

David A. Cortman, AZ Bar No. 029490  
Jonathan A. Scruggs, AZ Bar No. 030505  
Ryan J. Tucker, AZ Bar No. 034382  
Katherine L. Anderson, AZ Bar No. 033104  
ALLIANCE DEFENDING FREEDOM  
15100 N. 90th Street  
Scottsdale, Arizona 85260  
(480) 444-0020  
(480) 444-0028 (Fax)  
dcortman@adflegal.org  
jscruggs@adflegal.org  
rtucker@adflegal.org  
kanderson@adflegal.org

*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

THE DOWNTOWN SOUP KITCHEN  
d/b/a DOWNTOWN HOPE CENTER,

Plaintiff,

v.

MUNICIPALITY OF ANCHORAGE,  
ANCHORAGE EQUAL RIGHTS  
COMMISSION, and PAMELA BASLER,  
Individually and in her Official Capacity as  
the Executive Director of the Anchorage  
Equal Rights Commission,

Defendants.

Case No. 3:18-cv-00190-SLG

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**HOPE CENTER'S RESPONSE TO ANCHORAGE'S NOTICE OF  
SUPPLEMENTAL AUTHORITY**

Hope Center files this response to Anchorage's notice of supplemental authority about *Fulton v. City of Philadelphia*, 922 F.3d 140 (3d Cir. 2019). *Fulton* involved a city punishing a faith-based adoption agency for acting consistent with its beliefs. *Id.* at 161-62. Although Anchorage did not explain *Fulton*'s relevance (in violation of Local Rule 7.1(d)(1)), this non-binding and faulty opinion is irrelevant for at least three reasons.

**1. No Contract or Compelling Interest.** *Fulton* analyzed the adoption agency's relationship with Philadelphia like a government contract for public services. *Id.* at 153-54, 160-62; *Agency for Int'l Dev. v. All. for Open Soc'y Int'l*, 570 U.S. 205, 213-17 (2013) (government's interest in controlling its own programs sometimes affects constitutional analysis). But Anchorage neither contracts with nor provides funds to Hope Center's women's shelter. Laurie Decl. ¶¶ 11-13, ECF No. 32. Instead, Anchorage is using its code to investigate, harass, and pressure a *private* women's shelter to admit men, thereby violating Hope Center's beliefs and endangering hurting women at the shelter.

**2. Hostility.** *Fulton* said that Philadelphia acted in a neutral and generally applicable way when declining to contract with the adoption agency. 922 F.3d at 152-60. Whether or not *Fulton* is correct, its analysis does not resolve whether Anchorage is using its different law to target religious beliefs. Anchorage does not dispute that Hope Center did not discriminate against Jessie Doe, yet Anchorage continues to threaten Hope Center contrary to what its law requires. The only explanation for Anchorage's actions—for disregarding Hope Center's behavior, the law's definition of public accommodation, the

law's homeless shelter exemption, and the law's 240 day determination deadline—is disdain for Hope Center's religious beliefs.

**3. Different Relief.** According to *Fulton*, the adoption agency wanted Philadelphia to resume operating under an old contract or enter into a new contract like the first one. 922 F.3d at 150-51. But here, Hope Center seeks to stop future enforcement of a law that is threatening its constitutional freedoms, its very existence, and the physical and psychological safety of abused women.

DATED: May 20, 2019.

By: s/ Ryan J. Tucker

David A. Cortman, AZ Bar No. 029490\*  
Jonathan A. Scruggs, AZ Bar No. 030505\*  
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(480) 444-0028 (Fax)  
dcortman@adflegal.org  
jscruggs@adflegal.org  
rtucker@adflegal.org  
kanderson@adflegal.org

Sonja Redmond, AK Bar No. 0605022  
LAW OFFICE OF SONJA REDMOND  
PO Box 3529  
35202 Kenai Spur Hwy.  
Soldotna, Alaska 99669  
(907) 262-7846  
(907) 262-7872 (Fax)  
sredmond@greatlandjustice.com

\* admitted pro hac vice

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2019, the foregoing was filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Ryan A. Stuart  
Meagan Carmichael  
Assistant Municipal Attorney  
Municipal Attorney's Office  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

Sonja Redmond  
LAW OFFICE OF SONJA REDMOND  
PO Box 3529  
35202 Kenai Spur Hwy.  
Soldotna, Alaska 99669

/s/ Ryan J. Tucker

Ryan J. Tucker  
*Attorney for Plaintiff*