

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FATMA MAROUF and BRYN ESPLIN, a
married couple,

[REDACTED]

Plaintiffs,

v.

ALEX AZAR, in his official capacity as
Secretary of the UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
200 Independence Avenue, S.W.,
Washington, D.C. 20201;

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
200 Independence Avenue, S.W.
Washington, D.C. 20201;

STEVEN WAGNER, in his official
capacity as Acting Assistant Secretary for
the ADMINISTRATION FOR
CHILDREN AND FAMILIES,
330 C Street, S.W.,
Washington, D.C. 20201;

ADMINISTRATION FOR CHILDREN
AND FAMILIES,
330 C Street, S.W.,
Washington, D.C. 20201;

SCOTT LLOYD, in his official capacity as
Director of the OFFICE OF REFUGEE
RESETTLEMENT,
330 C Street, S.W.,
Washington, D.C. 20201;

Civil Action No. 1:18-cv-378

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND
MONETARY DAMAGES

OFFICE OF REFUGEE)
RESETTLEMENT,)
330 C Street, S.W.,)
Washington, D.C. 20201; and)
)
UNITED STATES CONFERENCE OF)
CATHOLIC BISHOPS, a non-profit)
corporation,)
3211 Fourth Street, N.E.,)
Washington, D.C. 20017)
)
Defendants.

Introduction

1. Plaintiffs Fatma Marouf and Bryn Esplin bring this action seeking declaratory and injunctive relief and monetary damages against Alex Azar, in his official capacity as Secretary of the United States Department of Health and Human Services; United States Department of Health and Human Services; Steven Wagner, in his official capacity as Acting Assistant Secretary for the Administration for Children and Families; Administration for Children and Families; Scott Lloyd, in his official capacity as Director of the Office of Refugee Resettlement; and Office of Refugee Resettlement (together, “Federal Defendants”) for unlawful funding of certain child welfare organizations that perform federal taxpayer-funded services relating to unaccompanied refugee children¹ in federal care and custody in a manner that impermissibly discriminates against same-sex couples who are prospective foster and adoptive parents. The organizations use religious doctrine regarding same-sex relationships to exclude such couples categorically from applying to be foster parents. By enabling federal taxpayer-funded child welfare services, for children in federal care and custody, to be performed in reliance on such doctrine, Federal Defendants are depriving children of the opportunity to be placed in eligible homes that serve their best interests. Federal Defendants are also impermissibly denying eligible foster and adoptive parent applicants, such as Plaintiffs, the opportunity to provide loving homes to children in need on account of

¹ Plaintiffs use the term “unaccompanied refugee children” to refer to children served under either the Unaccompanied Refugee Minor Program or the Unaccompanied Alien Children Program.

the organizations' religious beliefs regarding the applicants' sexual orientation and sex and the same-sex character of their marriage. Federal Defendants' actions are contrary to the best interests of children, whose welfare Federal Defendants are charged with protecting, and violate the United States Constitution.

Jurisdiction and Venue

2. This case arises under the Constitution of the United States, and presents federal questions within this Court's jurisdiction pursuant to 28 U.S.C. § 1331.

3. This Court has jurisdiction to grant the requested declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202, Federal Rules of Civil Procedure 57 and 65, and the inherent equitable powers of the Court.

4. Venue is proper in this District because:

- pursuant to 28 U.S.C. § 1391(b)(1), Defendant United States Conference of Catholic Bishops is an entity incorporated under the laws of the District of Columbia with its principal place of business in the District of Columbia, and the remaining Defendants are officers or employees of an agency of the United States in their official capacities or agencies of the United States; and
- pursuant to 28 U.S.C. § 1391(b)(2), Defendants conduct a continuous and systematic portion of their business in this District, where a substantial part of the events giving rise to the claims,

including the unlawful administration of federal funds by Federal Defendants, occurred.

Parties

5. **Plaintiffs Fatma Marouf (“Fatma”) and Bryn Esplin (“Bryn”)**, both women, are a married lesbian couple. Plaintiffs are residents of Fort Worth, Texas, and federal taxpayers. Their taxpayer dollars contribute to the administration of federal child welfare programs, including those at issue in this action. In accordance with the United States Constitution, Plaintiffs object to paying for federally funded child welfare services that are provided in a discriminatory manner, based on religious principles to which they do not subscribe, that fail to serve the best interests of children.

6. Plaintiffs suffered the additional harms alleged in this Complaint when organizations receiving federal funds denied them the opportunity to be foster parents on the basis of the organizations’ religious beliefs regarding their sexual orientation and sex and the same-sex character of their marriage. Federal Defendants enabled such discrimination against Plaintiffs.

7. Plaintiffs bring suit against **Defendant Alex Azar** in his official capacity as Secretary of the United States Department of Health and Human Services. In that capacity, Defendant Azar oversees the United States Department of Health and Human Services.

8. Plaintiffs bring suit against **Defendant United States Department of Health and Human Services (“HHS”)**, which is headquartered in the District

of Columbia, and is charged with enhancing and protecting Americans' health and well-being via the provision of health and human services. HHS is the federal agency that is responsible for overseeing the Office of Refugee Resettlement's functions and responsibilities involving the care and custody of children under the Unaccompanied Refugee Minor ("URM") Program and the Unaccompanied Alien Children ("UC") Program.

9. Plaintiffs bring suit against **Defendant Steven Wagner** in his official capacity as Acting Assistant Secretary for the Administration for Children and Families. In that capacity, Defendant Wagner oversees the Administration for Children and Families.

10. Plaintiffs bring suit against **Defendant Administration for Children and Families ("ACF")**, which is headquartered in the District of Columbia, and is the division of HHS that is responsible for implementing certain human services programs, including those focused on fostering the economic and social welfare of youth and families, such as the URM Program and the UC Program administered by ORR.

11. Plaintiffs bring suit against **Defendant Scott Lloyd** in his official capacity as Director of the Office of Refugee Resettlement. In that capacity, Defendant Wagner oversees the Office of Refugee Resettlement.

12. Plaintiffs bring suit against **Defendant Office of Refugee Resettlement ("ORR")**, which is headquartered in the District of Columbia, and is

the office within ACF that is responsible for the care and custody of children in the UC Program and the URM Program.

13. Plaintiffs bring suit against **Defendant United States Conference of Catholic Bishops (“USCCB”)**, a non-profit organization incorporated in the District of Columbia with its headquarters and principal place of business located in the District of Columbia. USCCB has a legal and financial interest relating to the subject of this action. Disposing of this action in USCCB’s absence would necessarily impair the interests it has by virtue of its grants, cooperative agreements, and funding from HHS. Because USCCB is subject to service and its participation will not deprive this Court of subject matter jurisdiction, its joinder pursuant to Federal Rule of Civil Procedure 19(a)(1) is required to permit this Court to accord complete relief among the parties, without exposing Federal Defendants to the risk of inconsistent obligations.

Factual Allegations

The Unaccompanied Refugee Minor Program and the Unaccompanied Alien Children Program

14. The federal government currently cares for thousands of unaccompanied refugee children, many of whom are fleeing violence.

15. Federal Defendants administer the URM Program, which provides for the care of children who are under the age of 18, unaccompanied by an adult, and any of the following: refugees, entrants, asylees, victims of trafficking, certain minors with special immigrant juvenile status, or U visa holders.

16. Federal Defendants also administer the UC Program, which provides for the care of children who arrive in the United States unaccompanied by a parent or legal guardian, and who lack lawful immigration status in the United States. When such children are apprehended by the United States Department of Homeland Security, they are assigned to the care and custody of ORR.

17. ORR's responsibilities under both programs include awarding and administering grants to and cooperative agreements with child welfare organizations, which can include religiously affiliated organizations, to perform child welfare services on ORR's behalf, and ensuring that such organizations abide by applicable federal laws in providing such federally funded services.

18. Through grants to and cooperative agreements with child welfare organizations, ORR provides services to the children in its custody, including but not limited to shelter, foster care and residential placement, and adoption services. ORR is charged with guaranteeing that the best interests of the children are paramount in implementing its child welfare programs. The child welfare organizations to which ORR awards grants and cooperative agreements are charged with, among other things, matching children in their care with qualified families in accordance with ORR's standards of care.

19. Religiously affiliated organizations are among the providers of federally funded care for children under the URM Program and the UC Program. Although the organizations that receive federal grants and cooperative agreements under these programs may be faith-based organizations, they may not use federal

funds to proselytize or for other sectarian purposes, such as restricting access to federally funded child welfare services based on faith-based principles.

20. ORR has an obligation to ensure that the organizations that receive grants or cooperative agreements to provide federal child welfare services relating to unaccompanied refugee children in its custody do so without discriminating against foster or adoptive parent applicants based on their sexual orientation, their sex, the same-sex character of their marriage, or the religious beliefs of the organizations.

21. There are more children in the care of Federal Defendants under the URM Program and the UC Program than there are eligible foster or adoptive homes seeking placement or adoption of such children.

22. There is no valid basis for the government to prefer different-sex couples over same-sex couples when considering or approving would-be foster or adoptive parents or making placement or adoption decisions. The scientific community has reached consensus that children reared by lesbian or gay parents are just as likely to be well-adjusted as children of heterosexual parents. This consensus has been recognized by every major professional organization dedicated to children's health and welfare, including: the American Academy of Pediatrics, the American Psychological Association, the American Medical Association, the National Association of Social Workers, and the Child Welfare League of America. There is no basis in social science or child welfare principles for categorically barring same-sex spouses from being foster or adoptive parents.

23. When Federal Defendants enable organizations to turn away qualified foster or adoptive parent applicants based on criteria unrelated to child welfare, such as the applicants' sexual orientation or sex or the same-sex character of their marriage, or the religious beliefs of the organizations, the number of potential homes for children is reduced.

24. Such exclusions that reduce the number of placement or adoption options for children can also result in placing children with less suitable parents who are unable to meet the children's individualized needs, causing harm to children in ORR's custody and care.

United States Conference of Catholic Bishops

25. USCCB, a grantee of ORR, is one of the primary organizations that implements the URM Program and the UC Program on behalf of Federal Defendants. USCCB, through its affiliates and sub-grantees, determines appropriate placements for children under the URM Program and the UC Program, among other responsibilities.

26. USCCB receives millions of dollars in grants from ORR annually under the URM Program and the UC Program. ORR authorizes USCCB to use those funds to award sub-grants to other organizations, including its sub-grantee, Catholic Charities of Fort Worth ("CCFW"), to perform services for children in the Fort Worth region of Texas under the URM Program and the UC Program.

27. USCCB is the sole or primary source of funding for CCFW's services for children under the URM Program and the UC Program.

28. In its URM grant application for the relevant period, USCCB informed ORR that “USCCB must ensure that services provided under this application are not contrary to the authentic teaching of the Catholic Church, its moral convictions, or religious beliefs.”

29. In its UC grant application for the relevant period, USCCB similarly informed ORR that “USCCB must ensure that services provided under this application are not contrary to the authentic teaching of the Catholic Church, its moral convictions, and religious beliefs in an approach that is consistent with the ACF Policy on Grants to Faith-Based Organizations.”

30. USCCB also notified ORR in its UC grant application that it would require sub-grantees to comply with an agreement provision entitled “Catholic Identity,” under which sub-grantees:

must ensure that services provided to those served under this Agreement are not contrary to the authentic teaching of the Catholic Church, its moral convictions, and religious beliefs. Accordingly, [USCCB] expects that the Sub-recipient will provide services under this Agreement within certain parameters including, among other things, that the Sub-recipient will not provide, refer, encourage, or in any way facilitate access to contraceptives or abortion services.

31. When ORR awarded the URM and UC grants to USCCB for the relevant period, it did not prohibit USCCB from administering the grants based on religious considerations, as set forth in USCCB’s grant applications. Nor did ORR implement any other safeguards to prevent USCCB from doing so.

32. USCCB’s URM and UC grant applications for prior periods contained similar statements of intent with respect to religiously motivated administration of

the grants, and ORR similarly did not implement any safeguards to prevent USCCB from carrying out such intent. On information and belief, if unchecked, this pattern will persist.

33. In numerous contexts, USCCB has publicly objected to providing services to married applicants unless they are in a legal union of one man and one woman. USCCB's website openly advocates against parenting of children by same-sex couples. For example, USCCB Fact Sheets concerning adoption and foster care services, which have appeared on USCCB's website since at least 2013, state that, "[w]hen placing children with couples, Catholic Charities ensures those children enjoy the advantage of having a mother and a father who are married." *Discrimination Against Catholic Adoption Services*, USCCB <http://www.usccb.org/issues-and-action/religious-liberty/discrimination-against-catholic-adoption-services.cfm> (last visited Feb. 16, 2018).

34. Another section on USCCB's website entitled "Frequently Asked Questions About the Defense of Marriage" states, and stated at all times during the relevant period, that "[p]lacing a child in the care of two men or two women may be well-intentioned, but ultimately deprives the child of that which best serves his or her interests – a mother and a father." *Frequently Asked Questions About the Defense of Marriage*, USCCB, <http://www.usccb.org/issues-and-action/marriage-and-family/marriage/promotion-and-defense-of-marriage/frequently-asked-questions-on-defense-of-marriage.cfm> (last visited Feb. 16, 2018).

35. Additionally, as confirmed by a press release first posted on its website in 2015, USCCB has lobbied for the passage of laws that would allow child welfare organizations that receive federal funds for adoption and foster care services to declare overtly, without fear of adverse governmental action, that, based on their religious beliefs, they permit adoption by, and foster care placement with, only married couples comprising one man and one woman.

36. When ORR awarded the URM and UC grants to USCCB for the relevant period, it was on notice that USCCB's religious beliefs disfavored same-sex relationships.

37. Federal Defendants unlawfully use federal taxpayer dollars to finance grants to USCCB to implement the URM Program and the UC Program based on impermissible religious criteria.

38. Federal Defendants are required to administer grants and cooperative agreements in a manner so as to ensure that federal funding is expended, and associated federal programs are implemented, in accordance with the constitutional guarantees of equality and liberty and the strictures of the Establishment Clause, in addition to applicable statutory and regulatory requirements, including but not limited to those prohibiting discrimination.

39. HHS requires that no person otherwise eligible be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of HHS programs and services based on non-merit-based factors such as sexual orientation, sex, and religion. *See* 45 C.F.R. § 75.300(c) (2018). HHS

grantees and sub-grantees, including USCCB and its sub-grantees, must comply with this requirement in the administration of programs supported by HHS awards.

40. HHS also requires that, in accordance with the Supreme Court decisions in *United States v. Windsor* and *Obergefell v. Hodges*, HHS grantees and sub-grantees, including USCCB and its sub-grantees, must treat as valid the marriages of same-sex couples in the administration of programs supported by HHS awards. See 45 C.F.R. § 75.300(d) (2018).

Fatma and Bryn Seek to Foster an Unaccompanied Refugee Child

41. Fatma and Bryn married in 2015 and moved to Texas in 2016. Fatma is a 41-year-old law professor at Texas A&M University Law School and director of its Immigrant Rights Clinic. She was born in California to Egyptian and Turkish immigrant parents. Bryn, age 33, teaches Bioethics at Texas A&M University's School of Medicine. Bryn was born in St. George, Utah and grew up there and later in Las Vegas, Nevada. The couple's wedding ceremony joyfully wove together customs from their diverse backgrounds and cultures—Fatma being raised Muslim and Bryn, Mormon.

42. The couple was eager to bring a child into their family. After their wedding, Fatma attempted to get pregnant through reproductive technology. Their attempts were unsuccessful, and the couple began considering other options for bringing a child into their lives.

43. Fatma became familiar with CCFW through her work at the immigration clinic. The chief executive officer of CCFW sent Fatma a personal

solicitation via e-mail, proposing a stronger relationship between CCFW and Fatma's clinic. To advance that goal, CCFW invited Fatma to tour CCFW's facility, writing that "[i]t would be an honor to host you!" Fatma went on the tour where she learned about CCFW's work with unaccompanied refugee children.

44. Fatma's visit sparked her and Bryn's shared interest in fostering an unaccompanied refugee child. The couple sought more information from CCFW about their foster care programs and exchanged multiple e-mails with a CCFW employee about the next steps for bringing an unaccompanied refugee child into their home. In those e-mails, Bryn was identified as Fatma's spouse. The couple was thrilled when CCFW scheduled an initial telephone interview for them with the Chair of the Executive Committee of CCFW's Board of Directors, Donna Springer ("Springer").

45. On or about February 22, 2017, Fatma and Bryn spoke with Springer. Springer described various requirements to become foster parents, as well as the population of children in need of foster homes. During the call, it became clear to CCFW that Fatma and Bryn are same-sex spouses.

46. Springer then told Fatma and Bryn that foster parents must "mirror the holy family." To clarify whether their relationship would be an issue, Fatma explicitly stated that she and Bryn are a same-sex couple. Springer responded that they did not "qualify" to foster a child.

47. Shocked by Springer's response, Fatma then asked about lesbian, gay, bisexual, and transgender ("LGBT") children in CCFW's care, because LGBT youth

may qualify for asylum. Springer responded that none of the approximately 700 children that CCFW serves is a member of the LGBT community.

48. On or about that same day, February 22, 2017, the Director of Immigration Services for CCFW recognized Fatma's expertise related to CCFW's immigration work by sending Fatma and two of her colleagues an e-mail inviting them to deliver a "Know Your Rights Presentation" at CCFW on March 4, 2017. Fatma accepted the invitation and gave the presentation. Hundreds of people attended, and the director wrote to Fatma afterward to thank her for the presentation.

49. On or about February 22, 2017, Fatma e-mailed the general e-mail address for ORR to report that CCFW had discriminated against her and her same-sex spouse by informing them that they were not eligible to foster an unaccompanied refugee child because they did not "mirror the holy family." Fatma's e-mail asked whether such conduct was permissible and sought information about alternative organizations that would allow same-sex couples to become foster parents. Fatma did not receive a response to her e-mail until April 14, 2017, when the "ORR team" e-mailed Fatma asking for the names of the individuals at CCFW who "informed [her] that the agency does not license foster families who do not mirror the holy family".

50. Fatma provided the information that ORR requested on May 1, 2017. She received a response on May 2, 2017, which only thanked her for providing the

information. She has since received no further communication from either ORR or CCFW.

51. By working to ensure that none of the children for which they are responsible are placed in homes of same-sex spouses based on USCCB's religious beliefs, USCCB and its sub-grantees not only discriminate against same-sex spouses, but also effectively erase the non-Catholic identities and beliefs of many of the unaccompanied refugee children for which they are responsible. This conduct potentially increases those children's alienation and vulnerability, while denying them access to loving homes that could serve them best—all at federal taxpayers' expense.

52. By working to ensure that none of the children for which they are responsible be placed in homes of same-sex spouses based on USCCB's religious beliefs, USCCB and its sub-grantees also disserve and demean the youth for which they are responsible who are LGBT, stigmatizing them as less deserving and worthy of respect than others, and sending them the message that, when they grow up to form families of their own, they and their families will not have a right to equal treatment in the provision of government services.

53. Federal Defendants were on notice at the time that they awarded the URM and UC program grants for the relevant period to USCCB that USCCB and its sub-grantees, including CCFW, would administer the grants in a discriminatory manner based on its religious beliefs, including its religious beliefs disfavoring same-sex relationships. Yet Federal Defendants did not implement any safeguards

to prevent USCCB or its sub-grantees, including CCFW, from doing so. As a result, Federal Defendants violated the United States Constitution.

54. Federal Defendants' failure to remedy the discrimination by USCCB and its sub-grantee in denying Fatma and Bryn the opportunity to foster a child under the URM Program or the UC Program based on impermissible religious considerations, of which they are on notice, compounds their constitutional violation.

CLAIMS FOR RELIEF

Count I (First Amendment – Establishment Clause) U.S. Const. amend I

55. Plaintiffs reincorporate the foregoing allegations as if fully set forth herein.

56. Federal Defendants have provided and continue to provide federal taxpayer funds to USCCB and its sub-grantees to provide federal child welfare services for unaccompanied refugee children in the Fort Worth region of Texas under both the URM Program and the UC Program.

57. USCCB and its sub-grantees apply its own religious criteria in providing these federally funded services when accepting applications from prospective foster and adoptive parents, including religious requirements that discriminate against prospective foster and adoptive parents on account of their sexual orientation and sex and the same-sex character of their marriage.

58. Federal Defendants were on notice at the time that they awarded the URM and UC grants for the relevant period to USCCB that USCCB and its sub-grantees, including CCFW, would administer the grants in a discriminatory manner based on its religious beliefs, including its religious beliefs disfavoring same-sex relationships.

59. Federal Defendants failed to implement any safeguards to prevent USCCB or its sub-grantees, including CCFW, from administering the URM and UC grants in a discriminatory manner based on its religious beliefs.

60. USCCB and its sub-grantee used federal funds provided by Federal Defendants to discriminate against Fatma and Bryn based on USCCB's religious beliefs.

61. Federal Defendants failed to take any corrective action after Fatma and Bryn notified them that USCCB and its sub-grantee had engaged in sectarian discrimination against Fatma and Bryn under federal programs administered by Federal Defendants.

62. Federal Defendants have violated and continue to violate the Establishment Clause by enabling, sanctioning, ratifying, and failing to implement adequate safeguards against USCCB's and its sub-grantees' use of federal taxpayer funds for its own sectarian purposes, including categorically excluding certain members of the public from funded child welfare services based on faith-based principles.

63. By enabling grantees and sub-grantees to exclude members of the public from federal child welfare services based solely on their religious beliefs, Federal Defendants have disbursed and continue to disburse federal taxpayer funds in a manner that is not neutral with respect to religion.

64. By enabling grantees and sub-grantees to provide federal child welfare services based on their religious beliefs, Federal Defendants have disbursed and continue to disburse federal taxpayer funds in a manner that prefers USCCB's Catholic identity and beliefs.

65. By funding USCCB with knowledge that it will use such funds to engage in sectarian discrimination based on its religious beliefs, and by failing to establish adequate safeguards to prevent such discrimination, Federal Defendants have improperly acted with a religious purpose and with a primary effect of advancing USCCB's Catholic identity and beliefs.

66. By funding USCCB with knowledge that it will use such funds to engage in sectarian discrimination based on its religious beliefs, and by failing to establish adequate safeguards to prevent such discrimination, Federal Defendants have improperly defined recipients of such funds by reference to religion and impermissibly effected governmental indoctrination.

67. By funding USCCB with knowledge that it will use such funds to engage in sectarian discrimination based on its religious beliefs, and by failing to establish adequate safeguards to prevent such discrimination, Federal Defendants have improperly endorsed USCCB's Catholic identity and beliefs.

68. By enabling USCCB's religious beliefs to be a precondition to receiving government services, Federal Defendants have impermissibly coerced individuals, including vulnerable and impressionable children in the care of USCCB and CCFW, with respect to those religious beliefs.

69. As federal taxpayers, Plaintiffs are harmed by Federal Defendants' use of federal taxpayer funds to underwrite and endorse religious beliefs to which they do not subscribe.

70. Federal Defendants' actions also harm LGBT individuals and couples who wish to become foster or adoptive parents, including Plaintiffs.

71. Through the actions described above, Federal Defendants have deprived and continue to deprive Plaintiffs of their rights protected by the Establishment Clause of the First Amendment to the United States Constitution.

Count II
(Fifth Amendment – Equal Protection)
U.S. Const. amend V

72. Plaintiffs reincorporate the foregoing allegations as if fully set forth herein.

73. The Due Process Clause of the Fifth Amendment to the United States Constitution prohibits the federal government from denying equal protection of the laws.

74. Federal Defendants have discriminated and continue to discriminate impermissibly against individuals, including Plaintiffs, based on religion, their sexual orientation, their sex, and the same-sex character of their marriage, by

funding the administration of services that they are on notice are being administered in a manner that disfavors same-sex relationships.

75. Federal Defendants have deprived and continue to deprive individuals, including Plaintiffs, of equal dignity, liberty, and autonomy, and brand them as inferior by discriminating against them based on religion, sexual orientation, sex, and the exercise of the fundamental right to marry.

76. Discrimination based on religion, sexual orientation, sex, or the exercise of the fundamental right to marry (including to a person of the same sex) is presumptively unconstitutional and subject to heightened scrutiny.

77. There is no constitutionally adequate justification for Federal Defendants' actions.

78. Federal Defendants' actions fail to advance any legitimate governmental interest. To the contrary, enabling the religious test at issue is antithetical to Federal Defendants' responsibility to ensure that the best interests of the children in their care and custody drive their placement and adoption.

79. Federal Defendants' actions harm LGBT individuals and couples who wish to become foster or adoptive parents, including Plaintiffs.

80. Through the actions described above, Federal Defendants have deprived and continue to deprive Plaintiffs of their rights protected by the equal protection guarantee of the Fifth Amendment to the United States Constitution.

Count III
(Fifth Amendment – Substantive Due Process)
U.S. Const. amend V

81. Plaintiffs reincorporate the foregoing allegations as if fully set forth herein.

82. The Fifth Amendment's Due Process Clause protects individuals' substantive rights to be free to make certain decisions central to autonomy, integrity, self-definition, intimacy, and personhood without unjustified governmental intrusion. These decisions include the fundamental right to marry, including the right to marry someone of the same sex.

83. Married persons also have a fundamental liberty interest in their marriage, including a fundamental liberty interest in the federal government recognizing and respecting marriages validly entered into under state law.

84. Additionally, all persons have a liberty interest in their family privacy, integrity, and association.

85. Federal Defendants enabled, sanctioned, and ratified USCCB's and its sub-grantees' use of a religious test to deny Fatma and Bryn the ability to apply to be foster or adoptive parents under the URM Program or UC Program solely due to a judgment that their family "does not mirror the holy family." In doing so, Federal Defendants' conduct violated the substantive due process component of the Due Process Clause of the Fifth Amendment because Federal Defendants burdened Fatma and Bryn's liberty interests and penalized their exercise of their fundamental right to marry.

86. There is no constitutionally adequate justification for Federal Defendants' infringement of Plaintiffs' fundamental rights.

87. Federal Defendants' actions harm LGBT individuals and couples who wish to become foster or adoptive parents, including Plaintiffs.

88. Through the actions described above, Federal Defendants have violated and continue to violate the substantive due process protections of the Fifth Amendment to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court grant the following relief:

A. Enter a declaratory judgment that Federal Defendants' failure to ensure that Plaintiffs may apply to be foster or adoptive parents to a child under the URM Program or the UC Program through Federal Defendants' grantee USCCB absent religious or other criteria that disfavor them based on their sexual orientation or sex or the same-sex character of their marriage violates the First and Fifth Amendments to the United States Constitution.

B. Enter a declaratory judgment that Federal Defendants' actions in enabling, sanctioning, ratifying, or failing to implement adequate safeguards against the use of religious or other criteria disfavoring same-sex relationships to determine who may receive federal child welfare services under the URM Program and the UC Program violates the First and Fifth Amendments to the United States Constitution.

C. Issue a permanent injunction requiring Federal Defendants to ensure that Plaintiffs may apply to be foster or adoptive parents to a child under the URM Program or the UC Program through Federal Defendants' grantee USCCB absent religious or other criteria that disfavor them based on their sexual orientation or sex or the same-sex character of their marriage.

D. Issue a permanent injunction prohibiting Federal Defendants from enabling, sanctioning, ratifying, or failing to implement adequate safeguards against the use of religious or other criteria to exclude foster or adoptive parent applicants based on their sexual orientation or sex or the same-sex character of their marriage in the administration of the URM Program and the UC Program, including, as necessary, prohibiting Federal Defendants from awarding URM or UC grants to USCCB.

E. Award Plaintiffs nominal monetary damages.

F. Award Plaintiffs their reasonable costs and attorney's fees.

G. Grant any other and further relief that this Court may deem fit and proper.

Dated: February 20, 2018

Respectfully submitted,

HOGAN LOVELLS US LLP

By: /s/ Jessica L. Ellsworth

Jessica L. Ellsworth (DC Bar No. #484170)

*Kenneth Y. Choe

**Jennifer A. Fleury

*James A. Huang
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
Telephone: (202) 637-5600
Facsimile: (202) 637-5910
jessica.ellsworth@hoganlovells.com
ken.choe@hoganlovells.com
jennifer.fleury@hoganlovells.com

*Alali Dagogo-Jack
HOGAN LOVELLS US LLP
4085 Campbell Avenue, Suite 100
Menlo Park, CA 94025
Telephone: (650) 463-4070
alali.dagogo-jack@hoganlovells.com

and

*Camilla B. Taylor
*Jamie A. Gliksberg
**LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.**
105 West Adams, 26th Floor
Chicago, IL 60603-6208
Telephone: (312) 663-4413
ctaylor@lambdalegal.org
jgliksberg@lambdalegal.org

*Kenneth D. Upton, Jr.
**LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.**
3500 Oak Lawn Avenue, Suite 500
Dallas, TX 75219-6722
Telephone: (214) 219-8585
kupton@lambdalegal.org

Attorneys for Plaintiffs

**admission pro hac vice to be sought*

***admission to the bar of the Court pending*

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

<p>I. (a) PLAINTIFFS Fatma Marouf and Bryn Esplin</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>88888</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Jesscia L. Ellsworth et al. Hogan Lovells US LLP 555 13th St. NW Washington, DC 20004 202-637-5886</p>	<p>DEFENDANTS Alex Azar, United States Department for Health and Human Services, Steven Wagner, Administration for Children and Families, Scott Lloyd, Office of Refugee Resettlement, and United States Conference of Catholic Bishops</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN)</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5																				
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><input checked="" type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil</p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p>	<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 This case arises under the U.S. Constitution and presents federal questions within jurisdiction pursuant to 28 U.S.C. § 1331

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: <u>02/20/2018</u>	SIGNATURE OF ATTORNEY OF RECORD <u>/s/ Jessica L. Ellsworth</u>
-------------------------	-----------------------------------------------------------------

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Administration for Children and Families
330 C Street, S.W.,
Washington, D.C. 20201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Alex Azar, in his official capacity as Secretary of the United States Department of Health and Human Services
200 Independence Avenue, S.W.,
Washington, D.C. 20201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

United States Department of Health and Human Services
200 Independence Avenue, S.W.,
Washington, D.C. 20201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Scott Lloyd, in his official capacity as Director of Refugee Resettlement
330 C Street, S.W.
Washington, D.C. 20201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Office of Refugee Resettlement
330 C Street, S.W.
Washington, D.C. 20201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

United States Conference of Catholic Bishops
3211 Fourth Street, N.E.
Washington, D.C. 20017

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Steven Wagner, in his official capacity as Acting Assistant Secretary for the Administration for Children and Families
330 C Street, S.W.,
Washington, D.C. 20201

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Jeff Sessions, Attorney General
U.S. Department of Justice
950 Penn. Ave. NW,
Washington, D.C. 20530-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



FATMA MAROUF and BRYN ESPLIN

Plaintiff(s)

v.

ALEX AZAR, et al.

Defendant(s)

Civil Action No. 1:18-cv-378

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Jessie K. Liu, United States Attorney
United States Attorney's Office
555 4th Street, N.W.
Washington, D.C. 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jessica L. Ellsworth
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: