

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHARONELL FULTON, CECELIA PAUL,
TONI LYNN SIMMS-BUSCH, and
CATHOLIC SOCIAL SERVICES,

Plaintiffs,

v.

CITY OF PHILADELPHIA, DEPARTMENT
OF HUMAN SERVICES FOR THE CITY
OF PHILADELPHIA, and PHILADELPHIA
COMMISSION ON HUMAN RELATIONS,

Defendants.

Civil Action No. 18-2075

Assigned to the Honorable Judge Tucker

**PLAINTIFFS' OPPOSED MOTION FOR LEAVE TO FILE A MEMORANDUM
OVER 25 PAGES IN SUPPORT OF THEIR MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs respectfully request leave to exceed by eight pages the Court's page limitation for their contemporaneously filed Memorandum of Law in Support of Plaintiffs' Motion for a Temporary Restraining Order and a Preliminary Injunction. In support thereof, Plaintiffs state the following:

1. Catholic Social Services and the foster parents it serves seek to prevent the City of Philadelphia from continuing to breach its current foster care referral contract and to ensure that children in need continue to be placed in homes with loving foster parents who have space available.

2. Plaintiffs' motion raises legal issues implicating the Federal Constitution and the Pennsylvania Religious Freedom Protection Act, 71 Pa. Stat. Ann. § 2404, among other sources of authority. These claims require a detailed factual and legal discussion.

3. The Supreme Court today issued a ground-breaking free exercise opinion in *Masterpiece Cakeshop Ltd. v. Colo. Civil Rights Comm’n*, No. 16-111, 584 U.S. ____ (June 4, 2018). Justice Kennedy’s majority opinion addressed a situation not unlike the one presented here: a human rights commission “act[ed] in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices.” *Id.* at 17. As the Supreme Court held, “even subtle departures from neutrality on matters of religion” are unconstitutional. *Id.* (internal quotation marks omitted). The import of this new precedent on the facts of this case requires additional explanation and analysis in the briefing.

4. Plaintiffs have filed a Motion for a Temporary Restraining Order and a Preliminary Injunction seeking to prevent the City from continuing to harm Catholic Social Services and the foster parents it serves. Plaintiff’s proposed Memorandum of Law, excluding table of contents, is 33 pages in length.

5. Defendants believe the proposed Memorandum of Law is appropriate. The length of the brief is necessitated by the complexity of the claims raised in the Complaint, the need to include information about the evolving factual and procedural elements of the case, and the multiple legal issues involved in seeking both a temporary restraining order and a preliminary injunction. Plaintiffs believe their Memorandum of Law concisely presents the basis for their Motion and will assist the Court in its review of the issues presented.

WHEREFORE, Plaintiffs respectfully request that the Court grant leave to file the contemporaneously submitted Memorandum of Law in Support of Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction.

Dated: June 5, 2018

Respectfully submitted,

/s/ Nicholas M. Centrella

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Counsel for Plaintiffs

**Admission pro hac vice pending*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June, 2018, the foregoing document was filed pursuant to the Court's electronic filing procedures using the Court's CM/ECF system.

/s/ Nicholas M. Centrella
Nicholas M. Centrella