

No. 25-CV-1994

IN THE

SUPREME COURT OF THE UNITED STATES

THE CHURCH OF LIGHT, LLC,

Petitioner,

v.

LAURA MARSHALL,

Respondent.

BRIEF FOR THE RESPONDENT IN OPPOSITION

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

Team 15
Attorneys for Respondent

QUESTIONS PRESENTED

- I. Whether the Campus Anti-Doxxing Statute (CADS) violates the First Amendment Free Speech rights of The Church of Light, LLC.
- II. Whether the Campus Anti-Doxxing Statute (CADS) violates the First Amendment Free Exercise rights of The Church of Light, LLC.

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The Fifteenth Circuit’s decision has not yet been published in the Federal Reporter, but is found in the Record (“R.”) at 30-43.

JURISDICTIONAL STATEMENT

The United States District Court for the District of Delmont, Western Division, had jurisdiction over this action under 28 U.S.C. § 1331, as the claims arise under the First Amendment to the United States Constitution. R. 2. Its opinion was released on December 8, 2025. The United States Court of Appeals for the Fifteenth Circuit had jurisdiction under 28 U.S.C. § 1291.

The judgment of the Court of Appeals was entered on December 29, 2025. R. 43. A petition for a writ of certiorari was filed on December 30, 2025, and this Court granted certiorari on January 7, 2026, limited to the questions of whether the State of Delmont’s Campus Anti-Doxing Statute (“CADS”) violates the First Amendment’s Free Speech and Free Exercise Clauses. R. 49-50. The judgment appealed from is a final judgment reversing the District Court’s grant of summary judgment. R. 43. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

This Court is asked to affirm two decisions by the Fifteenth Circuit. First, its conclusion that Del. Ann. Stat. § 163.732 does not violate the First Amendment Free Speech Clause as applied to Petitioner’s broadcast because it is a content-neutral law that can withstand either intermediate or strict scrutiny. Second, it should affirm its decision that the statute does not violate the Free Exercise Clause because it is a neutral and generally applicable law. The issues at hand are whether the Campus Anti-Doxing Statute (CADS) violated the Free Speech rights of the Church of Light and whether the statute violated their Free Exercise rights.

After Delmont announced plans to develop land for energy farms in Fall of 2024, two sides began to form on the issue: 1) the “Energy Coalition”, which supported the farms, and 2) the “Nature Coalition,” which supported habitat preservation. (R. at 4). Beginning in April 2025, the sides clashed at certain rallies and marches, with some clashes involving physical altercations that required police response. *Id.* at 4-5. In August of 2025, the clashes reached a severe level

when libraries were stormed, classes disrupted, protests broke out at university administrators houses, and students were “ambushed and accosted, sometimes physically,” at their residences. *Id.* at 5. Several students were hospitalized after these incidents, and the fire department was called in after a fire started at a student home. *Id.* In addition, student groups from both sides of the debate left intimidating phone calls to students’ phones and sent hostile messages sent via email and social media. *Id.* Police discovered that most of these incidents occurred where student organizers coordinated “flash shares” of a specific person’s personal information in a manner that allowed them to be quickly identified and physically confronted or swarmed with phone calls and messages before police could respond. *Id.* at 5-6. By the time police could respond, the situation would be tense already, “endangering both the victims and the police,” or the instigators would have fled. *Id.* at 6. In less than a month, police data showed that doxxing increased by 150 percent, and those instances were almost exclusively on college campuses. *Id.*

On September 12, 2025, the state legislature passed CADS which created a private cause of action against any person who without consent used a communication platform to disclose private information of a student, faculty member, administrative or staff member at a college in the state with the intent to “stalk, harass, or physically injure.” *Id.* The two successful suits under this statute involved retaliatory actions shortly after the targets were doxed. *Id.* In one case, a professor’s house was attacked with rocks within ten minutes of a posting after he upheld a school policy that led to the expulsion of several Nature Coalition protestors. *Id.* In the second case, the employer of a Nature coalition activist was swarmed by Energy Coalition protestors within twenty minutes of an organizer texting the location. *Id.* The site was blocked by those protestors and employees were prevented from leaving. *Id.*

The Church of Light operates a student organization at Delmont State University that shares its message through public broadcasts through screens on mobile vans parked in public campus areas. *Id.* 9-10. The Church also disseminates their message through a free, church made publication known as the *Lantern* which shares religious information and local news. *Id.* at 8. This is supplemented by live TV broadcasts on community access channels. *Id.* at 9. After taking the “Energy Coalition” side of the controversy, missionaries of the Church of Light filmed a speech given by Laura Marshall, the first she had ever made on the topic. *Id.* at 10. About a week later, the missionaries played Marshall’s speech as part of a loop, showing a still photo of her sitting at the front desk of Delmont Treatment Center wearing a shirt with a Nature Coalition Symbol on it. *Id.* At the time the Church of Light published the video and photograph, she was both a part-time employee and a patient under treatment. *Id.* at 11. The name of the center was clearly visible in the background and the photograph and included the list of resources of those suffering from substance abuse in the area including the address, phone number, and hours for each. *Id.* at 10. Delmont Treatment Center was listed first, and of the seven treatment centers, only two were featured in the picture. *Id.*

Within twenty-four hours of the speech and photograph broadcast of the missionaries’ van, Laura Marshall was confronted leaving Delmont Treatment Center by twenty people wearing ski masks and Energy Coalition T-shirts that were there to “photograph, catcall, and insult” her about her addictions. *Id.* at 11. As she pulled away, some of them keyed her car. *Id.* the next night, a similar incident occurred but she hit a light pole while accelerating to go around the protestors, which caused damage to her car. *Id.* Like many previous incidents, by the time she called the police, the protestors had fled. *Id.* The next day, Marshall quit her job for her own safety, and for the safety of her employer and patients. *Id.* Prior to and subsequent to this

incident, the Church of light missionaries reported the news of the Energy Farm protests in journalistic fashion sharing both sides of the issue. *Id.* Ms. Marshall contacted the missionaries after she resigned and asked them to stop showing the image with her speech, but they refused. *Id.* at 12.

SUMMARY OF THE ARGUMENT

CADS aligns with the Free Speech Clause. The law neutrally targets the harmful manner of public disclosure of someone's sensitive information—specifically, the type of doxxing that has enabled rapid, sustained violence across Delmont's many public university campuses in the wake of recent, intense public debate. By only restricting a speaker's ability to intentionally share someone's personally identifiable information without preventing them from sharing their ideas about issues otherwise of public concern, the statute is more akin to a noise regulation or event size restriction. Speakers are not substantially limited in their expression because the statute is narrowly tailored to prevent harassment and assault while leaving open plenty of other expressive channels. In other words, while Petitioner here was free to editorialize about the Energy Farm Controversy as much as it wished, even up to appropriating remarks directly from Marshall, it simply cannot use commentary on this public issue as a cover to publish information to a known volatile public about where and when to find her.

Moreover, while the law's focus is fixed on preventing chaos and disorder across its institutions of higher learning, it nevertheless does so without evaluation of any message's content or assessment of any viewpoint in question. Rather, it's chief concern is the noncommunicative, secondary effects of persistent doxxing across Delmont academic communities. Harmful consequences that flow from speech, but that are entirely unrelated to such speech's content or persuasive impact (e.g., physical violence and property damage), are

not shielded from regulation by the First Amendment. When there is a 150 percent spike in doxxing incidents across campuses that results in physical assaults, fires, classroom disruptions, and general apprehension within the community, Delmont, under the First Amendment, is still within its rights to craft laws that address such “speech’s” tangible and non-persuasive consequences.

While CADS would survive intermediate scrutiny, it also withstands strict scrutiny. CADS was drafted by lawmakers specifically to be narrow—again, focusing solely on doxxing and its destructive consequences. By restricting, not counterspeech, but intent-based disclosures of closely defined information in university contexts, the statute leaves unrelated speech untouched. Put differently, CADS is not overinclusive because it restricts only what is necessary to further its demonstrated compelling interest in campus safety, without sweeping in immaterial, protected expression. Furthermore, the law is not underinclusive because it specifically addresses the gaps in existing Delmont harassment, stalking, and trespass laws. By targeting the types of conduct that other, more reactive laws could not reach, it does not ignore equivalent harms. Rather, it uniformly prohibits *all* intent-based doxxing through “any communication” platform, not just media. Most importantly, perhaps, CADS targets only the immediate risks of doxxing that existing law does not prevent. Lawmakers had considered these existing laws but found them to be too insufficient and reactive for their purposes. Post-harm enforcement does not get at the core of the compelling interest here: *preventing* harm from occurring as a consequence of public disclosure. That made CADS the least restrictive, even if imperfectly tailored, alternative.

As a second matter, CADS does not violate the Free Exercise Clause because it is neutral and generally applicable. In regulating dangerous and harmful conduct, rather than religious

exercise, the statute is both facially and practically neutral. First, the text of the statute merely creates a private cause of action against any individual who, without consent, discloses private information with the intent to cause them some harm. There is simply no language in the statute with any religious connotation, good or bad. Relatedly, the record is utterly silent as to any indication that lawmakers enacted CADS specifically to target Petitioner’s religious practice of evangelizing its message to the public. While it was enacted in response to ongoing disruptions across state university campuses in the wake of a controversy that may have involved Petitioner, the law does not explicitly or implicitly contemplate religious practice.

Moreover, CADS imposes the *same* conduct restrictions on sharing private information irrespective of whether it was shared for a religious or secular reason. The law is utterly agnostic as to why such information was disclosed. Because there is additionally no mechanism in the law for any discretionary or individualized exceptions, the statute is generally applicable and does not treat Petitioner, or any other religious organization for that matter, less favorably.

CADS’s regulation of public safety—a rational law related to a legitimate government purpose—also does not threaten Petitioner’s, or any religious faith’s, way of life so gravely that it must be exempted under *Yoder*. In failing to force Petitioner to abandon its core religious belief or practice (i.e., disseminating its message through various media) in order to comply with the law, the statute does not threaten Petitioner’s survival. In other words, the law does not prevent Petitioner from spreading its message through any means—it merely cannot share certain information with the intent to harm someone like Marshall. Thus, no exemption is needed.

Lastly, Petitioner cannot assert a so-called “hybrid rights” exception here because CADS, as established, is both neutral and general, and does not require a *Yoder* exemption. To put it basically, this Court has never formally adopted or applied a hybrid rights exception,

including when it has had explicit opportunity to do so in recent religious freedom cases. In any event, were there enough independent merit for a *Yoder* exemption from a neutrally and generally applicable law like CADS, there would be nothing gained by asserting a Free Exercise claim at all. Petitioner could simply rely on that claim, alone. As such, rational-basis review, not strict scrutiny, is the appropriate level of review for this claim.

For the foregoing reasons, CADS is permissible under both the Free Speech and Free Exercise Clauses of the First Amendment. Marshall respectfully requests that this Court affirm the judgment of the Fifteenth Circuit.

ARGUMENT

I. The Campus Anti-Doxxing Statute does not violate the First Amendment Free Speech Clause¹ as applied to Petitioner’s broadcast because CADS, as a content-neutral law, withstands both intermediate and strict scrutiny.

In the current digital age, when “flash-shares” ignite campus violence, the State of Delmont’s Campus Anti-Doxxing Statute (“CADS”) safeguards university communities from disorder and violence without stifling speech. As it regulates the manner and intent of disclosing personally identifiable information without targeting specific messages, as well as applies evenly to all speech that causes secondary effects like campus violence, the statute is content-neutral and needs only to meet the burden of intermediate, rather than strict, scrutiny. Thus, this Court should affirm the Fifteenth Circuit’s ruling.

A. CADS is a content-neutral statute triggering, at most, intermediate scrutiny.

CADS is a facially content-neutral statute that warrants only intermediate scrutiny.

Content-based laws are those that apply “to a particular speech because of the topic discussed or the idea or message expressed.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). Such laws

¹ Although both of the lower courts concluded that the First Amendment, as a threshold matter, applies in this case, Marshall respectfully disagrees. She assumes its applicability here for the sake of argument only.

may be upheld only under strict scrutiny, that is: “if the government proves that they are narrowly tailored to serve compelling interests.” *Id.* Content-neutral laws, in contrast, are those that can be “justified without reference to the content of the regulated speech.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). If such laws cannot be so justified, or were “adopted by the government because of disagreement with the message the speech conveys,” then they will be treated as content-based and held to the rigors of strict scrutiny.² *Reed*, 576 U.S. at 164 (quoting *Ward*, 491 U.S. at 791).

Content-neutral laws in most cases, however, “pose a less substantial risk of excising certain ideas or viewpoints from the public dialogue.” *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 641 (1994) (*Turner I*). See *TikTok Inc., v. Garland*, 604 U.S. 56, 67 (2025). As such, they will be sustained under intermediate scrutiny which requires that they “advance important governmental interests unrelated to the suppression of free speech and [do] not burden substantially more speech than necessary to further those interests.” *Turner Broadcasting System, Inc. v. FCC*, 520 U.S. 180, 189 (1997) (*Turner II*) (citing *United States v. O’Brien*, 391 U.S. 367, 377 (1968)).

In this case, CADS warrants no more than intermediate scrutiny. First, it only regulates the manner of, and intent behind, information disclosure without examining or targeting the topic discussed or idea expressed—a hallmark of content-neutrality. Second, it addresses only the

² That said, while the First Amendment’s tiers of scrutiny are independent modes of review—with this Court having not explicitly articulated a precisely hierarchical taxonomy for them, see *Americans for Prosperity v. Bonta*, 594 U.S. 595, 623 (2021) (Alito, J., concurring) (concluding that “the choice between exacting and strict scrutiny” is not necessarily dispositive)—it nevertheless stands to reason that a speech regulation that, on the one hand, meets the most demanding standard (strict) would also, on the other, meet a less rigorous one (intermediate). In any event, CADS survives under both analyses by their own terms.

secondary effects of harmful conduct, not any specific message or expressive content. CADS seeks to, and does, mitigate harm without suppressing ideas or viewpoints. The District Court thusly erred in classifying the statute as content-based.

1. CADS only regulates the manner of disclosure and harmful intent without targeting viewpoints or messages.

“The principal inquiry in determining content neutrality, in speech cases generally and in time, place, or manner cases in particular, is whether the government has adopted a regulation of speech because of disagreement with the message it conveys.” *Ward*, 491 U.S. at 791. *See also Hill v. Colorado*, 530 U.S. 703 (2000) (upholding restrictions that apply equally regardless of the speaker’s viewpoint and focus on preventing misconduct rather than suppressing particular messages); *McCullen v. Coakley*, 573 U.S. 464 (2014) (recognizing that regulations targeting certain misbehavior can still be content-neutral).

CADS neutrally targets the harmful manner of nonconsensual private information disclosure, like those enabling rapid violence through “flash-shares,” without regard to the underlying viewpoints or messages. As in *Ward*, where this Court upheld noise regulations that regulated volume as content-neutral, *see Ward*, 491 U.S. at 802, the statute here regulates the manner of private information disclosure, via any platform and done with harmful intent. R. at 7. CADS, after all, arose from lawmaker concerns about campus safety, not any disagreement they may have had with political or religious messages. *Id.* at 47-48. This mirrors *Ward*’s neutrality despite incidental burdens on expression. The law’s *mens rea* requirement of intent additionally ensures that it targets only misconduct, not content, similar to how *Ward* allowed rules preventing disruptive effects. *Ward*, 491 U.S. at 791.

The law also avoids content evaluation. Similar to *City of Austin*, in which a location-based sign code was upheld because officials could apply it without reading or evaluating the

content’s substance, *see City of Austin v. Reagan National Advertising of Austin, LLC*, 596 U.S. 61 (2022), CADS regulates without needing to assess the viewpoint or topic of the speech in question, *see R.* at 47. Rather, the statute applies equally to all speakers in the university campus context. This stemmed from public safety harms, and not message suppression, echoing *City of Austin’s* neutrality for rules tied to secondary effects rather than content. *City of Austin*, 596 U.S. at 71. CADS, therefore, is a *manner* regulation, as it targets the “predictable risks” of placing a person’s identity in an easily understood locational and temporal context. *Id.* at 48.

2. CADS only targets noncommunicative aspects, such as the secondary effects of doxxing, rather than expressive content.

Speech restrictions are content-neutral, despite their facial distinctions, if they are “aimed not at [particular content], but rather at the secondary effects of . . . the surrounding community.” *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41, 47 (1986). Secondary effects are harmful consequences that flow from speech but are unrelated to the speech’s communicative content or persuasive impact. *See Boos v. Barry*, 485 U.S. 312 (1988) (holding that “the emotive impact of speech on its audience is not a ‘secondary effect’”); *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992) (clarifying that secondary effects must not run “through the persuasive effect of the expressive component” of the speech). In other words, true secondary effects are those correlated with the speech activity but not dependent on the audience understanding or being persuaded by the message.

Here, CADS targets the secondary effects of doxxing (including physical violence and other campus disorder) rather than the expressive content of any accompanying messages. Just as with *Renton’s* zoning of adult theaters to mitigate empirically-demonstrated community harms (e.g., slumping property values and generally increased crime) unrelated to their films’ persuasive impact, *see Renton*, 475 U.S. at 48, CADS targets doxxing’s secondary effects such

as rapid violence and persistent disruptions across Delmont campuses, *see* R. at 47-48. Furthermore, the statute clearly sits on the permissible side of the boundary articulated in *R.A.V.*: that a state cannot regulate a message based on a particular emotional response to it. *See R.A.V.*, 505 U.S. at 394. Indeed, CADS does not regulate based on whether the disclosure offends, alarms, or even persuades anyone about the Energy Farm Controversy. Rather, it targets the tangible, non-persuasive consequences of a disclosure itself. R. at 7. Thus, the law, as a manner regulation targeting only secondary effects of known, harmful conduct, stands as a content-neutral regulation to be reviewed under intermediate scrutiny.

B. Even if CADS is determined to be content-based, it otherwise survives strict scrutiny.

In the event that CADS is read to be facially content-based, and thus reviewable under strict scrutiny, it still stands as constitutionally tolerable law. Strict scrutiny—“the most demanding test known to constitutional law,” *see Free Speech Coalition, Inc. v. Paxton*, 606 U.S. 461, 484 (2025) (quoting *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997))—requires the government to “prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest.” *Reed*, 576 U.S. at 171 (echoing *Citizens United v. Federal Election Com’n*, 558 U.S. 310, 340 (2010)).

CADS, enacted as a means for the State of Delmont to maintain and protect the safety of its public university campuses in the wake of cascading protests and civil agitation, neither restricts nor allows more speech than it must to effect its policy purpose. Thus, the statute endures even strict scrutiny³ and remains permissible under the First Amendment.

1. CADS is narrowly tailored to Delmont’s compelling interest in public safety, without being overinclusive or underinclusive.

³ And therefore, arguably, intermediate scrutiny. *See* n.2.

A law's narrow tailoring, while it need not be "perfect," see *Williams-Yulee v. Florida Bar*, 575 U.S. 433, 454 (2015), nevertheless must not be so "vastly overinclusive" that it restricts a significant amount of speech that does not implicate the government interest, see *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786, 804 (2011). Neither may it be too underinclusive such that it fails to restrict a significant amount of speech that harms the governmental interest to about the same degree as does the restricted speech. *Williams-Yulee*, 575 U.S. at 449 (finding that sufficient underinclusiveness might "reveal that [the regulation] does not actually advance a compelling interest"). See also *The Florida Star v. B.J.F.*, 491 U.S. 524 (1989).

As a preliminary matter, both the District Court and the Fifteenth Circuit agree in this case that the State of Delmont indeed has a compelling interest in protecting the public safety of its university campuses. R. at 19, 25. With that established, the question thus remains whether CADS is either over- or underinclusive. It is neither.

Here, CADS was "drafted to be narrow," focusing solely on "nonconsensual dissemination of another person's identifying information in defined, sensitive contexts closely associated with campus life." R. at 48. It does not criminalize speech broadly, but merely creates a private cause of action for damages or injunctive relief, exempting public information or disclosures without the requisite intent. *Id.* at 6-7, 48. For example, the statute does not restrict counterspeech, political debate, or information already in the public domain, as seen in Petitioner's ability to broadcast Marshall's public speech alone without violation. *Id.* at 2. Only the appended photo containing personally identifiable information (shared with alleged harmful intent) triggered the claim. *Id.* at 2-3, 33. As with the permissibly targeted political solicitation ban in *Williams-Yulee*, see *Williams-Yulee*, 575 U.S. at 444, CADS, while perhaps not perfectly seamless, avoids vast overinclusiveness by restricting only intent-based disclosures of defined

private information in university contexts, leaving unrelated speech (e.g., public debates without personal identifiers) intact. *Id.* at 35, 48. This ensures that CADS restricts only what is necessary, without sweeping in unrelated expression.

Furthermore, the statute avoids underinclusiveness by addressing the gaps in existing law. Unlike *Brown*'s underinclusive ban on selling violent videogames to minors, which ignored equivalent harms from unregulated media, *see Brown*, 564 U.S. at 801, CADS comprehensively targets the specific doxxing disclosures fueling campus violence in ways the more reactive alternative laws (for harassment, etc.) would not. In that same vein, the statute differs from the regulation at issue in *Florida Star*, where this Court invalidated the ban on the publication of sexual assault victims' names through lawfully obtained information because it did not prohibit disclosures by non-media entities or in mass media formats. *Florida Star*, 491 U.S. at 540-41. CADS, in contrast, uniformly prohibits all intent-based doxxing via "any communication" platform, not just media. *Id.* at 6. This ensures that the law covers equivalent harms while being format-agnostic.

Finally, the fact that CADS has only been applied to a handful of cases like Marshall's, where the disclosure caused a violent attack forcing her to leave her job and treatment (*Id.* at 2-3, 33), demonstrates that lawmakers got the tailoring just right. The statute responded to "campus-centered incidents" tied to the Energy Farm Controversy, where the opposing coalitions' clashing views escalated to physical altercations requiring police intervention. *Id.* at 4-5. The law's specific calibration ensured that it covers speech harming the interest to the same degree as the restricted speech, all without any exemptions that would undermine the goal.

Therefore, CADS is neither overinclusive nor underinclusive in its restriction such that it is sufficiently tailored to its compelling interest in preserving public safety.

2. CADS employs the least restrictive means to achieve public safety, as less burdensome alternatives are ineffective.

In order that a speech regulation be narrowly tailored, it must also “use the least restrictive means to further the articulated interest.” *Sable Communications of Cal., Inc. v. FCC*, 492 U.S. 115, 126 (1989). See *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 666 (2004) (*Ashcroft II*) (holding that the alternative must be the “least restrictive means among available, effective alternatives”) (emphasis added); *Reno v. American Civil Liberties Union*, 521 U.S. 844, 874 (1997) (finding that, if the government’s purpose would be served by a less restrictive alternative, “the legislature must use that alternative”). Compare with *Burson v. Freeman*, 504 U.S. 191, 206 (1992) (plurality) (concluding that the government need not choose an alternative that “fall[s] short of serving [the] compelling interests).

For Delmont universities—and Marshall specifically—there was rapid, unpreventable harm from nonconsensual disclosure of sensitive information. Doxxing instances increased by 150 percent from late August to early September 2025, almost exclusively on public university campuses. R. at 6. These involved “flash-shares” of sensitive personal information across multiple platforms, leading to sudden bursts of activity where victims were swarmed by physical confrontations and unwanted media and personal messages. *Id.* at 5-6. Examples of disruptions include students being hospitalized after ambushes at their residences, a fire at one administrator’s home, and pronounced disorder across libraries and classrooms. *Id.* at 5, 47. Police often arrived only after the situation escalated, or perpetrators dispersed, making intervention ineffective. *Id.* at 5-6, 47.

Marhsall, herself, was identified in precisely this way, shown sitting at her desk in the Delmont Treatment Center with the hours and locations clearly visible behind her. *Id.* at 11. She was terrorized by a mob of Energy Coalition members who, within just 24 hours of Petitioner’s

broadcast of where she worked, confronted her, keyed her car, and caused her to collide with a light pole. *Id.* Subsequently, she had to resign from her job at the Delmont Treatment Center, where she was also seeking treatment. *Id.*

But just as in *Burson*, where this Court upheld a 100-foot buffer zone prohibiting campaign activities near polling places as necessary due to the immediate site-specific risk at polls, *see Burson*, 504 U.S. at 195, CADS targets only the immediate risks of campus doxxing that reactive measures like existing harassment, stalking, trespassing, and disorderly-conduct laws do not prevent. As the legislators in *Burson* permissibly considered, but ultimately abandoned, relying on existing general anti-fraud laws as a solution, so too did Delmont lawmakers evaluate and reject its alternative measures as insufficient. *Id.* at 48.

This is further evidenced by two prior CADS lawsuits, which specifically showed that post-harm enforcement does not prevent damage from doxxing. *Id.* at 7. While existing provisions were “helpful but generally reactive,” they nevertheless required harm to occur or escalate before relief was available. *Id.* at 48. In contrast to *Sable Communications*, where technological filters could preemptively block exposure to indecent telephone messages without a blanket ban, *see Sable Communications*, 492 U.S. at 119, and *Ashcroft II*, where user-based filtering software was a less restrictive means for granting appropriate access to adult content than was requiring age verification, *see Ashcroft II*, 542 U.S. at 667, CADS has no effective alternative. The statute here is not a total prohibition on speech, as it targets restrictions on specific disclosures of private information with harmful intent and is limited to university contexts. Nor is it attempting to prevent mere exposure to content, but instead addresses physical, immediate harm. The filters in *Ashcroft II* would be insufficient here, as doxxing enables offline actions that cannot be “filtered” preemptively. The alternative approaches

considered by Delmont lawmakers were ineffective precisely because they did not stop the “pairing [of] identity with sensitive location and timing cues” inherent in doxxing. *Id.* at 48.

In conclusion, CADS adopted the least restrictive means among the available, effective alternatives. Therefore, as a statute appropriately narrowly tailored to Delmont’s compelling interest, it would withstand strict scrutiny were it to be assumed as a content-based speech restriction. Because it is merely a content-neutral regulation, however, CADS needs only to meet the intermediate scrutiny standard, which it has. The law is thus permissible under the First Amendment Free Speech Clause, and the decision of the Fifteenth Circuit should stand.

II. The Campus Anti-Doxxing Statute does not violate the Free Exercise Clause because the law is Neutral and Generally Applicable under *Employment Division v. Smith*.

The Campus Anti-Doxxing Statute (CADS) is neutral and generally applicable law that does not violate the Free Exercise Clause because it is regulating dangerous and harmful conduct, rather than religious exercise. Neither *Yoder* nor the hybrid rights theory changes that result. It is a well-established principle that “congress shall make no law respecting the establishment of religion or prohibiting the free exercise” of religion. U.S. Const. amend. I. The prohibition against the legislature passing a law prohibiting the free exercise of religion is incorporated to the states via the Fourteenth Amendment. *See Cantwell v. Conn.*, 310 U.S. 296, 303 (1940).

Here, the law is neutral and generally applicable because it was enacted to protect citizens without religious hostility and applied to all citizens of Delmont without exception. In addition, the *Yoder* exception does not apply because the law is not so serious as to threaten the existence of the Church of Light’s way of life as members are free to spread their message in every medium without doxxing private medium. Lastly, “hybrid rights” exception which has never been created as a standalone doctrine, does not apply. Therefore, CADS does not violate

the Free Exercise Clause because it is rationally related to the legitimate government interest of public safety.

A. The Campus Anti-Doxxing Statute is both neutral and generally applicable as applied to the Church of Light and therefore does not trigger strict scrutiny analysis.

CADS is a neutral and generally applicable law because it was enacted to resolve a widespread violence problem in Delmont and applies to even handedly to any secular or religious individual who shares specific private information with intent to cause harm. A neutral and generally applicable law will not violate the Free Exercise Clause and “need not be justified by compelling government interest even if that law has the incidental effect of burdening a particular religious practice.” *Church of the Lukimi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531 (1993). The right to free exercise does not negate the obligation to comply with a “valid and neutral law of general applicability on the ground that the law proscribes (or prescribes)” behavior that a person’s “religion prescribes (or proscribes)”. *Emp. Div. v. Smith*, 494 U.S. 872, 879 (1990) (quoting *United States v. Lee*, 455 U.S. 252, 263 n.3, (1982)). A law is not neutral if the “object of a law is to infringe upon or restrict practices because of their religious motivation.” *Lukimi*, 508 U.S. at 533. A law is not generally applicable if it allows the government the opportunity to consider “individualized exemptions” based on “particular reasons for a person’s conduct.” *Fulton v. Philadelphia*, 593 U.S. 522, 533 (2021).

Here, CADS is both neutral and generally applicable. The law is neutral because it was enacted with no reference to religion nor with any religious animus. In fact, the law was enacted in direct response to a dramatic increase in escalating acts of physical violence after a more than 150 percent increase in doxxing incidents. The law is also generally applicable because it prohibits the same conduct for everyone with no individualized exceptions either secular or religious. Therefore, rational basis review should apply.

1. CADS is both facially neutral and neutral in practice having been enacted to address a community violence problem without religious hostility.

The law is neutral facially because there is no reference of religion in the statute and because it was enacted to address a doxxing and community violence problem in Delmont. A law is not neutral if the purpose of the law is the “suppression of religion or religious conduct.” *Lukimi*, 508 U.S. at 533. A law is not neutral facially if its text “refers to religious practice without a secular meaning discernable from the language or context.” *Id.* However, just because a law is facially neutral, does not mean “official action that targets religious conduct for distinctive treatment” can survive merely because of its facial neutrality. *Id.* at 534. The Free Exercise Clause also prevents both “subtle departures from neutrality” *Gillette v. United States*, 401 U.S. 437, 452 (1971), and “covert suppressions of religious beliefs.” *Bowen v. Roy*, 476 U.S. 693, 703 (1986). Claimants that allege subtle departures from neutrality, also known as a “religious gerrymander,” must “show the absence of a neutral, secular basis for lines the government has drawn.” *Gillette*, 401 U.S. at 452. The Supreme Court has articulated that factors relevant to assessing government neutrality include “the historical background of the decision under challenge, the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by members of the decision-making body.” *Lukimi*, 508 U.S. at 540. Here, the law neither explicitly targeted religious conduct nor is there credible evidence it was enacted to target religious beliefs or conduct in any capacity.

Enacting a law to target an unpopular religious practice is evidence the law lacks neutrality irrespective of whether that statute’s language does so overtly. *See Lukimi*, 508 U.S. at 534-36. In *Lukimi*, the use of the words “ritual” and “sacrifice” in the text of the statute were not independently conclusive of the city council’s targeting of Santeria religion; however, it still

served as evidence that the statute was enacted to stop their religious practice of animal sacrifice. *Id.* at 534. Only two months after the president of the Church leased land and announced a plan to open a church and school in the city, the city council held an emergency public meeting where it passed a resolution that noted residents' concern that certain religions could "engage in practices which are inconsistent with public morals, peace, or safety." *Id.* at 526. One of the ordinances prohibited the unnecessary killing of any animal, but allowed exceptions for slaughterhouses, hunting, and other secular purposes indicating an intent to target the Santeria practices. *See id.* at 537. The Supreme Court also found that the laws targeted more conduct than necessary to protect public health. *Id.* at 538. If improper disposal and not the sacrifice was the target, "the city could have imposed a general regulation on the disposal of organic garbage." *Id.*

Citizens have a protected absolute right to freedom of belief under the First Amendment, but there is no absolute freedom of individual conduct. *Roy*, 476 U.S. at 699. Despite a Native American parent's claim that his daughter's spirit would be harmed by being assigned a social security number, the Court found there was no constitutional violation of the Free Exercise Clause of the First Amendment. *See id.* at 699-700. The court reasoned that the Supreme Court has never been bound to understand the First Amendment to require the government in its own capacity "to behave in ways that the individual believes will further his or her spiritual development or that of his or her family." *Id.* at 699. For the same reason the government cannot demand citizens engage in any specific religious observance, litigants "may not demand the Government join in their chosen religious practices by refraining from using a number to identify their daughter." *Id.* at 700. The federal government's use of a social security number did not impair his ability or freedom to believe or express his religion. *Id.* There is no absolute freedom

of conduct protected by the First Amendment, and there is no right of an individual to dictate government conduct based on religious beliefs when a law is neutral and generally applicable.

Religious belief is not a defense for conduct prohibited by a criminal law that perpetuates a social harm. *See Reynolds v. U.S.*, 98 U.S. 145 (1878). The Supreme Court upheld a law that criminalized the practice of polygamy as a neutral and generally applicable law because it targeted specific behavior which was traditionally considered unlawful and socially harmful despite the religious objections of the Church of Jesus Christ of Latter-day Saints. *Id.* The Court reasoned that Congress has no “legislative power over mere opinion,” but is “free to reach actions which were in violation of social duties or subversive of good order. *Id.* at 165. The Court also reasoned that if it were to allow religious belief to excuse breaking the law, this would “make the professed doctrines of religious beliefs superior to the law of the land, and in effect permit every citizen to become a law unto himself.” *Id.* at 167. If a law is neutral and generally applicable, it can regulate conduct that is socially harmful despite individual religious beliefs.

Here, the CADS statute was enacted as a neutral law directed at behavior that caused violence in the community. First, like in *Lukimi*, the statute is facially neutral. The text of the statute creates a private cause of action against any individual who without consent of individual discloses private information with the intent (purposefully or recklessly), to “stalk harass or physically injure.” (R. at 6). In fact, unlike in *Lukimi* where the statute words like “ritual” and sacrifice,” there is no language in the statute that would even have any religious connotation. *Id.*

Second, when the legislature passed the law in September of 2025, it did so in response to violence that erupted over a deeply divisive political issue and not with the intention of targeting the Church of Light. *Id.* at 5-6. Although the Church of Light missionaries took the side of the Energy Coalition, there is nothing in the record to indicate the legislature passed the law to target

their religious practice of proselytizing their message to the public. *Id.* at 10. The law was passed after in August 2025, protests broke out at the homes of university administrators, libraries were stormed and classes were disrupted, students were ambushed at their residences, and after several students were hospitalized when a fire was started in the home of a student. *Id.* at 5. In addition, the law was passed in the wake of students' leaving intimidating emails and phone calls, with students of both coalitions engaging in such messaging. *Id.* The level of violence that occurred on campus and the fact that both sides perpetuated it is evidence that the legislature was not targeting the Church of Light. *Id.* The legislature was attempting to address an increase in doxxing by 150 percent in only one month, before tensions further escalated. *Id.* at 6. The legislature is fully within its right to enact a law to address illegal doxxing because no one has an absolute freedom of conduct regardless of individual secular or religious beliefs.

2. CADS is generally applicable because it applies to all citizens without religious or secular exemptions.

The law is generally applicable because it targets conduct and applies to all citizens without individualized exceptions. When the state has a system of "individual exemptions" in place, "it may not refuse to extend that system to cases of 'religious hardship' without a compelling reason." *Smith*, 494 U.S. at 884 (quoting *Roy*, 476 U.S. at 708). A law is also not generally applicable if it bans religious conduct while allowing secular conduct "that undermines the government's asserted interests in a similar way." *Fulton*, 593 U.S. at 534.

A law fails the general applicability requirement if there is a formal mechanism for granting exceptions, regardless of if the government acts with antireligious sentiment or never granted an exception. *See id.* at 537. The creation of a formal mechanism for exceptions renders a law not generally applicable because it entices the government to "decide which reasons for not complying with the law are worthy of solicitude" regardless of whether any other exceptions

have been granted. *Id.* In this case, the City of Philadelphia violated the Free Exercise Clause of the First Amendment when the commissioner of the Department of Human Services stopped referring children to Catholic Social Services for adoption and when it refused to contract with the agency until it agreed to certify same-sex couples. *Id.* at 531. The law allowed for the creation of “a system of individual exemptions” made at the “sole discretion” of the commissioner. *Id.* at 535. The sole discretion clause is what rendered the law not generally applicable and therefore in violation of the First Amendment because the discretion allowed for the possibility of differential treatment. *See id.* at 543.

A law is not neutral or generally applicable if it treats “any comparable secular activity more favorably than religious exercise.” *Tandon v. Newsom*, 593 U.S. 61, 62 (2021). Here, the Supreme Court found that California treated comparable secular activities outside of the home including movie theaters and restaurants more favorably than at home religious exercise because it allowed those activities to “bring together more than three households at a time” per California’s COVID restrictions. *Id.* at 63. However, religious activities were limited to gatherings of no more than three households at a time with no evidence those religious activities posed a greater health risk than their secular activities. *Id.* Therefore, the court found the COVID restrictions violated the Free Exercise Clause of the First Amendment. *Id.*

Here, the law is generally applicable because CADS imposes the same conduct restrictions on sharing private information, regardless of whether it was shared for a religious or secular reason. Additionally, there is no mechanism for any discretionary, individualized exceptions in the statute or given to the discretion of any one person. *See* (R. at 6-7). Therefore, the law is generally applicable and does not treat the Church of Light or any other religious organization less favorably than any secular organization.

B. CADS does not substantially burden the Church of Light’s free exercise right to the same degree as *Yoder* such that a neutral and generally applicable law would be subject to strict scrutiny.

CADS regulation of a harmful method of sharing private information with the intent to harm does not threaten the religion’s way of life so gravely such that members of the Church of Light can be exempted from a law enacted for public safety. Strict scrutiny may apply if the burden of religious exercise is substantially similar to the burden in *Yoder*. *Mahmoud v. Taylor*, 606 U.S. 522, 564 (2025).

A law would be of the same character as that in *Yoder*, if it “would gravely endanger if not destroy the free exercise of respondent’s religious beliefs.” *Wisconsin v. Yoder*, 406 U.S. 205, 219 (1972). The Court found that compulsory school attendance through the age of 16 as applied to the Amish order would destroy their consistent way of life in the U.S. because it would “substantially interfere” with adolescent development within the Amish order. *Id.* at 218. In addition, two more years of secular school would expose the children to beliefs that would “contravene” the basic beliefs and tenants of the religion. *Id.* Most importantly, the law’s impact was not only severe but would compel the Amish to act against core religious convictions or face criminal sanction. *Id.*

Here, the burden on the Church of Light missionaries does not rise to the level of *Yoder*. First, the law does not force the Church to abandon a core religious belief or practice to comply with the law. *See* (R. at 6-7). Although the church has a history and fundamental practice of public dissemination of their message, this law does not prevent members from doing so via live television broadcasts, through their publication *The Lantern*, or their driving of vans to share their message on campuses *Id.* at 8-10. The law just prohibits missionaries from sharing certain private information with harmful intent. *Id.* at 5-6. Additionally, there is no evidence that this law threatens the survival of the religion because they are still free to spread their message

through any of their previous methods. Therefore, this case does not fall into the limited *Yoder* exception.

C. The Hybrid Rights theory does not apply and therefore does not require this Court to apply Strict Scrutiny.

The Church of Light cannot avoid *Smith* by asserting a “hybrid rights” exception, which is not an independent doctrine that can trigger strict scrutiny, because the law is neutral, generally applicable, and does not fall under the *Yoder* exception. The “hybrid rights” exception mentioned in *Smith* is merely descriptive of previous cases where there were separately valid constitutional claims. *Smith*, 494 U.S. at 882. For example, some cases involved constitutional violations of compelled speech and were decided entirely on free speech grounds but have also involved freedom of religion. *Id.* at 882; *see, e.g., Wooley v. Maynard*, 430 U.S. 705, 717 (1977) (invalidating state requirement to display a motto on a license plate where the Jehovah’s witness litigant found it repugnant to his religious beliefs). Some circuit courts require plaintiffs must establish independent constitutional claims rather than using other constitutional violations to establish free exercise claims. *See Kissinger v. Bd. of Trs. of Ohio St Univ.*, 5 F.3d 177, 180 (6th Cir. 1993) (rejecting hybrid rights exception approach); *see also Brown v. Hot, Sexy, & Safer Prods., Inc.*, 68 F.3d 525, 539 (1st Cir. 1995) (rejecting hybrid rights claim that was not a substantial burden equivalent to that of *Yoder* and because the free exercise claim was “not conjoined with an independently protected constitutional protection”); *but see Leebaert v. Harrington*, 332 F.3d 134, 143-44 (2d Cir. 2003).

The Supreme Court has never formally adopted or applied the “hybrid rights” exception to any other case even with the chance to do so as recently as 2025. *See Mahmoud*, 606 U.S. at 665 n.14 (declining to extend the speculation that the Court applied strict scrutiny *Yoder* because it implicated “the Free Exercise Clause in conjunction with other constitutional protections” to the

case at hand). In addition, if a so-called hybrid claim has enough independent merit on its own for an exemption from a neutrally and generally applicable law, there would be no need to bring in the Free Exercise at all. *Lukimi*, 508 U.S. at 567 (Souter, J., concurring in part and concurring in the judgment). In essence, the independent basis to avoid strict scrutiny based on the other constitutional claim alone would not be strengthened by bringing in a First Amendment claim. *See id.*

Here, the law is neutral and generally applicable. The burden on members of the Church of the Light to exercise their religion does not rise to the level it did with the Amish in *Yoder*. This Court has declined to extend or expand upon the hybrid rights description it articulated in *Smith*. Therefore, rational basis review applies.

D. CADS is rationally related to the legitimate government purpose of public safety.

This Court should review CADS under rational basis review because it is both neutral and generally applicable and falls into neither the *Yoder* nor “hybrid rights” exceptions. Under rational basis review, a law is upheld if it is “rationally related to a legitimate government purpose.” *Engquist v. Or. Dep’t of Agric.*, 553 U.S. 591 (2008). CADS survives rational basis review because it is rationally related to the government interest in ensuring the safety of Delmont citizens from violent attacks due to a controversial political issue. There is a legitimate government interest in restricting the ability of people from sharing others’ personal information to prevent attacks and is rationally related to that evidence especially given the increases in doxxing and attacks in the months preceding the law’s enactment.

CONCLUSION

For the foregoing reasons, CADS is permissible under both the Free Speech and Free Exercise Clauses of the First Amendment. Marshall respectfully requests that this Court affirm the judgment of the Fifteenth Circuit.

APPENDIX

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional Provision

The First Amendment to the United States Constitution provides in relevant part:

Congress shall make no law . . . prohibiting the free exercise [of religion]; or abridging the freedom of speech

U.S. Const. amend. I.

Statutory Provisions

Section 25.989 (2025) of the Delmont Annotated Statutes creates 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, or administrative or staff member at a Delmont college or university with the intent to “stalk, harass, or physically injure.”

Section 25.989 (2025) of the Delmont Annotated Statutes defines private information 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 the plaintiff;
- (D) Photographs of the plaintiff’s children;
- (E) Identification of the school that the plaintiff’s children attend.”

Section 163.732 (2020) of the Delmont Annotated Statutes defines intent 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.”

Section 25.989(a) (2020) of the Delmont Annotated Statutes defines injure as “subject[ing] another to bodily injury or death or property damage.”

Section 25.989(b) (2020) of the Delmont Annotated Statutes defines harass as “subject[ing] 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.”

Section 25.989(c) (2020) of the Delmont Annotated Statutes defines stalk as “engag[ing] 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.”

CERTIFICATE

- A. The work product contained in this copy, and all copies, of Team 15's brief is the work product of its members.
- B. Team 15 has complied fully with the governing Honor Code of its members' law school.
- C. Team 15 has complied fully with all Competition Rules.