

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

LAMA KARMA CHOTSO, a Lama of
Buddhism in Miami-Dade County, Florida,

Case No. _____

Plaintiff,

-against-

VERIFIED COMPLAINT

STATE OF FLORIDA, ASHLEY MOODY,
in her official capacity as ATTORNEY
GENERAL for the State of Florida; GINGER
BOWDEN MADDEN, in her official capacity
as State Attorney for the First Judicial Circuit
of Florida; JACK CAMPBELL, in his official
capacity as State Attorney for the Second
Judicial Circuit of Florida; JOHN DURRETT,
in his official capacity as State Attorney for the
Third Judicial Circuit of Florida; MELISSA
W. NELSON, in her official capacity as State
Attorney for the Fourth Judicial Circuit of
Florida; WILLIAM GLADSON, in his official
capacity as State Attorney for the Fifth Judicial
Circuit of Florida; BRUCE BARTLETT, in his
official capacity as State Attorney for the Sixth
Judicial Circuit of Florida; R.J. LARIZZA, in
his official capacity as State Attorney for the
Seventh Judicial Circuit of Florida; BRIAN S.
KRAMER, in his official capacity as State
Attorney for the Eighth Judicial Circuit of
Florida; MONIQUE H. WORRELL, in her
official capacity as State Attorney for the
Ninth Judicial Circuit of Florida; BRIAN
HAAS, in his official capacity as State
Attorney for the Tenth Judicial Circuit of
Florida; KATHERINE FERNANDEZ
RUNDLE, in her official capacity as State
Attorney for the Eleventh Judicial Circuit of
Florida; ED BRODSKY, in his official
capacity as State Attorney for the Twelfth
Judicial Circuit of Florida; ANDREW H.
WARREN, in his official capacity as State

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Attorney for the Thirteenth Judicial Circuit of Florida; LARRY BASFORD, in his official capacity as State Attorney for the Fourteenth Judicial Circuit of Florida; DAVID A. ARONBERG, in his official capacity as State Attorney for the Fifteenth Judicial Circuit of Florida; DENNIS W. WARD, in his official capacity as State Attorney for the Sixteenth Judicial Circuit of Florida; HAROLD F. PRYOR, in his official capacity as State Attorney for the Seventeenth Judicial Circuit of Florida; PHILIP G. ARCHER, in his official capacity as State Attorney for the Eighteenth Judicial Circuit of Florida; THOMAS BAKKEDAH, in his official capacity as State Attorney for the Nineteenth Judicial Circuit of Florida; and AMIRA D. FOX, in his official capacity as State Attorney for the Twentieth Judicial Circuit of Florida,

Defendants.

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VERIFIED COMPLAINT

For her Verified Complaint against Defendants the State of Florida, Ashley Moody, Juan Antonio Gonzalez, Ginger Bowden Madden, Jack Campbell, John Durrett, Melissa W. Nelson, William Gladson, Bruce Bartlett, R.J. Larizza, Brian S. Kramer, Monique H. Worrell, Brian Haas, Katherine Fernandez-Rundle, Ed Brodsky, Andrew Warren, Larry Basford, David A. Aronberg, Dennis W. Ward, Harold F. Pryor, Philip G. Archer, Thomas Bakkedahl, and Amira D. Fox, each of whom are sued in their official capacities (collectively referred to herein as “Defendants”), Plaintiff Lama Karma Chotso, by and through undersigned counsel, alleges and avers as follows:

PRELIMINARY STATEMENT

1. This is a lawsuit brought by Lama Karma Chotso (“Plaintiff”), a Buddhist Lama in Miami-Dade County, whose religious beliefs, speech, and conduct are severely burdened by the

state of Florida's criminalization of abortion in many circumstances where the Buddhist faith supports the decision to have an abortion on religious grounds. Plaintiff seeks to invalidate House Bill 5, the Reducing Fetal and Infant Mortality Act ("HB 5" or the "Act"), because it violates: (1) the rights of Plaintiff to liberty of speech and free exercise and enjoyment of religion, guaranteed by Article I, §§ 3, 4 of the Florida Constitution, and (2) the Florida Religious Freedom Restoration Act, Fla. Stat. Ann. § 761.03 ("RFRA") and (3) Plaintiff's freedom of speech and free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution. Under HB 5 and Florida's criminal law, Plaintiff is at risk of prosecution for counseling women, girls, and families to obtain an abortion beyond the narrow bounds of HB 5 as someone who aids and abets the crime. Under Florida's aiding and abetting law, they commit the crime itself by counseling in favor of it.

2. The relationship between a Lama and her sangha represents a sacred trust as followers seek the path of Buddha.¹ Under Buddhism, Lamas are teachers and spiritual guides to disciples seeking counseling on their path to enlightenment and understanding of Buddhist Dharma. Lamas are integral to providing clarity to their sangha regarding the karmic understanding of their actions in life.² This spiritual relationship is designed to facilitate the foundational principle of religious counseling: the disciple's right to dignity and self-determination.

3. Tibetan Buddhism is not a dogmatic religion, but one that trains the mind through practices that can lead to enlightenment. Buddhism centers around moment-to-moment choices,

¹ In Buddhism, sangha refers to a community or congregation of disciples.

² Karma is integral to the Tibetan Buddhist religion with disciples studying the meaning for the entirety of their lives. In the simplest terms, karma refers to both as one's actions and the consequences of those actions. Karma is both the initial action and the eventual result, and the whole process of cause and effect itself. Tibetan Buddhism values a long-term view of karma where all of one's actions will come back to them in the future.

each of which will reflect in the karma of the disciple. Thus, the teachings and practices of Buddhism (sometimes referred to as “Dharma”) are highly individualized and weighed according to the particular circumstances and state of mind of a disciple.

4. Throughout its history, disciples of Buddhism have sought counseling and guidance from Lamas in moments of confusion, including on issues related to the spiritual, physiological, and psychological aspects of sex and sexuality, and decisions related to pregnancy and childbirth, family planning, and abortion. Indeed, these actions are closely tied to a disciple’s karmic state and journey on the path of enlightenment. In return, Lamas have provided counseling that aligns with their disciples’ rights to dignity and self-determination.

5. A core tenet of Buddhism is the sanctity of individual choices while on the path of Buddha. When Plaintiff counsels disciples who can bear children, Plaintiff believes that their life and spiritual evolution is paramount. Pregnancy, childbirth, family planning, and abortion are extremely integral decisions in life. As a Lama, Plaintiff must consider the individual circumstances of each disciple, including their karmic effect and their place on the path to enlightenment. An inability to counsel and support a disciple’s choices regarding abortion services and birth control prevents Plaintiff from being an effective spiritual guide and is an anathema to the Buddhist path. Plaintiff believes that all Buddhists should be able to use self-determination to make choices to access abortion services and birth control with no restriction on movement, autonomy, type, or timing. Plaintiff also believes that all Lamas, including Plaintiff, should be able to counsel their disciples accordingly.

6. The relationship between Lama and their sangha has, until now, been protected, revered, and respected as sacrosanct and inviolable. Now, Defendants have inserted themselves into this alliance by imposing criminal penalties on those who counsel, aid, and/or assist with

obtaining an abortion after fifteen weeks, with no religious accommodation provided and no exceptions for incest, rape, or trafficking, non-fatal fetal abnormalities, psychological disease or impairment. In other words, Defendants have left no room for disciples to weigh, and Lamas to advise, on their karmic choices and path to Buddha in connection with decisions related to abortion.

7. Plaintiff engages in religious counseling with her sangha that honors the disciples' autonomy and right to self-determination, guiding disciples to reach informed decisions about the termination of pregnancy and to act upon such decisions.

8. The Florida Legislature recently passed the Act, which bans abortions after fifteen weeks as dated from the first day of a woman's last menstrual period (LMP) with two extremely limited exceptions. *See* Ch. 2022-69, §§ 3–4, Laws of Fla. (amending §§ 390.011, 390.0111, Fla. Stat.); Fla. Stat. § 390.0111(1)(a)–(b); § 390.011(6). There is no exception for incest, rape, trafficking, non-fatal fetal abnormalities, or psychological disease or impairment.

9. The Act was signed into law by Governor Rick DeSantis on April 14, 2022 and it took effect on July 1, 2022.

10. HB 5, entitled the Infant and Fetal Abnormality Act, establishes as the law of the State of Florida, a pernicious elevation of the legal rights of fetuses while at the same time, it devalues the quality of life and the health of the woman or girl who is pregnant. It is in direct conflict with Plaintiff's clerical obligations and faith and imposes severe barriers and substantial burdens to her religious belief, speech, and conduct. It also imposes severe burdens on the religious beliefs, speech, and conduct of the sangha, members of Plaintiff's Temple, and the Tibetan Buddhist faith.

11. HB 5 violates the sacred trust between a clergy member and their disciples, and tramples Plaintiff's First Amendment and Florida constitutional rights to free speech and free exercise of religion, and the rights under the FRFRA. It also violates the separation of church and state under the federal and state constitutions.

12. Bedrock principles under the First Amendment invalidate HB 5, and Defendants' actions have caused, are causing, and will continue to cause irreparable injury to Plaintiff's fundamental and cherished liberties.

13. The dramatic change in abortion rights in Florida has caused confusion and fear among clergy and pregnant girls and women particularly in light of the criminal penalties attached. Given her general duties and work as a Lama, Plaintiff intends to engage in counseling regarding abortion beyond the narrow limits of HB 5, and, therefore, risks incarceration and financial penalties.

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14. When fundamental rights like freedom of speech and free exercise hang in the balance, a plaintiff is not required to expose themselves to actual arrest or prosecution. HB 5's criminal penalties constitute a credible threat of prosecution to Plaintiff.

15. HB 5 severely chills the speech of Buddhist Lamas with their sangha because it is unconstitutionally vague and places a severe child on this sacred communication. The Act further provides for no exceptions for the victims of incest, rape, or trafficking, non-fatal fetal abnormalities, or psychological disease or impairment, which are all circumstances in which the Plaintiff would support and/or counsel in favor of an individual regarding their choice to have an abortion before or after fifteen weeks.

16. A violation of the Act constitutes a third-degree felony; "any person" who "willfully performs" or "actively participates" in an abortion in violation of the law is subject to

criminal penalties, including imprisonment of up to five years and monetary penalties up to \$5,000 for a first offense. §§ 390.0111(10)(a), 775.082(8)(e), 775.083(1)(c), Fla. Stat. (emphasis added).

17. Under Florida law, counseling or encouraging a crime constitutes “aiding and abetting” that crime and is considered under the law someone who committed the crime. *See* Fla. Stat. § 777.011 (“Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed... is a principal in the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.”). Thus, counseling to obtain an abortion in violation of HB 5’s strictures appears likely to be a crime under HB 5.

18. HB 5 criminalizes abortion after 15 weeks gestation except in severely limited exceptions. While it clearly regulates doctors and healthcare delivery centers, its criminal penalties for them can be interpreted to create criminal aiding and abetting liability for clergy who counsel a family or pregnant women or girls to seek an abortion beyond the narrow confines HB 5 permits. The Act is so vague that it provides no reliable guidance regarding whether Plaintiff will violate the law when they affirmatively advise and support their believers to choose an abortion beyond HB 5’s extreme limitations. *See* Ch. 2022-69, §§ 3–4, Laws of Fla. The Act leaves Plaintiff with no choice but to interpret the Act broadly due to its vagueness, or risk criminal penalties.

19. Since time immemorial, the questions of when a potential fetus or fetus becomes a life and how to value maternal life during a pregnancy have been answered according to religious beliefs and creeds. HB 5 codifies one of the possible religious viewpoints on the question, and in its operation imposes severe burdens on Buddhist Lamas like Plaintiff.

20. The Act severely burdens Plaintiff's right to engage in religious speech regarding when the Buddhist faith holds that life begins and the value placed on the mother's life. It further burdens the ability to speak freely and publicly about her religious beliefs and to provide religious counseling with those beliefs, in violation of Plaintiff's free speech and religious liberty rights.

21. Thus, Plaintiff seeks preliminary and permanent injunctive relief against Defendants, enjoining the enforcement of the Act, and a declaratory judgment declaring that the Act, both on its face and as applied, is an unconstitutional violation, Article I, §§3, and 4 of the Florida Constitution, FRFRA, and the First and Fourteenth Amendments to the United States Constitution.

THE PARTIES, JURISDICTION, AND VENUE

22. Plaintiff is a Lama at Open Awareness Buddhist Center, a Tibetan Buddhist Temple operating in Miami-Dade County, Florida ("Temple"). Plaintiff files this lawsuit on behalf of herself because she is in danger of criminal penalty due to her sacred duty to advise and counsel her sangha, including members, supporters, and families within the Temple, on the principles and ideologies of the faith, particularly related to abortion and other reproductive healthcare measures, as well as incest, rape, and trafficking.

DEFENDANTS

23. Defendant, the State of Florida, through its Legislature and Governor, adopted the challenged Act

24. Defendant Ashley Moody is the Attorney General for the State of Florida, an elected cabinet official and the chief legal officer in the State of Florida, responsible for the enforcement of the laws of Florida and obligated to offer her opinion if she concludes that a law,

such as the Act, is unconstitutional and unenforceable. Defendant Moody is sued in her official capacity as are her agents and successors.

25. Defendant Ginger Bowden Madden is the state attorney of the First Judicial Circuit of Florida. Defendant Bowden Madden is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Bowden Madden is sued in her official capacity, as are her agents and successors.

26. Defendant Jack Campbell is the state attorney of the Second Judicial Circuit of Florida. Defendant Campbell is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Campbell is sued in his official capacity, as are his agents and successors.

27. Defendant John Durrett is the state attorney of the Third Judicial Circuit of Florida. Defendant Durrett is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Durrett is sued in his official capacity, as are his agents and successors.

28. Defendant Melissa W. Nelson is the state attorney of the Fourth Judicial Circuit of Florida. Defendant Nelson is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Nelson is sued in her official capacity, as are her agents and successors.

29. Defendant William Gladson is the state attorney of the Fifth Judicial Circuit of Florida. Defendant Gladson is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Gladson is sued in his official capacity, as are his agents and successors.

30. Defendant Bruce Bartlett is the state attorney of the Sixth Judicial Circuit of Florida. Defendant Bartlett is authorized to initiate and prosecute alleged violations of the Act.

§ 27.02(1), Fla. Stat. Defendant Bartlett is sued in his official capacity, as are his agents and successors.

31. Defendant R.J. Larizza is the state attorney of the Seventh Judicial Circuit of Florida. Defendant Larizza is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Larizza is sued in his official capacity, as are his agents and successors.

32. Defendant Brian S. Kramer is the state attorney of the Eighth Judicial Circuit of Florida. Defendant Kramer is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Kramer is sued in his official capacity, as are his agents and successors.

33. Defendant Monique H. Worrell is the state attorney of the Ninth Judicial Circuit of Florida. Defendant Worrell is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Worrell is sued in her official capacity, as are her agents and successors.

34. Defendant Brian Haas is the state attorney of the Tenth Judicial Circuit of Florida. Defendant Haas is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Haas is sued in his official capacity, as are his agents and successors.

35. Defendant Katherine Fernandez-Rundle is the state attorney of the Eleventh Judicial Circuit of Florida. Defendant Fernandez-Rundle is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Fernandez-Rundle is sued in her official capacity, as are her agents and successors.

36. Defendant Ed Brodsky is the state attorney of the Twelfth Judicial Circuit of Florida. Defendant Brodsky is authorized to initiate and prosecute alleged violations of the Act.

§ 27.02(1), Fla. Stat. Defendant Brodsky is sued in his official capacity, as are his agents and successors.

37. Defendant Andrew H. Warren is the state attorney of the Thirteenth Judicial Circuit of Florida. Defendant Warren is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Warren is sued in his official capacity, as are his agents and successors.

38. Defendant Larry Basford is the state attorney of the Fourteenth Judicial Circuit of Florida. Defendant Basford is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Basford is sued in his official capacity, as are his agents and successors.

39. Defendant David A. Aronberg is the state attorney of the Fifteenth Judicial Circuit of Florida. Defendant Aronberg is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Aronberg is sued in his official capacity, as are his agents and successors.

40. Defendant Dennis W. Ward is the state attorney of the Sixteenth Judicial Circuit of Florida. Defendant Ward is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Ward is sued in his official capacity, as are his agents and successors.

41. Defendant Harold F. Pryor is the state attorney of the Seventeenth Judicial Circuit of Florida. Defendant Pryor is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Pryor is sued in his official capacity, as are his agents and successors.

42. Defendant Philip G. Archer is the state attorney of the Eighteenth Judicial Circuit of Florida. Defendant Archer is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Archer is sued in his official capacity, as are his agents and successors.

43. Defendant Thomas Bakkedahl is the state attorney of the Nineteenth Judicial Circuit of Florida. Defendant Bakkedahl is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Bakkedahl is sued in his official capacity, as are his agents and successors.

44. Defendant Amira D. Fox is the state attorney of the Twentieth Judicial Circuit of Florida. Defendant Fox is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Fox is sued in his official capacity, as are his agents and successors.

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JURISDICTION AND VENUE

45. This Court has jurisdiction over this action pursuant to Article V, § 5(b) of the Florida Constitution and Sections 26.012(3) and 86.011, Florida Statutes.

46. This Court is authorized to grant declaratory judgment under and a permanent injunction pursuant to Chapter 86 and Section 26.012(3), Florida Statutes, and Florida Rules of Civil Procedure Rule 1.610.

47. Venue is proper in this Court pursuant to Section 47.021, Florida Statutes, because at least one Defendant has a principal office in Miami-Dade County.

STATEMENT OF FACTS

48. Buddhist Lamas teach that the decision by a disciple of the Buddhist faith to terminate a pregnancy for any reason should be based on a combination of diverse, complex, and

interrelated factors that are often intimately tied to the individual's karmic standing and path to Buddha.

49. For Buddhism, all human life is sacred and thus the decision to bring new life into the world is not taken lightly and includes the value of life and well-being of the pregnant women or girl. Buddhism recognizes the karmic, moral, legal, personal, and societal complexity of the issue and requires great sensitivity to the needs of women, girls, and others who may give birth, as well as all involved in decisions relating to abortion.

50. Plaintiff firmly believes and supports the ideologies of the Buddhist faith and the autonomy of individuals in finding their path to enlightenment, including in relation to reproductive health care and procedures. This specifically includes valuing the life of the individuals seeking reproductive health care, including abortions, and in providing clarity on a Buddhist disciple's choices and journey.

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51. Buddhism is not a dogmatic religion. Rather, it is one that trains the mind using Dharma, and supports an individual's karma and journey to enlightenment. As a Lama, Plaintiff must consider the individual circumstances of each disciple and consider their karmic effect and their place on the path to enlightenment.

52. Based on the aforementioned principles, Plaintiff has provided guidance and counseling to disciples that Plaintiff has served throughout the years as a Lama to members who had to make decisions relating to pregnancy and childbirth, family planning, and who face infertility and at-risk pregnancies.

53. Buddhism does not see an embryo or fetus as equal to or usurping of the rights of pregnant individuals. Rather, the tenants of Buddhism require Lamas to guide their sangha based on the physical, mental, and spiritual life of the disciple. Lamas support their sangha by helping

them understand how and if their mental, physical, and/or spiritual health, as well as their journey to enlightenment, would be disturbed absent an abortion. Some individuals who give birth, such as the disciples, members, sangha, and supporters of Plaintiff's Temple, seek abortions because it is required by their karmic needs and journey to enlightenment in Buddhism.³

54. Tibetan Buddhist Lamas have counseled and supported disciples that approached them about the complexity and karmic effects of an abortion. Indeed, Plaintiff has seen individuals reach heightened levels of enlightenment by receiving guidance from the sangha and ultimately choosing to go forward with abortions.

55. As set forth above, on July 1, 2022, the Act took effect. As a result, Florida's law now bans abortions after fifteen weeks from the LMP with two extremely limited exceptions. *See* Ch. 2022-69, §§ 3–4, Laws of Fla. (amending §§ 390.011, 390.0111, Fla. Stat.); Fla. Stat. § 390.0111(1)(a)–(b); § 390.011(6).

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56. Contrary to the religious beliefs of Plaintiff and the Buddhist Temple, the Act establishes as the law of the State of Florida, a particular and narrow religious view about abortion and when “life” begins.

57. The Act further provides for no exceptions for the psychological and spiritual health of the mother or family, victims of incest, rape, or trafficking, which are all circumstances in which Plaintiff would, amongst other circumstances, support a girl or woman's decision to have an abortion before or after fifteen weeks.

58. As mentioned, a violation of the Act constitutes a third-degree felony; “any person” who “actively participates” in an abortion in violation of the law is subject to criminal penalties,

³ Enlightenment is a core tenant of Buddhism and reflects the highest form of understanding: when a Buddhist finds the truth about life and stops being reborn because they have reached Nirvana, the highest state of being. Once a disciple reaches Nirvana they are not born again into suffering.

including imprisonment of up to five years and monetary penalties up to \$5,000 for a first offense. §§ 390.0111(10)(a), 775.082(8)(e), 775.083(1)(c), Fla. Stat. (emphasis added). Counseling or encouraging a crime constitutes “aiding and abetting” a crime under Florida law. *See* Fla. Stat. § 777.011. Thus, counseling to obtain an abortion in violation of HB 5’s strictures appears likely to be a crime under HB 5.

59. HB 5 criminalizes abortion after 15 weeks gestation (except for severely limited exceptions) but is so vague that it provides no reliable guidance regarding whether clergy violate the law as aiders and abettors when they affirmatively advise and support their believers to choose an abortion beyond HB 5’s extreme limitations. *See* Ch. 2022-69, §§ 3–4, Laws of Fla.

60. The Act’s vagueness and criminal penalties have chilled Plaintiff’s ability to discuss a disciple’s choices and considerations regarding healthcare, including abortion services. Since passage of the Act, Plaintiff fears that she and her sangha will face repercussions for counseling disciples regarding abortion services. As such, Plaintiff believes she will no longer be able to help guide their disciples and will have to turn them away if they seek religious services with respect to abortion services. Plaintiff also must closely monitor and constrain the texts and teachings she provides in public settings, for fear that if she provides guidance on abortion-related issues, she could face repercussions due to the Act.

61. An inability to counsel and support a disciple’s choices regarding abortion services and birth control prevents a Lama from being an effective spiritual guide and is an anathema to the Buddhist path. All Buddhists should be able to use self-determination to make choices to access abortion services and birth control with no restriction on movement, autonomy, type, or timing, and Lamas, such as Plaintiff, must be able to counsel their disciples accordingly.

62. Plaintiff's beliefs are consistent with the Buddhist principles set forth above and, as a result, the Act substantially burdens the exercise of her religious faith because it hampers her ability to counsel congregants and speak freely on reproductive rights and issues, and burdens her congregants' ability to seek counsel from their religious leader.

63. The Act prohibits Plaintiff and similarly situated members of the clergy from practicing their faith and carrying out their duties as a lama, clergy member, and religious leader of Buddhism. Instead, they face government intrusion, including possible criminal penalties, in violation of their First Amendment rights.

64. By impeding disciples from receiving religious counsel on these intimate decisions about their families, or when and under what circumstances to bring new life into the world, and their ultimate path to enlightenment, the Act not only threatens the clerical role of Plaintiff but also the lives, dignity, and equality of Buddhist disciples in denying religious freedom to members and their families. Thus, the Act effectively establishes the religion of its State proponents and prohibits the free exercise of the Buddhist religion by prohibiting Plaintiff's members, sangha, and supporters from exercising their religious beliefs in the most intimate decisions of their lives in consultation with their Lamas, clergy, medical providers, and family.

65. Because of the Act, Plaintiff is restricted from engaging in constitutionally protected speech, including providing counseling services to willing disciples and members of the community consistent with their sincerely held religious beliefs.

66. Because of the Act, Plaintiff, as well as other members of the Buddhist faith community, have suffered, are suffering, and will continue to suffer ongoing, immediate, and irreparable injury to their free speech, religious liberty rights, and ultimate karmic balance.

67. Plaintiff has no adequate remedy at law to protect the ongoing, immediate, and irreparable injury to her constitutional rights.

68. The Act serves no compelling, legitimate, or rational governmental interest and in fact, is harmful to the interests of the people of Florida. Thus, the relief sought by Plaintiff will serve the public interest.

COUNT I
VIOLATION OF FLORIDA RELIGIOUS FREEDOM RESTORATION ACT

69. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs as if fully set forth herein.

70. FRFRA prohibits local and state governments from substantially burdening a person's exercise of religion even if the burden results from a law of general applicability unless the government can demonstrate that application of the burden to the person: (1) furthers a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest. The Act applies to any and all religious beliefs, speech, and conduct, not just those that are "central" to the faith. According to the Act, "any person" who "actively participates" in an abortion is subject to criminal penalties. §§ 390.0111(10)(a), 775.082(8)(e), 775.083(1)(c), Fla. Stat.

71. Through the Act, the government has placed a substantial burden on Plaintiff's religious practice, which is motivated by her sincere religious belief.

72. The Act substantially burdens Plaintiff, as well as her disciples and all members of the Buddhist faith, in the exercise of their Buddhist beliefs and practices regarding abortion.

73. Disciples of Buddhism seek counsel and guidance from Lamas in moments of confusion, including on issues related to the spiritual, physiological, and psychological aspects of sex and sexuality including decisions related to pregnancy and childbirth, family planning, and

abortion. Indeed, these actions are closely tied to a disciple's karmic state and journey on the path of enlightenment. In return, Lamas have provided counseling that aligns with their disciples' rights to dignity and self-determination.

74. A core tenet of Buddhism is the sanctity of individual choices on the path of Buddha. When counseling disciples who can bear children, Plaintiff believes that their life and spiritual evolution is paramount. Additionally, pregnancy, childbirth, family planning, and abortion are extremely integral decisions in life. As a Lama, Plaintiff must consider the individual circumstances of each disciple, including their karmic effect and their place on the path to enlightenment. An inability to counsel and support a disciple's choices regarding abortion services and birth control prevents Plaintiff from being an effective spiritual guide and is an anathema to the Buddhist path. All Buddhists should be able to use self-determination to make choices to access abortion services and birth control with no restriction on movement, autonomy, type, or timing.
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All Lamas, including Plaintiff, should be able to counsel their disciples accordingly.

75. The Act intentionally places a substantial burden on Plaintiff's sincerely held religious beliefs by prohibiting the practice of Buddhist ideals related to abortion. This practice includes providing religious services and counseling to disciples on the principles held by Plaintiff that is required as a member of the clergy, and which appear to be or are criminalized by HB 5.

76. The right to receive and support quality reproductive healthcare for all members of the Temple, including abortion procedures in certain circumstances, is a significant component of Plaintiff's practice, and FRFRA guarantees the right of Plaintiff and the Temple's sangha to exercise the freedom to engage in religious practices without governmental interference absent a compelling state interest that is achieved through the least restrictive means for Plaintiff.

77. There is not a compelling state interest furthered by the Act, which runs contrary to the economic, medical, psychological, and many other interests of the state.

78. Even if it were found that the Act serves a compelling state interest, it is not the least restrictive means of furthering those interests.

79. The State did not provide a religious exemption or provide exceptions in cases such as non-fatal fetal abnormalities, psychological disease or impairment, rape, incest, and/or trafficking, all of which would be factors under the Buddhist faith. Instead, the Act prohibits abortions after fifteen weeks gestation with just two extremely narrow exceptions, which means there are many instances where HB 5 is violates the religious beliefs and conduct of Plaintiff.

80. The Act's violation of Plaintiff's rights under FRFRA is causing and will continue to cause Plaintiff and the Temple's sangha to suffer undue and actual hardship and irreparable injury.

81. Plaintiff has no adequate remedy at law to correct the continuing deprivation of rights.

COUNT II
**VIOLATION OF RIGHT TO LIBERTY OF SPEECH UNDER ARTICLE 1, SECTION 4
OF THE FLORIDA CONSTITUTION**

82. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs as if fully set forth herein.

83. Article I, § 4 of the Constitution of the State of Florida provides, "Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press."

84. The threat of criminal liability for violations of the Act restrains Plaintiff's ability to speak freely about the fundamental tenets of the Buddhist faith and to counsel sangha on matters

of family planning, pregnancy and childbirth, and abortion in accordance with Plaintiff's sincerely held religious beliefs and those of the sangha.

85. The Act vests unbridled discretion in government officials to apply or not apply the penalties in a manner that restricts free speech, and subjects Plaintiff to violations of Buddhist religious tenets.

86. Defendants lack compelling, legitimate, significant, or even rational governmental interests to justify the Act's infringements of the right to free speech.

87. The Act, on its face and as applied, is not the least restrictive means to accomplish any permissible government purposes sought to be served by the law.

88. The Act does not leave open ample alternative channels of communication for Plaintiff.

89. The Act, on its face and as applied, is irrational and unreasonable and imposes unjustifiable and unreasonable restrictions on constitutionally protected speech.

90. The Act's violation of Plaintiff's right of free speech has caused, is causing, and will continue to cause Plaintiff and the Church's sangha to suffer undue and actual hardship and irreparable injury.

91. Plaintiff has no adequate remedy at law to correct the continuing deprivation of the cherished constitutional liberties.

COUNT III
**VIOLATION OF RIGHT TO FREE EXERCISE AND ENJOYMENT OF RELIGION
UNDER ARTICLE I, SECTION 3 OF THE FLORIDA CONSTITUTION**

92. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs as if fully set forth herein.

93. Article I, § 3 of the Florida Constitution provides, "There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof."

94. The Florida Constitution goes beyond the United States Constitution in its protection of religious freedom in that it adds that the free exercise of religion may not be penalized. Claims under Florida's Free Exercise Clause are analyzed the same as claims under the First Amendment.

95. Plaintiff and her sangha rely on Buddhist doctrine and ideals regarding abortion, which differs from the requirements of the Act. If the sangha and supporters of Plaintiff practice their religion regarding decisions related to abortion, they will be penalized by the State in violation of the Constitution.

96. The Act, on its face and as applied, targets Plaintiff's sincerely held religious beliefs regarding autonomy and the right to self-determination, reproductive health, and abortion which are informed by religious text and constitute central components of their faith. Plaintiff also has sincerely held religious beliefs to provide spiritual counsel and assistance to sangha within the Temple who seek such counsel and to do so from a religious viewpoint that aligns with the faith's religious beliefs and those of the sangha.

97. The Act, on its face and as applied, violates the rights of Plaintiff and Buddhist sangha by unconstitutionally establishing religion in the context of decisions regarding abortion, and prohibiting and penalizing the practice of Buddhist principles in matters of abortion.

98. Through the implementation of the Act, Defendants are establishing their religious views on when life begins and foisting them upon Plaintiff and the Temple's sangha.

99. The Act further prohibits and penalizes Plaintiff for practicing their beliefs and living in accordance with their faith.

100. The Act thus places Plaintiff in an irresolvable conflict between compliance with her religious beliefs and compliance with the Act.

101. The Act, on its face and as applied, is neither neutral nor generally applicable, but rather specifically and discriminatorily target the religious viewpoints of Plaintiff.

102. The Act's purported interest in protecting life is unsubstantiated and thus does not constitute a compelling government interest.

103. No compelling government interests justify the burdens Defendants impose upon Plaintiff's and Buddhist sangha' rights to the free exercise of religion.

104. Even if the Act was supported by compelling government interests, they are not the least restrictive means to accomplish any permissible government purpose, which the Act seeks to serve.

105. The Act, both on its face and as applied, has failed to accommodate Plaintiff's sincerely held religious beliefs in the violation of the rights to free exercise of religion.

106. The Act's violation of Plaintiff's rights has caused, is causing, and will continue to cause Plaintiff and Buddhist disciples to suffer undue and actual hardship and irreparable injury.

107. Plaintiff has no adequate remedy at law to correct the continuing deprivation of the most cherished constitutional liberties.

COUNT IV
VIOLATION OF FREE SPEECH UNDER THE FIRST AMENDMENT

108. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs as if fully set forth herein.

109. The Act is unconstitutional on its face and as applied under the Free Speech Clause of the First Amendment.

110. The Free Speech Clause Amendment, which is applied to the states through incorporation into the Fourteenth Amendment, states that the government may not "abridge the freedom of speech." U.S. Const. amend. I. Religious speech is one of the most highly valued

types of speech under First Amendment doctrine. The freedom of religious speech is infringed when the government imposes a chill on religious speech due to vagueness, or suppresses religious speech without a compelling interest or narrow tailoring.

111. A central tenet of freedom of speech is that speech can very rarely be punished. Closely tied to the right not to be punished for engaging in free speech is the right not to have one's speech prospectively silenced through the threat of criminal punishment.

112. The threat of criminal liability for violations of the Act suppresses Plaintiff's ability to speak freely about the fundamental tenets of the Tibetan Buddhist faith and to counsel her disciples on matters of family planning, pregnancy and childbirth, and abortion in accordance with her sincerely held religious beliefs.

113. The Act is not narrowly tailored and does not leave open ample alternative channels of communication for Plaintiff.

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114. The Act, on its face and as applied, is irrational and unreasonable and imposes unjustifiable and unreasonable restrictions on constitutionally protected speech.

115. The Constitution protects against overbroad laws that chill speech.

116. The Act, on its face and as applied, unconstitutionally chills and abridges the right of Plaintiff to freely communicate the fundamental religious beliefs of the Tibetan Buddhist faith pertaining to family planning, pregnancy and childbirth, and abortion. It serves no compelling interest and is not narrowly tailored.

117. The Act vests unbridled discretion in government officials to make the choice in applying the penalties pursuant to the Act such that it restricts free speech, and subjects Plaintiff to violations of state law and Tibetan Buddhist religious tenets.

118. The void-for-vagueness doctrine in the context of the First Amendment “requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory treatment.” The Act fails this test.

119. The Act is unconstitutional on its face, because it is void for vagueness by failing to specify the penalties for its violation and by failing to identify who could be prosecuted under its vague terms.

120. The Act fails to define the term “actively participates” and thus criminalizes behavior about which those of ordinary intelligence and experience would have to guess if and/or when it applies to them.

121. The Act fails to make clear if those who provide religious counseling regarding the permissibility of abortion under Buddhist law or who support an individual’s decision to terminate their pregnancy beyond the narrow parameters of HB 5, would be subject to prosecution for “actively” participating in an abortion.

122. By failing to specify the penalties for violation of the Act, and who would be subject to such penalties, the Act leaves Plaintiff and other members of the clergy in the dark as to the dire consequences that could befall them if and when they exercise their religious beliefs, which has a chilling effect upon the freedom of religion.

123. The Act, on its face and as applied, is impermissibly vague as it requires those who could be subject to its penalties, as well as government and law enforcement officials tasked with enforcing its penalties, to guess at their meaning and differ as to their application, severely burdening and chilling the free speech of Plaintiff and all clergy who share certain religious beliefs.

124. Defendants lack compelling, legitimate, significant, or even rational governmental interests to justify the Act's infringement on the right to free speech.

125. The Act, on its face and as applied, neither serves a compelling interest nor is narrowly tailored. The determination that a fetus becomes a human being after fifteen weeks from the LMP is irrational, and there is nothing in the Act which explains why this date has been chosen to begin the imposition of harsh criminal penalties. Nor does the Act provide for accommodation for the many Buddhist clergy and believers who highly value the life and well-being of the pregnant mother or girl and who do not believe that "life" begins at fifteen weeks.

126. The Act's violation of Plaintiff's right of religious speech has caused, is causing, and will continue to cause Plaintiff to suffer undue and actual hardship and irreparable injury.

127. Plaintiff has no adequate remedy at law to correct the continuing deprivation of their most cherished constitutional liberties.

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COUNT V
**VIOLATION OF THE FREE EXERCISE CLAUSE UNDER
THE FIRST AMENDMENT**

128. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs as if fully set forth herein.

129. As described herein, and incorporated by reference, the Act violates the right of the Plaintiff, as well as the Temple's disciples, sangha and supporters, their families, and members of the Tibetan Buddhist faith, from exercising their rights to freedom of religion in the most intimate decisions of their lives. By harming and threatening the Buddhist faith, and the rights of Buddhist individuals, the Act does irreparable harm and burdens Plaintiff's religious beliefs, speech, and conduct, as well as the members of the Buddhist faith.

130. The Free Exercise Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, provides that governments may “make no law prohibiting the free exercise [of religion].” U.S. Const. amend. I.

131. Plaintiff holds sincerely held religious beliefs to provide spiritual counsel and assistance to disciples and believers of Buddhism who seek such counsel. Plaintiff also has sincerely held religious beliefs to engage in counseling honoring disciples’ autonomy and right to self-determination, which includes the right to reach informed decisions about the termination of pregnancy and to act beyond the narrow strictures of HB 5. The Free Exercise Clause permits Plaintiff to provide counseling and advice from a viewpoint that aligns with her sincerely held religious beliefs and those of the disciples who seek her guidance.

132. The Act, on its face and as applied, targets Plaintiff’s sincerely held religious beliefs regarding the value of the life of the individual, bodily autonomy, and the right to self-determination, reproductive health, and abortion which are informed by one’s own karmic path and considerations. The Act causes a direct and immediate conflict with Plaintiff’s religious beliefs, speech, and conduct by prohibiting her from providing and receiving religious counseling that is consistent with her religious beliefs.

133. The Act, on its face and as applied, impermissibly burdens Plaintiff’s sincerely held religious beliefs, speech, and conduct. The Act has also forced Plaintiff to choose between the fundamental teachings of her sincerely held religious beliefs and criminal penalties.

134. The Act places Plaintiff in an irresolvable conflict between compliance with their sincerely held religious beliefs and conduct and compliance with the Act.

135. The Act, on its face and as applied, is neither neutral nor generally applicable, but rather specifically and discriminatorily targets the religious speech, beliefs, and viewpoint of

Plaintiff and those who share their beliefs in autonomy and self-determination and who treat decisions to terminate a pregnancy as fundamental to those rights.

COUNT VI
VIOLATION OF THE ESTABLISHMENT CLAUSE UNDER
THE FIRST AMENDMENT

136. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs as if fully set forth herein.

137. The Establishment Clause under the First Amendment provides, in relevant part, that “Congress shall make no law respecting an establishment of religion.” U.S. Const. amend. I.

138. The prohibition on abortions after fifteen weeks of gestation has no secular basis and is harmful to the interests of a wide variety of believers and citizens in Florida, including Plaintiff.

139. Women, girls, and others who terminate their pregnancy after fifteen weeks from the LMP often do so because they have health conditions that are caused or exacerbated by pregnancy or receive a diagnosis of a serious fetal condition or a serious medical condition of their own which makes carrying a fetus to term risky and medically inadvisable. Many fetal conditions are not able to be identified until after fifteen weeks from the LMP, but these conditions are not accommodated by the Act’s very limited exceptions.

140. The Act further does not recognize maternal well-being or psychological injury to the pregnant women or girls as a weighty factor to be considered prior to an abortion, in violation of Plaintiff’s faith and other faiths. Nor does it provide for exceptions for incest, rape, or trafficking, again in conflict with many faiths including Plaintiff’s. Rather, the Act reflects the views of a minority of Americans, whose faith rejects abortion and who seek, through legislation,

to deny religious freedom on the issue of abortion to all others, under the notion that the religious views of all others are wrong and thus not entitled to respect or constitutional protections.

141. The Act codifies the narrow religious views of a few as the law of the State of Florida, which results in irreparable harm to Plaintiff and all others who espouse a different religious view.

142. Evidence of the Florida lawmakers' intent to impose a religion on the state is their failure to even consider their obligations under the Florida Religious Freedom Restoration Act, which requires the state to accommodate religious believers and institutions from Florida state laws that substantially burden their religious belief, speech, and conduct. There is no question that HB 5 substantially burdens Plaintiff's religious belief, speech, and conduct. The failure to include accommodation for the religious believers whose faith is suppressed by HB 5 is indicative of the state's illicit intent to impose a faith perspective on the citizens of Florida.

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143. Plaintiff has supported efforts to protect abortion rights as quintessential to protecting the rights of individuals to consider their own karma and path to Buddha, which Plaintiff believes is essential in respecting the life of its disciples and ensuring the Buddhist ideals of autonomy and self-determination. Members and supporters of the Buddhist faith have also been among those who strongly believe in the principle of the separation of Church and state, which is violated by the Act.

144. Plaintiff, as well as the disciples, sangha, supporters, and families of the Buddhist faith, do not require others to impose their religious views about when life begins and the sanctity of life in order to supplant and replace by judicial fiat and the power of the State the Buddhist view of individual choices and autonomy.

145. The Act, as written and applied, establishes religion in the context of decisions regarding abortion and pregnant women and girls' well-being.

146. The Act is not justified by any compelling, legitimate, or rational justification. The purported "protection of life" with its thumb heavily on the side of the fetus over the pregnant women or girl, and the fifteen-week cutoff, are devoid of economic, scientific, or medical merit.

147. The Act imposes on Florida the danger of the unity of the state with a singular minority religion, which the First Amendment's Establishment Clause was intended to deter. As the First Amendment's drafter, James Madison, put it: "Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects?" See James Madison, Memorial and Remonstrance Against Religious Assessments (June 20, 1785), in 5 THE FOUNDERS' CONSTITUTION 82 (P. Kurland & R. Lerner eds. 1986). Plaintiff brings this lawsuit against Florida to ensure that religious diversity and mutual respect are restored to the state regarding when and how life is valued and begins.

148. Florida lawmakers and the Governor, through the Act, have imposed on the state the narrow views of a minority of believers without accommodation for any religious believer.

149. No compelling government interest justifies the burdens Defendants impose upon Plaintiff's religious freedoms.

150. The Act's violation of separation of church and state has caused, is causing, and will continue to cause Plaintiff to suffer undue and actual hardship and irreparable injury.

151. An injunction of the Act is required to avoid the Act's violation of the Establishment Clause of the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

A. Issue preliminary and permanent injunctive relief restraining the enforcement, operation and/or execution of HB 5 by enjoining Defendants, their officers, agents, servants and successors, from enforcing, threatening to enforce or otherwise applying the provisions of the Act in Florida due to its violation of FRFRA.

B. Issue temporary and permanent injunctive relief restraining the enforcement, operation and/or execution of HB 5 by enjoining Defendants, their officers, agents, servants, employees, appointees, or successors, as well as those in active concert or participation with any of them, from enforcing, threatening to enforce, or otherwise applying the provisions of the Act in Florida due to its violation of the rights of Plaintiff as provided in the First and Fourteenth Amendments of the United States Constitution and Article I, sections 3 and 4 of the Florida Constitution

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C. That this Court render a declaratory judgment declaring that:

- i. HB 5 violates FRFRA and therefore is invalid, unconstitutional, and of no legal force and effect.
- ii. HB 5 violates the rights of Plaintiff and Buddhist sangha, supporters and their families, as well as all others to be free to exercise their religious, spiritual and/or ethical values and beliefs, free from government intrusion; and to find that HB 5 violates the establishment and the free exercise clause of the Florida Constitution as expressed in Article I, sections 3 and 4 of the Florida Constitution and is therefore void, unenforceable, invalid and of no legal effect.
- iii. HB 5 is invalid on its face under the United States Constitution's First Amendment and permanently enjoin HB 5.

- iv. HB 5 violates the constitutional and statutory rights of Plaintiff as a Buddhist clergy member regarding abortion beliefs and Plaintiff's ability to advise and counsel women, girls, and other individuals within the sangha on the Buddhist teachings in violation of the Free Speech and Free Exercise Clauses under the First Amendment of the United States Constitution.
- v. HB 5 violates the Establishment Clause under the First Amendment of the United States Constitution and is therefore void, unenforceable, invalid and of no legal effect.
- vi. HB 5 violates the Establishment Clause of the United States Constitution by discriminating against Plaintiff and the religious beliefs on abortion under the Buddhist faith and is therefore void, unenforceable, invalid, and of no legal effect.

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- D. Grant Plaintiff's costs and attorney's fees under.
- E. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Danielle Moriber

SPIRO HARRISON

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VERIFICATION

I, Lama Karma Chotso, am over the age of 18 and the Plaintiff in this action. Unless otherwise indicated, I have personal knowledge of the facts set forth herein, the statements and allegations about me or which I make in this Verified Complaint are true and correct, and if called upon to testify, I would and could do so competently.

Pursuant to 28 U.S.C. § 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge.

Executed this 31st day of July, 2022.



Lama Karma Chotso

Date: July 31, 2022