
In the Supreme Court of the United States

THE CHURCH OF LIGHT, LLC,
Petitioner,

v.

LAURA MARSHALL,
Respondent.

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

BRIEF FOR RESPONDENT

Team No. 33
Counsel for Respondent

QUESTIONS PRESENTED

1. Does the Campus Anti-Doxxing Statute (CADS) violate the First Amendment Free Speech rights of The Church of Light, LLC?
2. Does the Campus Anti-Doxxing Statute (CADS) violate the First Amendment Free Exercise rights of The Church of Light, LLC?

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This appeal arises out of the United States Court of Appeals for the Fifteenth Circuit and its decision in *Marshall v. Church of Light, LLC*, No. 25-CV-1994 (15th Cir. 2025) (R. at 30–43). The United States District Court for the District of Delmont, Western Division, originally decided *Marshall v. Church of Light, LLC*, No. 25-CV-1994 (D. Dm. 2025) (R. at 2–29).

JURISDICTIONAL STATEMENT

This Court has jurisdiction to review the decision of the United States Court of Appeals for the Fifteenth Circuit upon granting a writ of certiorari pursuant to 28 U.S.C. § 1254(1). The Fifteenth Circuit had jurisdiction over the District Court’s decision pursuant to 28 U.S.C. § 1291. The District Court for the District of Delmont, Western Division, had original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

STATEMENT OF THE CASE

When Laura Marshall clocked in for her late-September shift at the Delmont Treatment Center she was a respected student activist and newfound orator, fresh off a powerful public speech to her peers. (R. at 10). Seconds after clocking out, she was a victim. (R. at 11).

On that fateful evening, twenty masked assailants assaulted Ms. Marshall as she exited her employer. (R. at 11). She evaded their verbal abuse as she fled through the parking lot, but her aggressors stalked in pursuit. (R. at 11). Ms. Marshall could not escape before the savage cohort surrounded and keyed her vehicle. (R. at 11). After enduring similar harassment the next night, the situation became clear: Ms. Marshall had been targeted for having the temerity to speak out for what she believed in. (R. at 11).

I. The Energy Farm Controversy’s violent symptoms and their statutory cure.

These attacks came as no surprise; they were representative of the many that arose from the multi-year civil unrest known as the Energy Farm Controversy. (R. at 5). The conflict, which birthed from controversial land-use legislation and unfolded primarily at Delmont universities, was characterized by “extremely volatile” campus conditions and coordinated assaults. (R. at 4, 47). The demonstrators’ calling card was doxxing: a “flash-share” of a targeted individual’s personal information so rival legions could locate, intimidate, and often assault the victim. (R. at 5–6). Provocative doxxings soon rocked Delmont’s campuses, resulting in hospitalizations, property damage, and educational disruption. (R. at 47).

After considering various regulatory alternatives, Delmont’s legislature ultimately fought doxxing by enacting the “Campus Anti-Doxxing Statute of Delmont” (“CADS”). (R. at 48). CADS exposed violators to civil suit if they published the “private information” of Delmont university students or staff with the intent to “stalk, harass, or physically injure.” Del. Ann. Stat. § 25.989 (2025). Its intent requirement narrows liability to only those “acting purposefully or recklessly.” *Id.* § 163.732 (2025). Furthermore, only publication of specific personal identifiers warrants a CADS action, including the plaintiff’s address, contact information, and that of their employer. (R. at 7). Delmont’s lawmakers cite “the specific disclosure practice” of doxxing and its resulting evils as the legislative purpose behind CADS (R. at 48).

II. The Church of Light’s illumination of Ms. Marshall’s speech.

At opposite sides of the ideological divide were the Nature Coalition, with whom Ms. Marshall aligned, and the Energy Coalition. (R. at 5). Prominent among the Energy Coalitionists was the Church of Light, a Delmont religious sect and Petitioner in this matter. (R. at 8). Lightbearers, as they are known, feel a special spiritual duty to evangelize via live, personal, and

public proclamation of their religious message. (R. at 44). Modern Lightbearers adhere to this sacrament by broadcasting religious programming and local news on the internet and screen-adorned vans that circulate on college campuses. (R. at 9). Upkeep of this rite falls to the faith's young adults, who undertake missionary years as a means of strengthening their faith. (R. at 45).

Unsurprisingly, news on the Energy Farm Controversy dominated the Lightbearers' broadcasts. (R. at 11). They entrenched their Energy Coalition allegiance by broadcasting editorialized videos advancing the faction's position. (R. at 12). When Ms. Marshall engaged in civil discourse opposing the Energy Coalition, the Lightbearers broadcast her speech as well. (R. at 10). A photo immediately followed the recording, depicting Ms. Marshall at her place of employment and highlighting her employer's address, contact information, and operating hours, ostensibly alongside other substance abuse resources. (R. at 10). Though Petitioner advertises campus resources, they had never before broadcast pictures of the facilities, let alone highlighted a specific employee. (R. at 12). Lightbearers publicized that speech and photo tandem on loop throughout campus, and Ms. Marshall's assault occurred within twenty-four hours. (R. at 11–12).

Armed with a legislative arrow in her quiver, Ms. Marshall brought a CADS action against Petitioner, which comes before this Court after disparate rulings below. (R. at 12).

SUMMARY OF THE ARGUMENT

This Court should affirm the Fifteenth Circuit's rejection of the District Court's summary judgement grant for Petitioner. First, CADS does not encroach on the Free Speech Clause; it remains constitutional as applied to Petitioner's speech because the specific broadcast in question constituted a true threat. True threats are categorically unprotected by the First Amendment. *Watts v. United States*, 394 U.S. 705, 708 (1969). Petitioner's broadcast falls squarely within the regulatable true-threat category, as defined by this Court's precedent. By disseminating

identifying information amidst a period of targeted violence in a manner that would intimidate Ms. Marshall, Petitioners engaged in a “serious expression” that they meant to “commit an act of unlawful violence.” *Counterman v. Colorado*, 600 U.S. 66, 74 (2023). Not only has this Court recognized that truly threatening speech like Petitioner’s has no social value, but protecting Petitioner’s broadcast would chill the very speech most cherished by the First Amendment: political speech that stirs the marketplace of ideas. Second, assuming that CADS is a content-based regulation of otherwise protected speech, it survives a facial challenge because it satisfies strict scrutiny. The compelling nature of CADS’s purpose is without doubt, and its requisite *mens rea* tailors it narrowly for that purpose in the least restrictive manner.

Next, the Fifteenth Circuit correctly held that CADS does not violate the Free Exercise clause. Despite Petitioner’s protestations to the contrary, religious belief does not permit individuals to ignore “a valid neutral law of general applicability” just because of that law’s “incidental” burden on their religious expression. *Emp. Div., Dept. of Human Resources of Or. v. Smith*, 494 U.S. 872, 877 (1990). CADS is such a valid and neutral law of general applicability. CADS is facially neutral and its legislative background reveals no underlying discriminatory intent. It likewise treats religious and secular conduct equally, bestowing no discretionary exemption upon either group. Lastly, no recognized exception could elevate CADS to strict scrutiny. Petitioner’s obligations under CADS do not rise to *Yoder*’s specific, substantial burden. In fact, it is hardly a burden at all; CADS proscribes particular secular information from being broadcast, not Petitioner’s broadcast itself.

Reaching the merits, a genuine dispute remains toward the material fact of Petitioner’s intent behind their broadcast. A reasonable juror could easily find this broadcast to be recklessly or purposefully threatening, so Petitioner may not be awarded summary judgement.

ARGUMENT

I. THE FIFTEENTH CIRCUIT CORRECTLY REJECTED PETITIONER'S MOTION FOR SUMMARY JUDGMENT BECAUSE CADS DOES NOT VIOLATE THE FIRST AMENDMENT'S FREE SPEECH CLAUSE.

The First Amendment provides that “Congress shall make no law . . . abridging the freedom of speech.” U.S. Const. amend. I. This means, generally, that government lacks the power to restrict expression because of “its message, its ideas, its subject matter, or its content.” *United States v. Stevens*, 559 U.S. 460, 468 (2010). The protections afforded by the First Amendment, however, “are not absolute.” *Virginia v. Black*, 538 U.S. 343, 358 (2003). This Court has long recognized that government “may regulate certain categories of expression consistent with the Constitution.” *Id.* The content of speech within these categories is thought to be “of such slight social value . . . that any benefit that may be derived from [it] is clearly outweighed by the social interest in order and morality.” *R.A.V. v. City of St. Paul*, 505 U.S. 377, 383 (1992). Laws regulating this unprotected speech are not subject to heightened scrutiny. *See Black*, 538 U.S. at 358. This category of freely regulatable speech includes so called “true threats.” *Watts*, 394 U.S. at 708.

Even outside the categorically unprotected areas of speech, the government may still regulate constitutionally protected speech by satisfying heightened scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). Laws regulating protected speech based on its communicative content may be justified by a showing that they are “narrowly tailored to serve compelling state interests.” *Id.* In other words, a content-based regulation of speech may be constitutional if it can satisfy “strict scrutiny.” *Id.* at 156.

Here, the Fifteenth Circuit correctly recognized that both paths lead to the same conclusion: the Free Speech Clause does not interfere with Ms. Marshall’s CADS suit. More specifically, it rightly held that CADS comports with the First Amendment because (A) as applied to the Church of Light’s speech, CADS is a regulation of true threats, an unprotected category of speech; and (B) even if CADS is a content-based regulation of protected speech, it survives strict scrutiny.

A. CADS is Constitutional as applied to Petitioner’s true threats against Ms. Marshall.

True threats are “‘serious expression[s]’ conveying that a speaker means to ‘commit an act of unlawful violence.’” *Counterman*, 600 U.S. at 74 (quotation omitted). Whether the speaker is aware of the threatening aspect of the message “is not part of what makes a statement a threat.” *Id.* Likewise, the speaker “need not actually intend to carry out the threat.” *Black*, 538 U.S. at 360. Instead, the threat’s existence depends on “what the statement conveys” to the person on the other end. *Counterman*, 600 U.S. at 74. True threats subject individuals to “fear of violence” and to the many kinds of “disruption that fear engenders.” *Id.* Thus, where speech would suggest to a reasonable listener that the speaker means to commit unlawful violence, that speech is a true threat. *Elonis v. United States*, 575 U.S. 723, 732–33 (2015). And, as long as the speaker “is aware that others could regard his statements” as threatening violence and “delivers them anyway,” an action based on true threats can be sustained. *Counterman*, 600 U.S. at 79. Whether a statement amounts to a true threat is a question typically reserved for the trier of fact. *See Fogel v. Collins*, 531 F.3d 824, 829 (9th Cir. 2008); *see also United States v. Carrier*, 672 F.2d 300, 306 (2d Cir. 1982); *United States v. Fuller*, 387 F.3d 643, 646 (7th Cir. 2004).

Importantly, whether a defendant’s speech constitutes a true threat is determined in light of the “entire factual context of the defendant’s statements.” *United States v. Mitchell*, 812 F.2d 1250, 1255 (9th Cir. 1987) (citing *Watts v. United States*, 394 U.S. 705, 708 (1969)). This Court has made clear that true threats are not to be analyzed with rigid formalism, but rather with consideration of the speaker’s climate and the phraseology of the statement. *Watts*, 394 U.S. at 708 (“Taken in context, and regarding the expressly conditional nature of the statement and the reaction of the listeners, we do not see how it could be interpreted otherwise.”) Thus, if a statement is made against the backdrop of targeted violence, it need not explicitly threaten violence to qualify as a true threat. *See Black*, 538 U.S. at 360 (holding that, because of its history as a white-supremacist symbol, burning a cross can qualify as a true threat); *see also United States v. Dennis*, 132 F.4th 214, 230 (2nd Cir. 2025) (“A defendant need not precisely or explicitly reference physical harm to communicate a true threat.”)

In *Planned Parenthood of the Columbia/Willamette, Inc. v. American Coalition of Life Activists*, the Ninth Circuit solidified the principle that a statement containing “no explicitly threatening language” can still be a true threat when contextualized. 290 F.3d 1058, 1071 (9th Cir. 2002). There, a group of anti-abortion advocates published a series of posters containing the names and photos of several abortion doctors, alongside their home addresses. *Id.* at 1064–65. The posters were styled as “wanted” posters and bore the captions “GUILTY” and “ABORTIONIST” in large, bold typeface. *Id.* In the two years preceding those posters’ publication, three other abortion doctors were murdered in the same city, each after a “WANTED” poster captioned with their “name, photograph, address and other personal information” had been published. *Id.* at 1063. Cognizant of those murders, the doctors brought suit under a statute providing a private right of action to those who suffer threats related to their

abortion practices. *Id.* at 1071. In response, the defendant anti-abortionists argued that liability was premised on “political speech,” and that the posters could not be considered true threats because they contained “no explicitly threatening language.” *Id.* at 1070–71. The Ninth Circuit disagreed, holding instead that the posters were “not just a political statement” but rather constituted a threat of violence because the “poster format had acquired currency as a death threat.” *Id.* at 1079. They also noted, in response to a contention that the threat-maker must personally cause physical harm to the recipient, that “no case . . . has imposed such a requirement.” *Id.* at 1077.

The notion that the speaker need not state their personal intention to cause harm to have made a true threat is not confined to the Ninth Circuit. In *United States v. Turner*, for example, the Second Circuit held that the First Amendment did not bar a defendant’s true threats conviction based on a blog post in which he opined that three judges “deserved to die.” 720 F.3d 411, 413 (2nd Cir. 2013). Alongside his commentary, the defendant posted “photographs, work addresses, and room numbers” for the judges, and a map “indicating the location of the courthouse in which they worked.” *Id.* at 414. The defendant himself noted that he could not “legally undertake killing,” but could “say enough of the right things . . . to make it happen.” *Id.* at 417. Relying on *Black*, the court rejected the defendant’s suggestion that his conviction could only be upheld by a showing that his statements “on their face show[ed] that he personally intended to take violent action against the judges.” *Id.* at 424. The court further held that the defendant’s speech still qualified as a true threat even when directed at third parties rather than the judges themselves, noting that threats “need be neither explicit nor conveyed with . . . grammatical precision.” *Id.* at 424–25. Simply put, threats do not fit neatly into a syntactical box, and they do not include solely communications that “facially threaten unequivocal,

unconditional, immediate, and specific injury.” *Id.* at 424. Instead, speech constitutes a true threat so long as it intends to strike fear of harm in a victim, even if implicitly or through alternate channels. *See id.* at 425.

This Court has recognized a narrow carveout to its true threats jurisprudence where a speaker issues threats as part of a “prolonged effort to change the social, political, and economic structure of a local environment.” *N.A.A.C.P. v. Claiborne Hardware Co.*, 458 U.S. 886, 933 (1982). In *Claiborne Hardware*, black members of a regional NAACP branch launched a boycott of local white businesses. *Id.* at 889. White merchants sued Charles Evers—that branch’s Field Secretary—in response, arguing that he “may be held liable because he ‘threatened violence . . . against boycott breakers.’” *Id.* at 890, 898. In two speeches addressed to groups of black residents, Evers stated that boycott violators would be “disciplined by their own people,” that the “Sheriff could not sleep with boycott violators at night,” and that if boycott violators were caught, “we’re gonna break your damn neck.” *Id.* at 902. This Court rejected liability, noting that Evers’s addresses “generally contained an impassioned plea for black citizens to unify, to support and respect each other,” and that “[a]n advocate must be free to stimulate his audience with spontaneous and emotional appeals for unity and action in a common cause.” *Id.*

Lastly, the implicitly threatening nature of speech can be elucidated by the frequency with which a defendant communicates the message. *Dennis*, 132 F.4th at 230. In *Dennis*, the Court held that evidence was sufficient for a reasonable jury to find that a defendant communicated “true threats” to two victims after sending “thousands of electronic communications.” *Id.* Many of the defendant’s communications were not explicitly threatening, including, for example, a message to the victim that the defendant planned to travel to their home

to “water the plants.” *Id.* at 231. Nevertheless, the volume and persistence of the messages transformed the speech into true threats when viewed in totality. *Id.* at 232.

In this case, the Fifteenth Circuit correctly recognized that there could be “no motivation” behind the Lightbearers’ “carefully orchestrated presentation of information” other than to threaten Ms. Marshall’s safety. (R. at 33). Petitioner may not stick its head in the sand and pretend that the broadcast of Ms. Marshall’s speech, immediately followed by identifying information of her whereabouts, was mere objective reporting. Instead, when viewed in its full factual context, Petitioner’s speech was a deliberate act of targeted intimidation, intended to expose Ms. Marshall to the doxxing-induced dangers that CADS was enacted to relieve.

Planned Parenthood instructs that Petitioner’s broadcasts need not employ explicitly violent language to threaten Ms. Marshall because the speech’s factual context implied a threat. To begin, Petitioner chose to commence sharing their broadcast at the “height of the campus conflicts” between the dueling coalitions—a dispute in which the Lightbearers had taken a rooted stance that was conspicuously averse to Ms. Marshall’s position. (R. at 10). And just as in *Planned Parenthood*, the Lightbearers were not merely passive observers of this environment; they regularly reported on the dispute and had a vested interest in amplifying their faction’s message. (R. at 11–12). As a result, just as the defendants in *Planned Parenthood* were aware of the recent murders of abortion doctors, Petitioner cannot plead ignorance regarding the widespread doxxing incidents on Delmont campuses. Similarly consistent with the *Planned Parenthood* defendants, Petitioner knew that the precursor to that violence had been the very type of communication they engaged in. Against this backdrop of ongoing harassment caused by public dissemination of identifying information, Petitioner disseminated a highly visible description of Ms. Marshall, her whereabouts, and when she her shift would finish. (R. at 10).

This message carried the same, unmistakably threatening implication as the posters in *Planned Parenthood*: it identified Ms. Marshall as a target and provided the means for the politically impassioned masses to locate, harass, and harm her.

The order of the messages within the broadcast itself also fails to absolve the Lightbearers of their language's effects. The broadcast, which played on an incessant loop, was not simply a depiction of Ms. Marshall's speech. By immediately layering the clip of her speech with a photo that both identified Ms. Marshall as a Nature Coalition advocate and provided her location, the Lightbearers were not reporting on the Delmont happenings; they were sending a message. (R. at 10). They made clear that Ms. Marshall stood in opposition to the Lightbearers in the Energy Farm Controversy and implicitly suggested that she could be found at the Delmont Treatment center. (R. at 10). This framing, in effect, is the same tactic employed by the anti-abortionists in *Planned Parenthood*: identify the victim, suggest to the audience that she is the enemy, and provide the requisite information to locate her. Unsurprisingly, given the frequency of the broadcast, the Lightbearers' audience heeded their command, locating Ms. Marshall at her place of employment and attacking her. (R. at 11).

There is no question that the Lightbearers did not need to explicitly state their personal intention to cause Ms. Marshall harm to have made a threat. Rather, their broadcast just needed to communicate to others the sentiment that Ms. Marshall should fear violence. The Lightbearers' broadcast ultimately tracked the same pattern as the defendant's blog in *Turner*. As was the case there, the Lightbearers may not have ever intended to be the party which located, harassed, and attacked Ms. Marshall. But their broadcast, which made clear that Ms. Marshall was an enemy of their movement, equipped others to commit violence against her. (R. at 10). In *Turner* the defendant may have more explicitly outlined what he hoped would become of the

judges, but threats need not be explicit. The thrust of the Lightbearers' message, implicit in the content of their broadcast alongside the types of political violence that Delmont was experiencing, was that Ms. Marshall should fear retribution. That the broadcast may have been directed toward third parties, as was the case in *Turner*, does not change the broadcast's ultimate message: that Ms. Marshall should suffer the same fate as other Delmont doxxing victims.

Finally, the message of Petitioner's broadcast cannot be shielded by the *Claiborne Hardware* carveout. Although the broadcast bears superficial similarity to the threats of violence in *Claiborne Hardware*, it can hardly be characterized as an incidental portion of an "impassioned plea" for unity, support, and respect. This was no fiery, extemporaneous speech about the Energy Movement's virtues that just so happened to contain a threat against Ms. Marshall; it was instead a call to action against Ms. Marshall that happened to reference the Energy Controversy. Nor can Petitioner's purpose in spreading the broadcast be characterized as an attempt to animate the Energy Coalition to political action. Had that been the case, as in *Claiborne Hardware*, the message would have been directed at Energy Coalition members specifically, not anyone wandering by. By aiming their speech at the general public rather than their own members, the Lightbearers did not seek to foster political solidarity. Instead, their relentless, pre-recorded portrayal of an identifiable enemy was meant to encourage coalescence around a goal of coordinated harassment and violence.

B. CADS is facially constitutional because it satisfies strict scrutiny.

A content-based regulation of speech is valid notwithstanding its regulation of protected speech if it is "justified by a compelling government interest and is narrowly drawn to serve that interest." *Brown v. Ent. Merchs. Ass'n*, 564 U.S. 786, 799 (2011). While it is "the rare case" in which the government can demonstrate that a speech restriction passes strict scrutiny, *Burson v.*

Freeman, 504 U.S. 191, 211 (1992), this Court has upheld content-based regulations on several occasions. *See, e.g., Williams-Yulee v. Fla. Bar*, 575 U.S. 433, 455 (2015); *Holder v. Humanitarian L. Project*, 561 U.S. 1, 36 (2010); *Burson*, 504 U.S. at 211. Indeed, this Court has identified a number of compelling interests, including the government’s interest in “ensuring public safety and order.” *McCullen v. Coakley*, 573 U.S. 464, 487 (2014).

On the other hand, where this Court has struck down speech restrictions, it has relied “primarily on the narrow tailoring prong,” which contains four components. Eugene Volokh, *Freedom of Speech, Permissible Tailoring and Transcending Strict Scrutiny*, 144 U. PA. L. REV. 2417, 2422 (1996). First, narrowly tailored laws must actually advance the government interest, though the government need not prove this factor with exacting precision. *See Burson*, 504 U.S. at 211. Second, narrowly tailored laws must not be overinclusive—that is, they must not restrict a “significant” amount of speech not implicated by the government interest. *See Simon & Schuster, Inc. v. Members of the N.Y State Crime Victims Bd.*, 502 U.S. 105, 120–21 (1991). Third, narrowly tailored laws must utilize the least speech restrictive alternative to serve the government interest. *See Florida Star v. B.J.F.*, 491 U.S. 524, 538 (1989). Importantly, on this element, the government need not choose an alternative that “fall[s] short of serving [the] compelling interest.” *Burson*, 504 U.S. at 206. Finally, narrowly tailored laws may not be underinclusive as to the interest. *See Florida Star*, 491 U.S. at 540.

Both courts below correctly held that Delmont has a compelling interest in protecting the ecosystems of its educational institutions from doxxing and its appurtenant harms. (R. at 19, 35). The problem that CADS sought to address—the publication of private information of members of the Delmont college campuses’ communities and the ensuing harassment and violence—closely tracks the government interest that this Court recognized as compelling in *Coakley*:

ensuring public safety and order. (R. at 48). But even outside its facial similarity to the *Coakley* compelling interest, Delmont’s interest in ensuring the safety of its college campuses is independently compelling. In enacting CADS, the Delmont legislature did not just seek to protect the students, faculty, and staff of its higher education institutions; it sought to end classroom disruption and protect the marketplace of ideas itself. (R. at 47). As this Court has held, scholarship “cannot flourish in an atmosphere of suspicion and distrust.” *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957). By protecting people on university campuses from doxxing, Delmont ensures that teachers and students “remain free to inquire, to study and to evaluate, [and] to gain new maturity and understanding,” recognizing that “otherwise our civilization will stagnate and die.” *Id.*

CADS is narrowly tailored to that compelling interest. By providing a private right of action to individuals who suffer from the violent effects of doxxing on Delmont university campuses, CADS both disincentivizes this specific threatening behavior and arms victims with a proverbial weapon to protect themselves. (R. at 48). CADS allows would-be doxxing victims to engage in counter-speech without fearing retribution, inhibiting the chilling effect on political speech this Court so abhors. In doing so, CADS does not restrict a significant amount of speech that does not implicate Delmont’s interest in protecting its college campuses. Indeed, CADS’s intent element ensures that only that speech which is actually meant to stalk, harass, or physically injure a victim can serve as the basis for a suit. (R. at 6). Any flavor of private information disclosure not intended to cause harm, like objective reporting, is left untouched. In this way, CADS is also not underinclusive; it defines the actionable speech as the precise speech that implicates the government interest. That is, CADS imposes a limitation only on speech that causes doxxing—and it imposes a limitation on *all* the speech that causes doxxing.

Finally, CADS protects Delmont college campuses in the least speech-restrictive manner. Given the unique nature of the doxxing issue—specifically its tendency to cause a quick, violent response that the police are unable to respond to in time—traditional, conduct-based deterrence methods are ineffective. (R. at 47). Indeed, Delmont’s legislature considered and dismissed reactive alternatives before landing on CADS. (R. at 48). To get at the root of the problem, people must have a method of defending themselves against the speaker who made it possible for the doxxing to occur. CADS provides this method by creating a private right of action, which both serves as an effective deterrent and avoids pure criminalization of speech.

II. THE FIFTEENTH CIRCUIT CORRECTLY FOUND CADS CONSTITUTIONAL BECAUSE IT DOES NOT VIOLATE THE FIRST AMENDMENT’S FREE EXERCISE CLAUSE.

The First Amendment’s Free Exercise Clause precludes any law “prohibiting the free exercise [of religion.]” U.S. Const. amend. I. The Clause precludes “all governmental regulation of religious *beliefs* as such.” *Smith*, 494 U.S. at 877 (emphasis added) (quotation omitted). This Court, however, has long distinguished between the absolute freedom of *belief* and the non-absolute, circumscribed freedom of *conduct* protected by the Free Exercise Clause. *Bowen v. Roy*, 476 U.S. 693, 699 (1986). Religious belief does not permit individuals to ignore “a valid and neutral law of general applicability” just because that law “incidental[ly]” burdens their religious expression. *Smith*, 494 U.S. at 878–79 (quotation omitted). Such laws avoid heightened scrutiny. *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993).

CADS, aimed squarely at furthering a court-sanctioned compelling interest, is just such a valid and neutral law of general applicability. The statute does not target religion explicitly or implicitly; it treats religious and secular actors consistently and contains no mechanism for

discretionary, secular exceptions. Any burden placed on Petitioner’s religious expression is merely incidental. And even if it were subjected to strict scrutiny, CADS would survive as a narrowly tailored law addressing a compelling government interest.

A. CADS is neutral and generally applicable because it neither explicitly nor implicitly targets religious conduct and applies uniformly to religious and secular actors.

Broadly, neutrality requires that a law does not implicitly or explicitly target religion or favor one faith over another, *see Lukumi*, 508 U.S. at 533, while generally applicable laws apply uniformly to religious and secular actors, treating all conduct that implicates the corresponding government interest in the same way. *See Fulton v. City of Philadelphia*, 593 U.S. 522, 533–34 (2021). This principle is of huge practical and legal importance: anyone who may demur from their sociolegal responsibilities on the strength of religious belief might “become a law unto himself.” *Smith*, 494 U.S. at 885.

1. CADS is neutral because it does not discriminate against or among religions on its face, and its object is not to proscribe conduct for its religious motivation.

A law is not neutral if its “object . . . is to infringe upon or restrict practices *because of their religious motivation*.” *Lukumi*, 508 U.S. at 533 (emphasis added). “[T]he minimum requirement of neutrality is that a law not discriminate on its face.” *Id.* Facially neutral laws are not “specifically directed at . . . religious practice.” *Smith*, 494 U.S. at 878. Though not dispositive standing alone, the *Lukumi* Court found the use of the religiously charged words “sacrifice” and “ritual” indicative of facial non-neutrality. *Lukumi*, 508 U.S. at 533.

With facial neutrality established, the inquiry turns to the object or purpose of the law, because the Free Exercise Clause “extends beyond facial discrimination” to prohibit “covert

suppression of particular religious beliefs.” *Id.* Courts must determine whether a “religious gerrymander”—ostensibly neutral statutory language contorted to capture religious conduct while avoiding similar secular action—exists. *Id.* Deploying an “equal protection mode of analysis,” courts determine the existence of discriminatory intent by relying on, *inter alia*, the historical background of the statute, the “specific series of events leading to [its] enactment,” and its legislative history. *See id.* at 540.

Lukumi provides the paradigmatic example of the invidiously discriminatory law. There, a series of ordinances passed ostensibly in relation to animal cruelty and public health actually responded to plans to open a church for Santerians, who incorporate animal sacrifice as one of their “principal forms of devotion.” *See id.* at 524–26. After an emergency public session, the city council passed three ordinances which prohibited animal “sacrifice” and the keeping and/or slaughtering of an animal if it was to be killed in “any type of ritual” with the intent to use it for food, but tempered by tight drafting and a laundry list of exemptions. *Id.* at 535–37. Through carefully drawn language, the city gerrymandered the ordinances to ensure they affected the Santeria church almost exclusively, excluding nearly every other conceivable form of animal slaughter. *Id.* at 535–36.

Another indicator of the laws’ failed neutrality was their simultaneous overbreadth and underinclusiveness. *See id.* at 538. They “proscribe[d] more religious conduct than necessary to achieve their stated ends,” which could in any event have been served by laws regulating other secular conduct. *Id.*

Turning to the legislative history of the ordinances and the public legislative sessions which preceded them, this Court found “significant hostility . . . by residents, members of the city council, and other city officials toward the Santeria religion.” *Id.* at 541. One Councilman

decried Santeria as “in violation of everything this country stands for,” while the city attorney warned that “[t]his community will not tolerate religious practices which are abhorrent to its citizens[.]” *Id.* at 541–42. Taking together the gerrymander, the underinclusiveness and overbreadth, and the legislative context of the planned church, this Court concluded that these laws “had as their object the suppression of religion” and were “not neutral.” *Id.* at 542.

CADS is both facially neutral and neutral in object. It does not discriminate on its face; indeed, it makes no reference whatsoever to any religious group or practice. (R. at 6). Unlike in *Lukumi*, the statute deploys no religiously charged language, relying on common legal terminology with a precise statutory definition. (R. at 6).

Neither is CADS religiously gerrymandered: it applies universally to any actor who fulfils both its conduct and *mens rea* requirements. (R. at 6). The text is not contorted to include or exclude similar conduct in any way. It simply proscribes the publication of certain personal identifiers, in a certain context, and if done with the requisite intent, regardless of the publisher’s identity. (R. at 6–7). Its purpose is manifestly not to infringe upon or restrict any practices because of their religious motivation. (R. at 48).

Likewise, CADS is neither overbroad nor underinclusive. The statute’s tailored intent requirement proscribes no more conduct—religious or secular—than necessary to achieve Delmont’s stated end of tackling campus doxxing. (R. at 6). And because it applies universally, no disclosure of personal identifiers made with the requisite intent to escapes it.

The record fails to display the kind of legislative intent that this Court views as undermining facial neutrality. The District Court found proof of nefariousness solely in Petitioner’s unsuccessful lobbying against CADS. (R. at 22). Applying this astonishing logical leap, almost every law passed was enacted with discriminatory intent against *someone*, as

virtually all laws face opposition by some group or other. In any event, the record here turns up none of the targeted vitriol deemed fatal in *Lukumi*. There, the record revealed a cavalcade of ignorant statements evincing discriminatory intent by a host of legislators and other city leaders. Here, the record is barren of any discriminatory statements about the Lightbearers. (R. at 48).

The specific events leading to CADS’s enactment further corroborate this lack of discriminatory intent. CADS emerged amid “volatile” campus conditions and an escalating pattern of violence between largely secular actors within a secular conflict. (R. at 47). Clearly, Delmont enacted CADS with the sole intent to tackle the burgeoning campus-doxxing problem, not to attack religious practices. (R. at 48). This contrasts with *Lukumi*, where the record highlights that the obvious catalyst for the challenged laws was the proposed Santería church.

2. *CADS is generally applicable because it treats religious and secular actors in exactly the same way.*

In essence, a law is generally applicable if treats comparable religious and secular conduct similarly. *See e.g., Lukumi*, 508 U.S. at 543 (“[G]overnment, in pursuit of legitimate interests, cannot in a selective manner impose burdens only on conduct motivated by religious belief.”). For example, “prohibit[ing] religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way” would negate general applicability. *Fulton*, 593 U.S. at 534.

Generally applicable laws may not permit individualized exemptions, even if none have been granted. *Id.* at 533, 537. By “inviting the government to decide” which exemptions merit recognition, such mechanisms allow officials to weigh the relative merit of religious interests—the very inquiry general applicability forbids. *Id.* at 537 (quoting *Smith*, 494 U.S. at 884).

In *Smith*, this Court upheld Oregon’s denial of unemployment benefits to individuals dismissed for Peyote use. *See* 494 U.S. at 890. Crucially, the policy applied universally—with no process for discretionary exemptions—and drew no distinction between recreational and sacramental use. *See id.* at 876.

CADS is the paragon of general applicability. It forbids the publication of personal identifiers regardless of the publisher’s identity. (R. at 6–7). Just as Oregon was free to penalize *all* peyote users because drug use is a social ill, even though it incidentally burdens the religious expression of some, so too is Delmont free to statutorily prohibit campus doxxing by *all* would-be publishers. Again, CADS is not selective, and it does not prohibit religious conduct while permitting analogous secular conduct. Neither are there mechanisms for individualized, discretionary exemptions. CADS offers no invitation to weigh the relative merits of any application for exemption and thus is truly generally applicable to all secular and religious actors. And as discussed above in the discussion of neutrality, it is not significantly underinclusive of the socially harmful conduct it targets.

3. *No recognized exception would impose strict scrutiny upon CADS.*

- i. CADS does not substantially burden Petitioner’s religious exercise or imperil the religious development of Lightbearer youth.

The District Court erroneously applied strict scrutiny on CADS for imposing a similar burden on Petitioner’s free expression as that in *Wisconsin v. Yoder*. (R. at 23). CADS does not.

In *Yoder*, this Court struck down Wisconsin’s high school attendance law as applied to Amish petitioners, who showed that compulsory attendance “contravene[d] the basic religious tenets and practice of the Amish faith” and risked “substantially interfering with the religious development of the Amish child.” 406 U.S. 205, 218, 234 (1972). Five decades later in

Mahmoud v. Taylor, this Court granted a preliminary injunction requiring Baltimore schools to allow parental opt-outs of LGBT+ education because, neutrality and general applicability notwithstanding, the law imposed a burden “of the same character as . . . *Yoder*.” 606 U.S. 522, 564 (2025). Circuit courts have since overwhelmingly interpreted and applied the *Mahmoud/Yoder* exception narrowly, limiting it to cases involving coercive educational or curricular requirements. *See e.g., Doe No. 1 v. Bethel Loc. Sch. Dist. Bd. of Ed.*, No. 23-3740, 2025 WL2453836 at *7 (6th Cir. Aug. 26, 2025); *Kondilis v. City of Chicago*, 160 F.4th 866, 871 n.4. (7th Cir. 2025).

CADS does not compel any affirmative conduct whatsoever and certainly does not impose any coercive curricular requirements on Lightbearer children, compliance with which would contravene the basic tenets of their faith or imperil their nascent religious development. It merely prevents them from including certain personal identifiers in their otherwise protected broadcasts of religious and secular content. (R. at 6–7).

Even accepting the District Court’s cavernous reading of *Mahmoud* and *Yoder*, strict scrutiny would not apply because the burden CADS imposes is entirely insubstantial. In *Yoder*, Amish children were wrenched away from their close-knit communities and unique cultural education to be exposed to a hostile environment whose very nature contravened the basic tenets of their faith. Here, a group of young adults are prohibited from disseminating other students’ personal identifiers for the purposes of harassing, stalking, or harming them. (R. at 6). Lightbearers remain free to evangelize however they please, including the live broadcast of religious and secular information. Consequently, any burden on Petitioner’s religious expression is hardly substantial, even accepting the ludicrous premise that *Yoder* is applicable.

- ii. Petitioner cannot invoke the unrecognized and doctrinally invalid hybrid rights exception.

Writing in *Smith*, Justice Scalia observed that this Court had only ever barred application of a neutral, generally applicable law on free exercise grounds when the free exercise claim was raised in “conjunction with other constitutional protections.” *Smith*, 494 U.S. at 881. From this dictum emerged the so-called “hybrid rights exception,” which the District Court invoked, (R. at 24), despite this Court’s repeated declination to endorse it. See David Hudson & Emily Harvey, *Dissecting the Hybrid Rights Exception: Should It Be Expanded or Rejected?*, 38 UALR L. REV. 449, 474 (2016) (“In the twenty-three years since *Smith*, the Supreme Court has remained silent on hybrid rights.”); *Mahmoud*, 606 U.S. at 565 n.14 (declining to consider whether the case presented a hybrid rights claim).

Justice Souter called the doctrine “ultimately untenable.” *Lukumi*, 508 U.S. at 567 (Souter, J., concurring in part and concurring in the judgment). He warned that allowing the mere implication of another constitutional right to trigger strict scrutiny would create an exception “so vast as to swallow the *Smith* rule.” *Id.* Many lower courts have been similarly unenthused: the Second, Third, and Sixth Circuits have essentially dismissed it as dicta. *Knight v. Conn. Dept. of Pub. Health*, 275 F.3d 156, 167 (2d Cir. 2001); *Combs v. Homer-Center Sch. Dist.*, 540 F.3d 231, 247 (3d Cir. 2008); *Kissinger v. Bd. of Trs. of Ohio St. Univ.*, 5 F.3d 177, 180 (6th Cir. 1993) (“We do not see how a state regulation would violate the Free Exercise Clause if it implicates other constitutional rights but would not violate . . . if it did not . . .”). The Fifteenth Circuit, too, has rejected the hybrid rights doctrine, citing Justice Souter’s astute critique. (R. at 41).

Even those courts which have adopted some derivative of the hybrid rights doctrine have imposed severe limitations on it, for example by requiring that the companion claim be independently viable or at least likely to succeed on its own merits. *See e.g., Brown v. Hot, Sexy & Safer Prods.*, 68 F.3d 525, 539 (1st Cir. 1995) (rejecting an asserted hybrid free exercise claim for failing to allege an “independently protected constitutional protection”); *Swanson v. Guthrie Indep. Sch. Dist. No. I-L*, 135 F.3d 694, 699–700 (10th Cir. 1998) (requiring a “colorable claim of infringement” from the companion claim and noting that merely invoking a hybrid claim “is not a talisman that automatically leads to the application of the compelling-interest test”).

Alan Brownstein explains that the hybrid rights doctrine offers nothing to a court’s analysis of a free exercise claim raised alongside another fundamental rights challenge. *See Alan Brownstein, Protecting Religious Liberty: The False Messiahs of Free Speech Doctrine and Formal Neutrality*, 18 J.L. & POL. 119, 191 (2002). If strict scrutiny were already applicable because of an infringement on some fundamental right, the burden on free exercise “would add nothing to the court’s analysis.” *Id.* But in the absence of any other fundamental rights violations, no hybrid right could logically exist: a claim for strict scrutiny would stand or fall on the strength of the free exercise claim alone. *Id.* Permitting two claims which themselves fail to trigger heightened scrutiny to do so when alleged together requires that “the combination of two untenable claims equals a tenable one.” *Henderson v. Kennedy*, 253 F.3d 12, 19 (D.C. Cir. 2001). But as the D.C. Circuit remarked, “in law as in mathematics zero plus zero equals zero.” *Id.*

This Court should decline to give its imprimatur to the so-called hybrid rights doctrine, which lacks legal validity and logical merit. To permit the exception would essentially negate *Smith* and, as Justice Souter warns, thereby hamstring the government’s ability to legislate in key

areas whenever there is some possibility of incidentally burdening the free exercise of any one religious group.

B. CADS survives rational basis and, if necessary, strict scrutiny.

Because of its careful drafting and limiting intent requirement, CADS is comfortably rationally related to Delmont’s legitimate, in fact compelling, interest in tackling campus violence. It thus passes rational basis review as applied to Petitioner. Even subjected to strict scrutiny, CADS would survive as it is narrowly tailored toward a compelling interest. Laws survive strict scrutiny if they “advance interests of the highest order and [are] narrowly tailored in pursuit of those interests.” *Lukumi*, 508 U.S at 546 (quotation omitted). The tailoring analysis in the free exercise realm mirrors that of free speech. *See id.* (failing tailoring analysis for being overinclusive, underinclusive, and ignoring less restrictive alternatives).

Here, both courts below agreed that Delmont has a compelling interest in public safety with regard to campus doxing. (R. at 19, 35). CADS is narrowly tailored because its intent requirement ensures the statute targets and eliminates only the *malicious* publication of personal identifiers. (R. at 6). As discussed above, it is neither substantially overbroad nor underinclusive. And, since a religious exemption permitting Petitioner to dox students would undermine the government’s stated purpose, there is no alternative way for the government to achieve its interests without burdening religious expression.

III. THIS COURT MUST AFFIRM THE FIFTEENTH CIRCUIT’S REVERSAL OF THE DISTRICT COURT’S SUMMARY JUDGEMENT FOR PETITIONER.

To prevail on summary judgment, movants must “show[] that there is no genuine dispute as to any material fact.” Fed. R. Civ. P. 56(a). Therefore, courts must rule for the nonmoving party if they “show[] that the materials cited . . . establish . . . the presence of a genuine dispute.” Fed.

R. Civ. P. 56(c)(1)(B). “Genuine” disputes exist if “a reasonable jury could return a verdict for the nonmoving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). At this stage, all evidence is considered and inferences drawn in the nonmoving party’s favor. *Id.* at 255.

The record here shows that a genuine dispute exists as to Petitioner’s intent when broadcasting Ms. Marshall’s personal information. The Lightbearers are fixtures within the Energy Coalition and editorialize their broadcasts to favor their cause. (R. at 10, 12). That they report on local news shows they were privy to Delmont’s doxxing problem, too. (R. at 11). Construing that record in Ms. Marshall’s favor, a jury could reasonably interpret Petitioner’s conduct as broadcasting an ideological enemy’s whereabouts to the fervent masses in hopes that she would be stalked, injured, or harassed. At the very least, a reasonable juror could find Petitioner’s broadcast to be reckless in light of well-known and violent doxxings on campus.

CONCLUSION

For the forgoing reasons, Respondent requests that this Court affirm the Fifteenth Circuit’s reversal of the District Court’s summary judgement for Petitioner.

Respectfully submitted,

Team No. 33

Counsel for Respondent, Laura Marshall

APPENDIX

Constitutional Provisions

U.S. CONST. amend. I

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

Statutory Provisions

28 U.S.C. § 1254

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

- (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;
- (2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

28 U.S.C. § 1254

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this title.

28 U.S.C. § 1332(a)

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

- (1) citizens of different States;
- (2) citizens of a State and citizens or subjects of a foreign state, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State;
- (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and
- (4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States.

Rules

Fed. R. Civ. P. 56(a)–(c)

(a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

(b) Time to File a Motion. Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.

(c) Procedures.

(1) Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

(2) *Objection That a Fact Is Not Supported by Admissible Evidence.* A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.

(3) *Materials Not Cited.* The court need consider only the cited materials, but it may consider other materials in the record.

(4) *Affidavits or Declarations.* An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

CERTIFICATE OF COMPLIANCE

Pursuant to rule III.C.3 of the Seigenthaler-Sutherland Cup's Official Competition Rules,

Team No. 33 confirms that:

- (1) The work product contained in all copies of Team No. 33's brief is in fact the work product of the team members.
- (2) Team No. 33 has complied fully with all its law school's governing honor code.
- (3) Team No. 33 has complied with all Competition rules.

/s/ Team No. 33

Feb. 6, 2025