No. 25-CV-1994

In The

SUPREME COURT OF THE UNITED STATES

THE CHURCH OF LIGHT, LLC,

Petitioner,

v.

LAURA MARSHALL,

Respondent.

On Writ of Certiorari
from the United States Court of Appeals
for the Fifteenth Circuit

BRIEF FOR RESPONDENT

Team 12
Counsel for Respondent
February 6, 2026

QUESTIONS PRESENTED

I. Was the Fifteenth Circuit correct in holding that the enacted Campus Anti-Doxxing Statute ("CADS") does not violate the First Amendment Free Speech rights of The Church of Light, LLC ("The Church") when the statute only restricts speech that reveals private information and is made with an intent to stalk, harass, or injure?

II. Was the Fifteenth Circuit correct in holding that CADS does not violate the First Amendment Free Exercise rights of The Church when the statute does not target a particular individual, group, or religion?

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Supreme Court Cases

[1] U.S. Sup. Ct. R. 34 (In compliance with Rule 34 of the *Rules of the United States Supreme Court*, the table of authorities does not use "passim" notation, but instead lists every page where an authority is cited. Page ranges are used when the authority is cited on every page in the range).

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OPINIONS BELOW

The December 8, 2025, decision of the United States District Court for the District of Delmont Western Division granting The Church of Light, LLC's ("The Church") motion for summary judgment is found at pages 2-29 of the record. R. at 2-29. The December 29, 2025, decision of the United States Court of Appeals for the Fifteenth Circuit reversing the judgment of the lower court and denying The Church's motion for summary judgment is found at pages 30-43 of the record. R. at 30-43.

STATEMENT OF JURISDICTION

The District Court for the District of Delmont Western Division had proper jurisdiction pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1331. The United States Court of Appeals for the Fifteenth Circuit had jurisdiction over the district court's decision pursuant to 28 U.S.C. § 1291. This Court has jurisdiction to review the decision of the Fifteenth Circuit upon granting a writ of certiorari pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

This case involves section 25.989 of Delmont Annotated Statutes, which, in pertinent part, "prohibits the use of a communication platform of any type to disclose certain defined categories of 'private information' belonging to members of Delmont university communities when made with the intent to stalk, harass, or injure." R. at 2 (quoting Del. Ann. Stat. § 25.989 (2025)). Private information is defined as any "personally identifiable information" including home addresses, email addresses, phone numbers, and contact information of an employer. Del. Ann. Stat. § 25.989 (2025). Injure is defined as "subjecting another to bodily injury or death or property damage." *Id.*; R. at 6, n.1. Harass is defined as "subjecting another to severe emotional distress such that the individual experiences anxiety, fear, torment, or apprehension." *Id.* Stalk is defined as "engaging in a pattern of unwanted, obsessive, and intrusive behavior." *Id.* Intent is defined in section 163.732 of Delmont Annotated Statutes as "acting purposefully or recklessly to place a person in reasonable fear of bodily injury, death, or property damage as to cause severe emotional distress to such person." § 163.732 (2020). Additionally, this case involves the First Amendment of the United States Constitution. U.S. Const. amend. I. The First Amendment's Free Speech Clause prohibits Congress from "abridging the freedom of speech," while the Free Exercise Clause prohibits Congress from restricting "the free exercise" of religion. *Id.* The First Amendment is incorporated against the states through the Fourteenth Amendment. U.S. Const. amend. XIV.

STATEMENT OF THE CASE

Statement of the Facts

Student activist Laura Marshall, the respondent in this case, is enrolled at Delmont State University ("DSU"). R. at 2. The State of Delmont ("Delmont"), where DSU is located, considered using the state's land to increase energy production in the Fall of 2024. *Id.* This divided Delmont and sparked debate between two groups: the "Energy Coalition" and the "Nature Coalition." R. at 15. The Energy Coalition believed that converting Delmont's environment into energy would benefit the state, while the Nature Coalition opposed the implementation of energy sources and fought to preserve the land and wildlife. R. at 4. Tensions between the groups escalated when Delmont began installing solar arrays and windmills in April of 2025. *Id.* Protests often led to physical altercations that required police involvement. *Id.* These debates became prominent at DSU in the fall of 2025. R. at 7. Groups would coordinate doxxing "flash-shares" where a victim's private information would be released. R. at 5. This resulted in the victim being identified, found, and confronted before police could intervene. *Id.* The doxxing incidents resulted in several student hospitalizations, "belligerent" intimidation, and even arson at a school administrator's home. *Id.*

On September 12, 2025, Delmont passed the "Campus Anti-Doxxing Statute" ("CADS"), which was intentionally drafted to be narrow and to prevent doxxing. *Id.* at ¶ 10. There have already been two successful lawsuits under CADS. R. at 7. The first was by a Delmont Tech professor whose home address was posted on a message board, resulting in Nature Coalition activists throwing rocks through the windows of his house. *Id.* The second was by an employer whose workplace's address was posted, resulting in Energy Coalition protestors physically preventing employees from leaving. *Id.*

The Church of Light, LLC ("The Church") is a DSU religious Student Chapter. *Id.* Its younger members, the Lightbearers, travel around Delmont proclaiming their messages through a church-made publication, *The Lantern*. R. at 9. As technology developed, The Church's Elders found that *The Lantern* was not communicating as well as it previously had. *Id.* The Elders decided to air *The Lantern* on television. *Id.* To achieve this, Lightbearers would drive vans with screens on the sides around college campuses in Delmont. R. at 9-10.

In September of 2025, after the passage of CADS, Ms. Marshall gave her first speech regarding her beliefs as a member of the Nature Coalition. R. at 10. Throughout the week of September 22, 2025, Lightbearer vans broadcasted Ms. Marshall's speech. *Id.* Immediately following the speech, vans displayed a photo of Ms. Marshall at her workplace wearing a shirt with the Nature Coalition symbol. *Id.* In the photograph, Ms. Marshall was sitting at the front desk of the Delmont Treatment Center ("DTC"), a non-profit assisting those suffering with substance abuse. *Id.* Ms. Marshall was not only an employee, but a patient. R. at 11. Additional text listed DTC's address, phone number, and hours of operation. *Id.* This was the first time The Church had included specific contact information with a picture. R. at 12. Within just twenty-four hours of the Lightbearers posting the picture, twenty people went to DTC and photographed, catcalled, and insulted Ms. Marshall. R. at 11. The group followed her into the parking lot, surrounded her car, and keyed it. *Id.* Similar events occurred the next day. *Id.* Out of fear for her own safety, and for the safety of her employer and other patients, Ms. Marshall quit her job. *Id.* She even withdrew from treatment. *Id.* Ms. Marshall asked The Church to remove the picture, but it refused. R. at 12.

Procedural History

On October 3, 2025, Ms. Marshall brought suit against The Church under CADS for damages and injunctive relief in the United States District Court for the District of Delmont

Western Division. *Id.* The Church moved for summary judgment. R. at 3. The district court granted The Church's motion for summary judgment on December 8, 2025. R. at 29. It reasoned that CADS violates The Church's First Amendment rights to free speech and free exercise. R. at 3. Ms. Marshall appealed the district court's decision to the United States Court of Appeals for the Fifteenth Circuit. R. at 30. On December 29, 2025, the circuit court reversed the judgment of the district court and denied The Church's motion for summary judgment. R. at 43. It reasoned that The Church was able to complete its missions and that CADS neither violates The Church's right to free expression, nor its right to free exercise. R. at 30. On December 30, 2025, The Church appealed the circuit court's judgment and petitioned for a writ of certiorari to the Supreme Court of the United States to review the judgment of the circuit court. R. at 49. This Court granted certiorari on January 7, 2026. R. at 50.

SUMMARY OF THE ARGUMENT

The Free Speech Clause of the First Amendment prohibits Congress from restricting protected forms of expression; however, this Court has permitted states to enact statutes that restrict unprotected speech. The Campus Anti-Doxxing Statute ("CADS") was enacted to prohibit doxxing, which is the dissemination of an individual's private information with the intent to stalk, harass, or physically injure. Del. Ann. Stat. § 25.989 (2025). CADS does not violate the First Amendment's Free Speech Clause because doxxing is an unprotected category of speech. Because doxxing is unprotected speech, the State of Delmont ("Delmont") can restrict it. Additionally, because Delmont is exercising its police powers and maintaining public safety through a narrowly tailored statute, CADS passes all three levels of scrutiny. For these reasons, this Court should affirm the circuit court's decision and hold that CADS is constitutional and does not violate the First Amendment Free Speech rights of The Church of Light, LLC ("The Church").

Additionally, the First Amendment's Free Exercise Clause prohibits Congress from imposing restrictions on an individual's right to practice their religion; however, states may pass neutral and generally applicable statutes. CADS is neutral and generally applicable because its application impacts everyone and it does not unfairly target specific groups or beliefs. Furthermore, neither the *Yoder*/*Mahmoud* exception nor the hybrid rights doctrine apply here because those exceptions are only used in limited cases. Because neither exception is present here, the neutral and generally applicable statute is subject to rational basis review. CADS overcomes this level of scrutiny. This Court should affirm the circuit court's decision and hold that CADS is constitutional and does not violate the First Amendment Free Exercise rights of The Church.

ARGUMENT

Standard of Review

The first issue on appeal is whether the Campus Anti-Doxxing Statute ("CADS") violates the First Amendment Free Speech rights of The Church of Light, LLC ("The Church"). R. at 50. The second issue on appeal is whether CADS violates the First Amendment Free Exercise rights of The Church. *Id.* Both issues are questions of summary judgment. R. at 12. Summary judgment is granted when the moving party shows that there is no genuine dispute of material fact. Fed. R. Civ. P. 56. Decisions regarding summary judgment are questions of law that warrant a *de novo* standard of review. *Pierce v. Underwood*, 487 U.S. 552, 558 (1998).

I. THE CAMPUS ANTI-DOXXING STATUTE ("CADS") DOES NOT VIOLATE THE FIRST AMENDMENT RIGHT TO FREEDOM OF SPEECH BECAUSE CADS ONLY RESTRICTS UNPROTECTED SPEECH AND OVERCOMES JUDICIAL SCRUTINY.

The First Amendment, in pertinent part, prohibits Congress from "abridging the freedom of speech." U.S. Const. amend. I. Effectively, the First Amendment prevents the government from restricting protected expression due to its messages, ideas, subject matter, or content. *Police Dep't of Chicago v. Mosley*, 408 U.S. 92, 95 (1972). However, courts widely understand that "the right

of free speech is not absolute," *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571 (1942), and that "not all speech is of equal First Amendment importance," *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 758 (1985). The First Amendment guards protected speech, not unprotected speech. *See*

Milkovich v. Lorain J. Co., 497 U.S. 1, 2 (1990). States can regulate unprotected categories of speech, *see Chaplinsky*, 315 U.S. at 573, because states have police power and the right to maintain public safety, *see* U.S. Const. amend. X. Additionally, state limitations on constitutional rights may be "subjected to more exacting judicial scrutiny." *United States v. Carolene Prods. Co.*, 304 U.S. 144, 155 n.4 (1938).

The enacted Campus Anti-Doxxing Statute ("CADS") does not violate the First Amendment's Free Speech Clause, and thus, does not violate the First Amendment Free Speech rights of The Church of Light, LLC ("The Church"). First, because doxxing is an unprotected category of speech, the State of Delmont ("Delmont") can implement these reasonable restrictions. It is within the right of Delmont to pass CADS because the state is exercising its police powers by passing legislation that maintains public safety. Second, CADS overcomes all three levels of judicial scrutiny. For the foregoing reasons, this Court should find that there is a genuine issue of material fact and affirm the Fifteenth Circuit's decision.

A. CADS Is Constitutional Because It Prohibits Doxxing, Which Is Unprotected Speech, and States Are Permitted to Restrict Categories of Unprotected Speech.

While the First Amendment's Free Speech Clause generally protects expression, this Court has recognized exceptions to that rule. *Dun & Bradstreet, Inc.*, 472 U.S. at 762. The First Amendment only protects certain categories of speech. *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969). Categories of speech that are not protected by the First Amendment include defamation, incitement, fighting words, and true threats. *League of Women Voters v. Schwab*, 549 P.3d 363,

374 (Kan. 2024). Additionally, the First Amendment does not protect speech that is made with an intent to injure. *See Brandenburg*, 395 U.S. at 447. These unprotected categories of speech can be "freely restricted by the state" so long as the regulations are within the state's police powers. *League of Women Voters v. Schwab*, 539 P.3d 1022, 1029 (Kan. 2023). Doxxing is the sharing of information with the intent to injure the individual whose private information is shared.[2] Therefore, the First Amendment does not protect doxxing. Because the First Amendment does not protect doxxing, Delmont may restrict such speech under its police powers. Accordingly, Delmont's implementation of CADS properly restricted doxxing. This Court should find that CADS does not violate the First Amendment's Free Speech Clause.

1. The State of Delmont Is Permitted to Implement CADS Because the Statute Restricts Unprotected Speech.

States may enact statutes that restrict unprotected speech. *See, e.g.*, *Virginia v. Black*, 538 U.S. 343, 344 (2003) (lawfully restricting true threats); *Brandenburg*, 395 U.S. at 447 (lawfully restricting incitement); *R.A.V. v. City of St. Paul*, 505 U.S. 377, 387 (1992) (lawfully restricting fighting words on the basis of content). Speech made with an intent to intimidate constitutes unprotected speech, which states are permitted to regulate. *Black*, 538 U.S. at 344. In *Black*, a Virginia statute made it a felony to burn crosses with the "intent to intimidate." *Id.* at 343. The burning of the cross itself was "prima facie evidence of intent." *Id.* This Court found that prohibiting cross burning with the intent to intimidate was a proper restriction on unprotected speech that did not violate the First Amendment. *Id.* (holding the statute unconstitutional on other grounds). It held that states are permitted to ban unprotected acts of speech, like when a speaker "communicate[s] a serious expression of intent to commit an act of unlawful violence." *Id.* at 344.

[2] Alexander J. Lindvall, *Political Hacktivism: Doxing & The First Amendment*, 53 CREIGHTON L. REV. 1, 2 (2019).

States can additionally regulate speech that incites imminent lawless action because the First Amendment does not protect violent speech. *See Brandenburg*, 395 U.S. at 449. In *Brandenburg*, an Ohio statute prohibited syndicalism and made it illegal to advocate for crime. *Id.* at 444. This Court reasoned that the statute did violate the First Amendment because states are unable to restrict *mere* "advocacy." *Id.* at 447. However, it held that a state could regulate speech that "is likely to incite or produce such [lawless] action." *Id.* Ultimately, states can forbid speech that advocates violence without infringing on the First Amendment. *See id.*

While this Court has allowed states to regulate unprotected speech, it has not allowed states to restrict speech that the First Amendment protects. *See, e.g.*, *Thornhill v. Alabama*, 310 U.S. 88, 106 (1940). In *Thornhill*, an Alabama statute prohibited picketing or loitering near a place of business. *Id.* at 91. This Court held that the statute was unconstitutional because it was too broad and consequently prohibited individuals from walking peacefully on any public sidewalk that was in front of a business. *Id.* at 98-99. The statute was unconstitutional because it restricted any form of protest, including speech that the First Amendment protects. *Id.* at 105-06.

In this case, Delmont is permitted to pass CADS because the statute works to regulate unprotected speech. This Court has continuously recognized that states are able to restrict speech that the First Amendment does not protect. *Black*, 538 U.S. at 344; *Brandenburg*, 395 U.S. at 449. Like the statutes present in *Black*, 538 U.S. at 343, and *Brandenburg*, 395 U.S. at 449, the present case involves a state law that regulates an individual's First Amendment rights, r. at 6. While the statutes in *Black*, 538 U.S. at 343, and *Brandenburg*, 395 U.S. at 449, violated the First Amendment, this Court noted that certain modifications would have made them constitutional, *e.g.*, *id.* One of the permitted modifications was prohibiting speech that was made with an "intent

to intimidate." *Black*, 538 U.S. at 344. Therefore, states are permitted to forbid violent types of speech, *see Brandenburg*, 395 U.S. at 447, which CADS does, Del. Ann. Stat. § 25.989 (2025).

CADS is analogous to the modifications that the Court discussed in *Black* and *Brandenburg*. CADS has no prima facie evidence of intent, § 25.989, which was the main issue of the unconstitutional provision in *Black*, 538 U.S. at 343. Instead, CADS specifically prohibits the act of disclosing an individual's private information *partnered with* the additional intent to "stalk, harass, or physically injure." § 25.989. The intent mandate in CADS is comparable to the constitutional "true threat" restrictions in *Black*, 538 U.S. at 343, and the constitutional "incitement" restriction in *Brandenburg*, 395 U.S. at 447. "Injure," "harass," and "stalk," as used in CADS, communicate a serious expression of an intent to threaten or incite harm. R. at 6, n.1.

While this Court has held that states cannot restrict protected speech, the speech that CADS restricts is unprotected. The speech that was permitted in *Thornhill* significantly differs from the issue here. In *Thornhill*, this Court held that a state statute was unconstitutional because it prohibited any exercise of peaceful protesting. 310 U.S. at 98-99. In the present case, CADS does not prohibit The Church from completing any mission. Instead, CADS simply prevents The Church from disclosing private information with the intent to cause harm. R. at 6. In holding that Delmont is permitted to implement CADS, this Court would not overturn any precedent that it set in *Thornhill*. Rather, this Court would uphold common law and further confirm that states are permitted to regulate unprotected speech.

2. Doxxing Is Unprotected Speech Because It Is Analogous to the Other Forms of Speech That This Court Has Permitted States to Restrict.

The First Amendment often protects speech that is a matter of public concern. *Snyder v. Phelps*, 562 U.S. 443, 446 (2011). In *Snyder*, individuals were picketing on public land outside of a military funeral protesting homosexuality in America's military. *Id.* The petitioner alleged a tort

claim of defamation against the protestors. *Id.* at 450. This Court was unable to look to state law because Maryland did not have any statutes regarding the issue when the case occurred. *Id.* at 446. However, the Court found that the picketers were entitled to protection under the First Amendment. *Id.* at 443. The Court held that the picketers were protected because they were engaged in public speech, which is determined by looking at the speech's content, form, and context. *Id.* at 453. It reasoned that the First Amendment provides greater protection to public speech than private speech; however, public speech is still subject to restrictions. *Id.* at 456.

Speech is also broadly protected when made against public figures and limited purpose public figures ("LPPF"). *See Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 323 (1974); *Time, Inc. v. Hill*, 385 U.S. 374, 390 (1967); *Waldbaum v. Fairchild Publ'ns, Inc.*, 627 F.2d 1287, 1292 (D.C. Cir. 1980). In *Waldbaum*, a trade publication made false statements about the CEO of a company. 627 F.2d at 1292. This Court found that the CEO was not a public figure, but a LPPF because he voluntarily "thrust" himself into the forefront of a public controversy in attempts to influence the resolution. *Id.* at 1296. It reasoned that a public figure is someone who is "attempting to have, or realistically can be expected to have, a major impact on the resolution of a specific public dispute that has foreseeable and substantial ramifications." *Id.* at 1292. Alternatively, in *Gertz*, attorneys were found to be private figures because they had less opportunities for rebuttal than public figures. 418 U.S. at 323. This Court held that private figures make no commitment to public scrutiny. *Id.* at 344. In *Time, Inc.*, this Court even held that individuals who are involuntarily drawn into a controversy do not constitute public figures. 424 U.S. at 457.

This Court has previously upheld state restrictions on unprotected kinds of speech. *See, e.g.*, *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 279-80 (1964). Speech is unprotected under certain circumstances, including when the speech encourages "inciting or producing imminent lawless

action," *Brandenburg*, 395 U.S. at 447, or is a "true threat," *Black*, 538 U.S. at 359-60. This Court has also held that "defamation" is not protected, *Sullivan*, 376 U.S. at 271, and neither are "fighting words," *Chaplinsky*, 315 U.S. at 571. It has deemed these forms of speech unprotected because they outweigh the benefits of free expression. *E.g.*, *id.* at 572. Benefits of free expression include the increased communication of opinions and information, as well as the promotion of a better democratic system.[3]

In the present case, CADS and the actions of The Church are distinguishable from what this Court has considered protected speech. Even if this Court were to find that doxxing constitutes public speech, r. at 16, Delmont is still permitted to regulate it because public speech is subject to restrictions, *Snyder*, 562 U.S. at 456. This issue is distinct from *Snyder* because, in that case, Maryland did not have a state statute prohibiting picketing. *Id.* at 466. However, Delmont has CADS, which was specifically implemented to prevent doxxing for the purpose of maintaining public safety. R. at 5-6. Additionally, *Snyder* does not apply here because the issue in *Snyder* was a tort claim for defamation, 562 U.S. at 450, whereas Delmont is concerned about maintaining public safety, r. at 5. Ultimately, the claim that CADS is unconstitutional because it prohibits public speech is incorrect because issues of public concern are still subject to limitations, especially when the restricted speech falls outside the scope of First Amendment protections. R. at 34.

Doxxing is unprotected speech because it is analogous to other forms of speech that this Court has held the First Amendment does not protect. Precedent indicates that, when speech is unprotected, it is because that speech was made with the intent to cause some form of injury. *See, e.g.*, *Chaplinsky*, 315 U.S. at 572. Previous cases in Delmont where CADS was upheld show that

[3] *See* Martin H. Redish, *Compelled Commercial Speech and the First Amendment*, 94 NOTRE DAME L. REV. 1749, 1749 (2019).

doxxing encouraged imminent incitement of lawless action, r. at 7, which this Court held to be unprotected in *Brandenburg*, 395 U.S. at 447. While the act of doxxing has already encouraged imminent lawless actions, it can also become a true threat or fighting words. *See* r. at 7. This demonstrates that doxxing is sufficiently comparable to the types of speech that this Court has held to be unprotected. *See Sullivan*, 376 U.S. at 271.

If this Court finds that doxxing does not already fit into a category of unprotected speech, it should hold that doxxing is its own type of speech that the First Amendment does not protect. The First Amendment must function in a way where people feel safe voicing their political opinions, *Snyder*, 562 U.S. at 458, without fear of being injured through doxxing, r. at 33. Identical to this Court's reasoning behind why other categories of speech are unprotected, *e.g., Chaplinsky*, 315 U.S. at 571, doxxing also outweighs the benefits of free expression, r. at 33. Prohibiting doxxing is more important than permitting free expression because doxxing intentionally causes injury to individuals. § 25.989. This Court has consistently found that public safety and the prevention of injury outweigh free speech rights. *E.g.*, *Black*, 538 U.S. at 359-60. The types of speech that the First Amendment often protects are not present in the issue here. *E.g.*, *Snyder*, 562 U.S. at 450. Rather, doxxing continuously proves to be speech that the First Amendment does not protect. *See* r. at 6. Because doxxing is unprotected speech, the state is permitted to regulate it. By finding CADS constitutional, this Court would uphold the precedent it has set of permitting states to restrict unprotected speech. *E.g.*, *Black*, 538 U.S. at 359-60.

B. CADS Does Not Violate the First Amendment's Free Speech Clause Because the Statute Overcomes All Three Levels of Judicial Scrutiny.

This Court has distinguished the three tiers of scrutiny. *Carolene Prods. Co.*, 304 U.S. at 155 n.4. The three tiers of scrutiny, from most deferential to least deferential, are rational basis review, intermediate scrutiny, and strict scrutiny. *See id.* A statute is subject to rational basis review

when the speech it is restricting "fall[s] outside the scope of the First Amendment." *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471 (2025). Under this tier, a statute must be "reasonably and rationally" related to a legitimate government interest. *Williamson v. Lee Optical of Okla. Inc.*, 348 U.S. 483, 489 (1955). In *Williamson*, an Oklahoma law made it illegal for any individual who was not a licensed optometrist or ophthalmologist to fit glasses unless given a prescription. *Id.* at 485. Specifically, the statute made it unlawful to "solicit the sale of . . . frames, mountings . . . or any other optical appliances." *Id.* at 489. This Court held that the statute was constitutional and did not violate the Fourteenth Amendment because it passed rational basis review. *See id.* at 488. It reasoned that the health and safety of the community was a legitimate government interest and that the particular legislative matter at issue was a rational way to ensure public safety. *Id.*

Intermediate scrutiny is used when analyzing "content-neutral" issues, *Ward v. Rock Against Racism*, 491 U.S. 781, 782 (1989), including broad "restrictions that impose an incidental burden on speech" that apply to all kinds of expression, *Turner Broad Sys., Inc. v. F.C.C.*, 512 U.S. 622, 662 (1994); *see United States v. O'Brien*, 391 U.S. 367, 377 (1968). In *Ward*, there was a New York City regulation that mandated the use of city-provided sound systems to control the volume of music in Central Park. 491 U.S. at 784. This Court upheld the statute as constitutional and stated that the law did not violate the First Amendment because it overcame intermediate scrutiny. *See id.* at 803. The statute was narrowly tailored enough to serve New York City's content-neutral interest of maintaining public welfare, *id.*, and it did not "unreasonably limit alternative avenues of expression," *id.* at 789.

Strict scrutiny is the highest, most difficult standard of scrutiny in constitutional law. *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997). Content-based regulations are presumptively unconstitutional and must satisfy this standard by showing that the statute was narrowly tailored

to serve a "compelling state interest." *Reed v. Town of Gilbert*, 576 U.S. 155, 163-64 (2015); *United States v. Eichman*, 496 U.S. 310, 315 (1990). In *Eichman*, a Texas statute criminalized the desecration of the American flag. *Id.* at 310. This Court found that the statute limited an individual's First Amendment right to free speech, *id.* at 319, reasoning that the statute was content-based and required an analysis under strict scrutiny, *id.* at 315. The statute was a content-based law because it "suppress[ed] expression out of concern for its likely communicative impact." *Id.* at 317.

In this case, CADS should be subject to rational basis review because doxxing falls outside the scope of the First Amendment. Similar to how the language in the statute from *Williamson* was related to maintaining public safety, 348 U.S. at 488, the language in CADS is also related to upholding campus welfare by restricting unprotected expression, *see* § 25.989. The statute in *Williamson* specifically prohibited certain acts, 348 U.S. at 489, similar to how CADS makes it unlawful to "use[] a communication platform of any type to disclose private information of an enrolled student, faculty member, administrative or staff member at Delmont college . . . with the intent to stalk." § 25.989. This language specifically prohibits unprotected acts to maintain public safety on Delmont's campuses. *Id.* It is rationally related to Delmont's legitimate interest in preventing the dissemination of private information, r. at 48 ¶ 8, and overcomes rational basis.

While rational basis review should be applied here, even if this Court decides that a higher level of scrutiny should be analyzed, CADS will succeed. CADS also overcomes intermediate scrutiny because, like the statute in *Ward*, 491 U.S. at 803, CADS could be interpreted to be content-neutral, *see* § 25.989. CADS would be content-neutral because it does not restrict specific messages or matter, but rather prohibits the act of doxxing as a whole. *Id.* The language of CADS proves to be narrowly tailored as it prohibits The Church from engaging in unprotected speech,

but does not unreasonably limit other ways the Lightbearers can complete their missions. *See* r. at 8-9.

If this Court is unconvinced that rational basis review or intermediate scrutiny apply, CADS also overcomes strict scrutiny. When subjected to the highest level of scrutiny, a statute is assumed to be unconstitutional until proven that it is narrowly tailored to achieve a compelling government interest. *Reed*, 576 U.S. at 163-64. CADS is narrowly tailored as Governor Morrison stated that it was drafted to be narrow, r. at 48 ¶ 10, and implemented to maintain public safety, *id.* at ¶ 9. Like the statute in *Eichman*, 496 U.S. at 315, CADS could be interpreted as being a content-based rule, *see* § 25.989. However, the statute from *Eichman* failed strict scrutiny because it suppressed expression, 496 U.S. at 317, which is where CADS differs, § 25.989. CADS does not restrict the First Amendment because the statute does not function in a way where it limits a fundamental right. *Id.* It does not limit any fundamental right because the statute only prohibits unprotected speech and thus falls outside the scope of the First Amendment. *Id.*

Because CADS overcomes strict scrutiny, *a fortiori* it passes intermediate scrutiny and rational basis review. R. at 35. Regardless of what scrutiny standard CADS is held to, the statute is constitutional; however, this Court should only apply a rational basis standard of review. Thus, this Court should find that a genuine issue of material fact exists as CADS is a constitutional statute and does not violate the First Amendment's Free Speech Clause.

II. CADS DOES NOT VIOLATE THE FIRST AMENDMENT RIGHT TO FREE EXERCISE BECAUSE CADS IS NEUTRAL AND GENERALLY APPLICABLE, THE *YODER*/*MAHMOUD* EXCEPTION AND THE HYBRID RIGHTS DOCTRINE DO NOT APPLY, AND CADS OVERCOMES JUDICIAL SCRUTINY.

The First Amendment, in pertinent part, restricts Congress from "prohibiting the free exercise of religion." U.S. Const. amend. I. Effectively, the Free Exercise Clause prevents the government from imposing restrictions on an individual's right to practice their religion. *Trinity*

Lutheran Church of Columbia, Inc. v. Comer, 582 U.S. 449, 449 (2017). It protects all interpretations of all religious practices. *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981). However, the right to free exercise does not completely eliminate an individual's obligation to comply with a law that is neutral and generally applicable. *Emp. Div., Dep't of Hum. Res. of Or. v. Smith*, 494 U.S. 872, 879 (1990). Laws that are neutral and generally applicable are not analyzed under the hybrid rights doctrine because it is mere dicta and this Court has never applied it, even in cases where it would have been applicable. *See, e.g.*, *Mahmoud v. Taylor*, 606 U.S. 522, 564 n.14 (2025) (stating that it would not consider whether it was a hybrid rights case). The *Yoder*/*Mahmoud* exception is also only applicable in limited cases. *See Smith*, 494 U.S. at 872. When a law is neutral and generally applicable, and no exception applies, it is reviewed under rational basis review rather than intermediate or strict scrutiny. *City of Boerne*, 521 U.S. at 514 (citing *Smith*, 494 U.S. at 884).

CADS does not violate the Free Exercise Clause of the First Amendment, and thus does not violate the First Amendment Free Exercise rights of The Church. First, The Church is obligated to comply with CADS because the statute is neutral and generally applicable. Second, neither the *Yoder*/*Mahmoud* exception, nor the hybrid rights doctrine applies here. Third, as a neutral and generally applicable statute, CADS overcomes rational basis review. For the foregoing reasons, this Court should affirm the Fifteenth Circuit's decision and hold that CADS is constitutional and does not violate the First Amendment free exercise rights of The Church.

A. CADS Is Neutral and Generally Applicable Because It Is Applied Equally to Everyone and Does Not Unfairly Target a Particular Group or Belief.

The right of free exercise does not completely eliminate an individual's obligation to comply with a law that is valid, neutral, and of general applicability. *Smith*, 494 U.S. 872, 879 (1990). In *Smith*, an Oregon statute prohibited individuals from knowingly or intentionally

possessing a controlled substance unless medically prescribed. *Id.* at 874. The respondents ingested a controlled substance, peyote, during a religious ceremony and were consequently found ineligible for unemployment benefits. *Id.* This Court held that the statute was permitted to criminalize the religious practice of ingesting peyote because the law was generally applicable. *Id.* at 885. It was generally applicable because the law did not intend to prohibit the exercise of religion, rather the religious restriction was an incidental effect. *Id.* at 878.

When determining whether a law is neutral and generally applicable, the analysis must start with the text. *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993). In *Lukumi*, a church practices the Santeria religion, which sacrifices animals as part of its religious exercise. *Id.* at 520. After the church leased land in a new city, that city passed ordinances that prohibited ritualistic animal sacrifices. *Id.* This Court held that the ordinances were unconstitutional because they were neither neutral, *id.* at 542, nor generally applicable, *id.* at 545. The ordinances were not neutral because, when looking at the text, they specifically targeted Santeria's religious exercise. *Id.* at 542. They "proscrib[ed] religious killings of animals but [] exclude[d] almost all secular killings," thus only regulating the acts of that church. *Id.* Additionally, the ordinances were not generally applicable because they were clearly "drafted with care" to only forbid killings "occasioned by religious sacrifices." *Id.* at 543. This language indicates that individuals were not prohibited to kill animals outside of religious reasons. *Id.*

After looking at a statute's text, this Court determines government neutrality and general applicability by evaluating three factors: historical background, specific events, and legislative history. *Masterpiece Cakeshop, Ltd. v. Colo. C.R. Comm'n*, 584 U.S. 617, 639 (2018). In *Masterpiece Cakeshop*, a baker refused to make a cake for a same-sex couple's wedding because of religious opposition. *Id.* at 617. The same-sex couple filed a complaint under a Colorado law

that "prohibits discrimination" based on sexual orientation when the place of business engages in any sales to the public. *Id.* This Court held that the law was not neutral or generally applicable as determined by the statute's historical background, specific events, and legislative history. *Id.* at 639. It reasoned that these three factors demonstrated that the law was neither "tolerant nor respectful" of the baker's religious beliefs, and rather targeted specific religious groups. *Id.*

Laws are not neutral or generally applicable when they permit government discretion. *Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021). In *Fulton*, the City worked with Catholic Social Services ("CSS") and helped children by providing foster care services. *Id.* at 522. CSS understood marriage to be between a man and a woman, thus it would not consider prospective foster parents who were in same-sex relationships. *Id.* The City adopted a non-discrimination policy and stopped working with CSS because of its refusal to certify same-sex couples. *Id.* This Court held that the non-discrimination policy was not neutral or generally applicable. *Id.* at 533. It reasoned that the statute was not applied neutrally because it gave the Commissioner "sole discretion" in determining whether a child or family can be referred. *Id.* at 535.

In this case, CADS is a neutral and generally applicable statute because it is applied fairly against all individuals. CADS is analogous to the statute in *Smith* because neither law attempts to prohibit the exercise of religion. *Compare Smith*, 494 U.S. at 878, *with* § 25.989. This Court has recognized that determining whether a statute is neutral begins with an analysis of the text. *Lukumi*, 508 U.S. at 533. Unlike the statute in *Lukumi*, which specifically targeted "secular killings," *id.* at 542, CADS does not specifically target any one group or religion, § 25.989. Rather than singling out a specific "secular" group, *Lukumi*, 508 U.S. at 533, the statute here prohibits "*any* individual" from doxxing, § 25.989 (emphasis added). Also unlike the ordinances from *Lukumi*, 508 U.S. at 524, two successful lawsuits have been made under CADS, r. at 7. The first lawsuit was against

Nature Coalition students and the second was against an Energy Coalition leader, showing that the statute applies to everyone regardless of one's beliefs. *Id.* CADS does not only apply to The Church, but rather anyone who discloses the private information of an individual enrolled at a Delmont college or university. § 25.989. There is no language in CADS that specifically targets The Church, Lightbearers, or any other religion. R. at 38. The language here significantly differs from statutes that this Court has found non-neutral. *See Lukumi*, 508 U.S. at 543. Instead, CADS is similar to the laws that this Court has found neutral. *See Smith*, 494 U.S. at 885. The language in CADS does not implicate a certain group and instead applies to everyone. § 25.989.

Additionally, the claim that CADS subtly departs from neutrality does not succeed. R. at 38. This statute does not depart from neutrality because, unlike the statute in *Masterpiece Cakeshop*, 584 U.S. at 639, CADS's historical background, the specific events leading to its adoption, and its legislative history prove otherwise, r. at 38. Historically, Delmont had been facing an uprising in the "non-consensual dissemination of personally identifiable information," r. at 47 ¶ 4, and CADS was adopted to solve this "wide-ranging problem," r. at 38. Furthermore, in the time leading up to the legislature's adoption of CADS, conditions on campus had become "extremely volatile" due to a rise in "flash-shares" of private information, r. at 47 ¶ 5, which led to the hospitalization of many students, r. at ¶ 6. The legislative history of CADS shows that the statute was enacted to "address the specific disclosure practice" that Delmont had been facing against all individuals, not just the Lightbearers. R. at 48 ¶ 8. Analyzing these three factors shows that CADS does not subtly depart from neutrality because it is applied generally. *See* § 25.989. The statute does not specifically prevent The Church from exercising its religion and completing its missions, rather CADS simply restricts *anyone* from taking the extra step of doxxing individuals. *Id.* The Church did not just show the video of Ms. Marshall's speech, but made the

decision to also show a picture of her at her place of work accompanied with the workplace's address, phone number, and hours of operation. R. at 10. The Lightbearers violated CADS by disseminating Ms. Marshall's private information, not by going on their missions.

CADS also proves to be neutral and generally applicable because it does not permit government discretion. Unlike the statute in *Fulton*, which specifically gave the Commissioner "sole discretion" in determining whether the statute was violated, 593 U.S. at 535, CADS has no such requirement, *see* § 25.989. Because it does not permit any government discretion and is applied fairly amongst all individuals, regardless of their religious beliefs, this Court should find CADS to be a neutral and generally applicable statute.

B. The *Yoder*/*Mahmoud* Exception and The Hybrid Rights Doctrine Do Not Apply Because the Legal Standard Does Not Become More Stringent Simply Because a Free Exercise Claim Is Partnered With Another Constitutional Issue.

A statute that is facially neutral may still be found unconstitutional if it "unduly burdens the free exercise of religion." *Wisconsin v. Yoder*, 406 U.S. 205, 220 (1972). In *Yoder*, there was a neutral law of general applicability that required children to stay in school until the age of sixteen. *Id.* at 207. Amish families did not comply with this law because Amish beliefs only permit education through the eighth grade, which children typically complete around the ages of fourteen and fifteen. *Id.* The Amish families sued, claiming that the state law violated their First Amendment right to free exercise, and their Fourteenth Amendment parental rights. *Id.* at 209. This Court implied that, because the free exercise claim was joined with an independently violated constitutional right, the statute may be held to strict scrutiny instead of rational basis review. *See id.* at 228-29. The statute failed strict scrutiny because the state failed to prove that the law upheld a compelling state interest. *Id.* at 206.

This Court later reevaluated cases like *Yoder* where neutral and generally applicable laws were analyzed under strict scrutiny. *Smith*, 494 U.S. at 882. Even though this Court did not use the term "hybrid rights" in *Yoder*, 406 U.S. at 205, in *Smith* the Court acknowledged that *Yoder* was a special case because the free exercise claim was "in conjunction" with an additional constitutional provision, *Smith*, 494 U.S. at 872-73. Unlike *Yoder*, *Smith* only analyzed a free exercise claim and was not found to be a hybrid case. *Id.* at 882. *Smith* furthered the general rule that neutral and generally applicable laws are evaluated under rational basis review. *See id.*

Additionally, this Court has not applied the hybrid rights exception in any other case, even when it could have. *See, e.g.*, *Mahmoud*, 606 U.S. at 565 n.14. In *Mahmoud*, this Court found a facially neutral law unconstitutional under strict scrutiny because the statute "impose[d] a burden of the same character as that in *Yoder*." *Id.* In applying strict scrutiny, this Court found that the government did not properly demonstrate that the policy advanced "interests of the highest order" and it was not "narrowly tailored" to achieve that goal. *Id.* at 526. However, despite the free exercise claim being in conjunction with a Fourteenth Amendment claim, *id.* at 626 (Sotomayor, J., dissenting), this Court did not consider whether it constituted a "hybrid rights case," *id.* at 565 n.14. Justice Souter also dismissed the hybrid rights doctrine in *Lukumi* by stating that "[i]f a hybrid claim is simply one in which another constitutional right is implicated, then the hybrid exception would probably be so vast as to swallow the *Smith* rule." 508 U.S. at 567 (Souter, J., concurring in part and concurring in the judgment).

A circuit split has thus emerged regarding the hybrid rights doctrine as the Second, Third, and Sixth Circuits have understood the exception to be mere dicta. *Knight v. Conn. Dept. of Pub. Health*, 275 F.3d 156, 167 (2d Cir. 2001) (reasoning that the Supreme Court has never stated that legal standards vary under the Free Exercise Clause); *Combs v. Homer-Center Sch. Dist.*, 540 F.3d

231, 246-47 (3d Cir. 2008) (holding that it would not use the hybrid rights doctrine "[u]ntil the Supreme Court provides discretion"); *Kissinger v. Bd. of Trs. of Ohio State Univ.*, 5 F.3d 177, 180 (6th Cir. 1993) (arguing that raising the legal standard because two claims are intertwined is "illogical"). In *Kissinger*, the plaintiff enrolled in veterinarian school at Ohio State University and asked for alternative curriculum due to her religious beliefs. *Id.* at 178. The college refused and the plaintiff sued claiming the University violated many constitutional rights, including her freedom of speech and exercise. *Id.* at 179. The Sixth Circuit held that the hybrid rights doctrine did not apply, despite the presence of multiple constitutional claims. *Id.* at 180. It reasoned that the *Smith* Court "did not explain how the standards under the Free Exercise Clause would change depending on whether other constitutional rights [were] implicated." *Id.* The court also argued that it is "illogical" for the legal standard to be raised simply because a claim is coupled with another right. *Id.* Similarly, the Second Circuit refused to apply the doctrine in a case where two constitutional claims were intertwined. *Leebaert v. Harrington*, 332 F.3d 134, 143 (2d Cir. 2003). It argued that the *Smith* Court never required the use of a stricter legal standard just because there was more than one claim. *Id.* at 144.

On the other side of the split, the Eighth and Eleventh Circuits have rejected the claim that the hybrid rights doctrine is mere dicta and instead found that, when an additional claim is intertwined with a free exercise issue, the legal standard is raised to strict scrutiny. *Telescope Media Grp. v. Lucero*, 936 F.3d 740, 759-60 (8th Cir. 2019) (arguing that *Smith* was not dicta because the Supreme Court described the doctrine); *Henderson v. McMurray*, 987 F.3d 997, 1007 (11th Cir. 2021) (holding that the hybrid rights doctrine exists, but refusing to extend it beyond *Smith's* guidelines). In *Lucero*, the plaintiff made videos for weddings but did not accept clients that interfered with their religious beliefs. 936 F.3d at 749. The Minnesota Human Rights Act

prohibited this, *id.*, and the plaintiff sued arguing that the statute burdened their right to free speech and free exercise, *id.* at 758-59. The Eighth Circuit held that the claims were to be evaluated under a strict scrutiny analysis because it was a hybrid rights claim. *Id.* at 758. It reasoned that the *Smith* Court explained the doctrine as applying when a "free-exercise challenge is intertwined with another constitutional right." *Id.* at 759-60. However, the court then stated that it is unclear whether the hybrid rights doctrine would make "any real difference in the end." *Id.* at 760.

In the present case, this Court should not apply the *Yoder*/*Mahmoud* exception, nor should it concern the hybrid rights doctrine. The *Yoder*/*Mahmoud* exception allows a facially neutral statute to be subject to strict scrutiny, rather than rational basis, when the statute unduly burdens the right of free exercise. *See Yoder*, 406 U.S. at 220. CADS does not unduly burden this right. *See* § 25.989. In going against the framework from *Yoder* and *Mahmoud*, this Court would not overturn precedent because the issue here significantly differs from those cases. R. at 39. This Court stated in *Smith* that it intended *Yoder* to be limited and distinguished from other cases. *Smith*, 494 U.S. at 872. The religious burden placed on the families in *Yoder* was extreme as Wisconsin law completely prohibited the Amish from exercising their religion by forcing them to send their children to school. 406 U.S. at 207. CADS does not prohibit The Church from exercising its religion in any way. R. at 42. The Church and the Lightbearers are not prevented from publicly proclaiming their faith, rather they are simply unable to disseminate an individual's private information without consent. *Id.* Unlike how the Amish in *Yoder* were no longer able to exercise their beliefs, 406 U.S. at 207, the Lightbearers are still permitted to distribute *The Lantern* and report on current events and politics, r. at 42. CADS does not unduly burden the Church, *id.*, in the same way Wisconsin law unduly burdened the Amish, *Yoder*, 406 U.S. at 207. Therefore, this Court should not hold CADS to a higher level of scrutiny.

Even if this Court did decide to use the *Yoder*/*Mahmoud* exception here, CADS still overcomes the highest level of judicial scrutiny. If this Court finds CADS to be analogous to the statute in *Mahmoud*, in that it imposed a similar burden to that in *Yoder*, *see Mahmoud*, 606 U.S. at 565, CADS would be held to a strict scrutiny standard. Unlike the statutes in *Yoder*, 406 U.S. at 206, and *Mahmoud*, 606 U.S. at 526, CADS would overcome this burden. The statute in *Mahmoud* failed strict scrutiny because it was not narrowly tailored. *Id.* The statute in *Yoder* failed because the state was unable to prove that the law upheld a compelling state interest. 406 U.S. at 206. Here, CADS meets both of these requirements. *See* § 25.989. CADS overcomes strict scrutiny because it is narrowly tailored, r. at 48 ¶ 10, and because preventing doxxing upholds the compelling state interest of maintaining public safety, *id.* at ¶ 8.

Additionally, this Court should not apply the hybrid rights exception and instead side with the circuits that find *Smith* to be mere dicta. Not only has this Court refused to apply the hybrid rights doctrine in any other case, r. at 40, but, as the district court acknowledged, the *Yoder* Court never even mentioned a hybrid rights doctrine, r. at 25. As the Second, Third, and Sixth Circuits correctly point out, this doctrine makes no sense. *See, e.g.*, *Knight*, 275 F.3d at 167; *Combs*, 540 F.3d at 246-47. Raising the judicial standard from rational basis review to strict scrutiny simply because an additional constitutional claim has been intertwined is "illogical." *Kissinger*, 5 F.3d at 180. Even Circuits that have used the hybrid rights doctrine agree with Justice Souter's observation that it is nonsensical for a claim to become more compelling only when it is combined with another constitutional issue. *See Lucero*, 936 F.3d at 760; *Lukumi*, 508 U.S. at 567 (Souter, J., concurring in part and concurring in judgment). In holding that the hybrid rights doctrine does not apply here, this Court would not alter precedent. Rather, it would uphold the idea that neutral and generally applicable laws do not violate the Free Exercise Clause, and that the legal standard does not

become more stringent simply because it is partnered with another claim. *See Smith*, 494 U.S. at 880. Because this Court had neither explained nor furthered the hybrid rights doctrine, it should not hold CADS to a higher level of scrutiny just because the free exercise claim is partnered with a free speech claim.

If this Court did decide to apply the hybrid rights doctrine, CADS still overcomes the highest level of judicial scrutiny. As previously analyzed, CADS has been narrowly tailored, r. at 48 ¶ 10, to uphold a compelling government interest, *id.* at ¶ 8. Thus, CADS overcomes strict scrutiny and is a constitutional statute.

This Court should find that the *Yoder*/*Mahmoud* exception does not apply here because this issue is distinct from those cases. Additionally, it should hold that the hybrid rights doctrine does not apply and side with the circuits that found *Smith* to be mere dicta. Even though CADS would overcome strict scrutiny in the event that the Court does adopt either exception, this Court should instead follow the general rule of *Smith* and analyze CADS under rational basis review.

C. As a Neutral and Generally Applicable Statute, CADS Does Not Violate the Free Exercise Clause Because It Overcomes Rational Basis Review.

A law that is neutral and of general applicability does not need to be supported by a compelling government interest, even if the law incidentally affects a religious practice. *See Smith*, 494 U.S. at 330; *City of Boerne*, 521 U.S. at 514; *Lukumi*, 508 U.S. at 531. In *Smith*, an Oregon statute was found to be neutral and generally applicable. 494 U.S. at 879. Because the statute was a neutral and generally applicable law that "incidentally" burdened religion, there was no need to subject it to strict scrutiny. *Id.* at 872-73.

Neutral and generally applicable statutes are subject to rational basis review, not strict scrutiny. *Stormans, Inc. v. Wiesman*, 794 F.3d 1064, 1075-76 (9th Cir. 2015). In *Stormans*, Washington law required pharmacies to deliver prescription medications regardless of a

pharmacist's religious beliefs. *Id.* at 1071. The Ninth Circuit held the statute to rational basis review because it was neutral and generally applicable. *Id.* at 1084-85. The statute overcame this standard because it was rationally related to the state's legitimate interest in ensuring safety. *Id.*

Rational basis review should be applied here because CADS is a neutral and generally applicable statute. While it could be argued that CADS may incidentally burden The Church by making it more difficult for the Lightbearers to complete missions, r. at 22, that is not automatic grounds for review under strict scrutiny, *Smith*, 494 U.S. at 873. As this Court held in *Smith*, even if a neutral and generally applicable statute incidentally burdens a religion, there is no need to subject it to a level of scrutiny higher than rational basis review. *Id.* Almost identical to the statute from *Stormans*, 794 F.3d at 1071, CADS is rationally related to the state's legitimate interest in maintaining public welfare and ensuring the safety of Delmont's citizens, r. at 48 ¶ 8. Because the statute overcomes rational basis review, this Court should find that there is a genuine issue of material fact and that CADS does not violate the Free Exercise rights of The Church.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court AFFIRM the decision of the United States Court of Appeals for the Fifteenth Circuit and hold that the United States Court for the District of Delmont Western Division erred in granting summary judgment for The Church of Light, LLC ("The Church") because a genuine issue of material fact exists. CADS is constitutional and neither violates the First Amendment free speech rights of The Church, nor the First Amendment free exercise rights of The Church.

Dated: February 6, 2026

Respectfully submitted,

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Team 12
Counsel for Respondent

BRIEF CERTIFICATION

In compliance with Rule III (C)(3) of the Official Competition Rules for the 2025-2026 Siegenthaler-Sutherland Cup Moot Court Competition, Counsel for Respondent certifies that:

1) The work product contained in all copies of Team 12's brief is in fact the work product of the team members;
2) Team 12 has complied fully with its law school's governing honor code; and
3) Team 12 has complied will all of the Competition Rules.

Respectfully submitted,

Team 12
Counsel for Respondent