

McCARTER & ENGLISH, LLP

100 Mulberry Street
Four Gateway Center
Newark, New Jersey 07102
973.622.4444
Attorneys for Defendants

**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 Christopher S. Porrino
Attorney General, State of New Jersey
Richard J. Hughes Justice Complex
25 Market Street
Trenton, New Jersey 08625-0080

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 constitutional defenses to Plaintiff Jionni Conforti's claim under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12 (the "LAD"). Specifically, Defendants challenge the constitutionality of Mr. Conforti's claim under the LAD as interfering

with Defendants' free exercise of religion under the First Amendment of the United States Constitution and Article I, Paragraph 3 of the New Jersey State Constitution in that Plaintiff seeks damages and injunctive relief under the LAD 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 challenge to the LAD will be the subject of dispositive motion practice before the Court upon the conclusion of pretrial discovery.

Respectfully submitted,

/s/ Christopher S. Mayer

Dated: October 3, 2017

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of October 2017, a true and correct copy of the foregoing Notice of Constitutional Challenge was served via certified mail upon:

Honorable Christopher S. Porrino
Attorney General, State of New Jersey
Richard J. Hughes Justice Complex
25 Market Street
Trenton, New Jersey 08625-0080

and by electronic mail upon the following counsel for Plaintiff:

Christopher T. Cook, Esq.
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010-1601

Omar Gonzalez-Pagan, Esq.
Lambda Legal Defense and Education Fund, Inc.
120 Wall Street, 19th Floor
New York, NY 10005

Attorneys for Plaintiff Jionni Conforti

/s/ Christopher S. Mayer

Christopher S. Mayer