]

Plaintiff Harborview Fellowship (the "Church") is a church near Gig Harbor in Pierce County with an average (pre-pandemic) weekly attendance of 250 to 325 people. ECF No. 14 ¶ 4. It has been holding services virtually since March because of the COVID-19 pandemic. *Id.* ¶¶ 18, 20.

[1] For purposes of this brief, the United States assumes the truth of the facts alleged in the exhibits accompanying the Plaintiff's Motion for Temporary Restraining Order.

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The members of the Church believe that they are called "to gather together for corporate prayer and worship" and that "the gathering together of the church is both good and necessary for its members' spiritual growth and spiritual, mental, emotional, and physical wellbeing." *Id.* ¶ 12. Accordingly, the church and its members would like to resume in-person worship, with social distancing and hygiene measures in place. *Id.* ¶ 23 & Ex. A, Attach. B. The Church can accommodate 180 to 300 people—depending on whether people sit individually or in family groups—in its sanctuary and through simulcast into various other indoor meeting rooms in its building while complying with guidelines from the Center for Disease Control on social distancing. *Id.* ¶ 10. But Defendant Governor Inslee currently limits places of worship to 25% capacity or 50 people, whichever is less, regardless of social distancing or other measures taken. ECF No. 16, Ex.1. The Church would also like to hold outdoor services, but is limited to 100 people for such services, even with hygiene and other preventive measures in place. *Id.* Ex. 1.

Governor Inslee is currently allowing various secular gatherings with less restrictive capacity limitations. Specifically, while places of worship are limited to the lower of 25% capacity or 50 people, restaurants and taverns may operate at 50% capacity, with no total cap. *Id.* Ex. 3. Likewise, while outdoor religious services are limited to 100 people, outdoor protests have been allowed to proceed with no numerical cap, with only the Governor's advice that people should "be safe for themselves and the people around them" by "wearing a mask and . . . distancing as much as you can." ECF No. 13,7. Plaintiff notes that the Washington Department of Health published a blog post entitled "Risking your health to fight racism (Thank you!)" which stated: "If you were one of many people in communities across our state who responded to this violent act with outrage, frustration, and peaceful protest, thank you!" *Id.*

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Plaintiff filed suit on June 1, 2020, against the Governor and the Secretary of Health in their official capacities, seeking declaratory and injunctive relief, and damages. On June 9, Plaintiff moved for a Temporary Restraining Order to bar the Defendants from "enforcing or threatening to enforce the hard attendance caps in the May 27, 2020 'Requirements for Worship.'" ECF No. 13-1.

ARGUMENT

I. Constitutional Rights Are Enduring

The United States Constitution and its Bill of Rights protect us at all times. These protections are especially important during times of crisis, including the current COVID-19 pandemic.

The federal government, the District of Columbia, and all fifty States have declared states of emergency, and have taken unprecedented and essential steps to contain the spread of the novel coronavirus and the consequences of the life-threatening COVID-19 pandemic.[2] More recently, however, President Trump unveiled "Guidelines for Opening Up America Again, a three-phased approach based on the advice of public health experts" to "help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives."[3]

The Constitution does not hobble government from taking necessary, temporary measures to meet a genuine emergency. According to the Supreme Court, "in every well-ordered society charged with the duty of conserving the safety of its members the rights of the

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[2] *See, e.g.*, Presidential Proclamation, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020).
[3] Guidelines: Opening Up America Again (April 16, 2020), https://www.whitehouse.gov/openingamerica/.

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individual in respect of his liberty may at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand." *Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11, 29 (1905). In *Jacobson*, for example, the Court explained that "[a]n American citizen arriving at an American port" who had traveled to a region with yellow fever "may yet, in some circumstances, be held in quarantine against his will." *Id.* Critically, "[t]he right to practice religion freely does not include the liberty to expose the community . . . to communicable disease." *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944). Courts owe substantial deference to government actions, particularly when exercised by states and localities under their police powers during a bona fide emergency.

But there is no pandemic exception to the Constitution and its Bill of Rights. Individual rights, including the protections in the Bill of Rights made applicable to the states through the Fourteenth Amendment, are always operative and restrain government action. Accordingly, the Supreme Court has instructed courts to intervene "if a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is, beyond all question, a plain, palpable invasion of rights secured by the fundamental law." *Jacobson*, 197 U.S. at 31. Courts reviewing measures designed to address the "society-threatening epidemic" of COVID-19 should be vigilant to protect against clear invasions of constitutional rights while ensuring they do "not second-guess the wisdom or efficacy of the measures" properly enacted by the democratic branches of government, on the advice of public health experts. *Id.* at 784-85; *see also South Bay United Pentecostal Church v. Newsom*, 590 U.S. ____, No. 19A1044 (May 29, 2020), slip op. at 2 (Roberts, C.J., concurring) (stating that the "precise question of when restrictions on particular social activities should be

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lifted during the pandemic is dynamic and fact-intensive matter subject to reasonable disagreement," which, when within constitutional limits, is entrusted to the "politically accountable officials of the States.").

II. The Free Exercise Clause Prohibits Unequal Treatment of Religious Individuals and Organizations.

A. The Free Exercise Clause guarantees to all Americans the "right to believe and profess whatever religious doctrine [they] desire[]." *Emp't Div. v. Smith*, 494 U.S. 872, 877 (1990). It also protects their right to act on these beliefs, through gathering for public worship as in this case, or through other acts of religious exercise in their daily lives. While the protections for actions based on one's religion are not absolute, *id.* at 878-79, among the most basic requirements of the Free Exercise Clause are that government may not restrict "acts or abstentions only when they are engaged in for religious reasons, or only because of the religious belief that they display," *id.* at 877, nor "target the religious for special disabilities based on their religious status," *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019 (2017) (citation and internal quotation marks omitted); *see also* Attorney General Guidelines, 82 Fed. Reg. at 49,672. To determine whether a law impermissibly targets religious believers or their practices, the Supreme Court has directed courts to "survey meticulously" the text and operation of a challenged law to ensure that it is neutral and of general applicability. *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 534 (1993). The Court explained: "The principle that government, in pursuit of legitimate interests, cannot in a selective manner impose burdens only on conduct motivated by religious belief is essential to the protection of the rights guaranteed by the Free Exercise Clause." *Id.* at 543; *see also* Attorney General Guidelines, 82 Fed. Reg. at 49672.

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Under the Free Exercise Clause, a law or rule, or the application of a law or rule, that is not both neutral and generally applicable is subject to heightened scrutiny. *Church of the Lukumi Babalu Aye*, 508 U.S. at 531. A law or rule is not neutral if it singles out particular religious conduct for adverse treatment; treats the same conduct as lawful when undertaken for secular reasons but unlawful when undertaken for religious reasons; "visits gratuitous restrictions on religious conduct"; or "accomplishes . . . a religious gerrymander, an impermissible attempt to target [certain individuals] and their religious practices." *Id.* at 533-35, 538 (citations and internal quotation marks omitted); *see also* Attorney General Guidelines, 82 Fed. Reg. at 49672. A law is not generally applicable if "in a selective manner [it] impose[s] burdens only on conduct motivated by religious belief," including by "fail[ing] to prohibit nonreligious conduct that endangers [its] interests in a similar or greater degree than does" the prohibited conduct. *Church of the Lukumi Babalu Aye*, 508 U.S. at 534; *see also* Attorney General Guidelines, 82 Fed. Reg. at 49672. Thus, for example, in *Church of the Lukumi Babalu Aye*, the Supreme Court found that challenged ordinances were not generally applicable when they were "underinclusive with regard to the [government's] interest in public health" by outlawing religious conduct but failing to prohibit various nonreligious conduct that had an equal or greater impact on public health. 508 U.S. at 543-45.

Chief Justice Roberts' recent statement respecting the denial of a stay in *South Bay United Pentecostal*, further emphasizes the importance of the question whether religious gatherings are treated equally with "comparable secular gatherings" for purposes of applying the Free Exercise Clause to orders relating to COVID-19. Slip op. at 2 (Roberts, C.J., concurring); slip op. at 2 (Kavanaugh, J., joined by Thomas and Gorsuch, J.J.) (emphasizing similarly the importance of equal treatment, but disagreeing with the Chief Justice as to the answer to the

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question in that case). Chief Justice Roberts noted that the order at issue there "exempts or treats more leniently only dissimilar activities, such as operating grocery stores, banks, and laundromats, in which people neither congregate in large groups nor remain in close proximity for extended periods." *South Bay United Pentecostal*, slip. op. at 2 (Roberts, C.J., concurring).

The Sixth Circuit reasoned similarly in two recent cases. In *Roberts v. Neace*, 958 F.3d 409, 413, 415 (6th Cir. 2020) (per curiam), the court concluded that "the four pages of exceptions" in the COVID-19 orders at issue "and the kinds of group activities allowed, remove[d] them from the safe harbor for generally applicable laws." Likewise, in *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610, 615 (6th Cir. 2020), the court determined that "many of the serial exemptions for secular activities pose comparable public health risks to worship services," rendering COVID-19 closure orders not generally applicable.

As explained by Chief Justice Roberts in his concurrence in *South Bay United Pentecostal Church*, and the Sixth Circuit in *Roberts* and *Beshear*, this Court should determine whether the Washington requirements for places of worship and for other gatherings "exempt[ ] or treats more leniently only dissimilar activities," or if restaurants, taverns, or protests are similar to churches insofar as they involve "people . . . congregat[ing] in large groups [ ]or remain[ing] in close proximity for extended periods." *South Bay United Pentecostal Church*, slip op. at 2 (Roberts, C.J., concurring). In other words, the Court must ensure that like things are treated as like, and that religious gatherings do not receive unequal treatment.

B. The State's pandemic-related regime mandates unequal treatment of religious gatherings. The "Religious and Faith-based Organization COVID-19 Requirements" prohibit church services or other indoor religious gatherings that exceed 25% of capacity or 50 people, whichever is smaller, ECF No. 16, Ex.1, but the "Restaurant/Tavern Reopening COVID-19

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Requirements" permit operation at 50% capacity, with no total cap. *Id.* at Ex. 3 (Collectively, "COVID-19 Requirements"). The State limits outdoor religious worship to 100, but it imposes no such limit on protests. Instead, the State merely recommends that protesters "be safe for themselves and the people around them" by "wearing a mask and . . . distancing as much as you can." ECF No. 13, 7.

The State's COVID-19 Requirements therefore appear, at least, not generally applicable. The State's interests in avoiding community transmission of COVID-19 through sustained, close proximity of large groups of people indoors appears to be equally implicated by religious worship as by the operation of restaurants and taverns. Patrons in restaurants and taverns can be expected to spend a substantial amount of time in close proximity to each other, as much as in a place of worship, or quite possibly for a longer period of time than a typical worship service. Furthermore, the social distancing that is possible through strategic seating choices within a house of worship appears comparable to the social distancing that should be possible in a restaurant or tavern. Indeed, patrons in restaurants and taverns are unable to wear masks or cloth facial coverings while consuming food and beverages, and such patrons may create a greater risk of transmission than in a comparably sized place of worship with congregants wearing masks.

Outdoor protests seem likewise to implicate the State's interests in avoiding community transmission to a similar, if not greater, degree than outdoor religious services. Both types of gatherings involve potentially large groups of people in one area. Both may involve speaking or singing. To the extent that protesters move around so that they are exposed to each other for shorter duration than religious worshippers, they may also be less able to keep a social distance than religious worshippers who remain in a designated spot.

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The various COVID-19 Requirements thus appear to "burden[] a category of religiously motivated conduct but exempt[] . . . a substantial category of conduct that is not religiously motivated and that undermines the purposes of the law to at least the same degree as the covered conduct that is religiously motivated." *Blackhawk v. Pennsylvania*, 381 F.3d 202, 209 (3d Cir. 2004) (Alito, J.).

Washington appears to "exempt[] or treat[] more leniently" precisely the types of activities that Chief Justice Roberts suggested would be appropriate comparators for religious gatherings—specifically, activities that involve people "congregat[ing] in large groups [ ]or remain[ing] in close proximity for extended period." *South Bay United Pentecostal Church*, slip op. at 2 (C.J. Roberts, concurring). Specifically, Washington allows large numbers of people to gather in restaurants and taverns or at protests with no numerical cap, while subjecting Plaintiff to numerical caps of 50 and 100 persons for indoor and outdoor worship, respectively. It does so even though Plaintiff desires and intends to impose similar social distancing restrictions and hygiene procedures as those imposed by restaurants and taverns, and greater restrictions and procedures than those required of protesters. Nothing on the face of the COVID-19 Requirements indicates any material difference between Plaintiff's proposed gatherings in places of worship and these other permitted gatherings that would justify such differential treatment. To the extent that the State may have particular concerns about aspects of some types of religious worship that it believes are materially different from other gatherings, such as congregational singing that might be present at some religious gatherings, it is free to impose religion-neutral, generally applicable rules to address such situations. But simply imposing a hard cap on all religious worship and no cap on secular gatherings constitutes unequal treatment.

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The COVID-19 Requirements' unequal treatment of religious conduct that appears to endanger the State's interest to no greater degree than the permitted secular activities shows, on this record, that the State has not acted in a generally applicable manner.[4] As discussed in Part III, it is thus incumbent on the State to show how its disparate treatment can satisfy strict scrutiny.

C. The United States does not take a position in this Statement on Washington's general approach to in-person gatherings at this time. The proper response to the COVID-19 pandemic will vary over time depending on facts on the ground. But the State cannot treat religious gatherings less favorably than other similar, secular activities. To be clear, this principle does not prevent a government from establishing "that mass gatherings at churches [of the sort Plaintiff proposes] pose unique health risks that do not arise" in the context of the activities that an order permits. *First Baptist Church v. Kelly*, __ F. Supp. 3d __, No. 20-1102-JWB, 2020 WL 1910021, at *8 (D. Kan. April 18, 2020); *see infra* Part III. As discussed in Part III, however,

[4] Because the COVID-19 Requirements are not generally applicable, strict scrutiny applies, and the Court need not reach the issue of whether they are neutral toward religion. The United States notes, however, that "[n]eutrality and general applicability are interrelated, and . . . failure to satisfy one requirement is a likely indication that the other has not been satisfied." *Church of the Lukumi Babalu Aye*, 508 U.S. at 531. The value judgment inherent in providing exemptions for secular activities like dine-in restaurants or taverns, which would seem to implicate the State's public health interests to a similar, if not greater degree, while not providing exemptions for Plaintiff's religious activities, tends to indicate that the State's actions may not be religion-neutral. *See Fraternal Order of Police v. Newark*, 170 F.3d 359, 365 (3rd Cir. 1999) (Alito, J.) ("[I]n *Smith* and *Lukumi*, it is clear . . . the Court's concern was the prospect of the government's deciding that secular motivations are more important than religious motivations"); *id.* at 366 (heightened scrutiny attaches when government "makes a value judgment in favor of secular motivations, but not religious motivations"). This is equally true for the value judgment inherent in approving protests without a numerical cap but requiring a cap for outdoor worship services. *See* ECF No. 13,7 (Washington Department of Health blog post entitled "Risking your health to fight racism (Thank you!)").

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there is no such carefully tailored approach evident on the face of the COVID-19 Requirements, and Plaintiff would be entitled to relief unless the State can carry its burden on strict scrutiny.

III. The Compelling Interest / Least Restrictive Means Test is a Searching Inquiry

A law burdening religious practice that is not neutral and generally applicable must undergo the most rigorous form of scrutiny. To satisfy the commands of the First Amendment, a law restrictive of religious practice must advance "interests of the highest order" and must be narrowly tailored in pursuit of those interests. *Church of the Lukumi Babalu Aye*, 508 U.S. at 546. "The compelling interest standard that we apply . . . is not 'water[ed] . . . down' but 'really means what it says.'" *Id.*

Prohibiting large gatherings to slow the spread of COVID-19 undeniably may advance a compelling government interest, but the question here is whether the restrictions imposed on Plaintiff's gatherings advance such an interest in light of the comparable gatherings that Washington has decided it can tolerate. *See Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 428-39 (2006). As the Supreme Court has explained with respect to the federal Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*—drawing on its Free Exercise Clause precedents—courts must look "beyond broadly formulated interests justifying the general applicability of government mandates and scrutinize[ ] the asserted harm of granting specific exemptions to particular religious claimants." *Id.* at 431. And given that "a law cannot be regarded as protecting an interest of the highest order . . . when it leaves appreciable damage to that supposedly vital interest unprohibited," the existence of exemptions for similar conduct will be relevant in determining whether denying the desired religious exemption survives strict scrutiny. *Id.* at 433; *see also, e.g., Holt v. Hobbs*, 135 S. Ct. 853, 864-67 (2015) (recognizing the

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deference due prison officials but holding that other exemptions showed that the prison did not satisfy strict scrutiny).

The State has not yet met its burden to establish that its prohibition of indoor in-person religious worship exceeding 50 people—while exempting restaurants and taverns from the 50-person limit—furthers a compelling interest. The same is true for imposing a 100-person limit on outdoor worship while exempting protesters from this restriction. In light of its various exceptions, the State must show that there are "relevant differences," *O Centro*, 546 U.S. at 431-32, with regard to efficacy in slowing the spread of COVID-19, between allowing the Church to meet as proposed and allowing other preferentially-treated secular gatherings, such as at restaurants and protests. The face of the Governor's orders and related documents identify no such differences.

In addition, the State has not met its burden to establish that its approach is the least restrictive means of furthering any asserted compelling interest. To do so, it must refute the "'alternative schemes' suggested by the plaintiff to achieve that same interest and show[ing] why they are inadequate." *Yellowbear v. Lampert*, 741 F.3d 48, 62-63 (10th Cir. 2014) (Gorsuch, J.) (discussing the application of the least restrictive means test, in the context of a claim under the Religious Land Use and Institutionalized Persons Act). Here, Plaintiff has made representations that it will follow a strict regimen of social distancing and hygiene protocols if allowed to gather. ECF No 14, Ex. A, Attach. B. The State is obligated to explain persuasively why this regimen would be insufficient, particularly as it has imposed a similar regimen on the restaurants and taverns that it has allowed to operate.

Indeed, in assessing Kentucky's ban on in-person religious services in relation to COVID-19, the Sixth Circuit proposed precisely what Plaintiff seeks to do as a less restrictive

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means of achieving the public health interests implicated by that disease. The court in *Roberts*, 958 F.3d at 415, asked: "Why not insist that the congregants adhere to social distancing and other health requirements and leave it at that—just as the Governor has done for comparable secular activities?" In *Roberts*, Kentucky allowed some in-office gatherings to continue. The Sixth Circuit reasoned:

> If the Commonwealth trusts its people to innovate around a crisis in their professional lives, surely it can trust the same people to do the same things in the exercise of their faith. . . . How are in-person meetings with social distancing any different from in-person church services with social distancing? Permitting one but not the other hardly counts as no-more-than-necessary lawmaking.

Roberts, 958 F.3d at 415; *see also First Baptist Church*, 2020 WL 1910021, at *8 ("[T]he court finds that Plaintiffs can likely show that the broad prohibition against in-person religious services of more than ten congregants is not narrowly tailored to achieve the stated public health goals where the comparable secular gatherings are subjected to much less restrictive conditions."). A similar point could be made about Washington's decision to trust its people to gather inside restaurants subject to social distancing and cleaning protocols, or its decision to trust those who protest with only an admonition to try to distance themselves from others and wear a mask. The State bears the burden to show that its COVID-19 Requirements satisfy strict scrutiny. Absent such a showing, Plaintiff has established a likelihood of success on the merits of this claim.

Likewise, Plaintiff has have made at least an initial showing of irreparable injury. *Warsoldier v. Woodford*, 418 F.3d 989, 1001 (9th Cir. 2005) ("[U]nder the law of this circuit, a party seeking preliminary injunctive relief in a First Amendment context can establish irreparable injury sufficient to merit the grant of relief by demonstrating the existence of a colorable First Amendment claim.") (citation omitted). Thus, on this record, a temporary restraining order should be issued.

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CONCLUSION

The United States respectfully requests that the Court consider these arguments in deciding Plaintiff's' Motion for Temporary Restraining Order. The facts, on this record, show that the State has imposed limits on religious activity that it has not imposed on comparable secular activities. If proven, the facts alleged in Plaintiff's complaint would thus establish a Free Exercise violation unless the State demonstrates that its actions satisfy the demanding strict scrutiny standard. The State has not done so. Accordingly, to ensure that worship services can proceed with the same safety measures as secular businesses, the United States respectfully requests that the Court grant Plaintiff's requested Temporary Restraining Order.

DATED this 11th day of June, 2020.

Respectfully Submitted,

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