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19 UNITED STATES DISTRICT COURT
20 FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 JOANNA MAXON, *et al.*,

22 Plaintiffs,

23 v.

24 FULLER THEOLOGICAL
25 SEMINARY, *et al.*,

26 Defendants.

No. 2:19-cv-09969-CBM-MRW

**UNOPPOSED NOTICE OF
MOTION & MOTION FOR LEAVE
TO FILE NOTICE OF
SUPPLEMENTAL AUTHORITY**

(Proposed Notice of Supplemental Au-
thority Filed Concurrently)

Date: August 4, 2020

Time: 10:00 a.m.

Dept: Courtroom 8B

Judge: Honorable Consuelo B. Marshall

1 Defendants Fuller Theological Seminary, Mari Clements, Marianne Thompson, and
2 Nicole Boymook (together, the “Seminary”) seek leave to file a notice of supplemental
3 authority to their motion to dismiss. *See* Judge Marshall Standing Order 7(a); *see also*
4 Dkt. 62 (setting the hearing date on that motion for August 4). Plaintiffs do not oppose
5 this request for leave.

6 The Supreme Court’s recent decision in *Our Lady of Guadalupe School v. Morrissey-*
7 *Berru*, 140 S. Ct. 2049 (2020), is directly relevant to the Seminary’s pending motion to
8 dismiss. First, *Our Lady* affirms the Seminary’s argument that, under the Religion
9 Clauses of the First Amendment, religious schools have “independence in matters of
10 faith and doctrine and in closely linked matters of internal government.” *Id.* at 2061.
11 Preserving this independence contributes to “the rich diversity of religious education in
12 this country.” *Id.* at 2066. *Our Lady* warned that “[s]tate interference” in such matters
13 “would obviously violate the free exercise of religion” and “any attempt by government
14 to dictate or even to influence such matters would constitute one of the central attributes
15 of an establishment of religion.” *Id.* at 2060. As applied here, the Seminary’s require-
16 ment that theology students abide by its religious Community Standards as part of their
17 ministerial training is precisely the kind of internal governance matter protected from
18 government control or influence. *See* Dkt. 46 at 11-15.

19 Second, *Our Lady* rejects Plaintiffs’ counterarguments. Plaintiffs argued that the
20 church autonomy doctrine has been applied “exclusively” to churches and “never” to
21 other religious groups. Dkt. 53 at 12-13. But *Our Lady* held the opposite, applying the
22 “principle of church autonomy” to safeguard religious schools and emphasizing that “the
23 Religion Clauses protect the right of churches *and other religious institutions.*” 140 S.
24 Ct. at 2060-61 (emphasis added). Plaintiffs also tried to cabin substantial Religion
25 Clauses’ protection *solely* to employment claims. Dkt. 53 at 14. But *Our Lady* explains
26 that the protection from judicial resolution of ministerial “employment disputes” fits
27 within a larger framework that further guarantees both “autonomy i[n] the selection of
28 the individuals who play certain key religious roles” and, more broadly, in any “internal
management decisions that are essential to the institution’s central mission.” 140 S. Ct.

1 at 2060. Moreover, the Court recognized that little is more “central” than religious edu-
2 cation, given the “close connection that religious institutions draw between their central
3 purpose and educating [people] in the faith.” *Id.* at 2066. Those protections thus apply
4 here, barring Plaintiffs’ suit over the Seminary’s internal management decisions about
5 their ministerial training in the School of Theology.

6 *Our Lady* is accordingly relevant to this Court’s consideration of the Seminary’s
7 pending motion to dismiss. *See Resnick v. Hyundai Motor Am., Inc.*, No. 16-cv-00593,
8 2017 WL 6549931, at *14 n.7 (C.D. Cal. Aug. 21, 2017) (suggesting that notices of
9 supplemental authority should “summarize the case” and “describe how it applies to the
10 instant case”). Thus, the Seminary submits that this Court should grant leave to file the
11 attached proposed notice of supplemental authority.

12
13 Dated: July 29, 2020

Respectfully submitted,

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 18 Plaintiffs,
 19 v.
 20 FULLER THEOLOGICAL
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 21 Defendants.

No. 2:19-cv-09969-CBM-MRW

PROPOSED NOTICE OF SUPPLEMENTAL AUTHORITY

Date: August 4, 2020
 Time: 10:00 a.m.
 Dept: Courtroom 8B
 Judge: Honorable Consuelo B. Marshall

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1 Defendants Fuller Theological Seminary, Mari Clements, Marianne Thompson, and
2 Nicole Boymook (together, the “Seminary”) respectfully notify this Court of new au-
3 thority bearing on the Seminary’s pending motion to dismiss (Dkt. 46).

4 The Supreme Court recently decided *Our Lady of Guadalupe School v. Morrissey-*
5 *Berru*, 140 S. Ct. 2049 (2020). The Court held that principles of church autonomy under
6 the First Amendment prohibited courts from hearing an employment discrimination suit
7 against two religious schools in California. In protecting the religious schools, the Su-
8 preme Court held that “the Religion Clauses protect the right of churches and other reli-
9 gious institutions to decide matters of ‘faith and doctrine’ without government intrusion”
10 and provide such institutions “autonomy with respect to internal management decisions
11 that are essential to the institution’s central mission.” *Id.* at 2060. *Cf.* Pls.’ Opp. to Mot.
12 to Dismiss, Dkt. 53 at 12 (arguing that religious autonomy only extends to churches and
13 only narrowly to employment decisions). The Court further emphasized the vital im-
14 portance of religious institutions’ right to control the selection and training of its minis-
15 ters. *Our Lady*, 140 S. Ct. at 2060-61.

16
17 Dated: July 29, 2020

Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JOANNA MAXON, et al.,

Plaintiffs,

v.

FULLER THEOLOGICAL
SEMINARY, et al.,

Defendants.

No. 2:19-cv-09969-CBM-MRW

**(PROPOSED) ORDER GRANTING
UNOPPOSED MOTION TO FILE
NOTICE OF SUPPLEMENTAL AU-
THORITY**

Honorable Consuelo B. Marshall

Pursuant to Defendants’ Unopposed Motion for Leave to File a Notice of Supplemental Authority dated July 29, 2020, the Court hereby **GRANTS** the motion and accepts Defendants’ Notice of Supplemental Authority dated July 29, 2020.

IT IS SO ORDERED.

DATED: _____

CONSUELO B. MARSHALL
UNITED STATES DISTRICT JUDGE

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