

No. 25-CV-1994

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IN THE  
**Supreme Court of the United States**

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**CHURCH OF LIGHT, LLC,**

*Petitioner,*

v.

**LAURA MARSHALL,**

*Respondent.*

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTEENTH CIRCUIT

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**BRIEF FOR PETITIONER**

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Team 8  
Counsel for Petitioner

## **QUESTIONS PRESENTED**

1. Whether, as a matter of law, the Campus Anti-Doxxing Statute of Delmont (“CADS”) violates the First Amendment free speech rights of the Church of Light, LLC when the law exposes it to civil liability for its protected speech and less restrictive alternatives existed but were not seriously considered by the Delmont legislature.
2. Whether, as a matter of law, the Campus Anti-Doxxing Statute of Delmont (“CADS”) infringes upon the Church of Light, LLC’s free exercise rights by burdening its 153-year-old religious communicative activity in *The Lantern*, where Lightbearers spread information about their faith alongside matters of local interest.

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### **OPINIONS BELOW**

The unreported opinion of the United States Court of Appeals for the Fifteenth Circuit may be found at *Marshall v. Church of Light, LLC*, No. 25-CV-1994 (15th Cir. 2025). R. at 30-43. The unreported opinion of the United States District Court for the District of Delmont, Western Division, may be found at *Marshall v. Church of Light, LLC*, No. 25-CV-1994 (W.D. Del. 2025). R. at 2-29.

### **STATEMENT OF JURISDICTION**

The District Court for the District of Delmont, Western Division, had original jurisdiction under 28 U.S.C. § 1331 and granted Petitioner’s motion for summary judgment, pursuant to Fed. R. Civ. P. 56(a). R. at 29. The Fifteenth Circuit had appellate jurisdiction under 28 U.S.C. § 1291 and reversed the District Court, entering judgment for Respondent. R. at 43. Petitioner timely filed a petition for writ of certiorari, which this Court granted. R. at 49-50. This Court has jurisdiction to review the decision of the Fifteenth Circuit pursuant to 28 U.S.C. § 1254(1).

### **STANDARD OF REVIEW**

This Court reviews an appellate court’s reversal of summary judgment *de novo*. *Pierce v. Underwood*, 487 U.S. 552, 558 (1988).

### **CONSTITUTIONAL PROVISIONS**

The relevant constitutional provisions include the First and Fourteenth Amendments of the United States Constitution and are reproduced in full in the appendix.

## STATEMENT OF THE CASE

### **I. Statement of Facts**

#### **A. Energy Farm Controversy**

In the fall of 2024, the Delmont legislature considered transforming approximately one thousand undeveloped acres of state-owned land into windmill farms and solar panel array zones for alternative energy resources. R. at 4.

This consideration proved controversial, dividing environmental activists into two sides. R. at 5. The “Energy Coalition” favored the energy farm proposal, while the “Nature Coalition” favored wildlife habitat preservation. *Id.* In April of 2025, peaceful protests and organized lobbying escalated to tense conflict when Delmont cleared some of the targeted land and initiated development of the energy farm. *Id.* Rallies grew physical and garnered extensive news coverage, and the debate became known as the “Energy Farm Controversy.” *Id.*

In August 2025, student factions of the Energy Coalition and the Nature Coalition emerged across Delmont college campuses, including Delmont State University (hereinafter “DSU”), located in Delmont City. R. at 5, 7. Activist actions led to disorder across campuses. *Id.* Opposing faction members targeted each other with intimidating phone calls and hostile messages via email and social media platforms. R. at 5. “[F]lash-shares” of individuals’ phone number, pictures, location, and other personal information enabled the factions to expeditiously identify, locate, and harass the individuals before authorities could take action. R. at 5-6.

#### **B. Church of Light’s Beliefs**

The Church of Light, LLC (hereinafter “Church of Light”) is a religious denomination formed in 1873 and a venerable staple across Delmont. Rallston Aff. ¶ 4. A foundational tenet of the Church of Light is the “personal, live, and public proclamation” of its religious messages

through a “communicative format.” R. at 8. To fulfill those requirements, church members, or “Lightbearers,” began disseminating *The Lantern*, a free publication that covered local affairs and relayed religious messages. *Id.* Delmontians rely on *The Lantern* for local information. *Id.*

The Church of Light creed requires Lightbearers to serve a one-year mission dedicated to disseminating *The Lantern* and growing “more resolute in their faith.” R. at 8-9. Modern Lightbearers fulfill their mission between the ages of eighteen and twenty-two on college campuses as “Lightbearer Missionaries.” R. at 9.

*The Lantern* evolved from printed publications to live broadcasts shown across community access channels, internet livestreams, and LED screens attached to vans that Lightbearer Missionaries drive and park on their college campuses. *Id.* Lightbearer Missionaries produce the broadcasts in college campus studios accessible to the public. *Id.* All materials used in *The Lantern* are exclusively derived from publicly available sources. Rallston Aff. ¶ 9.

The broadcasts shared local news, weather, events, and information of public interest. R. at 9-10. This modern electronic format of *The Lantern* upheld the core tenet of the living witness and generally adhered to its previous structure. R. at 9; *see* R. at 8. Importantly, the Church of Light believes these broadcasts are the *only* way to promote their faith while honoring the living witness tenet and circulating *The Lantern*. Rallston Aff. ¶ 7; *see* R. at 9.

### C. Enactment of CADS

On September 12, 2025, the Delmont legislature enacted the “Campus Anti-Doxxing Statute of Delmont” (hereinafter “CADS”) after police data revealed that doxxing, the “[p]ublishing of private information in order to intimidate someone,” increased by 150% from late August to early September, “almost exclusively on Delmont college campuses.” R. at 6. CADS “created a private cause of action against any individual who without consent uses a

communication platform of any type to disclose private information of an enrolled student, faculty member, administrative or staff member at a Delmont college or university with the intent to ‘stalk, harass, or physically injure.’” *Id.* (quoting Del. Ann. Stat. § 25.989 (2025)); *see* Del. Ann. Stat. § 163.732 (2020) (defining “intent”). Economic and non-economic damages, punitive damages, and injunctive relief are available for prevailing plaintiffs. R. at 6. Prior to CADS’ enactment, the Church of Light desperately appealed to the Delmont legislature regarding the “grave threat [CADS posed] to the very existence of [the] church” to no avail. *See* Rallston Aff. ¶¶ 10-11.

#### D. Broadcast at Issue

Respondent is Laura Marshall, a student activist for the Nature Coalition at DSU who attended rallies and organized protests on campus. R. at 10. In mid-September of 2025, Respondent voluntarily gave her first speech during a campus protest, attracting wide news coverage. *Id.* DSU Lightbearer Missionaries included a video clip of Respondent’s speech broadcast by a local television station in *The Lantern* starting on September 22, 2025. *Id.*; Rallston Aff. ¶ 9. *The Lantern* objectively covered both sides of the Energy Farm Controversy before and after circulating Respondent’s speech, though the Lightbearers support the Energy Coalition. R. at 8, 11-12.

Immediately after Respondent’s speech, as part of normal news coverage, *The Lantern* showed the names, addresses, phone numbers, and hours of operation of two of the seven substance abuse resource centers in Delmont City: Delmont Treatment Center (hereinafter “DTC”) and St. John’s Church Counseling Center. R. at 10-11. A public image from each of the listed centers accompanied this presentation of resources for the first time. R. at 12.

*The Lantern* “customarily post[ed] local information” of public interest, including community resources like the DTC. R. at 12. The DTC photograph showed Respondent working at the DTC’s front desk in a Nature Coalition t-shirt and was taken from the DTC’s public website,

in accordance with Church of Light protocol. R. at 10; Rallston Aff. ¶ 9. The background displayed the DTC's name and logo. R. at 10. At the time of circulation, Respondent was a part-time employee and patient of the DTC. R. at 11.

Within twenty-four hours of Respondent's speech circulating in *The Lantern*, a group wearing Energy Coalition t-shirts confronted Respondent as she left the DTC. *Id.* The group harassed Respondent about her addictions, followed Respondent to her vehicle, and keyed it. *Id.* Her car sustained further damage the following night when she struck a light pole attempting to evade protestors. *Id.* Each time, the perpetrators dispersed before police arrived and could not be identified from surveillance footage. *Id.* Two days after the first incident, Respondent voluntarily quit her job and withdrew from counseling at the DTC. *Id.* The DSU Lightbearer Missionaries declined to alter the sequence or stop circulation of the broadcast upon Respondent's request, as local news coverage has been essential to the Church's growth. R. at 12; Rallston Aff. ¶ 10.

## **II. Procedural History**

In October of 2025, Respondent brought suit against the Church of Light under CADS, seeking damages and injunctive relief to cease the circulation of her public photograph together with the video clip of her speech. R. at 12. Respondent alleged that the Church of Light "injured" her under CADS' statutory definition of "injured." *Id.*; *see* R. at 6-7. The Church of Light responded that CADS violates its First Amendment free speech rights, and the inability to circulate *The Lantern* obstructs its ability to practice its religion, thus violating the First Amendment's Free Exercise Clause. *Id.* The Church of Light moved for summary judgment pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, asserting entitlement to judgment as a matter of law. *Id.*

The District Court for the District of Delmont, Western Division, granted the Church of Light's motion for summary judgment on December 8, 2025. R. at 29. Respondent appealed to the

United States Court of Appeals for the Fifteenth Circuit, which reversed the judgment of the District Court and overturned the Church of Light’s motion for summary judgment on December 29, 2025. R. at 43. The Church of Light timely filed a petition for a writ of certiorari on December 30, 2025, which this Court granted on January 7, 2026. R. at 49-50.

### **SUMMARY OF THE ARGUMENT**

This case is not about doxxing. Instead, the question before the Court is whether the First Amendment protects the Church of Light from being haled into court for its protected speech and religious exercise. CADS exposes the Church of Light to liability for disseminating public information and practicing core religious tenets. As such, the First Amendment compels this Court to reverse the Fifteenth Circuit and grant summary judgment for the Church of Light.

CADS violates the Church of Light’s free speech rights because it forces the Church of Light to choose between censoring *The Lantern* or exposing itself to civil liability. The speech at issue enjoys “special” First Amendment protection because it does not fall into an unprotected category, and it is a matter of public concern. CADS is a content-based regulation because it bans doxxing speech while allowing non-doxxing speech. As a content-based regulation that restricts protected speech, CADS is subject to strict scrutiny. CADS fails strict scrutiny because it is not the least restrictive means to serve Delmont’s interests. Indeed, other less restrictive means exist.

CADS violates the Church of Light’s free exercise rights because it burdens dissemination of *The Lantern*, a core Lightbearer religious practice. Though facially neutral, CADS departs from neutrality because the Delmont legislature discriminatorily disregarded its overbroad restrictions on *The Lantern*. Further, CADS burdens the Lightbearer Missionaries’ religious development at a crucial stage. The Church of Light also asserts a hybrid rights claim because its religious exercise is inextricably intertwined with its speech. CADS is subject to and fails strict scrutiny because it is not the least restrictive means to serve Delmont’s interests.

Delmont has a right and a responsibility to protect its citizens from harassment and harm. But it cannot do so in a manner that violates two of the most sacred rights secured by our Constitution: free speech and free exercise. Because CADS triggers but does not satisfy strict scrutiny, **this Court should reverse** the Fifteenth Circuit and grant summary judgment.

## ARGUMENT

### **I. CADS VIOLATES THE CHURCH OF LIGHT’S FREE SPEECH RIGHTS BECAUSE IT IMPROPERLY IMPOSES A CONTENT-BASED RESTRICTION ON PROTECTED SPEECH.**

CADS is an unconstitutional content-based regulation of protected speech which triggers but does not satisfy strict scrutiny because it is not the least restrictive means to achieve a compelling state interest. *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 813 (2000); R. at 6-7. When the government regulates speech, the government bears the burden of proving the constitutionality of its actions. *Playboy*, 529 U.S. at 816-17. Content-based regulations proscribe speech based on the content of what the speech discusses or expresses. *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015). Speech that falls into an unprotected category or concerns a purely private matter is not protected by the First Amendment and may be subject to content-based regulation. *See Virginia v. Black*, 538 U.S. 343, 358 (2003); *Snyder v. Phelps*, 562 U.S. 443, 452 (2011). Conversely, speech protected by the First Amendment may only be subject to content-based regulation if that regulation withstands strict scrutiny, “the most demanding test known to constitutional law.” *Free Speech Coalition, Inc. v. Paxton*, 606 U.S. 461, 471, 484 (2025). Strict scrutiny requires regulations to serve a compelling state interest and to be the least restrictive means to achieve that interest. *Playboy*, 529 U.S. at 813.

Here, the speech at issue, a video clip of Respondent’s speech and a picture of Respondent at work, are protected by the First Amendment because they do not fall within unprotected categories and are matters of public concern. *See Virginia*, 538 U.S. at 358; *Snyder*, 562 U.S. at

452; R. at 10. CADS is a content-based regulation that triggers strict scrutiny because it restricts the contents of what Delmont defines as “doxxing.” *See Reed*, 576 U.S. at 163; R. at 6-7.

CADS satisfies the first requirement of strict scrutiny by serving a compelling state interest: protecting the public from doxxing. *Morrison Aff.* ¶ 8. However, CADS fails strict scrutiny because it is not the least restrictive means to achieve that interest. *See Playboy*, 529 U.S. at 813; R. at 6-7. Instead, CADS is overbroad because it proscribes speech outside its intended scope, including the Church of Light’s speech at issue. *See McCullen v. Coakley*, 573 U.S. 464, 490-92 (2014); R. at 10; *Morrison Aff.* ¶ 8. Delmont enacted CADS despite the existence of alternative, less restrictive means, such as increased penalties for the harm it is intended to prevent. *See McCullen*, 573 U.S. at 478; *Morrison Aff.* ¶ 7. Because CADS triggers but does not satisfy strict scrutiny, it is unconstitutional. *Reed*, 576 U.S. at 163. Accordingly, this Court must reverse the Fifteenth Circuit in favor of Petitioner. R. at 43.

A. The Speech At Issue Is Protected Because The Speech Does Not Fall Within An Unprotected Category And Concerns A Matter Of Public Interest.

The video clip of Respondent’s speech and the photo of Respondent at her workplace broadcast in *The Lantern* are not purely private matters and do not fall into an unprotected category of speech, so they are afforded the full protection of the First Amendment. R. at 10. The First Amendment restricts Congress from “abridging the freedom of speech.” U.S. Const. amend. I. The Fourteenth Amendment incorporates that restriction to state governments. *See New York Times Co. v. Sullivan*, 376 U.S. 254, 277 (1964); U.S. Const. amend. XIV, § 1. The First Amendment generally prevents governments from imposing content-based restrictions on protected speech. *See Ashcroft v. Am. Civ. Liberties Union*, 542 U.S. 656, 660 (2004). However, the government may impose content-based restrictions on certain unprotected categories of speech. *See e.g., Virginia*, 538 U.S. at 359 (true threats); *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) (incitement of

imminent lawless action); *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 504 (1949) (speech integral to criminal conduct). States may also regulate speech “of purely private significance.” *Snyder*, 562 U.S. at 452. Conversely, speech which occurs at a public place regarding a matter of public concern is entitled to “special protection” under the First Amendment. *Id.* at 452. Here, the Church of Light’s speech was not a true threat, incitement, nor speech integral to criminal conduct. R. at 10. Additionally, it occurred at a public place, DSU, regarding a matter of public concern, the Energy Farm Controversy. *Id.* Therefore, the Church of Light’s speech is entitled to that “special protection.” *See Snyder*, 562 U.S. at 452; R. at 10.

*1. The speech at issue is protected because it does not constitute a true threat, incitement, nor speech integral to criminal conduct.*

The video clip of Respondent’s speech and the photo of Respondent at her workplace are fully protected by the First Amendment, R. at 10, unlike speech integral to criminal conduct, or that constitutes a true threat or incitement, which enjoys only limited First Amendment protection. *See Free Speech Coalition*, 606 U.S. at 471; *Virginia*, 538 U.S. at 359.

True threats are expressions “which by their very utterance inflict injury or tend to incite an immediate breach of the peace.” *Virginia*, 538 U.S. at 359 (quoting *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572 (1942)); *see e.g.*, *Counterman v. Colorado*, 600 U.S. 66, 70 (2023) (holding that sending hundreds of Facebook messages identifying a victim’s physical location and telling the victim to “die” could give rise to criminal conviction).

Incitement is speech that is “directed [at] inciting or producing imminent lawless action and is likely to incite or produce such action.” *See Brandenburg*, 395 U.S. at 447. The mere suggestion of violence does not constitute incitement. *See id.* at 448-49. Incitement requires “preparing a group for violent action and steeling it to such action.” *Id.* at 448.

Speech integral to criminal conduct has the “sole, unlawful and immediate objective of inducing a target to violate the law.” *United States v. Hansen*, 599 U.S. 762, 783 (2023) (quoting *Giboney*, 336 U.S. at 502) (internal quotation marks omitted) (explaining that picketers demanding a supplier only sell to union truckers, despite state law banning anticompetitive practices, made the supplier choose between losing business or violating the law).

Here, neither the video clip of Respondent’s speech nor the photo of Respondent at work fall under any of the above unprotected speech categories. R. at 10. The Lightbearers’ broadcast was not a true threat because it did not “incite an immediate breach of the peace.” *Virginia*, 538 U.S. at 359. The attacks on Respondent were not “immediate.” *Id.*; R. at 11. Indeed, the record does not support that the broadcast caused the attack. *See* R. at 11. One merely followed the other. *Id.* Additionally, the broadcast was not a true threat because it was not specific. *See Counterman*, 600 U.S. at 70; R. at 10. While the broadcast revealed where Respondent worked, it did not share her location like the *Counterman* text messages, nor did it call for Respondent to “die” or for any action whatsoever to be directed at Respondent. *Id.*

The Lightbearers’ broadcast did not constitute incitement because it was not intended to produce imminent lawless action. *See Brandenburg*, 395 U.S. at 447; R. at 10. In fact, the broadcast consisted only of the Respondent’s own words and a publicly available picture of Respondent from the DTC’s public website. R. at 10. The court below claimed that the broadcast contained a veiled, implied incitement of violence directed toward Respondent. *See* R. at 33. However, a careful review of the record belies that assertion. R. at 10. As discussed above, the broadcast did not “prepar[e] a group for violent action,” “[steel] it to such action,” nor even suggest such action. *See Brandenburg*, 395 U.S. at 448; R. at 10. At the same time *The Lantern* included its so-called “carefully orchestrated presentation” about Respondent’s workplace, it also presented information

about another substance abuse treatment center in Delmont City. R. at 10, 33. This demonstrates the Lightbearers' intent to disseminate matters of public interest, not to incite violence. R. at 10.

Finally, the broadcast was not speech integral to criminal conduct because it did not have the sole, unlawful, and immediate objective of inducing a target to violate the law. *Hansen*, 599 U.S. at 783. Unlike the supplier in *Giboney* who had no choice between losing business and breaking the law, the people who attacked Respondent faced no such dilemma. *See Giboney*, 336 U.S. at 502; R. at 11. The record indicates that the broadcast had no objective of inducing any target to violate the law. *See Hansen*, 599 U.S. at 783; R. at 10. The objective was to share the news. *Id.* Thus, the speech at issue is protected because it does not fall within an unprotected category of speech. *See Ashcroft*, 542 U.S. at 660.

2. *The speech at issue is protected because it is a matter of public interest concerning an important local issue and a matter of legitimate news interest.*

The video clip of Respondent's speech and the photo of Respondent at her workplace were matters of public concern shown in a public forum and are therefore afforded "special protection" under the First Amendment. *Snyder*, 562 U.S. at 452. Matters of public concern are "at the heart of the First Amendment's protection." *Id.* at 451-52 (quoting *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 758-59). Speech is public when it "can be fairly considered as relating to any matter of political, social, or other concern to the community . . . or when it is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public" *Id.* at 453 (internal quotation marks omitted). A determination of public speech requires a court "to examine the content, form, and context of that speech, as revealed by the whole record." *Id.* (internal quotation marks omitted).

Conversely, purely private matters have limited First Amendment protections. *See e.g.*, *Dun & Bradstreet*, 472 U.S. at 762 (holding that an individual's credit report concerns no public

issue and therefore warrants no special First Amendment protection). Speech is private and may be censored when “there is no threat to the free and robust debate of public issues [and] there is no potential interference with a meaningful dialogue of ideas.” *See Snyder*, 562 U.S. at 452.

This Court applied these principles in *Snyder* and held that the First Amendment protected offensive homophobic picket signs held up by members of a church outside of a military funeral. *Id.* at 461. That demonstration was covered by news outlets. *Id.* at 449. This Court found that those signs conveyed the Westboro Baptist Church’s position on the issue of gay rights. *Id.* at 454. This Court ruled these signs constituted public speech, despite targeting a private funeral, because they were displayed on public land next to a public street. *Id.*

Here, both the video clip of Respondent’s speech and the photograph of Respondent at work are matters of public concern. R. at 10. The video of Respondent’s speech was about the Energy Farm Controversy, a contentious political issue in Delmont, like the speech in *Snyder* about gay rights, a contentious political issue in the United States at the time. 562 U.S. at 454; R. at 9. Respondent’s speech contained powerful but controversial rhetoric, similar to the signs at issue in *Snyder*. R. at 10; *see Snyder*, 562 U.S. at 454. And, like the protests in *Snyder*, Respondent’s speech received “extensive news coverage.” R. at 10; *see Snyder*, 562 U.S. at 449.

The photo of Respondent working at the DTC was also a public matter. *Snyder*, 562 U.S. at 453; R. at 10. When examining “the content, form, and context of [the photo], as revealed by the whole record,” the photo clearly concerned two legitimate community matters facing the Delmont City community: the Energy Farm Controversy and substance abuse. *Id.* The record shows that the Lightbearers regularly posted information about community resources available to students in *The Lantern*, including substance abuse resources. R. at 11-12. The record also reflects that *The Lantern* regularly covered speeches and other news from both sides of the Energy Farm

Controversy. *Id.* These facts demonstrate that news about community resources and news about the Energy Farm Controversy were two subjects of “general interest [of] value and concern” and “legitimate news interest” to the Delmont City community; therefore, the video clip and photograph from the DTC are both matters of public concern. *Snyder*, 562 U.S. at 453.

The photo was not a purely private matter like the involuntary publication of a credit score. *Dun & Bradstreet*, 472 U.S. at 762. Instead, Respondent chose to thrust herself to the forefront of a public debate,<sup>1</sup> the Energy Farm Controversy, just as she chose to work at the DTC, a public-facing business that provides a public service to the Delmont City community. R. at 10. Unlike a purely private matter, the photo rests “at the heart of the First Amendment’s protection” because it concerns two important matters of public interest, the Energy Farm Controversy and substance abuse, as discussed above. *See Snyder*, 562 U.S. at 451-52; R. at 10.

Furthermore, like the speech in *Snyder*, 562 U.S. at 456, which took place on public land next to a public street, the speech at issue was created and disseminated at a public forum, DSU’s campus. R. at 10; *Widmar v. Vincent*, 454 U.S. 263, 268–69 (1981) (“First Amendment rights of speech and association extend to the campuses of state universities.”). Here, not only was the broadcast shown at a public forum, it was also produced at a public forum: a studio on campus open to the public. *See id.*; R. at 9-10. Moreover, the picture of Respondent and the information about her workplace were obtained from publicly available sources: a video clip from a local television broadcast and a photo from the DTC’s public website. Rallston Aff. ¶ 9.

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<sup>1</sup> The court below correctly noted that a “public figure” analysis is unique to tort actions and is not applicable here. *See Zacchini v. Scripps-Howard Broad. Co.*, 433 U.S. 562, 574 (1977); R. at 34. However, in a tort action, Respondent would be deemed a public figure and denied recovery because she was “intimately involved in the resolution of important public questions,” shaping “events in areas of concern” to the Delmont “society at large.” *Hustler Mag., Inc. v. Falwell*, 485 U.S. 46, 51 (1988).

Above all, the speech at issue is critical to the “free and robust debate of public issues,” and regulating it could create “potential interference with a meaningful dialogue of ideas.” *Snyder*, 562 U.S. at 452. Placing the speech at issue into an unprotected category would discourage not only the Church of Light, but other organizations from sharing information about the Energy Farm Controversy and other matters important to their community. *See id.* Worse, it would discourage that discourse at the heart of where ideas are traditionally exchanged in American society: college campuses. *See Bowman v. White*, 444 F.3d 967, 979 (8th Cir. 2006). Therefore, the video clip of Respondent’s speech and the picture of Respondent at the DTC are matters of public interest and therefore afforded “special protection” by the First Amendment. *Snyder*, 562 U.S. at 452.

B. CADS Is Subject to Strict Scrutiny Because It Is A Content-Based Regulation.

CADS is a content-based regulation and subject to strict scrutiny because it prohibits the contents of certain speech while permitting speech that lacks the prohibited characteristics. Del. Ann. Stat. § 25.989. A regulation of speech is content-neutral and permissible under the First Amendment when it regulates the time, place, or manner of protected speech. *McCullen*, 573 U.S. at 477 (citing *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989)). Conversely, a regulation of speech is content-based if it targets speech based on the content of what the speech discusses or expresses. *Reed* 576 U.S. at 163 (2015) (declaring content-based a law that categorized signs as “ideological,” “political,” or “directional”); *United States v. Alvarez*, 567 U.S. 709, 715 (2012) (holding “government has no power to restrict expression because of its message, its ideas, its subject matter, or its content”). A content-based regulation is presumptively unconstitutional and subject to strict scrutiny. *See Reed*, 576 U.S. at 163.

Here, CADS is a content-based regulation and is subject to strict scrutiny. *Compare* Del. Ann. Stat. § 25.989 *with Reed*, 576 U.S. at 159-62. Rather than regulating the time, place, and manner of speech, CADS illegalizes the unconsented disclosure of private information of

individuals employed or enrolled at a Delmont college on communication platforms with the intent to “harass, stalk, or physically injure.” Del. Ann. Stat. § 25.989. Phrased differently, CADS prohibits the content of doxxing speech. *Id.* This Court found in *Reed* that the regulation restricted the ability of individuals to create and display signs based on the signs’ communicative message. 576 U.S. at 164. Like the restriction in *Reed*, CADS exposes individuals to liability based on the contents of their speech. *Id.* at 159-62; *compare id. with* Del. Ann. Stat. § 25.989. Therefore, CADS is a content-based regulation subject to strict scrutiny. *Reed*, 576 U.S. at 163.

C. CADS Fails Strict Scrutiny Because It Is Not The Least Restrictive Means To Achieve Delmont’s Interest.

CADS fails strict scrutiny because it is overbroad and there are less restrictive means available to achieve Delmont’s compelling state interest. R. at 6-7. To satisfy strict scrutiny, the government must show that the regulation (1) serves a compelling government interest and (2) is narrowly tailored to achieve that interest. *See e.g., Reed*, 576 U.S. at 173 (acknowledging traffic safety may be a compelling state interest); *United States v. Stevens*, 559 U.S. 460, 473 (2010) (finding an anti-animal-cruelty media statute substantially overbroad for encompassing “ordinary and lawful activities” like hunting magazines and videos). Narrow tailoring requires that the government’s restriction of protected speech be *the* least restrictive means to achieve its interest. *Playboy*, 529 U.S. at 813. This Court affirmed that strict scrutiny is the only test for content-based regulations, specifically rejecting as “startling and dangerous” an alternative balancing test that weighs “the value of the speech against its societal costs.” *Stevens*, 559 U.S. at 480-82 (internal quotations omitted). The justification or intent of the Delmont legislature in enacting the regulation does not negate the required two-part strict scrutiny analysis. *See id.* at 469-70.

Narrow tailoring demands that if “a less restrictive alternative would serve the government’s interest, the legislature must use that alternative.” *Playboy*, 529 U.S. at 813. This

Court in *McCullen* applied intermediate scrutiny, a less exacting standard than strict scrutiny, to strike down “buffer zones” that restricted certain speech around abortion clinics when less restrictive means existed, such as “generic criminal statutes forbidding assault, breach of the peace, trespass, vandalism, and the like.” 573 U.S. at 492. This Court wrote, “[g]iven the vital First Amendment interests at stake, it is not enough for [the state] to simply say other approaches have not worked.” *Id.* at 496.

The Church of Light does not contest that CADS serves a compelling government interest. *See Morrison Aff.* ¶¶ 6, 8. However, CADS fails strict scrutiny because it is not the least restrictive means to satisfy the government’s interest. *See Playboy*, 529 U.S. at 813. CADS was enacted to restrict doxxing, *Morrison Aff.* ¶ 8, but was not intended to encapsulate speech like the kind at issue. *Morrison Aff.* ¶¶ 5, 6. The speech at issue is a video clip of Respondent’s speech followed by public information about Delmont City community resources, not “flash-shares.” R. at 10. Like the regulations in *Stevens*, which inadvertently banned hunting magazines and videos, CADS is overbroad because it inadvertently bans news information of public interest. *See* 599 U.S. at 480-82; R. at 10. Accordingly, CADS is not narrowly tailored because it illegalizes speech beyond what is necessary to satisfy the government’s interests. *See Playboy*, 529 U.S. at 813; R. at 6-7.

Additionally, Delmont failed to attempt any less restrictive alternatives. *Morrison Aff.* ¶¶ 7, 9. Rather, the Governor's Office merely “reviewed” harassment, stalking, trespass, and disorderly conduct provisions but did not make any attempt to curtail doxxing before enacting CADS. *Id.* “Given the vital First Amendment interests at stake,” it is not enough for Delmont to choose the easy route and simply say CADS was drafted to be narrowly tailored and that “other approaches” have not worked. *McCullen*, 573 U.S. at 496; *Morrison Aff.* ¶ 10. Instead, Delmont

could have strengthened its “generic criminal statutes forbidding assault, breach of the peace, trespass, vandalism, and the like” to combat the harm associated with doxxing. *McCullen*, 573 U.S. at 492. Because less restrictive means than CADS exist to achieve its interest, Delmont “must use” those alternatives. *Playboy*, 529 U.S. at 813.

Delmont Governor John Morrison claims CADS was necessary because existing harassment, stalking, trespass, and disorderly-conduct provisions were “reactive” and required harm to occur before providing relief. Morrison Aff. ¶ 7. However, CADS is also reactive. R. at 6-7. CADS only provides relief from doxxing speech after that speech has caused harm. *Id.* It is no more proactive than existing protections which would not have burdened free speech rights. *See R.A.V. v. City of St. Paul*, 505 U.S. 377, 396 (1992) (“[The government] has sufficient means at its disposal to prevent [harm] without adding the First Amendment to the fire.”).

## **II. CADS VIOLATES THE CHURCH OF LIGHT’S FREE EXERCISE RIGHTS BECAUSE IT COVERTLY SUPPRESSES RELIGIOUS COMMUNICATIVE ACTIVITY, INTERFERES WITH RELIGIOUS DEVELOPMENT, AND INFRINGES UPON HYBRID RIGHTS.**

CADS unconstitutionally burdens the religious exercise of the Church of Light because it departs in neutrality and unduly burdens religiously motivated speech in *The Lantern*. R. at 6-7. The Free Exercise Clause of the First Amendment provides that “Congress shall make no law . . . prohibiting the free exercise [of religion].” U.S. Const. amend. I. The Fourteenth Amendment incorporated this restriction to the states. *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940); U.S. Const. amend. XIV, § 1.

The Free Exercise Clause of the First Amendment “protects ‘the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through the performance of’ religious acts.” *Mahmoud v. Taylor*, 606 U.S. 522, 546-47 (2025) (quoting *Kennedy v. Bremerton*

*Sch. Dist.*, 597 U.S. 507, 524 (2022)). Performance of “religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.” *Thomas v. Rev. Bd. Of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981).

Generally, the government may “place incidental burdens on religious exercise so long as it does so pursuant to a neutral policy that is generally applicable.” *Mahmoud*, 606 U.S. at 564. If a law is not facially neutral or generally applicable, the law is subject to strict scrutiny. *See id.* Even if a law is facially neutral and generally applicable, a law that covertly suppresses performance of a religious belief departs from neutrality and must be subject to strict scrutiny. *Bowen v. Roy*, 476 U.S. 693, 703 (1986); *Wisconsin v. Yoder*, 406 U.S. 205, 220 (1972). Should a law be found neutral and generally applicable, strict scrutiny will still apply if an invocation of the Free Exercise Clause is asserted in conjunction with another First Amendment right. *Emp. Div. v. Smith*, 494 U.S. 872, 881 (1990) (recognizing hybrid rights).

CADS, though facially neutral, deviates in neutrality by disregarding the Church of Light’s extensive lobbying efforts and preventing the Lightbearer Missionaries from disseminating information in *The Lantern*, undermining a foundational religious tenet. *See Bowen*, 476 U.S. at 703. Further, preventing the public proclamation of the Church of Light’s faith imposes a substantial burden on the Church of Light during a crucial developmental period. *Yoder*, 406 U.S. at 218. Additionally, the Church of Light’s religious exercise of disseminating *The Lantern* is inextricably intertwined with its freedom of speech rights, forming a valid hybrid rights claim. *See Smith*, 494 U.S. at 881. Therefore, under all analyses, CADS is subject to strict scrutiny.

The Delmont legislature’s enactment of CADS served a “compelling state interest” in protecting public safety amidst the Energy Farm Controversy; however, despite the intent of Governor Morrison, CADS is not narrowly tailored to achieve that interest. *Mahmoud*, 606 U.S.

at 565; Morrison Aff. ¶ 10. CADS, therefore, fails strict scrutiny and is unconstitutional. *Id.* Accordingly, this Court must reverse the Fifteenth Circuit in favor of Petitioner. R. at 43.

A. CADS Is Subject To Strict Scrutiny Because It Departs From Facial Neutrality And General Applicability By Covertly Suppressing The Church of Light's Religious Communicative Activity.

Although CADS is facially neutral, it covertly targets the Church of Light and is therefore subject to strict scrutiny. R. at 6-7. The Free Exercise Clause “does not relieve an individual of the obligation to comply with a ‘valid and neutral law of general applicability’” which contradicts the individual’s religious beliefs. *Smith*, 494 U.S. at 879 (quoting *United States v. Lee*, 455 U.S. 252, 263 (1982)). A law is not facially neutral “if the object of [the] law is to infringe upon or restrict practices because of their religious motivation.” *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1992). However, the Free Exercise Clause “extends beyond facial discrimination.” *Id.* at 534. It further “forbids subtle departures from neutrality,” *Gillette v. United States*, 401 U.S. 437, 452 (1971), and prohibits “covert suppression of particular religious beliefs.” *Bowen*, 476 U.S. at 703. Determination of neutrality considers “the historical background of the decision under challenge, the specific events leading to the enactment or official policy in question, and the legislative or administrative history.” *Church of Lukumi*, 508 U.S. at 540.

CADS does not facially discriminate against the Church of Light or its religious practices. R. at 21. However, although “CADS was adopted to solve a wide-ranging problem in Delmont,” R. at 38, it did not “proceed in a manner neutral toward and tolerant” of the Church of Light’s religious beliefs. *Masterpiece Cakeshop, Ltd. v. Colo. Civ. Rts. Comm’n*, 584 U.S. 617, 638 (2018). The Church of Light’s historical prominence in Delmontian society is well-known, and its dissemination of *The Lantern* is relied upon across the state. R. at 8. Enacting a statute that infringes upon a fundamental aspect of *The Lantern* and a central component of the Church’s growth, sharing “the daily news” with the “good news,” reflects an intentional disregard for its

likely impact on the Church of Light. R. at 22; Rallston Aff. ¶ 10. Moreover, the Delmont legislature had notice of “the immense burden CADS [would] place on [the Church’s] ability to grow and thrive.” Rallston Aff. ¶ 11 (recounting urgent appeals via the Church’s broadcasts, public proclamations, and personal letters). Accordingly, a full analysis of the events surrounding CADS’ enactment reveals the state’s indifference to the prejudicial impact of CADS on the Church. *See id.* This discriminatory indifference to the Church of Light’s religious practices shows a “covert suppression of” their religious beliefs. *Bowen*, 476 U.S. at 703. As such, CADS is not entirely neutral and thus subject to strict scrutiny. *Id.*; R. at 6-7.

B. CADS Is Subject To Strict Scrutiny Because It Substantially Interferes With The Religious Development of Lightbearer Missionaries At A Crucial Stage.

The Fifteenth Circuit erred in its determination that CADS “does not fall into” the undue burdensome exception to neutrality because CADS impedes upon the Lightbearer Missionaries’ religious development at a critical stage, obstructing the Church of Light’s practice. R. at 39. A facially neutral law may “nonetheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion.” *Yoder*, 406 U.S. at 220. A statute burdens religious exercise when it “poses ‘a very real threat of undermining’ the religious beliefs and practices” sought to be instilled. *Mahmoud*, 606 U.S. at 529 (quoting *Yoder*, 406 U.S. at 218).

In context of the Free Exercise Clause, the undue burdensome exception to neutrality was first recognized by this Court in *Yoder*. *Id.* at 220. There, Amish parents challenged a state “compulsory school-attendance law” because it compelled their children to attend school past completion of the eighth grade, *id.* at 207, endangering the parents’ and children’s salvation. *Id.* at 209. Specifically, the Amish parents averred that, during this period of adolescence, Amish “children must acquire Amish attitudes favoring manual work and self-reliance” and “also grow in [their] faith and [relationship] to the Amish community.” *Id.* at 211. Consequently, prolonged

exposure to “worldly influences . . . contrary to beliefs . . . substantially interfere[ed] with the religious development of the Amish child and his integration into the way of life of the Amish faith community at a crucial stage of development.” *Id.* at 218. This Court also considered “the interrelationship of belief with [the Amish] mode of life . . . and the hazards presented by the State’s enforcement of a [neutrally applicable statute].” *Id.* at 235. This Court held the state law departed in neutrality because it erected a “serious barrier” that “impermissibl[y] . . . conflict[ed] with their beliefs.” *Id.* at 211, 234.

Contrary to the Fifteenth’s Circuit’s assertion that *Yoder* is an “outlier case” limited in “application only to” facts regarding Free Exercise and parental rights, R. at 39, this Court has “never confined *Yoder* to its facts;” it is to be treated “like any other precedent.” *Mahmoud*, 606 U.S. at 558. This Court in *Yoder* acknowledged that such a “convincing showing” of substantial burden would be “one that probably few other religious groups or sects could make.” *Yoder*, 406 U.S. at 235-36. However, this “special exception” is not reserved for “one particular religious minority.” *Mahmoud*, 606 U.S. at 558. Indeed, this exception duly applies to the Church of Light.

Here, the Church of Light challenges CADS’ discriminatory effect of substantially burdening dissemination of *The Lantern*, thus inhibiting the Lightbearer Missionaries’ “only way to spread [the] faith while remaining true to [the] tenet of serving as living witnesses.” R. at 6-7; Rallston Aff. ¶ 7. The crucial stage of Lightbearer Missionaries’ faith development occurs during their missionary year, where they share the Lightbearer religion across Delmont college campuses. R. at 8-9; Rallston Aff. ¶ 8. Similar to the statute in *Yoder*, CADS substantially interferes with the Lightbearer Missionaries’ ability to disseminate *The Lantern* and “grow more resolute in their faith” at their most pivotal stage of integration into the Lightbearer religious community. *Yoder*, 406 U.S. at 218; Rallston Aff. ¶¶ 8, 10; *see* R. at 8-9.

Additionally, like the Amish in *Yoder*, 406 U.S. at 235, the Lightbearers are interwoven as “part of the fabric of Delmontian society.” R. at 22. The Lightbearers have evolvingly integrated the living witness practice into their way of life for over a century. R. at 8-9. The threat of lawsuits stemming from CADS is hazardous to the Lightbearer Missionaries’ religious exercise, revered vocation, and continued existence. *See* Rallston Aff. ¶¶ 8, 10.

“When the burden imposed is of the same character as that imposed in *Yoder*, [this Court] need not ask whether the law at issue is neutral or generally applicable before proceeding to strict scrutiny.” *Mahmoud*, 606 U.S. at 564. Because CADS’ burden on the Church of Light is of the same effect as that in *Yoder*, it must be subjected to strict scrutiny. *See* 406 U.S. at 234-35.

C. CADS Is Subject To Strict Scrutiny Because Dissemination of *The Lantern* Is Intertwined With The Church of Light’s Freedom Of Speech Under The Hybrid Rights Doctrine.

Even if this Court determines that CADS is a neutral statute of general applicability, it is subject to strict scrutiny because it impacts the Church of Light’s religious “communicative activity” under the hybrid rights doctrine. *Smith*, 494 U.S. at 882. “[T]he First Amendment bars application of a neutral, generally applicable law to religiously motivated action” when it involves “the Free Exercise Clause in conjunction with other constitutional protections.” *Id.* at 881; *see e.g.*, *Yoder*, 406 U.S. at 235 (parental rights); *Cantwell*, 310 U.S. at 304-07 (free speech). In communicative hybrid rights cases, the connection between “communicative activity” and free exercise is in the “communication of religious beliefs.” *Smith*, 494 U.S. at 882.

Judicial skepticism of the hybrid rights doctrine is misplaced. *See* R. at 40-41; *Fulton v. City of Philadelphia*, 593 U.S. 522, 599 (2021) (stating the hybrid rights doctrine “has never been recognized outside of *Smith*”). This Court’s assertion in *Fulton* overlooks that such a claim has not been addressed because the matter became subject to strict scrutiny on other grounds, precluding a hybrid rights analysis. *See Mahmoud*, 606 U.S. at 550 (determining “LGBTQ+-inclusive

storybooks” in classrooms unconstitutionally burdened parental rights as in *Yoder*). This Court subjected *Yoder* and *Mahmoud* to strict scrutiny under the substantial burden exception to a neutrally applicable law, thus rendering further legal justification unnecessary per judicial minimalism. *Mahmoud*, 606 U.S. at 565; *Yoder*, 406 U.S. at 235; see *Ashwander v. Tenn. Valley Auth.*, 297 U.S. 288, 346 (1936) (declining to formulate law broader than the facts required).

The Church of Light presents a communicative hybrid rights claim under *Smith*, 494 U.S. at 882. The dissemination of *The Lantern* across Delmont is religiously motivated by the Church of Light’s tenet of Lightbearer Missionaries serving as living witnesses by personally and publicly proclaiming the Lightbearer faith. Rallston Aff. ¶ 7. Thus, the “communicative activity” of sharing *The Lantern* is inextricably intertwined with the Lightbearer Missionaries’ religious practice of proselytizing their faith and communicating their beliefs. See *Smith*, 494 U.S. at 882. Because *Smith* remains controlling precedent and the Church of Light’s free exercise claim falls under the express “communicative activity” category, the hybrid rights doctrine is applicable, and the source of its religious burden, CADS, must be subject to strict scrutiny. 494 U.S. at 881-82.

D. CADS Fails Strict Scrutiny Because “Private Information” Exceeds Doxxing And Precludes Customary Sharing Of Public Information.

CADS fails strict scrutiny because its overbroad prohibition extends beyond the “targeted evil” of doxxing, impeding upon dissemination of customarily shared public information in *The Lantern*. *Frisby v. Schultz*, 487 U.S. 474, 485 (1988). For the above reasons, CADS compels application of strict scrutiny. *Mahmoud*, 606 U.S. at 565. To survive strict scrutiny, the Delmont legislature must demonstrate that CADS “was justified by a compelling state interest and was narrowly tailored in pursuit of that interest.” *Id.* (emphasis omitted).

The Church of Light does not contest that CADS serves a compelling government interest. *See Morrison Aff.* ¶¶ 6, 8. However, even if contextually justified, CADS collapses under the accompanying requirement of narrow tailoring. *Mahmoud*, 606 U.S. at 565.

CADS fails strict scrutiny because it is overbroad. *See Stevens*, 559 U.S. at 480-82. In addition to truly personal information, like social security numbers and photographs of children, CADS prohibits publication of public information, such as employers' contact information. Del. Ann. Stat. § 25.989. This means that, as here, the Church of Light could face lawsuits if it shares contact information about community resource centers simply because those centers have employees. *See R.* at 6-7.

The Church of Light's 153-year-old religious practice of sharing public information alongside religious messages in *The Lantern* "need not be acceptable, logical, consistent, or comprehensible to others [to] merit First Amendment protection." *Thomas*, 450 U.S. at 714. Disseminating *The Lantern* is not merely community service for Lightbearer Missionaries; it is a foundational religious exercise essential to the continued existence of their religion. *See R.* at 10. Consequently, this Court must find CADS violates the Church of Light's free exercise rights and reverse the findings of the Fifteenth Circuit. *R.* at 43; *see Mahmoud*, 606 U.S. at 565.

### **CONCLUSION**

For the aforementioned reasons, the Church of Light urges this Court to reverse the erroneous decision of the Fifteenth Circuit and grant summary judgment in favor of Petitioner.

Respectfully submitted,

/s/ Team 8  
Team 8  
Counsel for Petitioner

## APPENDIX A

### *Constitutional Provisions*

#### **U.S. Const. amend. I.**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### **U.S. Const. amend. XIV, § 1.**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### *Statutory Provisions*

#### **28 U.S.C. § 1254(1).**

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree; . . .

#### **28 U.S.C. § 1291.**

The court of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States . . .

**28 U.S.C. § 1331.**

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

**Fed. R. Civ. P. 56(a).**

A party may move for summary judgment, identifying each claim or defense—or part of each claim or defense--on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law . . .

**Del. Ann. Stat. § 25.989 (2025).**

“Injury” means to subject another to bodily or death or property damage.

“Stalk” means to engage in a pattern of unwanted, obsessive, and intrusive behavior that would cause a reasonable person to feel threatened or fear for their safety or the safety of others.

“Harass” means to subject another to severe emotional distress such that the individual experiences anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of severe emotional distress or a mental health diagnosis and is protracted rather than merely trivial or transitory.

“Private information” is defined as:

- A. The plaintiff’s home address, personal email address, personal phone number, social security number, or any other personally identifiable information;
- B. Contact information for the plaintiff’s employer;
- C. Contact information for a family member of plaintiff;

D. Photographs of the plaintiff's children;

E. Identification of the school that the plaintiff's children attend.

**Del. Ann. Stat. § 163.732 (2020).**

“Intent” is defined as acting purposefully or recklessly to place a person in a reasonable fear of bodily injury, death, or property damage as to cause severe emotional distress to such person.

## CERTIFICATE OF COMPLIANCE

In compliance with Rule III(C)(3) of the Official Rules for the 2025-2026 Seigenthaler-Sutherland Cup National First Amendment Moot Court Competition, Counsel for Petitioner certifies the following:

1. The work product contained in all copies of Team 8's brief is in fact the work product of the team members;
2. Team 8 has fully complied with its law school's governing honor code; and
3. Team 8 acknowledges full compliance with all Competition Rules.

Respectfully submitted,

/s/ Team 8  
Team 8  
Counsel for Petitioner