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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JIONNI CONFORTI,

Plaintiff,

v.

ST. JOSEPH'S HEALTHCARE SYSTEM,
INC.; ST. JOSEPH'S HOSPITAL AND
MEDICAL CENTER D/B/A ST. JOSEPH'S
REGIONAL MEDICAL CENTER; and
FATHER MARTIN D. ROONEY,

Defendants.

Case No. 2:17-cv-00050-JLL-CLW

**NOTICE OF CONSTITUTIONAL
CHALLENGE PURSUANT TO F.R.C.P. 5.1**

TO: Honorable Jefferson B. Sessions, III
Attorney General of the United States
U.S. Department of Justice
950 Washington Avenue, NW
Washington, D.C. 20530-001

Pursuant to Federal Rule of Civil Procedure 5.1, Defendants St. Joseph's Healthcare System, Inc. ("SJHS"), St. Joseph's Hospital and Medical Center ("SJHMC"), and Father Martin D. Rooney (collectively, "Defendants"), by and through their undersigned counsel, hereby give notice that Defendants' Answer in the above-captioned lawsuit, which was filed with the Court on February 10, 2017 (Dkt. No. 8), raises certain constitutional defenses to Plaintiff Jionni Conforti's claim under Section 1557 of the Patient Protection and Affordable Care Act ("ACA"), 42 U.S.C. § 18116. Specifically, Defendants challenge the constitutionality of Section 1557 of the ACA and

the United States Department of Health and Human Services' implementing regulations, 45 C.F.R. § 92 et seq. (including §§ 92.4 and 92.206), as interfering with Defendants' free exercise of religion under the First Amendment of the United States Constitution in that Plaintiff seeks damages and injunctive relief under the ACA against SJHS and SJHMC, a Catholic health system and a Catholic hospital, and Father Martin D. Rooney, a Catholic priest, for declining – based on tenets of the Catholic faith and the Ethical and Religious Directives for Catholic Healthcare Services promulgated by the United States Conference of Catholic Bishops – to perform a sterilization procedure (a hysterectomy) in furtherance of Plaintiff's gender transition.

Defendants anticipate that their constitutional challenges to the ACA will be the subject of dispositive motion practice before the Court upon the conclusion of pretrial discovery.

Respectfully submitted,

/s/ Christopher S. Mayer

Dated: September 20, 2017

Christopher S. Mayer
McCARTER & ENGLISH, LLP
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of September 2017, a true and correct copy of the foregoing Notice of Constitutional Challenge was served via certified mail upon:

Honorable Jefferson B. Sessions, III
Attorney General of the United States
U.S. Department of Justice
950 Washington Avenue, NW
Washington, D.C. 20530-001

and by electronic mail upon the following counsel for Plaintiff:

Christopher T. Cook, Esq.
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Attorneys for Plaintiff Jionni Conforti

/s/ Christopher S. Mayer

Christopher S. Mayer