

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

Electronically filed

LISA SOBEL, et al.,
Plaintiffs

v.

No. 3:22CV-570-RGJ
(Removed from Jefferson Circuit Court
No. 22-CI-005189)

DANIEL CAMERON, *et al.*,
Defendants

NOTICE OF REMOVAL

Defendant Daniel Cameron, in his official capacity as Attorney General of the Commonwealth of Kentucky, for his notice of removal of this action from the Jefferson Circuit Court to the United States District Court for the Western District of Kentucky, Louisville Division, states as follows:

1. On October 6, 2022, Defendant Daniel Cameron was served with Plaintiffs' complaint, which was filed in the Jefferson Circuit Court as state court case number 22-CI-005189. Copies of all process and pleadings in the state court action are attached hereto in accordance with 28 U.S.C. § 1446(a).

2. This action is one over which the Court has original jurisdiction under 28 U.S.C. § 1331, and is one the Defendants may remove to this Court under 28

U.S.C. § 1441(a), because Plaintiffs have asserted claims that arise under the Constitution of the United States, including:

a. Plaintiffs allege that Kentucky has violated their right to due process of law under the Fifth and Fourteenth Amendments; and

b. Plaintiffs allege that Kentucky has violated their First Amendment right of freedom of religion.

3. To the extent Plaintiffs have asserted state law claims in their complaint, this Court has supplemental jurisdiction over those claims under 28 U.S.C. § 1367(a).

4. Undersigned counsel for Defendant Daniel Cameron has conferred with counsel for Defendant Thomas Wine, and he has consented to the removal of this case to this Court under 28 U.S.C. § 1446(b)(2)(A).

5. This notice of removal is filed within 30 days after Attorney General Daniel Cameron became aware of the removability of this case, as is required by 28 U.S.C. § 1446(b)(1).

Respectfully submitted,

/s/ Christopher L. Thacker

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Attorney General Daniel Cameron

CERTIFICATE OF SERVICE

I certify that on October 26, 2022, the above document was filed with the CM/ECF filing system and that a true and correct copy was served electronically on the counsel of record and via regular U.S. Mail, postage prepaid, upon the following:

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Counsel for Defendant, Thomas Wine

/s/ Christopher L. Thacker
*Counsel for Defendant,
Attorney General Daniel Cameron*

CASE NO. _____

JEFFERSON CIRCUIT COURT
DIVISION _____
JUDGE _____LISA SOBEL
LOUISVILLE, KY 40241

PLAINTIFF

and

JESSICA KALB
LOUISVILLE, KY 40241

and

SARAH BARON
LOUISVILLE, KY 40207

v.

COMPLAINT FOR DECLARATORY RELIEFDANIEL CAMERON, in his official
Capacity as Attorney General of the
Commonwealth of Kentucky;

DEFENDANT

SERVE: Office of the Attorney General
700 Capitol Avenue, Suite 118
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and

THOMAS B. WINE, in his official capacity
as Commonwealth's Attorney for the 30th
Judicial Circuit of Kentucky

DEFENDANT

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PARTIES**Plaintiffs**

1. Plaintiff, Lisa Sobel, is a resident of Jefferson County, Kentucky.
2. Plaintiff, Jessica Kalb, is a resident of Jefferson County, Kentucky.
3. Plaintiff, Sarah Baron, is a resident of Jefferson County, Kentucky.
4. Plaintiff, Lisa Sobel, is a thirty-eight-year-old Jewish mother who is a member of The Temple, Congregation Adath Israel Brith Sholom in Louisville, Kentucky.
5. Lisa's husband is an employee of The Temple, Congregation Adath Israel Brith Sholom in Louisville, Kentucky.
6. Lisa and her husband are both Jewish and need genetic counseling as both Lisa and her husband suffer from medical conditions that do not allow them to get pregnant without in vitro fertilization (hereinafter, "IVF").
7. Lisa and her husband underwent two rounds of IVF with their first and only child.
8. Jessica Kalb is a thirty-two-year-old Jewish mother who was raised in the Jewish tradition and is raising her daughter in the Jewish tradition.
9. Jessica Kalb has one child that was conceived using IVF. Jessica has nine (9) cryopreserved ("frozen") embryos in the event she chooses to have more children. She does not plan on having nine (9) more children using the embryos currently cryopreserved and she has not decided whether to discard the excess embryos or donate them.
10. Sarah Baron is a thirty-seven-year-old Jewish mother of two children who is a board member at Adath Jeshurun synagogue in Louisville, KY.

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11. Sarah is of advanced maternal age and faces many risk factors if she chooses to have a third child. Individuals of Ashkenazi Jewish ancestry have a heightened risk of passing on genetic anomalies, like Tay-Sachs disease, for which there is no cure and the average lifespan of those with the condition is four years of age. Kentucky's current law related to reproduction has discouraged Sarah from having more children.

Defendants

12. Defendant Daniel Cameron is the Attorney General of the Commonwealth of Kentucky. Under Kentucky law, Defendant Cameron "may seek injunctive relief as well as civil and criminal penalties in courts of proper jurisdiction to prevent, penalize, and remedy violations of KRS 311.710 to 311.830."

13. Under Kentucky law, KRS 15.200, Defendant Cameron may intervene, participate in, or direct any investigation or criminal action, or portions thereof, within the Commonwealth of Kentucky necessary to enforce the laws of the Commonwealth.

14. Defendant Thomas B. Wine serves as the Commonwealth's Attorney for the 30th Judicial Circuit of Kentucky. In this capacity, Defendant Wine has authority to enforce criminal felony penalties in Jefferson County, Kentucky where Plaintiffs are located.

JURISDICTION AND VENUE

15. This Court has jurisdiction over this action pursuant to Sections 109 and 112 of the Kentucky Constitution and KRS 23A.010.

16. Plaintiffs' claims for declaratory relief are authorized by KRS 418.040, KRS 418.045, CR 57, and the general legal and equitable powers of this Court.

17. Venue is appropriate in this Court pursuant to KRS 452.005 because this is a civil action that challenges the constitutionality of Kentucky statutes and that seeks declaratory relief

against individual state officials in their official capacities, and all three Plaintiffs reside in Jefferson County.

18. Pursuant to KRS 418.075(1) and KRS 452.005(3), notice of this action challenging the constitutionality of enactments of the General Assembly is being provided to the Attorney General, who is also a defendant in this action, by serving copies of the Complaint upon him.

FACTUAL ALLEGATIONS – IN VITRO FERTILIZATION

19. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

20. IVF is a procedure used to assist with pregnancy wherein a human egg is fertilized with sperm in a laboratory and then implanted in the uterus. If the fertilized egg successfully implants in the uterus, a pregnancy will result.

21. The IVF process often results in surplus embryos, wherein more embryos are fertilized than will be implanted in the mother. These embryos may be kept frozen at high costs or discarded by the clinics at the consent of the donors.

22. Under KRS 311.720(8), a “human being” means any member of the species homo sapiens from fertilization until death. Under KRS 311.7701 and KRS 311.781(1), “Fertilization” means the fusion of a human spermatozoon with a human ovum. Under KRS 311.7701 and KRS 311.781(9) an “Unborn child” means an individual organism of the species homo sapiens from fertilization until live birth.

23. Under KRS 507A.020 (1) A person is guilty of fetal homicide in the first degree when (a) with intent to cause the death of an unborn child or with the intent to commit an offense

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under KRS 507.020(1)(a), he causes the death of an unborn child . . . (2) Fetal homicide in the first degree is a capital offense.

24. It is common practice for a couple who has undergone IVF to choose to discard their embryos.

25. It is unclear whether under Kentucky law choosing to discard embryos during IVF is a prohibited capital offense.

FACTUAL ALLEGATIONS – ABORTION LAW

26. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

27. Following the US Supreme Court decision in *Dobbs v. Jackson Women's Health Organization*, No. 19-1392, (U.S. June 24, 2022), KRS 311.772 (the "Trigger Ban") has prevented any abortion in Kentucky except in very narrow emergency circumstances after the detection of fetal cardiac activity.

28. KRS 311.7704 requires a determination of whether there is a fetal cardiac activity.

29. Fetal cardiac activity is a subjective determination and has little to no relationship with scientific understanding of fetal development.

30. KRS 311.705 makes it a felony to "terminate" a pregnancy if cardiac activity is detected.

31. The only exceptions, under KRS 311.7706, to having an abortion after the presence of cardiac activity is to (1) prevent the pregnant patient's death, or (2) to prevent a "substantial and irreversible impairment of a major bodily function." This cardiac activity ban contains no exceptions for rape, incest, mental health of the pregnant person, or viability of the fetus.

32. All of the statutes relating to abortion under KRS 311 (hereinafter the "Abortion Law,") are internally contradictory, vague, and unintelligible.

FACTUAL ALLEGATIONS – JEWISH LAW

33. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

34. Judaism has never defined life beginning at conception. Jewish views on the beginning of life originate in the Torah (called in Christian tradition, the "Old Testament,") e.g., Book of Exodus, 21:22-3, which was compiled thousands of years ago. Millenia of commentary from Jewish scholars has reaffirmed Judaism's commitment to reproductive rights.

35. Under Jewish law, a fetus does not become a human being or child until birth. Under no circumstances has Jewish law defined a human being or child as the moment that a human spermatozoon fuses with a human ovum.

36. The question of when life begins for a human being is a religious and philosophical question without universal beliefs across different religions.

37. Judaism has never made any distinction related to the moment that an egg is fertilized or the moment cardiac activity may be detected.

38. Jewish law stresses the necessity of protecting birth givers in the event a pregnancy endangers the woman's life and causes the mother physical and mental harm. Harm includes but is not limited to rape, incest, or the case of a significant fetal anomaly.

39. Plaintiff's religious beliefs demand that they have more children through IVF, yet the law forces Plaintiffs to spend exorbitant fees to keep their embryos frozen indefinitely or face potential felony charges. This dilemma forces Plaintiffs to abandon their sincere religious beliefs

of having more children by limiting access to IVF and substantially burdens their right to freely exercise these sincerely held religious beliefs.

**FACTUAL ALLEGATIONS – SECTARIAN CHRISTIAN
THEOLOGICAL BASIS FOR ABORTION LAW**

40. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

41. In a recent order on the pending matter *EMW Womens' Surgical Center, et al. v. Daniel Cameron*, Jefferson County Circuit Court Judge Mitch Perry wrote, the notion “that life begins at the very moment of fertilization. . . is a distinctly Christian and Catholic belief. . .” No. 22-CI-3225, Opinion and Order Granting Temporary Injunction. Moreover, this religious belief is of relatively recent provenance.

42. As late as 1869, when the Papacy issued *Apostolicae Sedis moderationi*, even the Catholic Church differentiated between early and late term abortions, only viewing late term abortion as “murder.”

43. When the Church changed its view in the Nineteenth Century, some two-thousand five hundred (2,500) years or more after the Jewish views on reproductive rights were promulgated, the Catholic Church officially adopted the view that life begins at conception. Even by this late date, many Protestant sects did not agree.

44. In 1971, more than a century after *Apostolicae Sedis moderationi*, the Southern Baptist Convention, which represents the largest Protestant sect in America, adopted a resolution demanding legal abortion under certain conditions, including some conditions not exempted from Kentucky's abortion ban. “How Southern Baptists Became Pro-Life,” David Roach, <https://www.baptistpress.com/resource-library/news/how-southern-baptists-became-pro-life/>, accessed 9/22/22.

45. In 1973, W.A. Criswell, former president of the Southern Baptist Convention ("SBC"), praised the Court's decision in *Roe v. Wade*, writing, "I have always felt that it was only after a child was born and had a life separate from its mother that it became an individual person, and it has always, therefore, seemed to me that what is best for the mother and for the future should be allowed." *Id.*

46. Fifty years later, the SBC holds very different views on abortion. The changes of the last fifty years relate to the "Culture Wars," a period of reactionary backlash to the dramatic sociopolitical changes in America during the latter half of the Twentieth Century. During these Culture Wars, figures such as Jerry Falwell organized groups like the Moral Majority to militate against social changes such as desegregation. By the end of the 1970s, these groups began to focus their ire against abortion, signaling a sectarian change in evangelical theology relating to reproductive rights.

47. Although groups such as the SBC had previously seen opposition to abortion as a Catholic issue, the Culture Wars brought the political stance into the evangelical fold. In 1979, Presbyterian evangelical Francis Schaeffer began screening his influential pro-life film, *Whatever Happened to the Human Race?*, to evangelical churches across the nation. In 1981, he published *A Christian Manifesto*, which called on evangelicals to use civil disobedience to protest abortion. Five years later, in 1986, Operation Rescue began the now-familiar tactic of preaching and protesting outside abortion clinics. By the 1990s, anti-abortion views were cornerstone political beliefs of sectarian evangelical Christianity.

48. A recent survey demonstrates the critical role of anti-abortion politicking to modern sectarian evangelical theology: while close to half of American evangelicals deny the divinity of Jesus, and about two thirds of American evangelicals deny original sin, less than ten percent of

American evangelicals question whether abortion is a sin. *The State of Theology*, Ligonier Ministries, <https://thestateoftheology.com/>, accessed 9/22/22. The divinity of Jesus and the nature of original sin are traditionally important elements of evangelical Christianity. *Id.* However, based on the surveyed beliefs of evangelicals, it appears that anti-abortion activism is a more important theological element to some sectarians than the nature of God or the human relationship to God.

49. Kentucky's Abortion Law is a product of this sectarian movement.

50. The Abortion Law bans are alien to traditional Kentucky legal attitudes toward the regulation of abortion: until the Culture Wars, regulation of abortion in Kentucky, as well as every other state that regulated abortion, was focused on the safety of the procedure to the potential birth giver, and abortion bans were passed only to protect the potential birth giver's life from a then-unsafe surgical procedure. Buell, Samuel (January 1, 1991). "Criminal Abortion Revisited". *New York University Law Review*. 66 (6): 1774–1831.

51. Kentucky's contemporary Abortion Law is focused on preservation of ova and blastocysts on the basis of a religious understanding of fetal personhood. The views on life-at-conception endorsed by the Abortion Law are the sectarian beliefs of the groups discussed above.

Count I Void for Vagueness

52. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

53. In passing a restrictive criminal statute infringing religious rights that is so vague that ordinary people such as Plaintiffs cannot understand what conduct is prohibited, the Kentucky legislature has passed a law that is void for vagueness, violating the principles of Due

Process under the Fifth and Fourteenth Amendments and the rights conferred by the First Amendment.

54. People's reproductive lives and decisions are complex and variegated. There is no "one size fits all" approach to reproduction. Kentucky's Abortion Law flattens the reproductive experience into non-scientific falsehoods such as a "fetal heartbeat" and penalizes potential birth givers with a felony if they guess wrong as to what the law is "supposed" to mean.

55. Plaintiff Kalb currently has nine (9) preserved blastocysts in cold storage. She does not know what regulations she must follow, how she will be penalized for terminating them if she does so, or whether she is responsible for paying for their preservation indefinitely.

56. Plaintiffs cannot reproduce without access to IVF treatment. IVF treatment frequently involves at least one nonviable pregnancy. Plaintiffs do not know whether they must carry every dead fetus to miscarriage, or whether they may conceive using this method knowing it may involve a nonviable pregnancy. Plaintiffs cannot determine whether they are prevented from having children at all.

57. The Abortion Law's soft language regarding IVF, i.e., KRS 311.715, is misleading: while the procedure itself has some basic protection under blackletter, the disposal of blastocysts, ova, etc., has none, nor is the termination of a nonviable fetus protected under law. Both of these outcomes are strong possibilities for any IVF patient, and without legal protections for these medical procedures, IVF becomes legally dangerous if not impossible.

58. The Abortion Law does not impose clear standards, rules, or regulations regarding the potential experiences of potential birth givers with regards to their access to reproductive technology. A criminal statute must "define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited[.]" *Kolender v. Lawson*, 461 U.S.

352, 357 (1983). A “statute [must] provide fair notice by containing sufficient definiteness so that ordinary people can understand what conduct is prohibited. In addition, a “statute [must] be worded in such a manner so as not to encourage arbitrary or discriminatory enforcement.” *Wilfong v. Commonwealth*, 175 S.W.3d 84, 95 (Ky. Ct. App. 2004).

59. Where “the intent of [a statute] is so obscure that any effort to ascribe some rational meaning to it would be based solely on conjecture,” *Burke v. Stephenson*, 305 S.W.2d 926, 929 (Ky. 1957), that statute is void for vagueness.

60. “The void-for-vagueness doctrine is most often applied in the context of the First Amendment, the criminal law, and punitive civil laws.” *Bd. of Trs. of the Judicial Form Ret. Sys. v. AG*, 132 S.W.3d 770, 778 (Ky. 2003). The Abortion Law includes a felony criminal penalty for uncertain acts involving reproductive rights. Further, because this law infringes on the religious rights of Plaintiffs (Counts III, IV, V), the First Amendment is implicated.

61. The remedy for such vagueness is to void the statute. *E.g.*, *Commonwealth v. Looper*, 294 S.W.3d 39, 43 (Ky. Ct. App. 2009).

Count II Void for Unintelligibility

62. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

63. In passing a restrictive statute so vague that people upon whom it is designed to operate cannot understand it, and about which the courts cannot deduce the legislative will behind it, the Kentucky legislature abrogated its duty to legislate to executive branch prosecutors and judicial branch judges, in violation of § 27, 28, and 29 of the Kentucky Constitution.

64. The Kentucky Legislature was intentionally vague in crafting the Abortion Law. The purpose of this vagueness was to avoid negative political fallout, provide a path for the

further erosion of reproductive rights, and spread culpability for their ultimately unpopular attempt to control women, to those they would task with crafting, enforcing, and interpreting their vague law: Commonwealth's Attorneys and county Circuit Judges.

65. Due to this intentional vagueness, Kentucky will ultimately have a patchwork of reproductive technology access practices and byways that vary from county to county, and from circuit to circuit. Each prosecutor in the state may interpret this law in any way they see fit, may prosecute any potential birth giver they see fit to prosecute, and may punish any woman for any real or imagined infraction to an embryo, blastocyst, ovum, or fetus. The only check on this patchwork erosion of human rights is the state judiciary, which is now unconstitutionally tasked with writing abortion law in the state.

66. "Certain [] provisions meant to favor a powerful special interest are intentionally written in obscure styles. The obscurity not only limits the benefit of such provisions to the narrow interest group, it also makes it less likely that the public at large will discover, understand and criticize the favor." Edward J. McCaffery, *The Holy Grail of Tax Simplification*, 1990 Wis. L. Rev. 1267, 1284-85 (1990), cited in *Bd. of Trs. of the Judicial Form Ret. Sys. v. AG*, 132 S.W.3d 770, 780 (Ky. 2003).

67. Even if the legislature's Abortion Law was not intentionally unintelligible, the Abortion Law is nevertheless so unintelligible as to be void: intentionality is not a requirement for Plaintiff to prevail on this claim, merely unintelligibility. As stated in Count I, Plaintiffs cannot discern what they may or may not do with their own bodies under the Abortion Law.

68. "[W]here the law-making body, in framing the law, has not expressed its intent intelligibly, or in language that the people upon whom it is designed to operate or whom it affects can understand, or from which the courts can deduce the legislative will, the statute will be

declared to be inoperative and void." *Folks v. Barren Cty.*, 232 S.W.2d 1010, 1013 (1950). Thus, the remedy for such an unintelligible law is to void the statute. *Id.*

Count III
The Abortion Law Violates the Kentucky
Religious Freedom Restoration Act

69. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

70. The Kentucky Religious Freedom Restoration Act, KRS 446.350 ("KRFRA"), states that "[g]overnment shall not substantially burden a person's freedom of religion" unless the government "proves by clear and convincing evidence that it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest." KRS 446.350.

71. In short, the KRFRA imposes strict scrutiny on all government actions that "substantially burden a person's freedom of religion." *Id.*

72. The KRFRA defines a "burden" as including "indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities." *Id.*

73. The KRFRA is "equivalent" to the federal Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. § 2000bb et seq. *Moorish Sci. Temple of Am., Inc. v. Thompson*, No. 2014-CA-001080-MR, 2016 WL 1403495, at *4 (Ky. App. Apr. 8, 2016). Like RFRA, the KRFRA "is a codification by the legislature of the strict scrutiny test applied in case law." *Id.* Because the statutes are substantially similar, cases interpreting RFRA are instructive in interpreting the KRFRA.

74. RFRA broadly defines the "exercise of religion" to include "any exercise of religion, whether or not compelled by, or central to, a system of religious belief." 42 U.S.C. §

2000bb-2(4) (citing 42 U.S.C. § 2000cc-5). In *Burwell v. Hobby Lobby Stores, Inc.*, the United States Supreme Court stated that the exercise of religion involves "not only belief and profession but the performance of (or abstention from) physical acts that are engaged in for religious reason." 573 U.S. 682, 710 (2014) (citing *Employment Division v. Smith*, 494 U.S. 872, 877 (1990)).

75. A compelling interest includes "only those interests of the highest order." *Wisconsin v. Yoder*, 406 U.S. 205, 215 (1972). And the least-restrictive-means standard is "exceptionally demanding." *Hobby Lobby*, 573 U.S. at 728. To pass the least-restrictive-means test, the government must show "that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion" by the religious objector. *Id.*

76. By drafting a law that violates the religious freedoms of Jewish birth givers, Kentucky's legislature has passed a law that runs afoul of KRFRA.

77. Assuming *arguendo* that there is a compelling governmental interest in preserving a fetal life or more broadly life itself, it neither follows that there is a compelling governmental interest in the broad prohibitions on reproductive technologies found in a plain reading of Kentucky's Abortion Law, nor that Kentucky has imposed the least restrictive means to protect that interest. Indeed, there is a lack of clear and convincing evidence regarding either.

78. Plaintiffs' religious beliefs have been infringed: they are Jewish and Jewish law ("halakha") asked and answered the question of fetal personhood thousands of years ago and rabbis, commentators and Jewish legal scholars have repeatedly confirmed these answers in the intervening millennia.

79. While a fetus is deserving of some level of respect under halakha, the birth giver takes precedence. Jews have never believed that life begins at conception. This belief belongs to certain Christian groups.

80. Kentucky's legislature has imposed sectarian theology on Jews.

81. Furthermore, while there are broad differences among Jews and between Jewish schools of thought, most American Jews, over 80%, *Pew Religious Landscape Study*, <https://www.pewresearch.org/religion/religious-landscape-study/religious-tradition/jewish/views-about-abortion/> accessed 9/22/22, believe that abortion should be legal in all or most cases, and fall in line with liberal Jewish thought, which since the Nineteenth Century has held increasingly permissive views on abortion and reproductive technology.

82. Plaintiffs are among the 80%: their beliefs on reproductive rights are sincerely held and are religious in nature. Plaintiffs are active in the Jewish community, frequent Sabbath services at their synagogues and temples, and hold informed views on their reproductive rights under halakha. For Plaintiffs, "this is not just a matter of Jewish law, but of Jewish values," "The Jewish Case for Abortion Rights," Sheila Katz and Danya Ruttenberg, *Newsweek*, June 29, 2020, <https://www.newsweek.com/abortion-jewish-right-scotus-june-medical-services-louisiana-constitution-1514214>, accessed 10/4/2022.

83. The Kentucky Legislature has substantially burdened Plaintiffs' freedom of religion and has failed to articulate a substantial governmental interest in its interference with reproductive technology.

84. Kentucky has also failed to impose the least restrictive means in protecting fetal interest. Pregnancy scans that occur after the detection of a fetal cardiac activity can reveal that a baby will not survive pregnancy or birth, yet Kentucky law only provides for legal termination of the fetus in the event the mother's life is in danger, rather than allow Jews their religious viewpoint that abortion is necessary to protect the health of the mother.

85. Forcing a mother to deliver a dead fetus to term, or one that will certainly die moments after birth, does not advance a governmental interest to protect fetal life, is contrary to Jewish law, severely damages the mental health of the mother, is flatly cruel and degrading, does not promote "life," and serves no legitimate purpose at all.

Count IV
Violation of Kentucky Constitution Section 5 by
Giving Preference to Sectarian Christianity

86. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

87. Section 5 of the Kentucky Constitution states, "No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity. . ." Furthermore, "No human authority shall, in any case whatever, control or interfere with the rights of conscience." *Id.*

88. Plaintiffs do not share the sectarian religious views of evangelical Christians. They hold the millenia-old views on reproductive rights of one of the world's oldest monotheistic religions.

89. Kentucky nevertheless has adopted politicized sectarian religious views and imposed them on those who do not share them, including Plaintiffs.

90. The state legislature's passage of the theocratic Abortion Law violates Section 5 of the Kentucky Constitution, by giving preference to these alien, sectarian views, and interferes with Plaintiffs' rights of conscience.

91. The remedy for the passage of an unconstitutional law is to void the law.

Count V
Violation of Kentucky Constitution Section 5 by
Diminishing Plaintiffs' Privileges, Rights, and Capacities
on Account of their Jewish faith

92. Plaintiff incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth with particularity herein.

93. Section 5 of Kentucky's Constitution states, that "the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching." Furthermore, "No human authority shall, in any case whatever, control or interfere with the rights of conscience." *Id.*

94. Plaintiffs have special needs regarding reproductive care. Plaintiffs are Jews who rely on IVF to reproduce at all.

95. IVF almost always involves the production of at least one, but often many, nonviable embryos, which ultimately are discarded. Without this technology, Plaintiffs cannot reproduce at all.

96. Procreation has a special place in Jewish law, thought, and tradition. While all Abrahamic religions value the divine injunction to "Be fruitful and multiply," Jewish births are of special significance to Jewish people today because of the genocide they suffered during the Holocaust, which destroyed much of world Jewry.

97. There are fewer Jews alive today than before the Holocaust in 1939, despite the massive growth in global population.

98. With Kentucky's vague and theocratic Abortion Law in place, Plaintiffs are enjoined from reproduction. They do not know if their reproductive needs are illegal (*see* Counts I and II) and they cannot access the technologies they need in the Commonwealth of Kentucky. Kentucky's Abortion Law is predicated on a sectarian view that excludes the beliefs of Plaintiffs.

Kentucky's restrictions on reproductive technology push a "quiet genocide" onto the Jewish people.

99. Kentucky's assault on reproductive rights through the passage of the Abortion Law removes Plaintiffs' access to these necessary technologies. Kentucky's Abortion Law is blind to the reproductive needs of pregnant birth givers undergoing IVF.

100. Kentucky's unconstitutional Abortion Law diminishes Plaintiffs' privileges, rights, and capacities on account of their Jewish faith and beliefs, and their disbelief of the sectarian views currently encoded in KRS Chapter 311. It is therefore unconstitutional under Section 5 of the Kentucky Constitution, since discarding embryos during IVF is not a violation of Jewish law and helps encourage reproduction, but is a violation of Kentucky law.

101. The remedy for an unconstitutional law is to void the law.

Prayer for relief

WHEREFORE, plaintiffs request that this Court:

- a. Declare that the Abortion Law is unlawful for the reasons noted above;
- b. Enter a preliminary injunction, later to be made permanent, enjoining defendants from taking any action that would prevent or otherwise interfere with the ability of the plaintiffs, from obtaining any health care as directed by their sincere religious beliefs;
- c. Award plaintiffs their costs and reasonable attorneys' fees;
- d. Award all other proper relief.

Respectfully submitted,

/s/ Benjamin Potash /s/ Aaron Kemper

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Commonwealth of Kentucky
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CR 4.02; Cr Official Form 1



CIVIL SUMMONS

Case #: **22-CI-005189**

Court: **CIRCUIT**

County: **JEFFERSON Circuit**

Plaintiff, SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL, Defendant

TO: **DANIEL CAMERON**

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The Commonwealth of Kentucky to Defendant:
DANIEL CAMERON

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk

Date: **10/6/2022**

Proof of Service

This Summons was:

☐ Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

☐ Not Served because: _____

Date: _____, 20____

Served By

Title

Summons ID: @00001014005

CIRCUIT: 22-CI-005189 Certified Mail

SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL



eFiled

AOC-E-105
Rev. 9-14

Sum Code: CI

Commonwealth of Kentucky
Court of Justice Courts.ky.gov

CR 4.02; Cr Official Form 1



CIVIL SUMMONS

Case #: **22-CI-005189**

Court: **CIRCUIT**

County: **JEFFERSON Circuit**

Plaintiff, SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL, Defendant

TO: **THOMAS B. WINE**
OFFICE OF THE COMMONWEALTH'S ATTORNEY
514 WEST LIBERTY STREET
LOUISVILLE, KY 40202

Email: TBWINE@LOUISVILLEPROSECUTOR.COM

The Commonwealth of Kentucky to Defendant:
THOMAS B. WINE

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk

Date: **10/6/2022**

Proof of Service

This Summons was:

☐ Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

☐ Not Served because: _____

Date: _____, 20____

Served By

Title

Summons ID: @00001014006
CIRCUIT: 22-CI-005189 Certified Mail
SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL



eFiled

AOC-E-105 Sum Code: CI
Rev. 9-14

Commonwealth of Kentucky
Court of Justice *Courts.ky.gov*

CR 4.02; Cr Official Form 1



CIVIL SUMMONS

Case #: **22-CI-005189**

Court: **CIRCUIT**

County: **JEFFERSON Circuit**

Plaintiff, **SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL,** *Defendant*

TO: DANIEL CAMERON
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVENUE, SUITE 118
FRANKFORT, KY 40601

Email: SERVETHECOMMONWEALTH@KY.GOV

The Commonwealth of Kentucky to Defendant:
DANIEL CAMERON

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk

Date: **10/6/2022**

Proof of Service

This Summons was:

☐ Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

☐ Not Served because: _____

Date: _____, 20____

Served By

Title

Summons ID: @00001014007
CIRCUIT: 22-CI-005189 Certified Mail
SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL



eFiled

AOC-E-105
Rev. 9-14

Sum Code: CI

Commonwealth of Kentucky
Court of Justice Courts.ky.gov

CR 4.02; Cr Official Form 1



CIVIL SUMMONS

Case #: **22-CI-005189**

Court: **CIRCUIT**

County: **JEFFERSON Circuit**

Plaintiff, SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL, Defendant

TO: **BENJAMIN POTASH**
1009 S. 4TH ST.
LOUISVILLE, KY 40203

Telephone # : 502-584-8583

Email: POTASHLAW@GMAIL.COM

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Davis L. Nicholson

Jefferson Circuit Clerk

Date: **10/6/2022**

Proof of Service

This Summons was:

☐ Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

☐ Not Served because: _____

Date: _____, 20____

Served By

Title

Summons ID: @00001014008

CIRCUIT: 22-CI-005189 Return to Filer for Service

SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL



eFiled

JEFFERSON County
Random Judge Assignment Report

Court: Circuit Court

Requestor: DARRELL_GONTERMAN **Reference/Case Number:** 22-CI-005189

This Case has been Assigned to: 11 **Division**

Judge Brian Edwards 630312

Control Date/Time: 10/06/2022 1:08:58PM

Commonwealth of Kentucky
Jefferson County
David Nicholson
Circuit Court Clerk

Commonwealth of Kentucky
Jefferson County
David Nicholson
Circuit Court Clerk

Receipt Number: 71-0183816-A

DATE: 10/06/2022

TIME: 01:09 PM

*** (Z) OTHER TYPE RECEIPT ***

CASE NO: 22-CI-005189

RECEIVED FROM: WILLIAM KEMPER

ACCOUNT OF: SOBEL, LISA ET AL VS. CAMERON, I

PARTY NAME: WILLIAM KEMPER

Receipt Number: 71-0183816-A

DATE: 10/06/2022

TIME: 01:09 PM

*** (Z) OTHER TYPE RECEIPT ***

CASE NO: 22-CI-005189

RECEIVED FROM: WILLIAM KEMPER

ACCOUNT OF: SOBEL, LISA ET AL VS. CAMERON, I

PARTY NAME: WILLIAM KEMPER

1. Civil Filing Fee (Q)	150.00
2. ATJ Fee (I)	20.00
3. Court Technology MCFO(K(CT))	20.00
4. Library Fee (L)	3.00
5. Att Tax Fee MCFO(K(Q))	5.00
6. Postage MCFO(K(H))	46.56
7. Copy - Photocopy CS(W(F))	6.30

TOTAL: \$250.86

CREDIT CARD: \$250.86

***DIFF: 0.00

*** Credit Card Invoice #: 151000332

5124432

Envelope #: 5124432

Prepared By: Web_Payment

** MCFO=Money Collected for Others

** CS=Charge for Services

Payer

Page 1 of 1

1. Civil Filing Fee (Q)	150.00
2. ATJ Fee (I)	20.00
3. Court Technology MCFO(K(CT))	20.00
4. Library Fee (L)	3.00
5. Att Tax Fee MCFO(K(Q))	5.00
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TOTAL: \$250.86

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** MCFO=Money Collected for Others

** CS=Charge for Services

Filing (KYCOURTS)

Page 1 of 1



UNITED STATES
POSTAL SERVICE

10/11/2022

David L. Nicholson, Jefferson Circuit Clerk

Date Produced: 10/10/2022

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE/RD item number 9236 0901 9403 8392 0279 42. Our records indicate that this item was delivered on 10/08/2022 at 07:49 a.m. in LOUISVILLE, KY 40202. The scanned image of the recipient information is provided below.

Signature of Recipient :

T Wine
T Wine

Address of Recipient :

Shirley

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number:
Filed 22-CI-005189

C3730240.22171488

10/11/2022

David L. Nicholson, Jefferson Circuit Clerk

AOS: 000001 of 000001



KENTUCKY
COURT OF JUSTICE

22-CI-005189

SOBEL, LISA ET AL VS. CAMERON, DANIEL ET AL

JEFFERSON CIRCUIT COURT

Filed on 10/06/2022 as CONSTITUTIONAL CHALLENGE with HON. BRIAN EDWARDS

*** NOT AN OFFICIAL COURT RECORD ***

Parties

22-CI-005189

as PLAINTIFF / PETITIONER

BARON, SARAH as PLAINTIFF / PETITIONER

CAMERON, DANIEL as DEFENDANT / RESPONDENT

Memo

Alternative Service Address exists.

KALB, JESSICA as PLAINTIFF / PETITIONER

SOBEL, LISA as PLAINTIFF / PETITIONER

WINE, THOMAS B. as DEFENDANT / RESPONDENT

Memo

Alternative Service Address exists.

CAMERON, DANIEL as ATTORNEY GENERAL

Memo

Alternative Service Address exists.

KEMPER, WILLIAM AARON as ATTORNEY FOR PLAINTIFF

Address

AARON KEMPER PLLC
1009 S. 4TH ST.
LOUISVILLE KY 40203

POTASH, BENJAMIN as ATTORNEY FOR PLAINTIFF

Address

1009 S. 4TH ST.
LOUISVILLE KY 40203

Summons

CIVIL SUMMONS issued on 10/06/2022 by way of RETURNED TO ATTORNEY/PETITIONER

CAMERON, DANIEL as ALTERNATIVE SERVICE ADDRESS

Address

OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVENUE, SUITE 118
FRANKFORT KY 40601

Summons

CIVIL SUMMONS issued on 10/06/2022 by way of CERTIFIED MAIL
9236090194038392027911

CAMERON, DANIEL as ALTERNATIVE SERVICE ADDRESS

Address

OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVENUE, SUITE 118

700 CAPITOL AVENUE, SUITE 118
FRANKFORT KY 40601

Summons

CIVIL SUMMONS issued on **10/06/2022** by way of **CERTIFIED MAIL**
9236090194038392027973

WINE, THOMAS B. as ALTERNATIVE SERVICE ADDRESS

Address

OFFICE OF THE COMMONWEALTH'S ATTORNEY
514 WEST LIBERTY STREET
LOUISVILLE KY 40202

Summons

CIVIL SUMMONS issued on **10/06/2022** served / recalled on **10/08/2022** by way of **CERTIFIED MAIL**
9236090194038392027942Successful

Documents

22-CI-005189

COMPLAINT / PETITION filed on **10/06/2022**

Images

22-CI-005189

COMPLAINT / PETITION filed on **10/06/2022** Page(s): 19

SUMMONS filed on **10/06/2022** Page(s): 1

SUMMONS filed on **10/06/2022** Page(s): 1

SUMMONS filed on **10/06/2022** Page(s): 1

SUMMONS filed on **10/06/2022** Page(s): 1

COURTESY FINANCIAL TRANSACTION REPORT filed on **10/06/2022** Page(s): 1

SUMMONS - RETURN OF SERVICE filed on **10/11/2022** Page(s): 1

**** End of Case Number : 22-CI-005189 ****

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Lisa Sobel; Jessica Kalb; Sarah Baron

(b) County of Residence of First Listed Plaintiff Jefferson County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Benjamin Potash, Aaron Kemper; 1009 S. Fourth St.
Louisville, KY 40203; 502-584-8583

DEFENDANTS
Daniel Cameron, in his official capacity as Attorney General of the Commonwealth of Kentucky; Thomas B. Wine, in his
County of Residence of First Listed Defendant Franklin County
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*
For Attorney General Cameron: Christopher L. Thacker;
Lindsey R. Keiser; 700 Capital Avenue, Suite 118 Frankfort, KY 40601: 502-696-5300

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question *(U.S. Government Not a Party)*

☐ 2 U.S. Government Defendant
☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

V. ORIGIN *(Place an "X" in One Box Only)*
☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District *(specify)*
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
U.S. Constitution Amendments 1, 5 and 14
Brief description of cause:
Plaintiffs allege state statutes violate right to due process under 5th and 14th Amendments and their 1st Amendment right of freedom of religion.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY *(See instructions):*
JUDGE _____ DOCKET NUMBER _____

DATE
Oct 26, 2022

SIGNATURE OF ATTORNEY OF RECORD
/s/ Christopher L. Thacker

FOR OFFICE USE ONLY
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.