UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Robert Updegrove, and Loudoun Multi-Images LLC d/b/a Bob Updegrove Photography, Plaintiffs, v. Mark R. Herring, in his official capacity as Virginia Attorney General; and R. Thomas Payne, II, in his official capacity as Director of the Virginia Division of Human Rights and Fair Housing, Defendants.	)	Case No. 1:20-cv-01141-CMH-JFA

CONSENT MOTION BY THE FAMILY FOUNDATION AND THE NATIONAL LEGAL FOUNDATION FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE* IN SUPPPORT OF PLAINTIFFS

The Family Foundation and the National Legal Foundation (collectively "Movants") hereby request that this Court enter an Order granting them leave to file an *amicus curiae* brief in support of the Plaintiff. Movants further request that this Court enter this order without a hearing. In support thereof, Movants state:

1. The Family Foundation is a Virginia non-stock corporation that advocates for religious freedom, life, and family policy issues in courts, legislatures, the executive branch, and in the public square. The Family Foundation is concerned that the outcome of this case could affect the ability of religious wedding vendors, as well as people of faith more broadly, to live out their beliefs in contemporary American society.

2. The National Legal Foundation (NLF) is a public interest law firm dedicated to the defense of First Amendment liberties and the restoration of the moral and religious foundation on which America was built. The NLF and its donors and supporters, including those

in Virginia, seek to ensure that those with a religiously based view of marriage continue to be free to express those views without being compelled to express the opposite view by state-enforced association with those holding that opposite view.

3. The subject of this lawsuit is the constitutionality of certain legislation enacted by the Virginia General Assembly, and signed by the Governor, earlier this year. This legislation, to the undersigned's knowledge, has not yet been interpreted by any Virginia federal or state court. As detailed in Plaintiff's Complaint and Brief in Support of Plaintiffs' Motion for Preliminary Injunction, this legislation violates Plaintiffs' First Amendment rights of Freedom of Speech, Association, and Press, Free Exercise of Religion, and the First Amendment's Establishment Clause. The attached brief supplies the Court with legal arguments supplemental to those made by Plaintiffs, and we submit that these arguments will assist the Court in arriving at its judgment.

4. All parties have consented to Movants' filing of the attached *amicus* brief.

WHEREFORE, Movants respectfully request that this Court enter without a hearing an Order granting Movants leave to file the attached *amicus curiae* brief on behalf of Plaintiffs.

The Family Foundation and the
National Legal Foundation

Dated: December 14, 2020

By: __/s/James A. Davids_____

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Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2020, the foregoing Motion was filed using the Court's CM/ECF system, through which counsel for all parties will be served.

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UNITED STATES DISTRICT COURT
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BRIEF OF *AMICI CURIAE* THE FAMILY FOUNDATION AND THE NATIONAL LEGAL FOUNDATION IN SUPPPORT OF PLAINTIFFS

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STATEMENTS OF INTEREST[1]

The Family Foundation is a Virginia non-stock corporation that advocates for religious freedom, life, and family policy issues in courts, legislatures, the executive branch, and in the public square. The Family Foundation is concerned that the outcome of this case could affect the ability of religious wedding vendors, as well as people of faith more broadly, to live out their beliefs in contemporary American society. More specifically, forcing religious wedding vendors to violate their consciences by participating in certain wedding ceremonies under the threat of very significant state sanctions will lead to societal conflict that could otherwise be avoided.

The National Legal Foundation (NLF) is a public interest law firm dedicated to the defense of First Amendment liberties and the restoration of the moral and religious foundation on which America was built. The NLF and its donors and supporters, including those in Virginia, seek to ensure that those with a religiously based view of marriage continue to be free to express those views without being compelled to express the opposite view by state-enforced association with those holding that opposite view.

SUMMARY OF ARGUMENT

The central fact of this case is that a marriage ceremony is a communal, expressive event. Thus, this case is principally about what the brides or grooms (and the State) are communicating when they get married. It is about the marriage *event*, and the message that event publishes to the community. Thus, the question of whether the Virginia Values Act ("VVA") violates the *vendor's* free speech and free exercise rights is inextricably bound up with another aspect of VVA, the consideration of which is required for the resolution of this case: the State is

[1] Pursuant to Federal Rule of App. Proc. 37(a)(2), all parties have consented to the filing. No counsel for any party authored this *amici* brief in whole or in part and no person or entity other than *amici* made a monetary contribution to its preparation or submission.

compelling the vendor to associate with, and facilitate, the *message* of his *customers* that the vendor finds offensive.

Does a law prohibiting religious discrimination require a Jewish restauranteur to cater a Muslim gala with the announced purpose of fundraising for those fighting for the abolition of the State of Israel? It does not, because the restauranteur objects, not to Muslims per se, but to their message of the gala, a message with which he does not want to associate or facilitate.

So it is here. Vendors may be engaged in doing something artistic like arranging flowers, decorating cakes, or photographing the wedding, as is Bob Updegrove here. Other vendors may be involved in something menial by comparison like providing rental tables and chairs. While those engaged in artistic endeavors will also have their free speech and free exercise rights violated by VVA, *all* vendors, artistic and non-artistic, including the photographer here, will have their associational rights violated whenever the vendor has a sincere objection to supporting the message being communicated by the *recipient* of the services. No vendor may be compelled to join that assembly and associate with that message. The most relevant speech in this case is that proclaimed from the altar by the wedding participants (and the State) that a same-sex marriage is a type of marriage that should be celebrated and approved. Those who disagree with that message, especially if they disagree from a religious perspective like the photographer here, may not constitutionally be compelled to assemble for the purpose of joining or facilitating that message or face being punished for refusing to do so.

ARGUMENT

The photographer in this case is a Christian whose faith shapes everything he does. Complaint, ¶¶ 31-32. He believes that God equips people with creative gifts to create art that reflects God's beauty, artistry, and truth, and that he has been so equipped. *Id.* ¶¶ 35-36. He wants to honor God in how he interacts with others, including being honest with them. *Id.* ¶¶ 41-

42. Bob Updegrove believes that God designed marriage to be a lifelong union between one man and one woman and that this design is God's gift for people of all faiths, races, and backgrounds. *Id.* ¶ 43. He desires to only celebrate and photograph marriages that are consistent with his belief "in order to promote God's design for marriage as a beautiful and sacrificial relationship." *Id.* ¶ 44. He purposely does not accept work that celebrates sacrilegious ideas, "because Bob believes that all wedding ceremonies are inherently religious events that solemnize and initiate a sacred institution created by God." *Id.* ¶ 105. He "cannot provide photography services for same-sex, polygamous, or open-marriage engagements or weddings because photographing about these events would force Bob to participate in ceremonies that violate his religious beliefs." *Id.* ¶ 117. If he receives a request for his services that he cannot fulfill because of his beliefs, he tries to refer the request to another photographer. *Id.* ¶ 122. He is a highly skilled artist who seeks to give glory to God in his work *Id.* ¶¶ 46-70, 92-93.

Mr. Updegrove is willing to photograph gays individually, create event photography for businesses owned by LGBT individuals, and photograph weddings between a man and woman when a gay parent is paying for the wedding. *Id.* ¶¶ 125-26. He does not object to serving members of the gay community, including weddings in which one of the two is gay, "so long as the couple intends the marriage to be a lifelong union between one man and one woman."[2] *Id.* ¶ 127. Rather, he objects to associating with and facilitating a same-sex marriage ceremony between two men or two women and the message the ceremony conveys. His objection is based on sincerely held religious convictions that it would be ethically wrong for him to associate with and to help foster such a ceremony and its particular message.

[2] According to research cited by Plaintiff, about 13% of adults who identify as LGBT are married to members of the opposite sex. See *id.* ¶ 128.

I. The Wedding Participants, and the State, Are Communicating a Message in the Same-Sex Marriage Ceremony

Everyone who has been married knows the myriad choices a couple to be married must make: Where will the wedding be held – a church, city hall, reception hall, wayside chapel in Las Vegas, or outside flower garden? Who will officiate – a minister, priest, a judge, or someone else licensed to marry someone? Whom will be invited and what saying, if any, will be on the cake? Will the wedding include communion/mass and will the officiant (minister or priest or judge?) give a homily, and, if so, what will he or she say? Before all these questions are those related to the couple itself, including their genders – are they one man and one woman, two men, or two women? Each choice reveals something about the couple. As stated well by the Ninth Circuit,

> The core of a wedding ceremony's 'particularized message' is easy to discern, even if the message varies from one wedding to another. Wedding ceremonies convey important messages about the couple, their beliefs, and their relationship to each other and to their community. . . . The core of the message in a wedding is a celebration of marriage and the uniting of two people in a committed long-term relationship.

Kaahuumanu v. Hawaii, 682 F.3d 789, 799 (9th Cir. 2012).

Same-sex weddings have another important expressive component. As noted by the Seventh Circuit, "Marriage confers respectability on a sexual relationship." *Baskin v. Bogan*, 766 F.3d 648, 658 (7th Cir. 2014). Accordingly, by engaging in a marriage ceremony, both the same-sex wedding participants and the State are broadcasting a clear message that same-sex couples are entitled to engage in such unions with the State's full blessing.

As this Court recounted in the various opinions in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), whether same-sex marriage is a legitimate form of marriage is an issue that deeply divides the citizens of this country. A same-sex marriage ceremony is divisive precisely because

it "makes a statement," just as the denial of the right to marry by same-sex couples communicated the message that such marriages were illegitimate. As the majority noted in *Obergefell,* without being able to marry with the imprimatur of the State, "[a] truthful declaration by same-sex couples of what was in their hearts had to remain unspoken." *Id.* at 2596. Moreover, same-sex couples were "burdened in their rights to associate." *Id.* Conversely, permitting same-sex couples to marry allows them to proclaim that their relationship is "sacred," at least by their own definition, *id.* at 2599, and to associate to the same extent as heterosexual couples.

That the State is also communicating its own message by prohibiting or sanctioning a same-sex marriage ceremony was also emphasized by this Court in *Obergefell,* as well as in *United States v. Windsor,* 133 S. Ct. 2675 (2013). Stated negatively, the Supreme Court held that, when the Federal Government only recognized heterosexual marriages, it "impermissibly disparaged those same-sex couples 'who wanted to affirm their commitment to one another before their children, their family, their friends, and their community.'" *Obergefell,* 135 S. Ct. at 2597 (quoting *Windsor,* 133 S. Ct. at 2689). Stated positively, the Court recognized that, during a marriage ceremony, "just as a couple vows to support each other, so does society pledge to support the couple, offering symbolic recognition and material benefits to protect and nourish the union." *Id.* at 2601. "The right to marry [with legal sanction] thus dignifies couples who 'wish to define themselves by their commitment to each other.'" *Id.* at 2600 (quoting *Windsor,* 133 S. Ct. at 2689). Simply put, the Court recognized that the marriage ceremony is both an individual and a societal statement most fundamental.

II. The Vendor Has a Sincere Objection to the Message of the Wedding Ceremony.

The Court in *Obergefell* also recognized that many in our country do not agree with these messages that same-sex marriage is either morally permissible or good social policy. This Court

noted, "Marriage, in their view, is by its nature a gender-differentiated union of man and woman. This view long has been held -- and continues to be held -- in good faith by reasonable and sincere people here and throughout the world." *Id.* at 2594. And, again, the *Obergefell* majority observed, "Many who deem same-sex marriage to be wrong reach that conclusion based on decent and honorable religious or philosophical premises, and neither they nor their beliefs are disparaged here." *Id.* at 2602.

It is evident from the Complaint that the photographer is one of those who sincerely believes that same-sex marriage is wrong and that, by facilitating such a ceremony, he would associate with and express by his actions his support of it, contrary to his convictions. *See Thomas v. Review Bd. of Ind. Emp't Sec. Div.,* 450 U.S. 707, 714 (1981) (holding that a court may not judge the reasonableness of a sincere religious belief). He comes to that belief "based on decent and honorable religious or philosophical premises." *Obergefell*, 135 S. Ct. at 2602. Whether the Commonwealth of Virginia can constitutionally punish the photographer for his religious beliefs and the conduct arising from those beliefs is the question presented on these facts.

III. The Vendor Is Not Discriminating on the Basis of "Sexual Orientation."

The Complaint is clear in this case that the photographer does not discriminate against same-sex wedding participants because of their sexual orientation. He is quite willing to serve them, despite being aware of their sexual orientation, in a non-marriage context. The photographer has no objection to serving members of the gay community, but only to participate in a same-sex marriage ceremony. Such participation by assisting the ceremony with his services, just like the State's licensing, would send a message to others of acceptance and approval, "offering symbolic recognition and material benefits to protect and nourish the union."

Id. at 2601. And it does that in a way that is not present in the mere exchange of goods and services disassociated from the ceremonial event.

This would be similar to an African-American restauranteur serving Caucasians regularly in his restaurant, but refusing to cater their Ku Klux Klan banquet. In this situation, the refusal is tied not to the race of the customer, but to the message that will be communicated at the event. It is not a rejection of all Caucasians, but a refusal to become associated with or to facilitate a racist ideology.

The same is true here. The photographer only refuses to participate in the message communicated during the same-sex marriage. He does not refuse service on the basis of sexual orientation, but on the basis of the desire (indeed, the ethical imperative in his case) not to become associated with, or to assist in communicating, a message with which he disagrees and that would, in his view, directly indicate his support for that message. In this respect, the ruling in *Hurley v. Irish-American Gay, Lesbian and Bisexual Group*, 515 U.S. 557 (1995), controls. There, the Court held that, when parade organizers refused to let LGBT individuals march with them, it was not because they wished "to exclude the GLIB members because of their sexual orientations, but because they wanted to march behind a GLIB banner," expressing an unwanted message at the event. *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 653 (2000) (summarizing and quoting *Hurley*, 515 U.S. at 574-75). The same is true here: the photographer refuses to service the same-sex marriage not because the couple is gay, but because of the message the marriage communicates.

IV. Non-discrimination Laws Used in This Way Unconstitutionally Compel Speech and Assembly by Forcing the Vendor to Associate with and Facilitate the Ceremony's Message or Punishing the Refusal to Do So.

Even assuming that it violated the non-discrimination laws for a black restauranteur to

refuse to cater a Ku Klux Klan banquet or a white one to refuse to cater a Black Muslim gala, the restauranteurs would have a valid defense to being punished for their refusals. That is because they would be exercising their own constitutional rights not to associate with or to facilitate racist messages. By requiring such association and facilitation on pain of monetary damages, the State would unconstitutionally compel speech and assembly. The same is true here for this photographer. *See Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.,* 570 U.S. 205 (2013) (holding that conditioning a grant on compelled speech is unconstitutional).

The Court in *Obergefell* took pains to explain that it understood the very situation in which this photographer finds himself and that, by ruling that States could not deny gay couples a marriage license, it did not intend to infringe on the First Amendment rights of those who would object for religious or other sincere reasons:

> Finally, it must be emphasized that religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned. The First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered. The same is true of those who oppose same-sex marriage for other reasons.

135 S. Ct. at 2607. Like the liberty interest to define one's own identity that the Court found controlling in *Obergefell, id.* at 2593, 2599, individuals have a liberty interest, founded both in the First and Fourteenth Amendments, not to be compelled to propagate or advocate a message they find ethically objectionable. "The First Amendment protects the right of individuals to hold a point of view different from the majority and to refuse to foster … an idea they find morally objectionable." *Wooley v. Maynard,* 430 U.S. 705, 715 (1977). The photographer here could service the same-sex marriage ceremony "only at the price of evident hypocrisy." *All. for Open Soc'y,* 570 U.S. 205.

Laws "that compel speakers to utter or distribute speech bearing a particular message are subject to the same rigorous scrutiny" as those "that suppress, disadvantage, or impose differential burdens upon speech because of its content." *Turner Broad. Sys., Inc. v. FCC,* 512 U.S. 624, 642 (1994). Indeed, "[t]he government may not prohibit the dissemination of ideas that it disfavors, nor compel the endorsement of ideas that it approves …. The First Amendment protects 'the decision of both what to say and what not to say.'" *Knox v. Serv. Employees Int'l Union, Local 1000,* 567 U.S. 298, 309 (2012) (quoting *Riley v. Nat'l Fed. of the Blind of N.C., Inc.,* 487 U.S. 781, 797 (1988)).

The freedom of assembly, although a free-standing right, is a close cousin of the freedom of speech. Quite commonly, individuals exercise their freedom of speech by gathering in groups. Conversely, by restricting the access of individuals to each other, their rights to free speech can be restricted or eliminated altogether. The two rights, then, often do their essential work in tandem. *See NAACP v. Ala.,* 357 U.S. 449, 460 (1958) ("this Court has more than once recognized … the close nexus between the freedoms of speech and assembly"); *Thomas v. Collins,* 323 U.S. 516 (1945) (noting that rights of the speaker and audience are "necessarily correlative"); *De Jonge v. Oregon,* 299 U.S. 353, 364 (1937) ("the right of peaceable assembly is a right cognate to those of free speech and free press and is equally fundamental"); *Whitney v. Cal.,* 274 U.S. 357, 375 (1927) (Brandeis, J., concurring in the result) ("without free speech and assembly discussion would be futile"), *majority opinion overruled on other grounds, Brandenburg v. Ohio,* 395 U.S. 444 (1969). Furthermore, the right of association is also implicated in the outworking of these rights: "The established elements of speech, assembly, association, and petition, 'though not identical, are inseparable.'" *NAACP. v. Claiborne Hardware Co.,* 458 U.S. 886, 911 (1982) (quoting *Thomas v. Collins,* 323 U.S. 516, 530 (1945)).

In its celebrated decision in *West Virginia Board of Education v. Barnette,* 319 U.S. 624 (1943), the Supreme Court illustrated this conjoining of the rights of speech and assembly. State law required assembled school children to participate in a ceremony upon pain of expulsion and other punishment, the ceremony being the salute of the nation's flag during the pledge of allegiance. This Court first noted that such ceremonies involve speech:

> There is no doubt that, in connection with the pledges, the flag salute is a form of utterance. Symbolism is a primitive but effective way of communicating ideas. . . . A person gets from a symbol the meaning he puts into it, and what is one man's comfort and inspiration is another's jest and scorn.

Id. at 632-33; *see also Tinker v. Des Moines Ind. Community Sch. Dist.,* 393 U.S. 503, 505-06 (1969) (holding that armband was symbolic speech the government could not prohibit).

The *Barnette* Court then observed that the First Amendment covers compelled speech as well as voluntary speech: "To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind, left it open to public authorities to compel him to utter what is not in his mind." 319 U.S. at 634. The Court then found this compelled speech and assembly unconstitutional, in ringing prose:

> One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections. . . . [F]reedoms of speech and of press, of assembly, and of worship … are susceptible of restriction only to prevent grave and immediate danger to interests which the State may lawfully protect.
>
> . . . .
>
> There is no mysticism in the American concept of the State or of the nature or origin of its authority. We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority.
>
> . . . .

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

Id. at 638-39, 641- 42.

Barnette controls here. The Commonwealth, through its non-discrimination laws, is trying to force an individual with religious objections to facilitate and support a ceremony with great symbolic significance. Just as the school children objected to assembling with those saluting the flag, the photographer objects to being associated with a marriage he considers improper because it implies his consent to, and approval of, the message of the event. The First Amendment freedoms of speech and assembly "deny those in power any legal opportunity to coerce that consent." *Id.* at 641. No officials may "force citizens to confess by word or act" the "orthodox" position in "religion[ ] or other matters of opinion." *Id.* at 642.

This case provides an appropriate counterpoint to *Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*, 547 U.S. 47 (2006) ("*FAIR*"). The law schools claimed that they were being unconstitutionally compelled to associate with speech with which they disagreed by the federal law that linked grants to allowing the military to recruit along with multiple other organizations and firms on campus. In that circumstance, there was no valid compelled speech and association claim because the forum was an open one in which many with different viewpoints came to speak and no one could validly claim that a law school was approving of or fostering all the different viewpoints simultaneously, rather than just providing a forum for the speech of others, leaving the law schools free to articulate their views in the same forum. *Id.* at 65 ("Nothing about recruiting suggests that law schools agree with any speech by recruiters, and nothing in the Solomon Amendment restricts what the law schools may say about the military's

policies."). Similarly, in *PruneYard Shopping Center v. Robins*, 447 U.S. 74 (1980), the Court upheld a state law requiring a shopping center owner to allow certain expressive activities by others on its property, but only because there was little likelihood that the views of those engaging in the expressive activities would be identified with the owner, who remained free to disassociate himself from those views and who was "not . . . being compelled to affirm [a] belief in any governmentally prescribed position or view." *Id.* at 88.

A wedding is not an open forum where different views can appropriately be expressed, as in *FAIR* and *PruneYard.* All who participate presumably do so to communicate their approval of the wedding's overriding message. Moreover, unlike in *FAIR*, here the photographer is trying to *avoid* having a message attributed to him and from affirming the event's overriding message, rather than attempting to force his attendance when it is being resisted, as the Government was doing via the Solomon Amendment. Compelling the photographer to facilitate the wedding celebration concerning which he has religious scruples is personal, focused, compelled speech. It is unconstitutional. *See Wooley,* 430 U.S. at 717 (1977) (holding State could not require Jehovah's Witness adherent to communicate a motto concerning which he had religious scruples).

A helpful analogy is found in the rule that a fair share "of mandatory union dues cannot include those that support political causes to which the nonunion employee objects without violating the employee's constitutional rights of assembly, association, and speech. A union cannot, "consistently with the Constitution, collect from dissenting employees any sums for the support of ideological causes not germane to its duties as collective-bargaining agent." *Ellis v. Railway Clerks,* 466 U.S. 435, 447 (1984); *accord Janus v. Am. Fed. of State, Co., and Mun. E'ees*, 138 S. Ct. 2448 (2018). The Supreme Court has "recognized that requiring non-union

employees to support their collective-bargaining representative 'has an impact upon their First Amendment interests,' and may well 'interfere in some way with an employee's freedom to associate for the advancement of ideas, or to refrain from doing so, as he sees fit ….'" *Chicago Teachers Union, Local No. 1 v. Hudson,* 475 U.S. 292, 301 (1986) (quoting ***Abood,* 431 U.S. at 222). Similarly here, the government cannot penalize an individual for refusing to service and associate with an event when the vendor has a religious objection to the message the event communicates.

CONCLUSION

A Muslim merchant cannot constitutionally be punished for racial discrimination for his refusal to service a State of Israel fundraiser. Nor can this photographer properly be compelled to associate with and foster a wedding ceremony he finds morally objectionable. Nor can he be penalized constitutionally for refusing to do so. This court should grant the relief sought by Plaintiff Bob Updegrove.

Respectfully submitted,

THE FAMILY FOUNDATION and
NATIONAL LEGAL FOUNDATION

By: __/s/ James A. Davids_____

Dated: December 14, 2020

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Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2020, the foregoing Brief of *Amicus Curiae* The Family Foundation and the National Legal Foundation in Support of Plaintiffs was filed using the Court's CM/ECF system, through which counsel for all parties will be served.

/s/James A. Davids_____

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Robert Updegrove, et al., Plaintiffs

vs. Civil/Criminal Action No.1:20-cv-01141

Mark R. Herring, et al., Defendants

FINANCIAL INTEREST DISCLOSURE STATEMENT

Pursuant to Local Rule 7.1 of the Eastern District of Virginia and to enable Judges and Magistrate Judges to evaluate possible disqualification or recusal, the undersigned counsel for

_____

in the above captioned action, certifies that the following are parents, trusts, subsidiaries and/or affiliates of said party that have issued shares or debt securities to the public or own more than ten percent of the stock of the following:

_____

_____

Or
Pursuant to Local Rule 7.1 of the Eastern District of Virginia and to enable Judges and Magistrate Judges to evaluate possible disqualification or recusal, the undersigned counsel for

_____

in the above captioned action, certifies that the following are parties in the partnerships, general or limited, or owners or members of non-publicly traded entities such as LLCs or other closely held entities:

_____

_____

Or
Pursuant to Local Rule 7.1 of the Eastern District of Virginia and to enable Judges and Magistrate Judges to evaluate possible disqualifications or recusal, the undersigned counsel for *Amici Curiae* The Family Foundation and the National Legal Foundation _____ in the above captioned action, certifies that there are no parents, trusts, subsidiaries and/or affiliates of said party that have issued shares or debt securities to the public.

_December 14, 2020_____
Date

__/s/James A. Davids_____
Signature of Attorney or Litigant
Counsel for Amici Curiae *Amici Curiae*
The Family Foundation and the National Legal Foundation

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Robert Updegrove, and Loudoun Multi-Images LLC d/b/a Bob Updegrove Photography, Plaintiffs, v. Mark R. Herring, in his official capacity as Virginia Attorney General; and R. Thomas Payne, II, in his official capacity as Director of the Virginia Division of Human Rights and Fair Housing, Defendants.	)	Case No. 1:20-cv-01141-CMH-JFA

ORDER

On consideration of the Consent Motion by The Family Foundation and the National Legal Foundation for Leave to File Brief as *Amici Curiae* in Support of Plaintiffs, and the Court finding good cause to grant the motion, and there being no opposition by the parties to granting the motion, it is hereby ORDERED:

1. The Motion is GRANTED.

2. The proposed brief submitted simultaneously with the Motion shall be filed in this action upon entry of this Order.

SO ORDERED this ___ day of _____, 2020.

_____
HONORABLE CLAUDE M. HILTON