

EXHIBIT 4
REDACTED



Project Title: Replacement Designee for the Unaccompanied Refugee Minor Program and Refugee School Impact Grant in Texas

Applicant: United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS)

Address: 3211 4th Street NE Washington, D.C. 20017-1194

Contact: Kristyn Peck, Associate Director of Children's Services, USCCB/MRS

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Abstract

The United States Conference of Catholic Bishops' department of Migration and Refugee Services (USCCB/MRS) has partnered with the U.S. Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR) and the U.S. Department of State's Bureau of Population, Refugees, and Migration (DOS/PRM) since the late 1970s to place unaccompanied refugee children in its network of community-based foster care programs, known as the URM (Unaccompanied Refugee Minor) program. The URM program has been the only program in the United States offering unique expertise in providing foster care to unaccompanied minors who are in the custody of the State or local entities yet with adapted services to meet the special needs of the foreign-born child with forced migration experiences. Through this same network, USCCB/MRS has partnered with HHS/ORR since 2003 to provide a continuum of residential services on a short and long-term basis for unaccompanied children who are in federal custody. Prior to 2003, USCCB/MRS worked with the former Immigration and Naturalization Service to provide community-based foster care for children in immigration proceedings. USCCB/MRS, through the Bridging Refugee Youth and Children's Services (BRYCS) Program, was also the national technical assistance provider for all Refugee School Impact Grant (RSIG) programs from 2009-2011. BRYCS continues to conduct outreach and provide technical assistance (TA) to these grantees as 20 percent of all incoming requests are school-related.

In response to the urgent need for an entity to take over the administration of the URM programs and the RSIG following the withdrawal of the State of Texas from administration of HHS/ORR-funded refugee programs on January 31, 2017, USCCB/MRS proposes to serve as the "Replacement Designee" for the URM program and RSIG in the State of Texas.

USCCB/MRS provides the components of a nationally administered program to ensure timely and quality services in compliance with funder requirements. Services provided through USCCB/MRS and its sub-recipients will comply with applicable State and HHS/ORR URM regulations for children in out-of-home care. In particular, USCCB/MRS will ensure parity in services to youth in this program that are

provided to children in state foster care through close cooperation and advance consultation with the state child welfare entities. In addition, USCCB/MRS must ensure that services provided under this application are not contrary to the authentic teaching of the Catholic Church, its moral convictions, or religious beliefs. In instances where a client's needs or circumstances may require services, including referrals, that USCCB/MRS cannot provide due to its religious convictions, USCCB/MRS will notify HHS/ORR. HHS/ORR will assume responsibility to ensure the client's needs are met.

USCCB/MRS has placed unaccompanied refugee minors with the two agencies in Texas that have URM Programs-- Catholic Charities of Fort Worth since 2009 and Catholic Charities of Galveston-Houston since 2003-- and would sub-grant directly with these two programs to ensure seamless delivery of services to unaccompanied refugee minors.

USCCB/MRS also proposes to provide services for school-age refugee children and their families that will promote the effective integration and education of this population in areas of the state that have a significant number of refugee school-age children enrolled in the school systems. Services will focus on refugee students between the ages of 5-18 that have been in the country for one year or less. Services will also be directed to refugee students who have been in the United States three years or less and continue to face persistent challenges in school. All services are inclusive of all refugee eligible students, including lesbian, gay, bisexual, and transgender (LGBT) populations. As the "Replacement Designee" for RSIG in Texas, USCCB/MRS will enter into Memorandums of Understanding (MOUs) with the agencies and school districts who anticipated participating in RSIG in FY 2017: Houston Independent School District (ISD), Catholic Charities Diocese of Ft. Worth, Catholic Charities of the Archdiocese of San Antonio, Austin ISD, and the Dallas ISD.

Organizational Capacity

The mission of USCCB/MRS is to carry out the commitment of the U.S. Catholic bishops to serve and advocate for immigrants, refugees, migrants, and people on the move. The Vision Statement of

USCCB/MRS is “*Creating a world where immigrants, refugees, migrants, and people on the move are treated with dignity, respect, welcome and belonging.*” USCCB/MRS is one of only two agencies authorized by the U.S. Department of State to resettle unaccompanied refugee minors. USCCB/MRS partners with the largest national network of Catholic social service agencies, which consists of more than 1,400 local organizations in every state and the U.S. territories. For more than 35 years, USCCB/MRS has provided services to thousands of unaccompanied foreign-born children through specialized and culturally appropriate licensed child welfare programs nationwide. In its role with its URM program network, USCCB/MRS provides national placement coordination to ensure quality placement matches of eligible children; capacity development of the network through coordination of peer exchanges, monthly webinars, and training; systems advocacy and coordination; and research and evaluation. USCCB/MRS also stays abreast of trends in migration flows and patterns, arrivals of unaccompanied alien children, numbers of unaccompanied refugee minors in the resettlement pipeline, and service needs of arriving children. USCCB/MRS incorporates this information in its strategic plan for the foster care unit to ensure that it is developing the expertise of its network to meet the emerging needs of newly referred children, that it is developing the capacity of its network to place all referred children, and that it is helping the network diversify placement options to ensure the best placement match.

USCCB/MRS placed 670 unaccompanied children in the URM program (both children referred by the Department of State as unaccompanied refugee minors and unaccompanied children who were in HHS/ORR custody that had no family reunification options and became eligible for the URM program as a survivor of human trafficking or legal relief through the T visa, U visa, Special Immigrant Juvenile Status (SIJS), or asylum) from January 1, 2013 – August 31, 2016.

In 2002, USCCB/MRS began working with foreign-born victims of human trafficking, including children. In 2006, USCCB/MRS was awarded the sole contract from HHS/ORR for the provision of services to pre-certified and certified victims of trafficking nationwide. The USCCB/MRS Anti-Trafficking Program

continues to provide technical assistance and training nationally and internationally, and its knowledge and expertise is an asset to the USCCB/MRS residential services network.

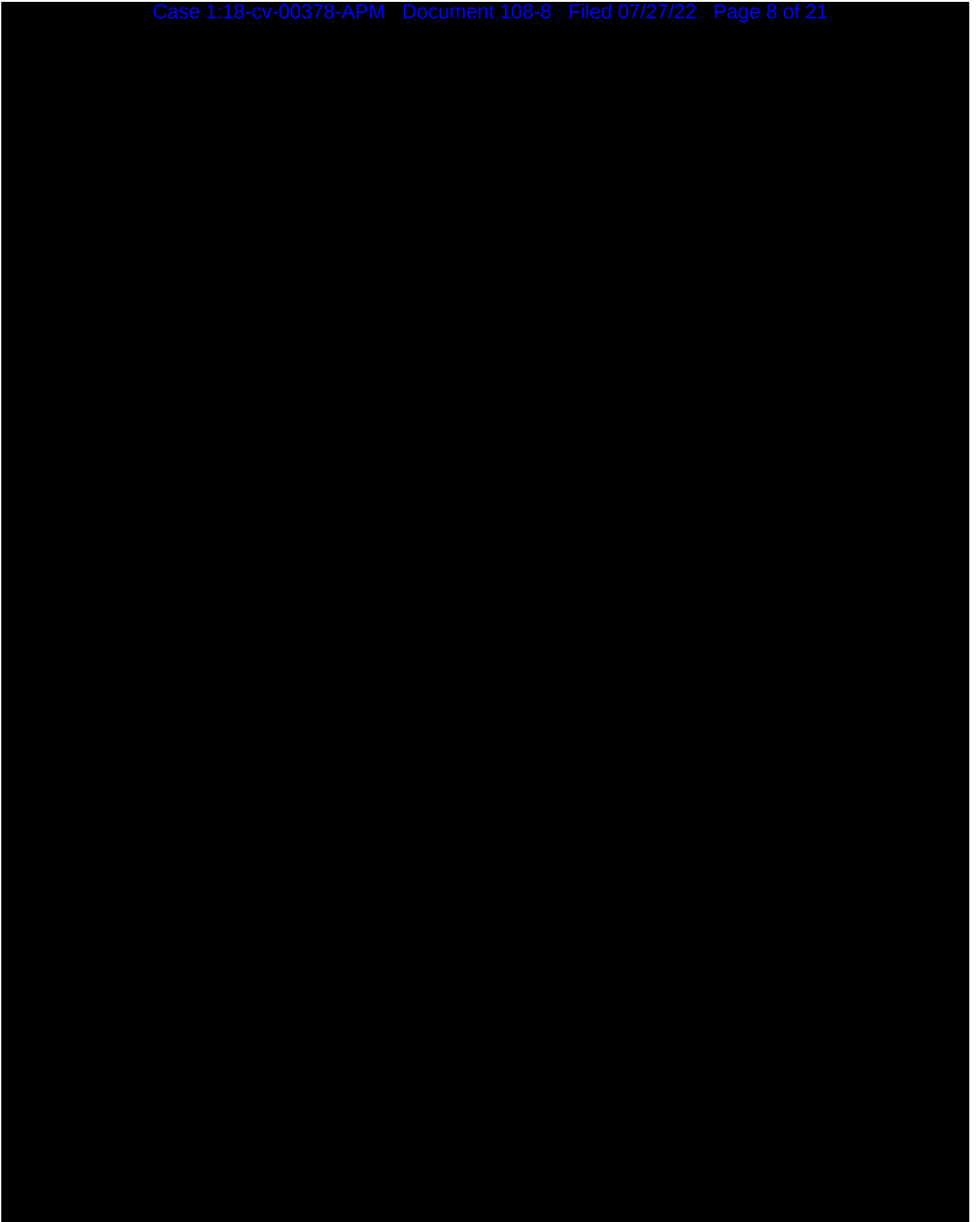
BRYCS, operational since 2001, has the nation's largest searchable online clearinghouse of resources related to refugee and immigrant children and families. With more than one million downloads annually, the BRYCS information hub increases staff knowledge, builds long-term capacity, promotes collaboration at the local, state, and national levels, and ultimately raises awareness about newcomer populations and migration issues. BRYCS documents new Promising Practices that are successfully meeting the needs of unaccompanied children and trafficking victims, and generates highlighted resource lists, monthly newsletters, and social media campaigns.

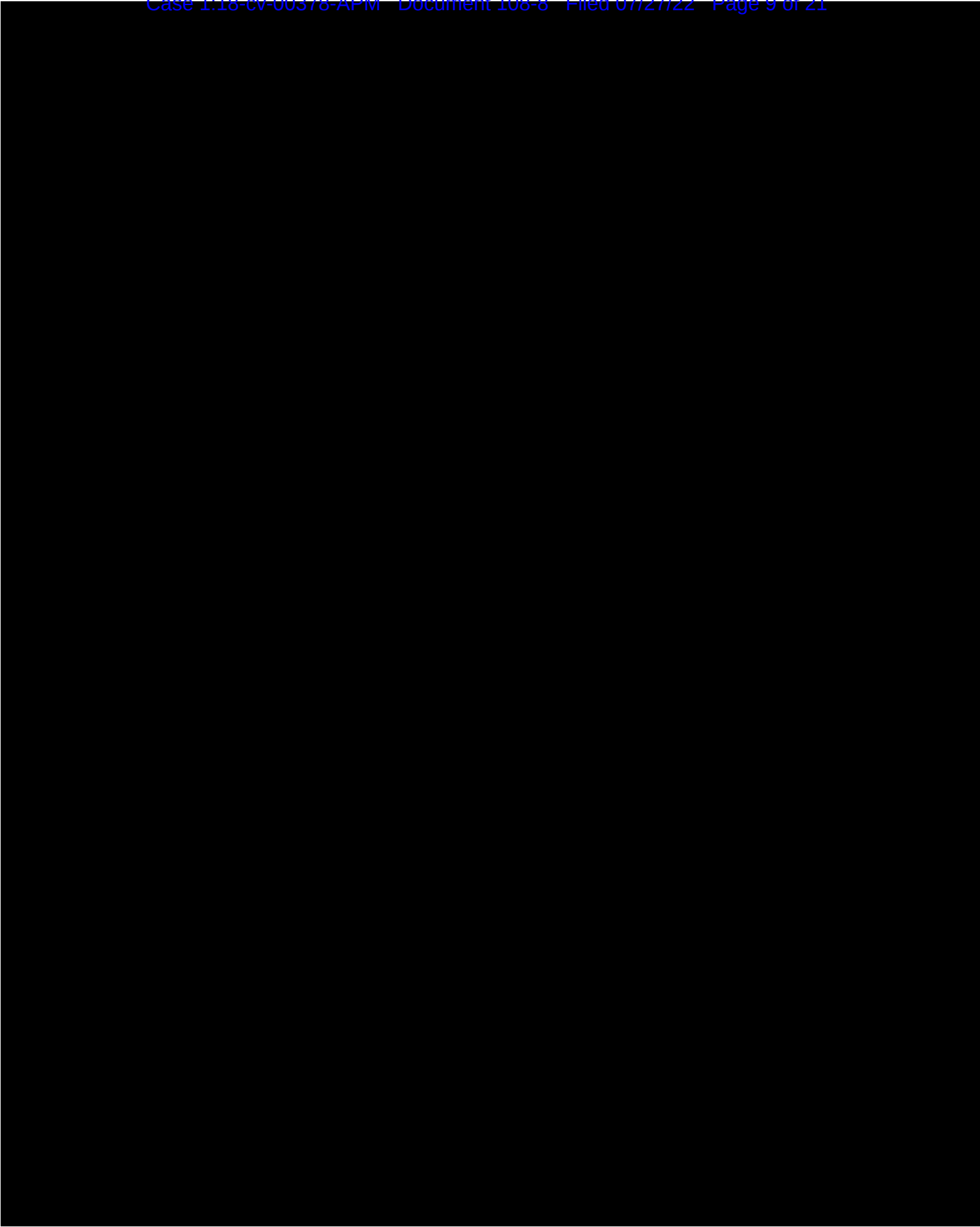
Due to its expertise in child welfare, migration, and community-based care for foreign-born children, USCCB/MRS was invited in 2013 by the Council on Accreditation (COA) to become a supporting organization. COA holds agencies to higher standards of services and quality assurance measures, including regular case file reviews. USCCB/MRS assisted COA with the development of accrediting standards for immigrant children in care.

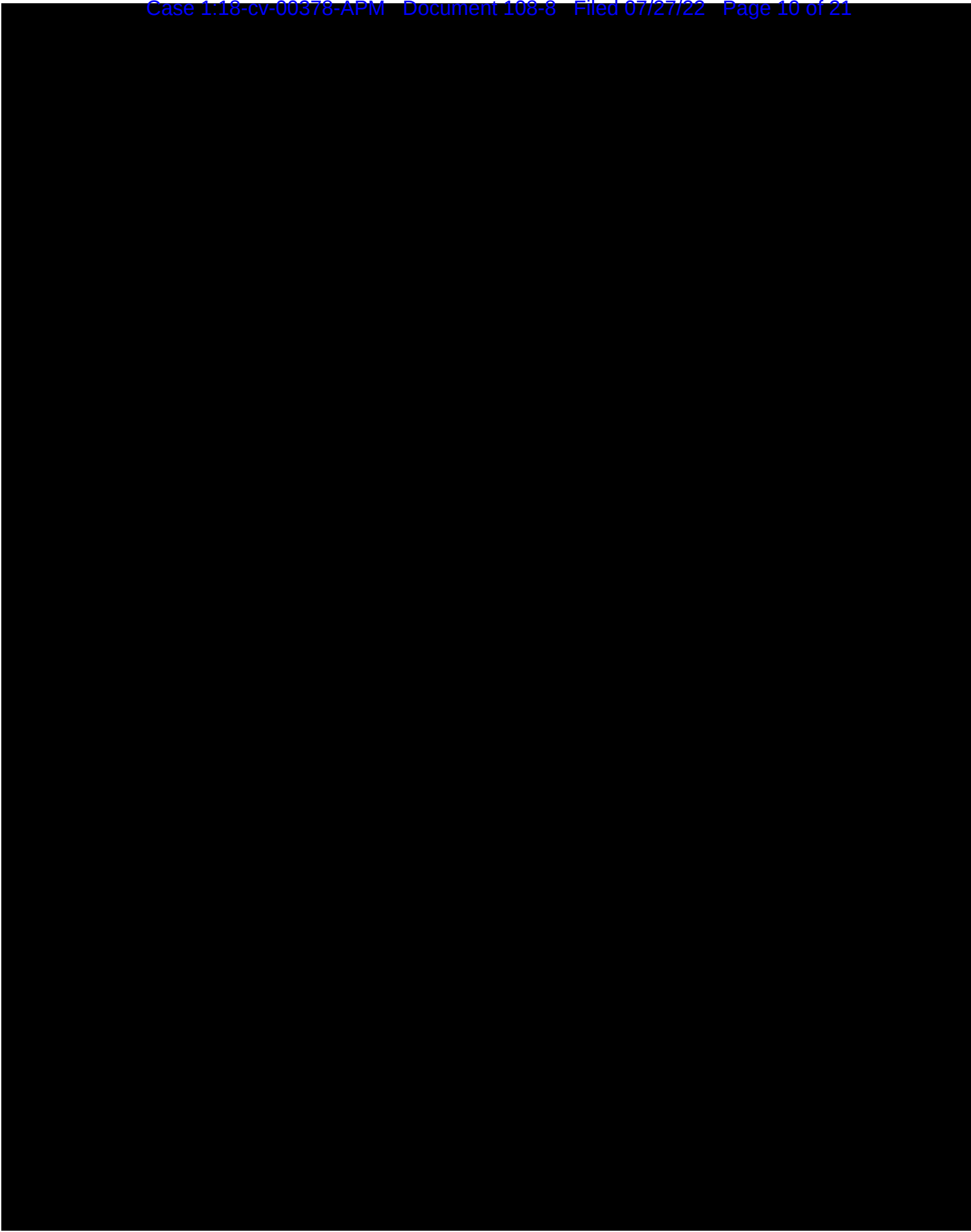
URM Administration

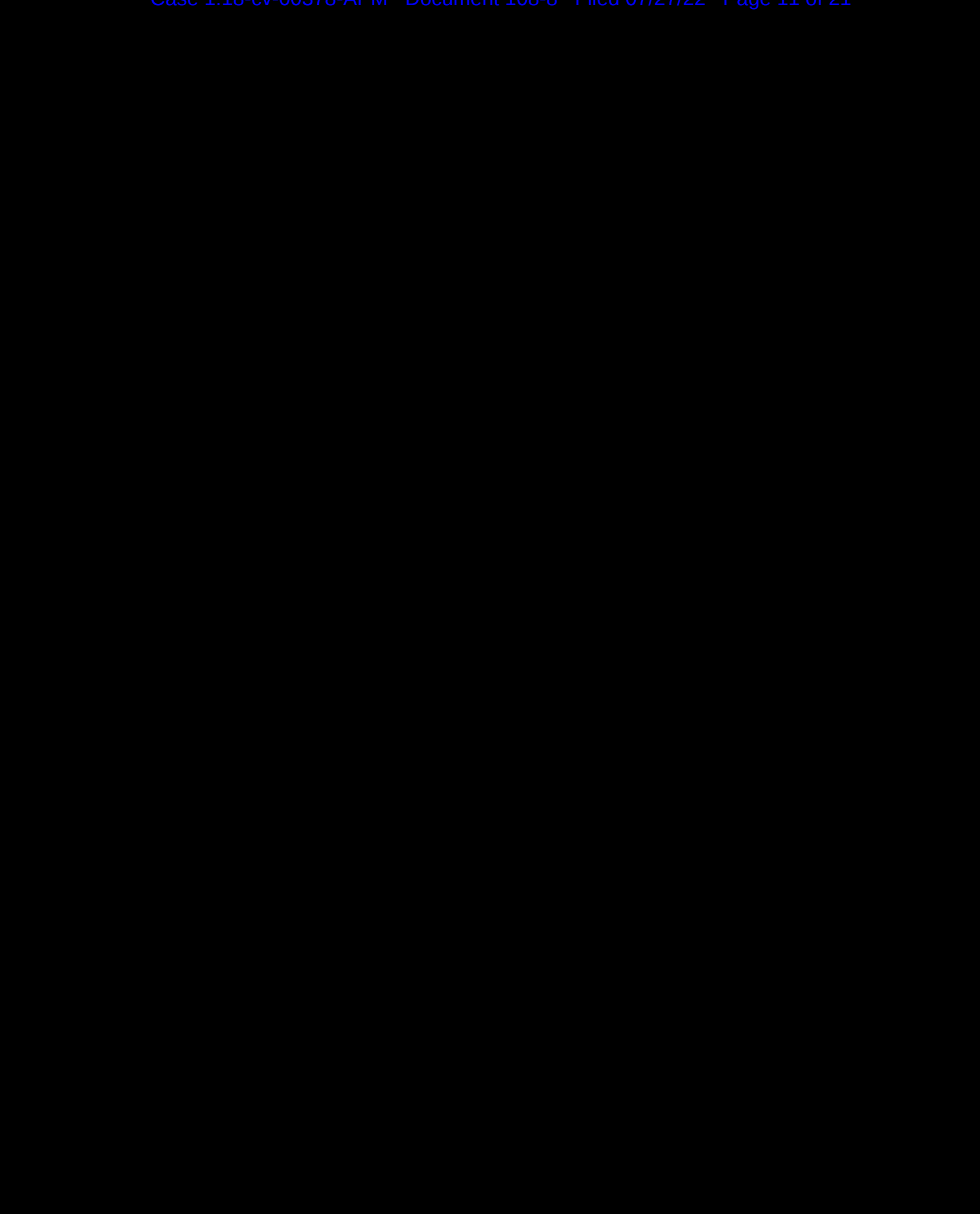
Administrative Structure and Oversight

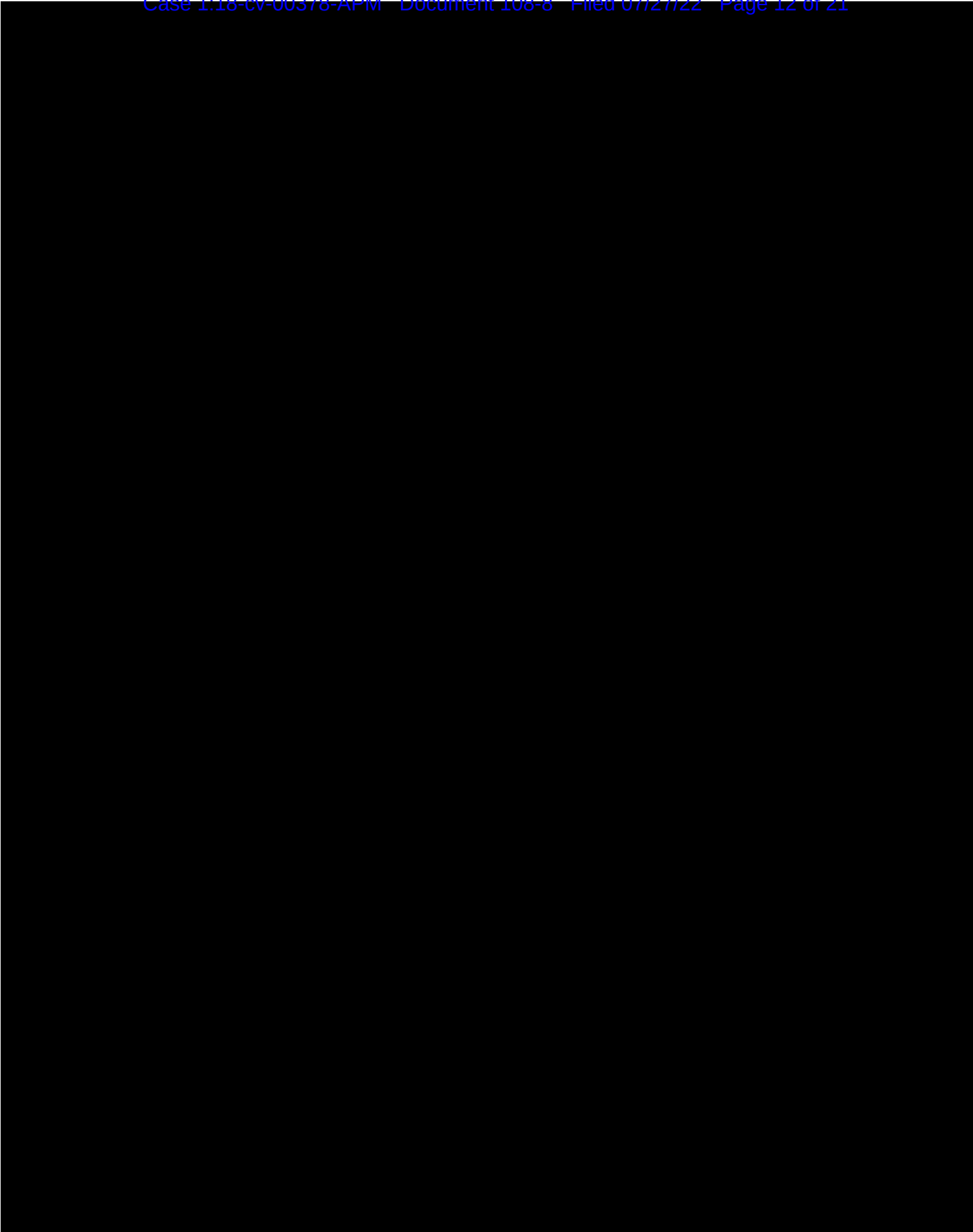
USCCB/MRS will be the Unaccompanied Refugee Minors Replacement Designee (URD) in Texas. As the URD, USCCB/MRS assumes responsibility for all aspects of the URM Program, including acting as the fiduciary agent and program reporting. USCCB/MRS plans to provide services to all URM-eligible populations through sub-recipient arrangements with Catholic Charities of Galveston-Houston and Catholic Charities of Fort Worth. Sub-recipient agreements will require Catholic Charities of Houston and Fort Worth to assume legal responsibility for the children assigned to their respective agencies and to provide the full range of assistance, care, and services to which these children are entitled, ensuring that they are not contrary to the authentic teaching of the Catholic Church, its moral convictions, or religious beliefs. In

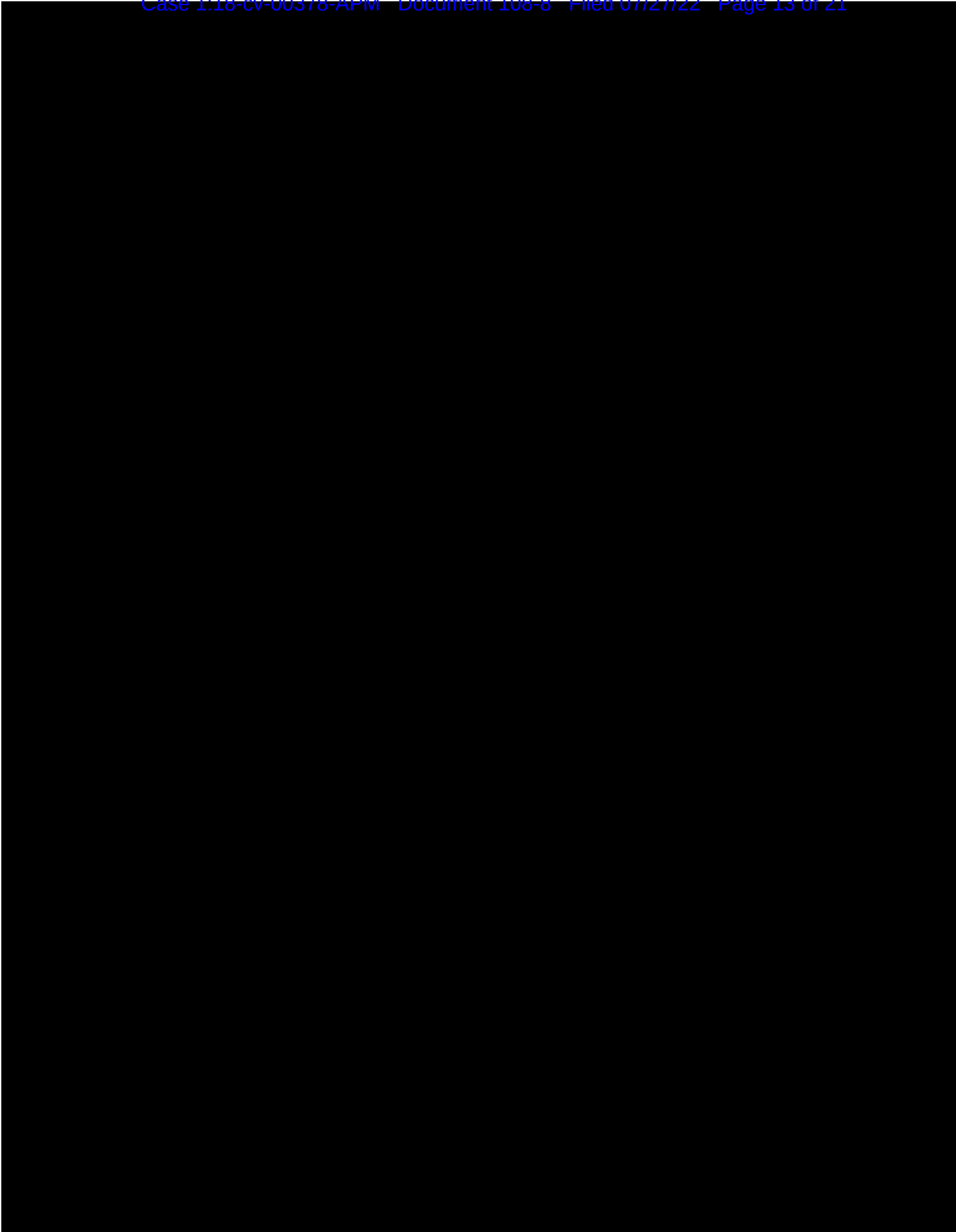


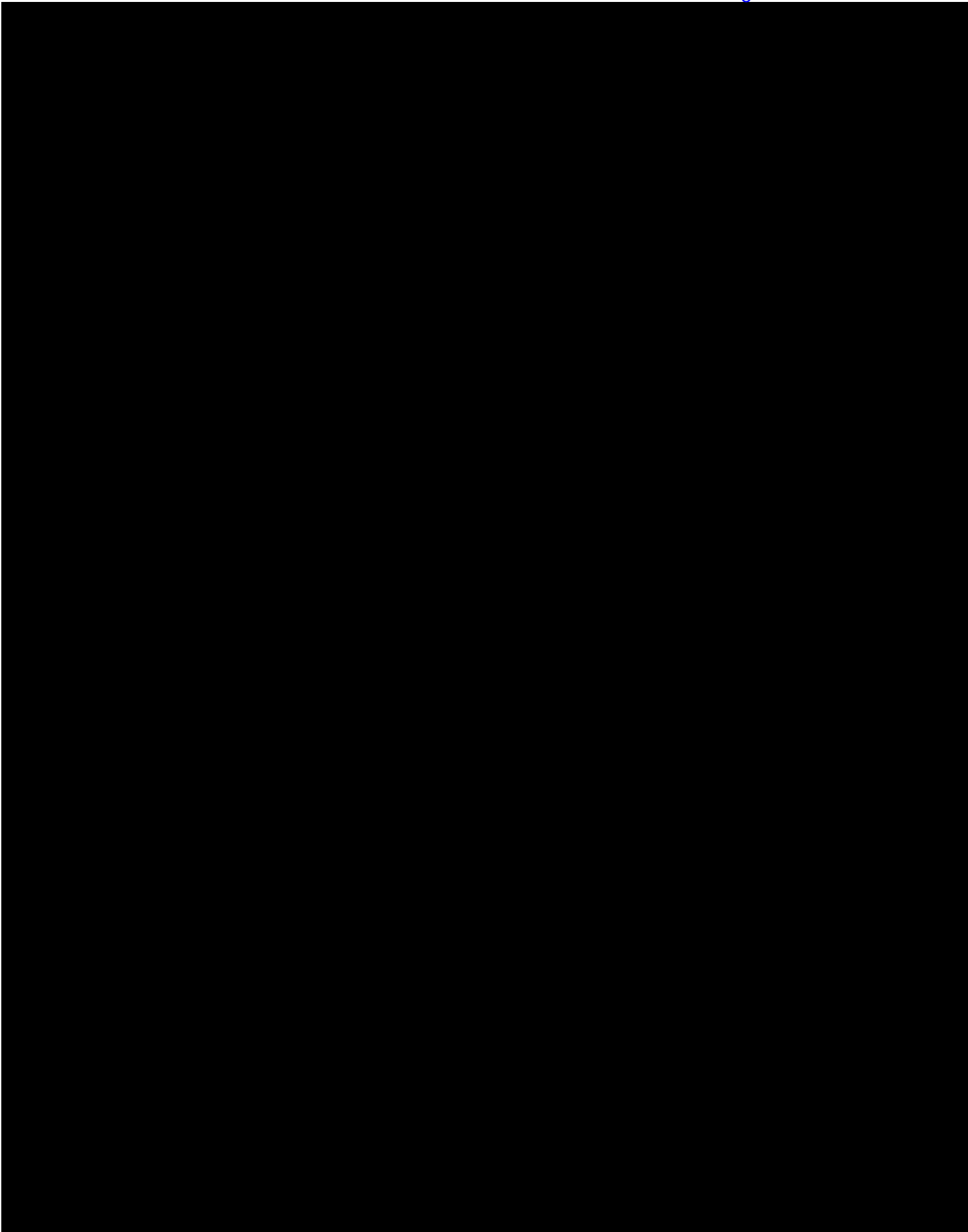


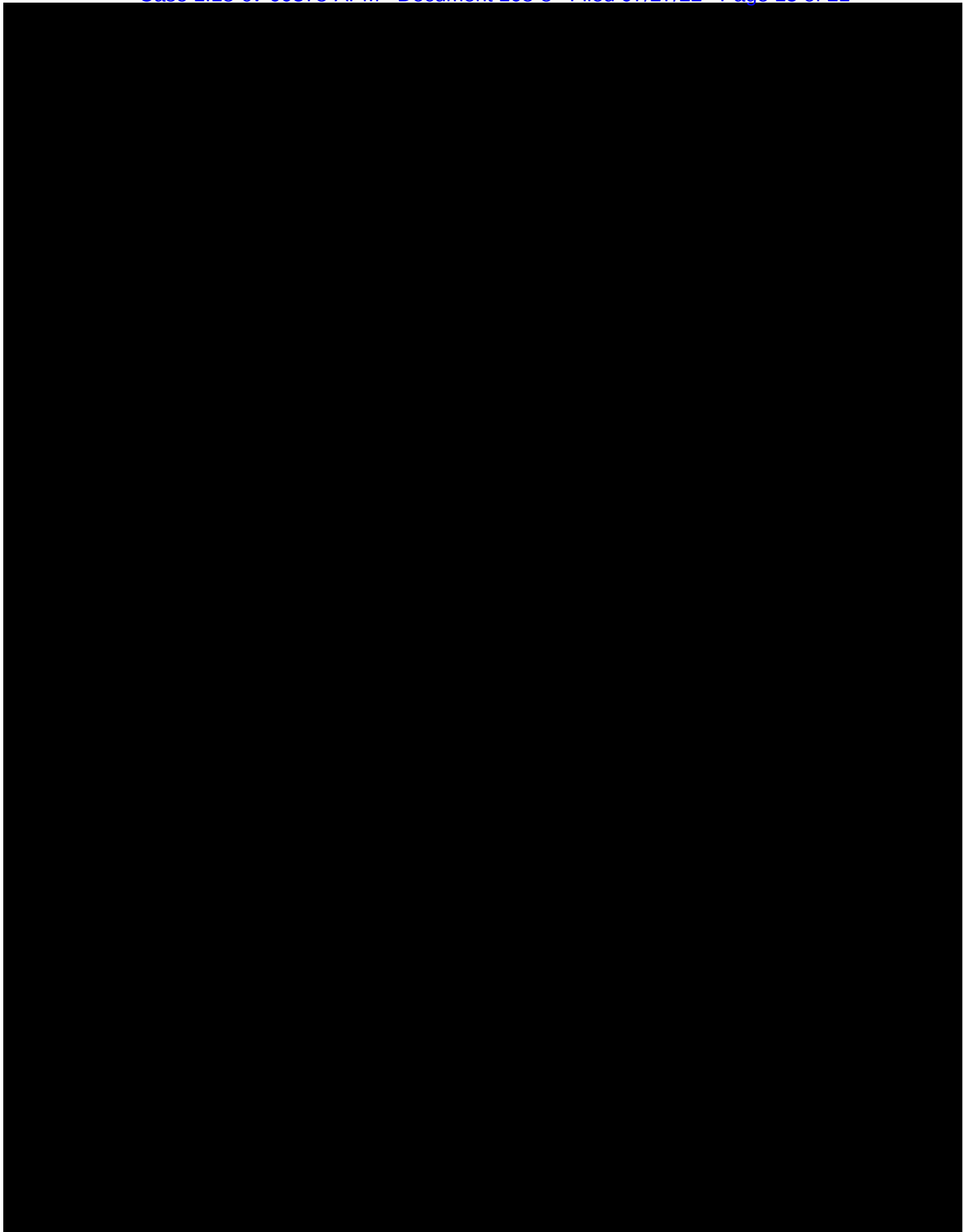


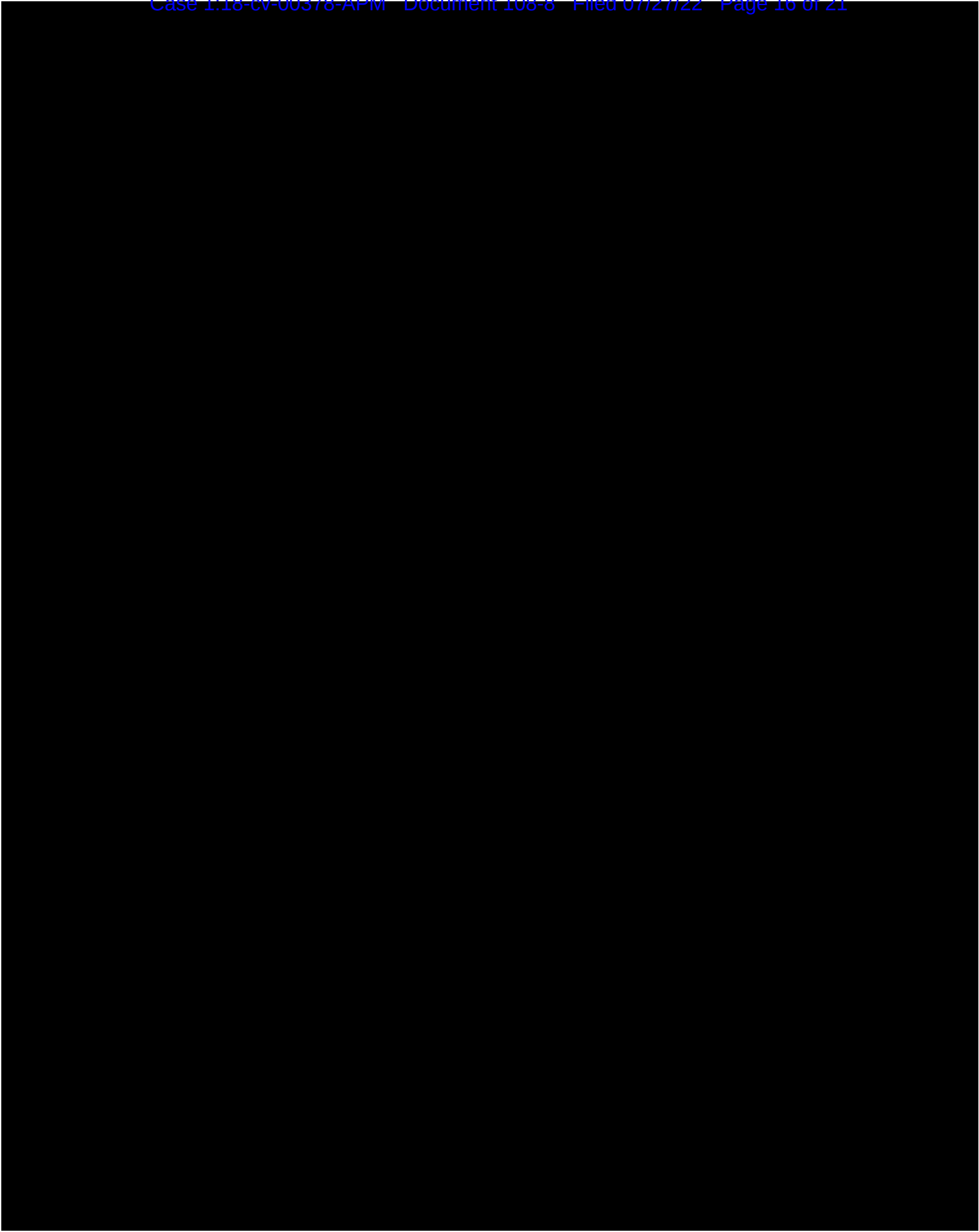


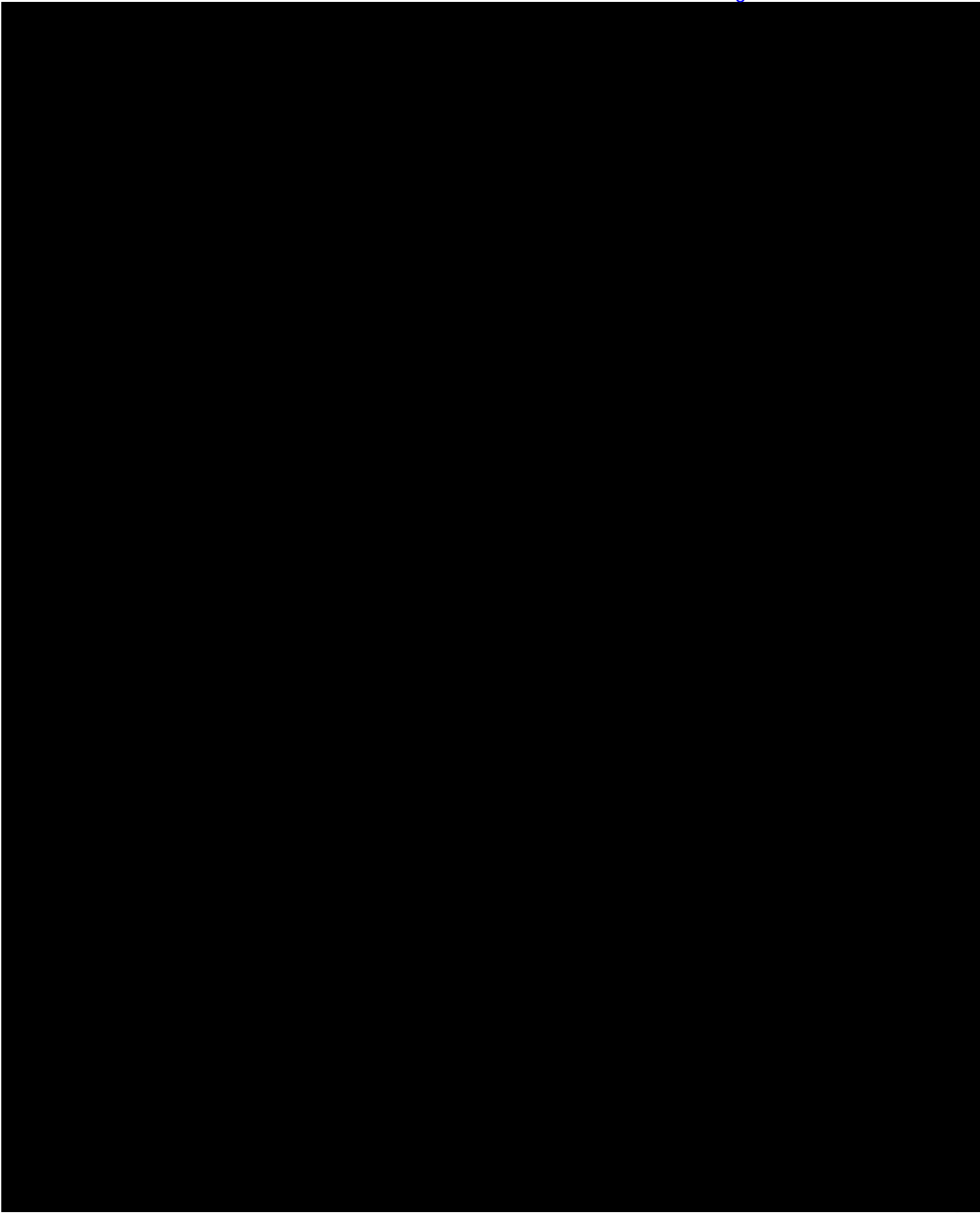


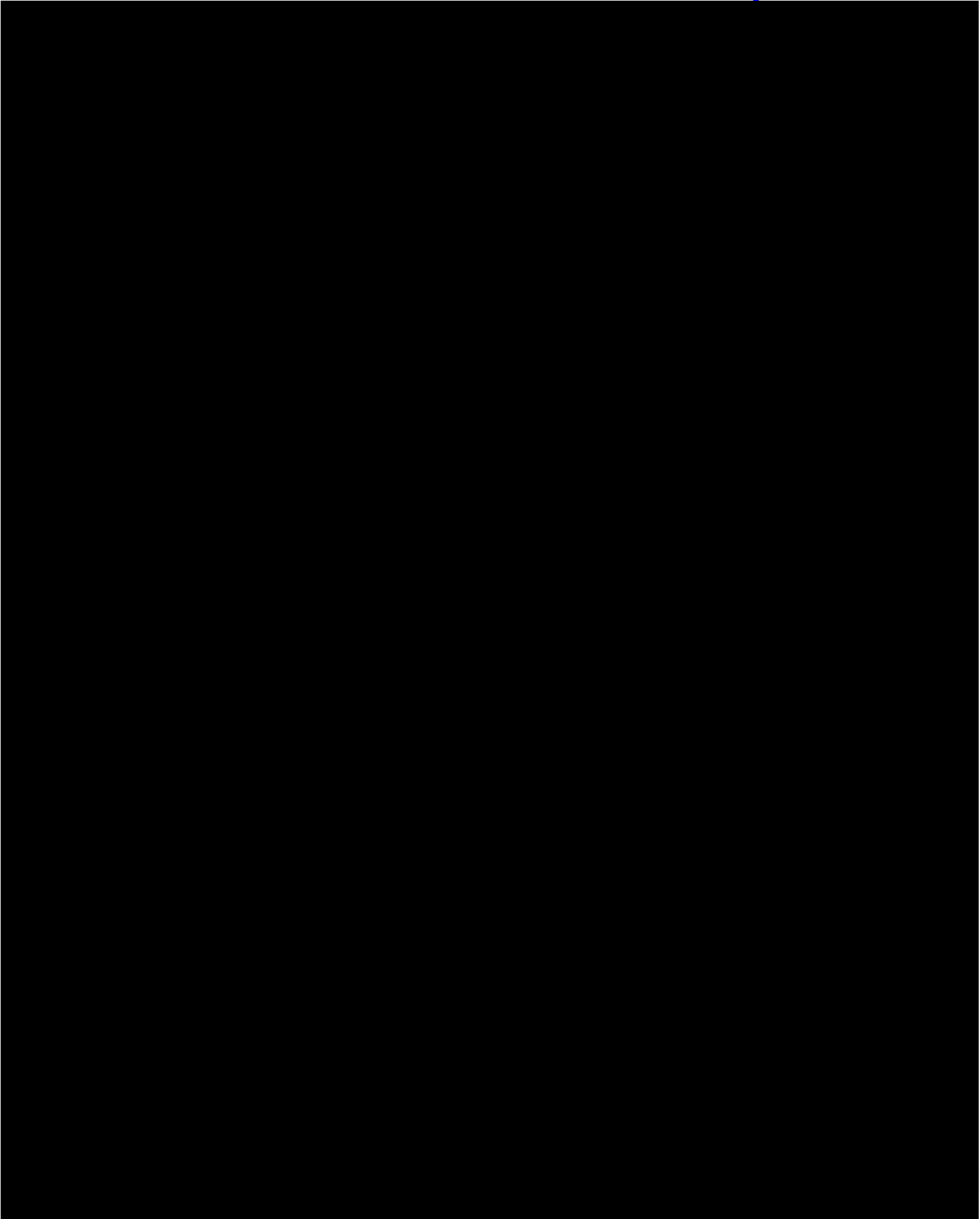


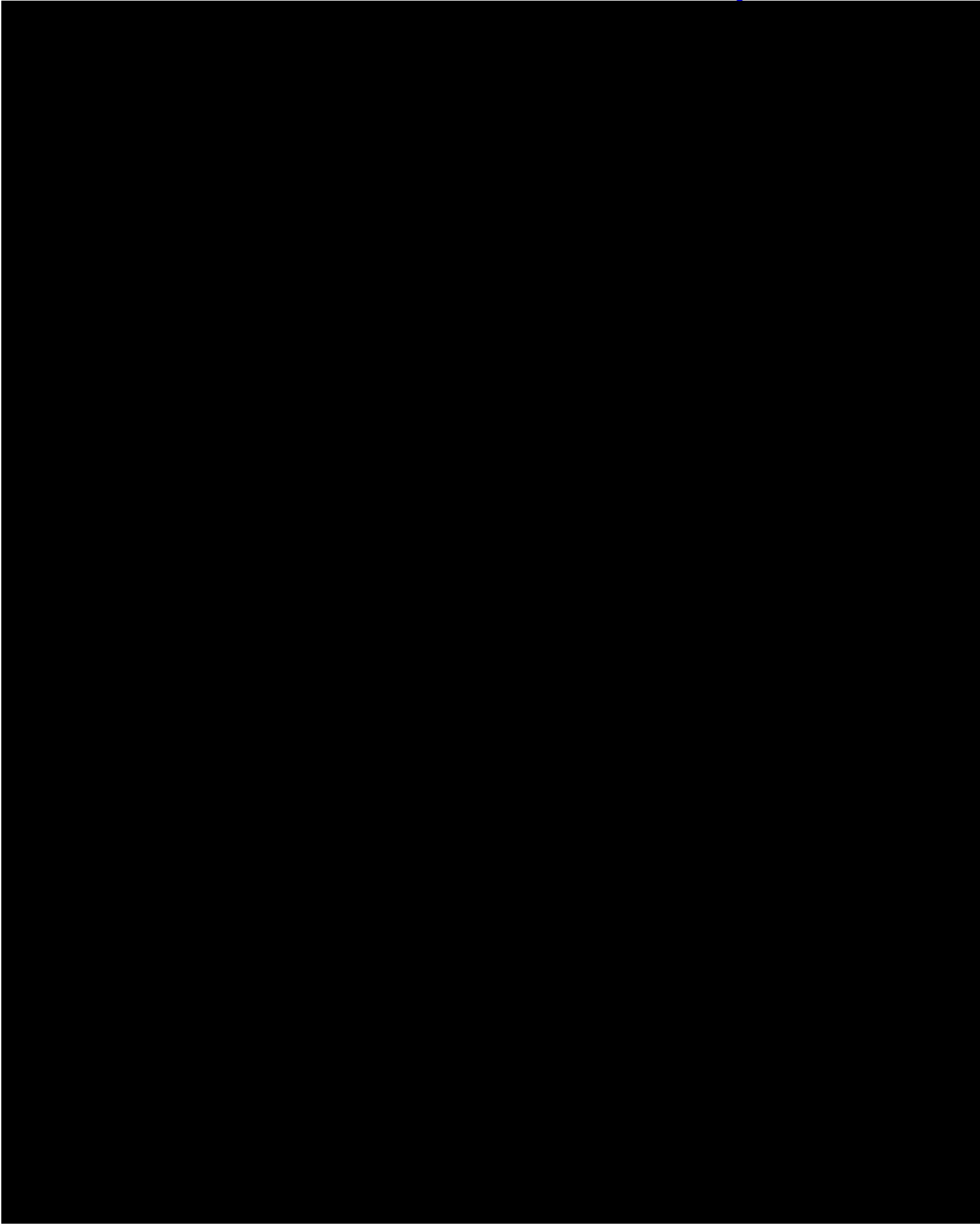


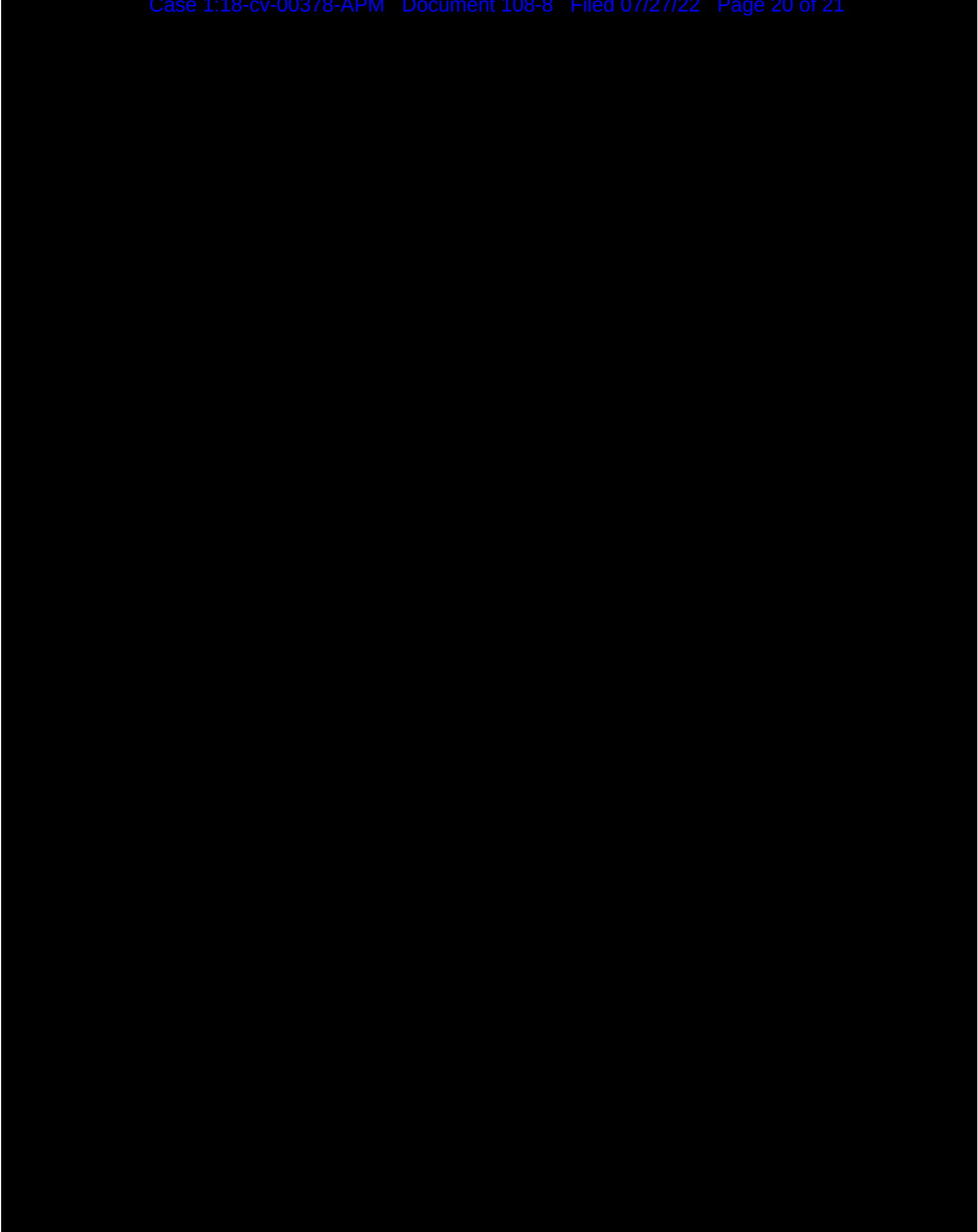












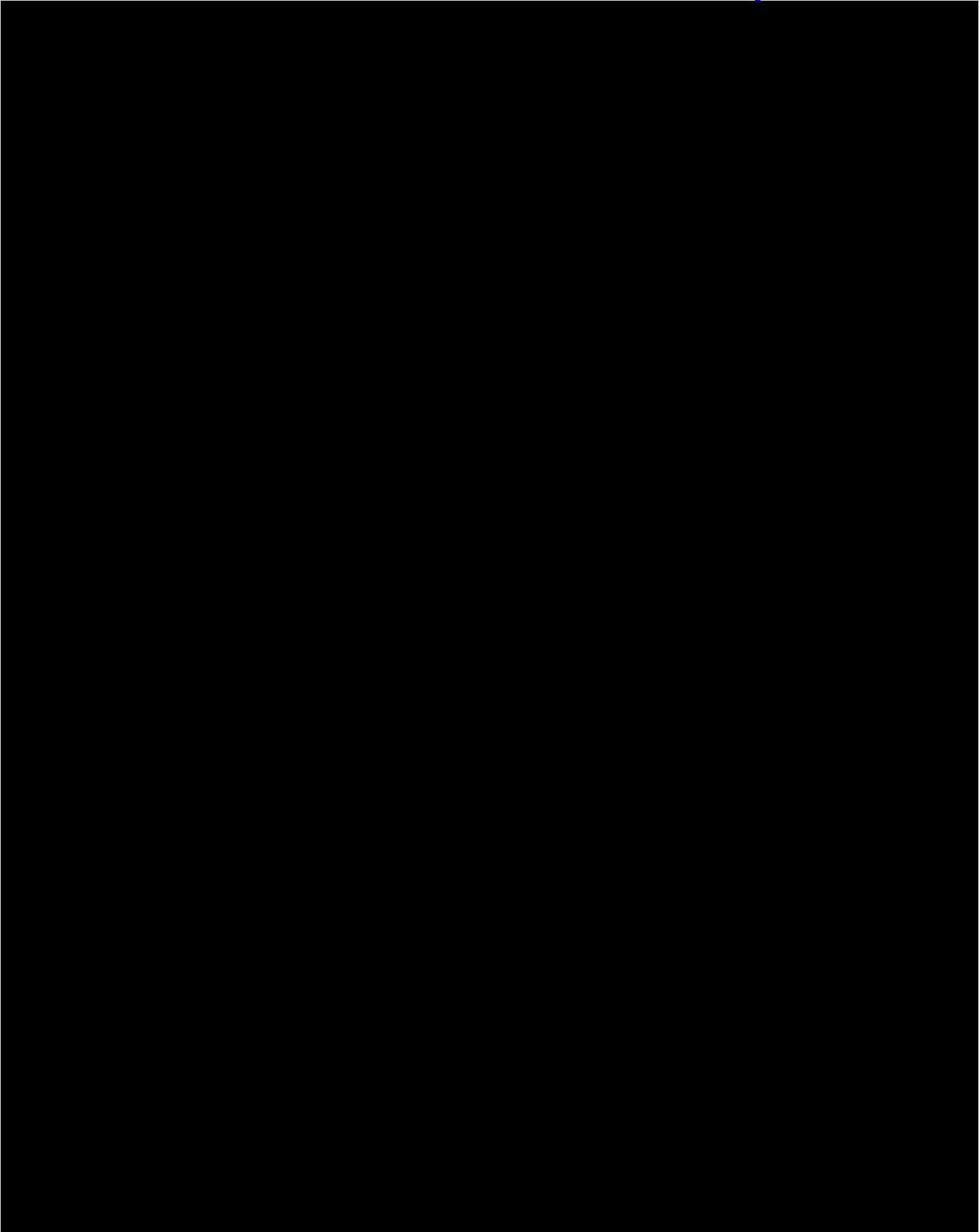




EXHIBIT 6

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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FATMA MAROUF, et al.,

Case No.
Plaintiffs, 1:18-CV-378 (APM)

- v. -

ALEX AZAR, in his official capacity as Secretary
of the UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants.
-----X

DEPOSITION VIA ZOOM VIDEOCONFERENCING

OF

KRYSTIN PECK

Friday, October 2, 2020

Reported By:

LINDA J. GREENSTEIN

JOB NO. 319575

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October 2, 2020

9:02 A.M. EST

Videotaped Deposition held via Zoom
Videoconferencing of Krystin Peck, taken by
Plaintiffs, pursuant to Subpoena, before Linda J.
Greenstein, a Certified Shorthand Reporter and
Notary Public of the State of New York.

1 A P P E A R A N C E S:
(All parties appear via Zoom Videoconferencing)

3 ON BEHALF OF THE PLAINTIFFS:

4 HOGAN LOVELLS, LLP
5 555 Thirteenth Street, Northwest
Washington, D.C. 20004

6 BY: MIKE GENDALL, ESQ.
7 202.637.6458
mike.gendall@hoganlovells.com

8 - AND -

9 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
10 65 E. Wacker Place, Suite 2000
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13 - AND -

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james.r.powers@usdoj.gov

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1 C O N T I N U E D
A P P E A R A N C E S :

2

3

4 ON BEHALF OF THE DEFENDANT
5 UNITED STATES CONFERENCE OF CATHOLIC BISHOPS:

6

JONES DAY, LLP
500 Grant Street - Suite 4500
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8

BY: JOHN T. GOETZ, ESQ.
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jgoetz@jonesday.com

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10

11

12 Also Present:

13

HOGAN LOVELLS, LLP
Ken Choe, Esq.
Katherine Culora, Esq.

15

U.S. DEPARTMENT OF JUSTICE
Jason Lynch, Esq.

16

17

JONES DAY, LLP
David T. Raimer, Esq.
Joshua R. Sallmen, Esq.

18

19

HHS
Kevin Lake
Llewellyn Woolford

20

21 Jose Rivera, Certified Legal Video Specialist
22 U.S. Legal Support

23

24

25

1 KRYSTIN PECK

2 placement of children referred by ORR.

3 Q. That's still -- I don't think that's
4 responsive to the question I'm at least trying to
5 ask.

6 USCCB subcontracted with CCFW to
7 recruit foster parents; correct?

8 A. We -- that was part of their scope of
9 work.

10 I would -- I would not -- I guess the
11 difference I would make is that when you're
12 talking about the contract and what the contract
13 outlined, if you look at like a state contract,
14 like for licensing, it would be much more
15 comprehensive than what our authority was, I guess
16 is the difference I'm making.

17 We relied on their -- their homes for
18 placements, for sure. And by relying on their
19 homes for placements, that certainly wouldn't --
20 would require them recruiting and licensing foster
21 families, which they would have done under the
22 state requirements.

23 Q. So if CCFW just didn't recruit and
24 license foster families, USCCB would have had a
25 problem with that; right?

1 KRYSTIN PECK

2 MR. GOETZ: Object to the form of the
3 question.

4 A. USCCB would not have contracted with
5 agencies that didn't have that existing
6 relationship with their state child welfare
7 entity, for sure. That would not have -- that was
8 not the model.

9 The model was relying on the state's
10 child welfare framework.

11 Q. So understanding that USCCB was
12 relying on the state's child welfare framework,
13 CCFW was recruiting and licensing foster families;
14 right?

15 A. Correct.

16 Q. And that was part of what USCCB
17 delegated to CCFW; correct?

18 A. I think you're on mute, John.

19 MR. GOETZ: Object to the form of the
20 question.

21 A. USCCB contracted with Catholic
22 Charities of Fort Worth for placement of URMs and
23 UACs, and, you know, we expected them to have a
24 certain capacity of homes available.

25 We would -- we would expect them to

1 KRYSTIN PECK
2 have a capacity -- a certain capacity which they
3 would communicate with us of how many homes of the
4 homes that they were recruiting, they would --
5 they would expect they'd have available for our
6 referrals.

7 Q. You expected more than they would
8 have a certain capacity, right, you actually
9 expected that they would recruit foster families?

10 MR. GOETZ: Objection, asked and
11 answered I think for the third time now, but go
12 ahead, Ms. Peck.

13 A. So the reason I'm just drawing this
14 line of distinction is because it would be an
15 overstep for me to say that USCCB had a role in
16 the particulars of licensing and recruiting foster
17 homes.

18 That was something that we wouldn't
19 have the authority to do because that's an
20 authority that the states have, and so more our
21 role was placement.

22 And so we certainly relied on the
23 homes that Catholic Charities recruited and
24 licensed in accordance with their child-placing
25 license with the State of Texas.

1 KRYSTIN PECK

2 And we would not have contracted with
3 any social service agency that didn't have a state
4 child placement license because we didn't have
5 that authority to grant that.

6 We wouldn't -- USCCB wouldn't have
7 the authority to -- we wouldn't have had the
8 authority to -- to grant licensing of foster
9 parents, that authority to a local organization,
10 as a national nonprofit. That's a -- that's
11 something that is state relegated.

12 So I understand the line of
13 questioning, it's sort of a tricky answer because
14 -- and that's why I'm answering it the way I am.
15 We certainly would have had no authority to
16 dictate licensing roles and what that looks like
17 and the requirements for recruitment and training.
18 That's all very clearly laid out by each state.
19 Each state has different rules.

20 We certainly would -- we certainly
21 required any subcontractor of ours that ran this
22 program to have that license with their respective
23 state.

24 And then we would expect that through
25 that state placing license and to be eligible as

1 KRYSTIN PECK

2 MR. GOETZ: You can answer that.

3 THE WITNESS: Okay.

4 A. Marriage -- USCCB believes marriage
5 is between one man and one woman.

6 That particular bishop supported that
7 placement and we -- you know, I'll speak for
8 myself -- respected the guidance of the local
9 bishop to make that decision for that program, for
10 the program that he was involved in.

11 MR. GENDALL: Please refer to the
12 document under Tab 10 and I just added this into
13 the chat window in Zoom as well.

14 Can the court reporter please mark
15 this as Exhibit 2.

16 (Exhibit 2 for
17 identification, multi-page document, series of
18 e-mails, production numbers HHS05025 through 050,
19 shown to witness.)

20 THE WITNESS: Tab 10, sorry, okay.

21 MR. GENDALL: Tab 10, yes, document
22 -- this document is Bates labeled HHS14638.

23 BY MR. GENDALL:

24 Q. Is that the document you're looking
25 at, Ms. Peck?

1 KRYSTIN PECK

2 Q. At that time, did USCCB concur with
3 CCFW's decision?

4 MR. GOETZ: Object to the form of
5 that question.

6 A. USCCB would have supported that
7 decision, given USCCB's beliefs on marriage being
8 between one man and one woman.

9 Q. In the San Jose case, did USCCB
10 support that decision as well?

11 MR. GOETZ: Object to the question.
12 Scope.

13 THE WITNESS: I still answer, just to
14 confirm?

15 MR. GOETZ: You can answer that.

16 THE WITNESS: Okay.

17 A. So --

18 MR. GOETZ: If you know.

19 A. I don't know.

20 I know that that was -- that we
21 trusted the local bishop, "we," meaning me. I
22 don't know about all of USCCB.

23 Q. What is the Holy Family?

24 A. So the Catholic Church would believe
25 that the Holy Family is Mary and Joseph and Baby

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KRYSTIN PECK

C E R T I F I C A T E

I, Linda J. Greenstein, Professional
Shorthand Reporter and Notary Public in and for
the State of New York, do hereby certify that,
KRYSTIN PECK, the witness whose deposition is
hereinbefore set forth, was duly sworn and that
such deposition is a true record of the testimony
given by the witness to the best of my skill and
ability.

I further certify that I am neither related
to or employed by any of the parties in or counsel
to this action, nor am I financially interested in
the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my
hand this 20th day of October 2020.



Linda J. Greenstein

My commission expires: January 31, 2021

Krystin Peck
10/02/2020

Krystin Peck
10/02/2020
DEPOSITION ERRATA SHEET

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Our Assignment No.: 319575

Case Caption: Marouf, et al. v. Azar, et al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Krystin Peck

KRYSTIN PECK

Subscribed and sworn to on the 11 day of

Nov, 2020 before me.

[Signature]
Notary Public,

in and for the State of Michigan.

DANIEL KASTEN
NOTARY PUBLIC - MICHIGAN
KENT COUNTY
ACTING IN THE COUNTY OF Kent
MY COMMISSION EXPIRES SEPT. 21, 2024

Kent

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Krystin Peck
10/02/2020

146

1 Krystin Peck
10/02/2020
DEPOSITION ERRATA SHEET

2 Page No. throughout Line No. throughout

3 Change to: "Kristyn" from "Krystin"

4 Reason for change: _____

5 Page No. 7 Line No. 14 Change to: _____

6 "K-r-i-s-t-y-n" from "K-r-i-s-t-i-n"

7 Reason for change: _____

8 Page No. 17 Line No. 23 Change to: _____

9 "e-mailed" from "e-mail"

10 Reason for change: _____

11 Page No. 17 Line No. 23 Change to: _____

12 "from" from "to"

13 Reason for change: _____

14 Page No. 25 Line No. 7 Change to: _____

15 add "the" between "of" and "Baltimore"

16 Reason for change: _____

17 Page No. 25 Line No. 13 Change to: _____

18 add "an" after "for"

19 Reason for change: _____

20 Page No. 28 Line No. 5 Change to: _____

21 "Anne" from "Ann"

22 Reason for change: _____

23 Page No. 28 Line No. 6 Change to: _____

24 "Tricia Swartz" from "Trisha Schwartz"

25 Reason for change: _____

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Krystin Peck
10/02/2020

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DEPOSITION ERRATA SHEET

Page No. 31 Line No. 13 Change to: _____

"and" from "in"

Reason for change: _____

Page No. 34 Line No. 9 Change to: _____

"agency's" from "agencies"

Reason for change: _____

Page No. 39 Line No. 16 Change to: _____

"Eritrean" from "Eritrea"

Reason for change: _____

Page No. 40 Line No. 20 Change to: _____

"experts" from "expertise"

Reason for change: _____

Page No. 41 Line No. 3 Change to: _____

add "agencies" between "placing" and "looked"

Reason for change: _____

Page No. 45 Line No. 11 Change to: _____

"regulated" from "relegated"

Reason for change: _____

Page No. 56 Line No. 13 Change to: _____

"USCCB's" from "USCCB"

Reason for change: _____

Page No. 59 Line No. 18 Change to: _____

"subrecipient" from "said recipients"

Reason for change: _____

Krystin Peck
10/02/2020

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DEPOSITION ERRATA SHEET

Page No. 59 Line No. 19 Change to: _____

"subrecipients" from "said recipient's"

Reason for change: _____

Page No. 71 Line No. 22 Change to: _____

"That's what" from "That's what's"

Reason for change: _____

Page No. 72 Line No. 4 Change to: _____

"the" from "an"

Reason for change: _____

Page No. 89 Line No. 14 Change to: _____

"be that" from "be is that"

Reason for change: _____

Page No. 94 Line No. 15 Change to: _____

"for" from "to"

Reason for change: _____

Page No. 94 Line No. 15 Change to: _____

"as" from "of"

Reason for change: _____

Page No. 102 Line No. 21 Change to: _____

"contract and" from "contracted"

Reason for change: _____

Page No. 110 Line No. 16 Change to: _____

"know" from "no"

Reason for change: _____

Krystin Peck
10/02/2020

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DEPOSITION ERRATA SHEET

Page No. 116 Line No. 7 Change to: _____

"respond with what" from "respond what"

Reason for change: _____

Page No. 119 Line No. 9 Change to: _____

"the" from "a"

Reason for change: _____

Page No. 123 Line No. 14 Change to: _____

"There" from "It"

Reason for change: _____

Page No. 127 Line No. 22 Change to: _____

"with" from "of"

Reason for change: _____

Page No. 129 Line No. 7 Change to: _____

"with" from "to"

Reason for change: _____

Page No. 131 Line No. 15 Change to: _____

"helped" from "helps"

Reason for change: _____

Page No. 133 Line No. 13 Change to: _____

"improve" from "approve"

Reason for change: _____

Page No. 134 Line No. 13 Change to: _____

delete "contractors"

Reason for change: _____

Krystin Peck
10/02/2020

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Krystin Peck
10/02/2020
DEPOSITION ERRATA SHEET

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SIGNATURE: *Krystin Peck* DATE: 11/11/2020

KRYSTIN PECK

U.S. LEGAL SUPPORT
(877) 479-2484

U.S. LEGAL SUPPORT
(877) 479-2484



EXHIBIT 7

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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA
-----X
FATMA MAROUF and BRYN ESPLIN,
a Married Couple,

PLAINTIFFS,

-against- Case No.:
1:18-cv-378
(APM)

ALEX AZAR, in his official capacity
as Secretary of the UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES,

DEFENDANT.
-----X

DATE: December 7, 2020

TIME: 9:05 A.M

REMOTE VIDEOTAPED DEPOSITION of
KATHRYN KUENNEN, taken by the Plaintiffs,
pursuant to a notice and to the Federal
Rules of Civil Procedure, held remotely via
Zoom Videoconference, before Suzanne
Pastor, a Notary Public of the State of New
York.

1 A P P E A R A N C E S:
(All appearances via Zoom Videoconference)

2
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16 KENNETH DALE UPTON, JR., ESQ.
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21 U.S. DEPARTMENT OF JUSTICE - CIVIL DIVISION
Attorneys for the Federal Defendants and
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23 BY: JASON LYNCH, ESQ.
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24 jason.lynch@usdoj.gov

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1 APPEARANCES OF COUNSEL (Continued)

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Attorneys for the Defendant

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ALSO PRESENT:

16

KEVIN LAKE, ESQ., HHS

17

DARRAK LIGHTY, Videographer,

US LEGAL SUPPORT

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1 subrecipient, but I would imagine that that
2 agency was already providing at that time
3 domestic foster care services and therefore
4 had the expertise in that area of laws
5 working with refugee populations, which
6 were critical to having the skill set
7 needed.

8 Q. And I assume you understand
9 that CCFW is not providing those services
10 in the Dallas/Ft. Worth area today, right?

11 A. Yes, correct.

12 Q. USCCB is now partnering with
13 Catholic Charities Dallas for those
14 services, right?

15 A. Yes.

16 Q. And if I say CCD, just to
17 clarify at any point, that's what I'm
18 referring to, Catholic Charities Dallas.
19 Do you understand that?

20 A. Yes.

21 Q. Is there any difference in the
22 services that CCFW -- or that CCD now
23 provides that CCFW used to provide?

24 MR. GOETZ: Object to the form
25 of the question.

1 A. Yes, I have.

2 Q. What is this document?

3 A. This is the application from
4 USCCB MRS, Migration and Refugee Services,
5 to -- basically an application to serve as
6 the replacement designee for the URM
7 program in Texas.

8 Q. And is this the application for
9 fiscal year 2017?

10 A. Yes.

11 Q. Were you involved in the
12 creation of this document at all?

13 A. No, I was not.

14 Q. At that time you were working
15 in the -- sorry, I wrote it down but I
16 don't have it in front of me. You were
17 working in a different area than you are
18 now, right?

19 A. That's correct, yes.

20 Q. Okay, but you understand this
21 application was prepared by Krystin Peck,
22 correct?

23 A. Yes.

24 Q. If you could turn to page 4 of
25 this document, the Bates number at the

1 bottom right is HHS 17244.

2 A. Okay.

3 Q. At the top of that page, two
4 lines down it says, "In addition, USCCB/MRS
5 must ensure that services provided under
6 this application are not contrary to the
7 authentic teaching of the Catholic Church."
8 Do you see that sentence there?

9 A. Yes.

10 Q. Why does USCCB include this
11 language in its grant application?

12 A. USCCB provides services that
13 are consistent with our sincerely held
14 religious beliefs, and that's why this
15 sentence was included here.

16 Q. Did anyone in the federal
17 government ask USCCB to include this
18 language, or was that something that USCCB
19 puts in on its own?

20 A. We put that in on our own.

21 Q. Obviously, one reason that you
22 put that in there is because you want the
23 federal government to know that that's how
24 you will run the program, right?

25 A. That's correct.

1 government before, right?

2 A. Yes.

3 Q. And in the operation of those
4 programs previously, USCCB took the same
5 approach as it had before, that USCCB was
6 not going to provide services in a manner
7 that was contrary to its religious beliefs,
8 right?

9 MR. LYNCH: Object to form.

10 MR. GOETZ: Same objection.

11 A. Yes, services previously were
12 also provided consistent with ACF's policy
13 on grants to faith-based organizations.

14 Q. I guess what I'm getting at is,
15 this was not news to the government at this
16 time, that USCCB would also do that with
17 the URM program.

18 MR. LYNCH: Object to form.

19 MR. GOETZ: Object to form.

20 A. No, it shouldn't have been.

21 Q. The four lines from the bottom
22 of that top paragraph, it says "In
23 instances where clients' needs or
24 circumstances may require services
25 including referrals that USCCB cannot

1 provide due to its religious convictions,
2 USCCB/MRS will notify HHS/ORR."

3 Can you just explain to me what
4 that notification process is?

5 A. The notification would be a
6 direct communication to our ORR project
7 officer to inform that a child or client
8 had requested a service that we could not
9 provide and we would immediately notify ORR
10 via that communication that -- of the
11 situation so that ORR could take action
12 from there if they choose to do so.

13 Q. What happens after USCCB sends
14 this notification?

15 A. USCCB takes -- I mean, we take
16 no further action. At that point we follow
17 the obligation to report and notify. And
18 that's what we do. And at that point any
19 further action is a decision of ORR.

20 Q. I see. The beginning of that
21 sentence says "in instances where a
22 client's needs or circumstances may require
23 services," who is the client in that
24 sentence?

25 A. The clients are the children

1 that we provide services for. They are the
2 direct beneficiaries of our program.

3 Q. So the notification that you
4 would send is tied specifically to the
5 needs or circumstances of a child and no
6 one else?

7 A. Yes, in that we -- the clients
8 of our services and programming are the
9 children that we care for. So in
10 developing this language here, that was our
11 understanding and interpretation, that the
12 "client" refers to the children receiving
13 the services.

14 Q. So to clarify that, USCCB did
15 not understand this provision to require it
16 to notify HHS or ORR if it had a religious
17 objection to an interaction with a
18 prospective foster parent applicant,
19 correct?

20 MR. GOETZ: Object to the form
21 of the question. Asked and answered.

22 MR. LYNCH: Same objection.

23 A. So the language was developed
24 primarily to address issues of client
25 request for services such as abortion and

1 contraception, which are not consistent
2 with our religious beliefs. And those were
3 the instances that really led to the
4 development of this language.

5 And so I think I'm answering
6 your question correctly in that the clients
7 refer to the children in care. That is our
8 interpretation and understanding of this
9 language. USCCB is certainly prepared to
10 revisit the scope of that definition and
11 comply with the notification requirements
12 as necessary to ORR.

13 Q. So at least in 2017 then,
14 setting aside revisiting this, I just want
15 to focus on 2017, at least in 2017 USCCB
16 did not understand this provision to mean
17 that USCCB should notify HHS or ORR if it
18 had a religious objection to working with a
19 prospective foster parent applicant.

20 MR. GOETZ: Object to the form
21 of the question. Asked and answered
22 three times.

23 MR. LYNCH: Same objection.

24 A. Correct.

25 Q. At the end of this paragraph

1 of that definition and expand the
2 requirement notification -- or the
3 notification requirement rather.

4 But that was our understanding
5 at the time of developing this language
6 here as it relates to the children for whom
7 we provide services.

8 Q. If USCCB has a religious
9 objection to working with a same sex couple
10 who is applying to be foster parents, is
11 there any other provision in this grant
12 application that would require USCCB to
13 notify the government of that objection?

14 A. No. It's never happened
15 before, and therefore the language was
16 crafted not explicitly to address that.
17 And I don't believe there's any explicit
18 language on that in this application.

19 Q. Ms. Kuennen, I'm going to drop
20 another document for you in the chat here.
21 This one's titled tab 4. We'll introduce
22 it as Exhibit 4.

23 (Whereupon, HHS 14638 through
24 15641 was marked as Kuennen Exhibit 4
25 for identification as of this date by

1 of the question. Asked and answered.

2 A. So we would not be able to --

3 can you repeat the question? I'm sorry.

4 Q. Yeah, if a child had indicated
5 that they want to be placed with a same sex
6 couple, USCCB would have a religious
7 objection to doing that, correct?

8 MR. GOETZ: Objection,
9 hypothetical, lacks foundation, asked
10 and answered.

11 A. Yes, in that that's not
12 consistent with our sincerely held
13 religious beliefs.

14 Q. And USCCB as a factual matter
15 has never received a preference like that
16 from one of the children within its care?

17 MR. GOETZ: Objection; scope,
18 asked and answered at least three
19 times before now.

20 A. Yes, that's correct.

21 Q. Are you aware of a child within
22 California who was placed with same sex
23 couple parents --

24 MR. GOETZ: Objection. Outside
25 the scope of the deposition and not

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D E C L A R A T I O N

I hereby certify that having been first duly sworn to testify to the truth, I gave the above testimony.

I FURTHER CERTIFY that the foregoing transcript is a true and correct transcript of the testimony given by me at the time and place specified hereinbefore.


KATHRYN KUENNEN

Subscribed and sworn to before me

this 23 day of Jan. 2021.


NOTARY PUBLIC

CRYSTAL MARIE SPERLING
Notary Public
Montgomery County
Maryland
My Commission Expires Mar. 21, 2021

12/07/2020

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ALBANY)

I, SUZANNE PASTOR, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this day, December 23, 2020.

Suzanne Pastor

SUZANNE PASTOR

**ERRATA SHEET TO THE DEPOSITION
TRANSCRIPT OF KATHRYN KUENNEN**

Deposition Date: December 7, 2020

Fatma Marouf and Bryn Esplin v. Alex Azar, Case No. 1:18-cv-378

I, Kathryn Kuennen, do hereby certify that I have read all questions propounded to me and all answers given by me on the 7th day of December, 2020, and the following corrections should be made in the transcript:

Page:Line	From:	To:	Reason
5:3	his	her	Correction
5:22	K E U N N E N	K U E N N E N	Misspelled name
10:10	Settlement	Resettlement	Correction
18:24	Krystin	Kristyn	Misspelled name
21:24	Children	Children's	Correction
25:1	"there a"	"there is a"	Correction
25:17	migrant	migrants	Correction
25:18	asylumees	asylees	Correction
33:4	laws	law	Correction
36:2	agreement	agreements	Correction
42:21	Krystin	Kristyn	Misspelled name
56:19	reference	preference	Correction
63:11	Krystin	Kristyn	Misspelled name
64:1	URB	URM	Misspelled name
64:10	Krystin	Kristyn	Misspelled name
67:15	clients'	client's	Correction
77:22	recipient	subrecipients'	Correction
85:3	beliefs	belief	Correction
88:12	has	had	Correction
88:16-18	obtained information about UCF service which contradicts Catholic teaching	obtains information about youth who need a service which contradicts Catholic teaching	Correction from Exhibit 7 language
89:18	subrecipients	procedures	Correction
90:6	interview	interviews	Correction
90:22	and that would	and that would have	Correction

93:18	continuing mechanism	Continuing quality improvement mechanism	Correction
99:9	so	and	Correction
108:23	include	includes	Correction
114:12	recruitments	recruitment	Correction
117:16	parent	parents	Correction
123:15	Danielle Mullooly	Danielle Bulaich	This may be a typo or possibly the name was misread during the deposition; correction based on names as written in Exhibit 8, as referenced
126:2	Ms. Mullooly	Ms. Bulaich	This may be a typo or possibly the name was misread during the deposition; correction based on names as written in Exhibit 8, as referenced
129:8	USCC's	USCCB's	Misspelled name
135:22	applications	application	Correction
143:23	Clients are the services	Clients are the recipients of the services	Correction
144:13	read the interpretation of	reinterpret	Correction
159:22	Subrecipient	the subrecipient	Correction
163:8	notified	notify	Correction
169:2	Krystin	Kristyn	Misspelled name
169:16	Krystin	Kristyn	Misspelled name
169:22	Krystin	Kristyn	Misspelled name
172:5	Krystin	Kristyn	Misspelled name

Subject to the above corrections, my testimony reads as given by me in the foregoing deposition.

AFFIANT SAYETH FURTHER NOT.

SIGNED at PNC Bank, Maryland, this 23rd day of January, 2021.

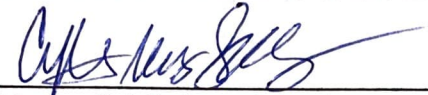


Kathryn Kuennen

STATE OF Maryland)

COUNTY OF Montgomery)

Sworn to and subscribed before me this January 23, 2021



Notary Public in and for the
State of Maryland

Commission expires: March 21, 2021





EXHIBIT 8



Migration and Refugee Services

Office of Special Programs

3211 4th Street NE, Washington, D.C. 20017-1194

Tel: (202) 541-3081/3357 • Fax: (202) 722-8747/3323

June 6, 2019

Mr. Bernard Morgan, Grants Manager
Office of Grants Management
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street, SW
Washington, DC 20201

Dear Mr. Morgan:

This letter is to inform you that the United States Conference of Catholic Bishops, Migration and Refugee Services (USCCB/MRS) is submitting a Change in Scope request for Grant #90ZU0163. Due to a change in mission focus of subrecipient Catholic Charities Diocese of Fort Worth, programming will be transferred to Catholic Charities of Dallas with a proposed transition date of July 1, 2019.

The only line item affected as a result of the Change in Scope is the contractual line item, splitting the annual cost of the program between the two subrecipients. The total approved Federal funding for the budget period will remain \$5,953,477.

Sincerely,

Kathryn Kuennen

USCCB/MRS

Director, Children's Services



EXHIBIT 11

Agreement Between

**Catholic Charities, Diocese of Fort Worth, Inc.
and
United States Conference of Catholic Bishops/
Migration and Refugee Services**

This Agreement by and between **Catholic Charities, Diocese of Fort Worth, Inc.** (hereinafter "Sub-recipient"), and the **United States Conference of Catholic Bishops/ Migration and Refugee Services** (hereinafter "USCCB/MRS"), 3211 Fourth Street, NE, Washington, D.C. 20017-1194, is hereby established with the following provisions and shall be effective on the date of the last signature below.

A. Purpose

The Office of Refugee Resettlement (hereinafter "ORR") has been authorized by Congress, through the Homeland Security Act, to provide care and legal custody of unaccompanied alien children. ORR's responsibilities include the initial placement of such children in a range of settings such as foster family, group home, shelter, staff secure or secure and associated services for transitional or long-term periods of time until the children are reunified with family in the U.S., turn 18, are returned to their country, or are placed in another care setting. ORR's Division of Children's Services (hereinafter "ORR/DCS") is charged with these responsibilities.

The purpose of this Agreement is to establish an appropriate programmatic and financial relationship between the Sub-recipient and USCCB/MRS to provide foster care placements for unaccompanied alien children in federal custody. This Agreement shall cover only program activities and financial expenditures related to the services for ORR/DCS-funded placements of unaccompanied alien children for the period February 1, 2017 – January 31, 2018 (Fiscal Year 2017).

Please note that this Agreement supersedes all previous agreements between USCCB/MRS and the Sub-recipient pertaining to this program. Funds for the services outlined in this Agreement are derived from the Notice of Award (NOA) dated February 15, 2017, granted to USCCB/MRS by the U.S. Department of Health and Human Services (HHS)/ORR through the Safe Passages I – Residential Foster Care Services for Unaccompanied Children Program. The Grant Document Number (GDN) is 90ZU0163. The Catalog of Federal Domestic Assistance (CFDA) number for this mandatory grant is 93.676, Unaccompanied Alien Children Program.

B. Responsibilities

Applicable Law and Policy

Sub-recipient must adhere to ORR/DCS Policies and Procedures and subsequent adjustments to the program, which are provided on MyMembership through USCCB/MRS. Subsequent adjustments to the program are hereto incorporated by reference in this Agreement. Access information for MyMembership is made available by USCCB/MRS.

In addition, the program must adhere to applicable local state law. If and when a conflict between state law and ORR/DCS Policies and Procedures, in effect as of August 2006, seems to exist, the Sub-recipient should contact the USCCB/MRS Program Management staff for discussion and clarification. The Sub-recipient is responsible for ensuring compliance with the following laws and regulations:

- The Flores v Reno Settlement Agreement - (A class action law suit, Flores v. Reno (507 U.S. 292 (1993)), was filed against the INS, challenging the agency's arrest, processing, detention, and release of minors in its custody. In 1993, the Supreme Court ruled in favor of the INS on several issues, but the parties to the lawsuit were able to negotiate a settlement on other key issues, including the detention, release, and treatment of minors in INS custody. This settlement is known as the Flores settlement agreement.) Note: INS is now US Citizenship and Immigration Services (CIS).
- Section 462 of the Homeland Security Act - (Functions under the immigration laws of the United States with respect to the care of unaccompanied alien children will not transfer from the Department of Justice to DHS, but will instead transfer to the Department of Health and Human Services pursuant to Section 462 of the Act.)
- ORR/DCS Policies and Procedures Manual, in effect as of August 2006, and subsequent revisions and guidance from ORR via USCCB/MRS through MyMembership.
- Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

USCCB/MRS will:

Serve as primary liaison for all concerns related to the implementation and continuation of care for the unaccompanied alien children as outlined in this Agreement. In such role, provide referrals, coordination, programmatic direction and financial oversight to the program. USCCB/MRS will not guarantee the number of ORR/DCS referrals but will continually communicate with the program on capacity needs and availability.

1. Ensure that responsibilities outlined in the Cooperative Agreement (hereinafter "CA") and subsequent revisions are met;
2. Liaise and coordinate with ORR/DCS concerning various aspects and needs of the program;
3. Ensure contractual compliance, and preparation and submission of reports to ORR/DCS;
4. Provide funds to Sub-recipient based on the negotiated budget per current fiscal year and contingent on Sub-recipient submitting approved reimbursement expense reports as stipulated in section C below. Funds are based on available and continual funding by ORR/DCS.

The Sub-recipient will:

1. Be prepared to maintain a minimum number of foster care cases in care at any given time, no less than the program projects in its communication with USCCB/MRS;
2. Ensure sufficient foster care placement capacity through recruitment of foster families and sub-contracted placements to accept new referrals while maintaining existing cases;
 - **Maintain 9 budgeted LTFC cases in care at any given time in FY17**
3. For programs unable to maintain FY17 proposed capacity, USCCB/MRS reserves the right to reevaluate program funding and status for FY18;
3. Notify USCCB/MRS of acceptance of referrals in a timely manner depending on the urgency of the referral and within needed time frames;
4. Deliver provision of services for each child in accordance with ORR Policies and Procedures, including but not limited to:
 - a. Completion of intake and ongoing ORR/DCS required assessment forms;
 - b. A comprehensive program orientation;
 - c. Case management services;
 - d. Documented evidence of ongoing efforts for safe and timely family reunification;
 - e. Educational services in a community based school;
 - f. Weekly individual counseling sessions;
 - g. Legal services and representation, as applicable;
 - h. Individualized Safety Plans;
 - i. Services related to culture, language, and religious observation;
 - j. Recreation and Leisure Time Services;
 - k. Acculturation and Adaptation services;
 - l. Telephone calls, visitation, and mail;
 - m. Opportunities for vocational education and independent living;
5. Provide all the core services for the children in accordance with standards for provision of licensed foster care within the State of Texas;
6. Make decisions regarding placement based on ongoing assessment of the child's needs. Should a child need a different level of care, the Sub-recipient must first notify USCCB/MRS, and the alternative placement will be contingent on ORR/DCS approval;
7. Submit quarterly Program Progress Reports to USCCB/MRS, with information specific to your agency as it relates to the reporting requirements per guidance from USCCB/MRS. Enter all Significant Incident Reports, Individual Service Plans/Case Summaries and other pertinent ORR/DCS required documentation into the ORR/DCS database system;
8. Insure adherence to ORR/DCS Policies and Procedures and Program Guideline Memorandums regarding the need for immediate notification to USCCB/MRS and ORR/DCS in cases of runaways, emergencies, significant incidents, and any other circumstance that would require custodial consent. This includes maintaining an emergency back-up plan for staff coverage should unforeseen circumstances surface;
9. Notify USCCB/MRS upon determination that Sub-recipient projects inability to meet the terms of this Agreement.

C. Expenses and Reimbursements

USCCB/MRS shall reimburse the Sub-recipient by check or direct deposit on the basis of monthly reimbursement requests received for actual expenses incurred and only for authorized FY17 expenses.

The Sub-recipient shall submit monthly reimbursement requests through the MRIS database within fifteen (15) business days following the end of the month and maintain appropriate supporting documentation and any other records relevant to the work and activities performed during the reimbursement request period.

All funds authorized under this Agreement shall be obligated by the sub-recipient no later than January 31, 2018, unless otherwise approved in writing by USCCB/MRS.

USCCB/MRS will release funds in MRIS up to the approved budget total listed in the Sub-recipient budget letter for services rendered in accordance with the terms of this Agreement and is subject to the availability of ORR/DCS funds.

D. Federal Assurances and Certifications

The Sub-recipient and USCCB/MRS shall comply with all applicable assurances and certifications which are required under U.S. contract laws and regulations, including but not limited to the restrictions against lobbying contained in the Certification Regarding Lobbying.

E. Audit

The Sub-recipient shall have the federal funds passed through to it under the terms of this Agreement identified as part of its annual single audit performed by independent public accountants in accordance with Generally Accepted Government Auditing Standards (GAGAS) covering financial audits. The Sub-recipient is also expected to comply with the GAGAS if issues arise from an audit as per 2 CFR 200 part F or any related compliance supplements to this part, the Sub-recipient will notify USCCB/MRS. The Sub-recipient shall ensure all expenses are compliant with the terms of the award and all applicable Federal statutes, regulations and policies, including the Terms and Conditions for this program. Receipts should be kept on-site in accordance with 2 CFR 200 Part D Subsection on Record Retention Access. USCCB/MRS may request supporting documentation to be sent periodically for review and auditing purposes.

Case File Maintenance: Sub-recipient will maintain secure physical custody of case files, on behalf of USCCB/MRS, and case files are subject to review by USCCB/MRS and/or ORR/DCS. Sub-recipient agrees to retain case files for all clients in order to respond to a potential federal audit of the ORR/DCS. Additionally, if Sub-recipient agency closes, it must notify USCCB/MRS and submit all of its case files in accordance with ORR Policies and Procedures and financial support documentation for clients to the USCCB/MRS office.

On-site Reviews and Desk Audits: Per USCCB/MRS's CA with ORR/DCS, representatives from either of these agencies may conduct on-site monitoring to ensure compliance with this Agreement, ORR/DCS Policies and Procedures and Program Guidelines. During on-site reviews and/or desk audits, USCCB/MRS and/or ORR/DCS will review case files and collaborate with agency staff to discuss program implementation and compliance with this Agreement and the CA. Following on-site reviews, USCCB/MRS will submit a report to the Sub-recipient to include areas for program development and growth and Sub-recipient will have 30 business calendar days to respond to any corrective actions.

F. Performance and Accountability

It is the responsibility of the Sub-recipient to implement a plan to meet the placement and service expectations of this Agreement. USCCB/MRS may issue corrective actions due to placement or service requirement performance deviations identified during on-site monitoring or desk-audits. At a minimum, USCCB/MRS will evaluate implementation of corrective action plans to determine resolution of identified findings six months after the corrective action was issued. Sub-recipient program expenditures are reviewed by USCCB/MRS on a quarterly basis to project over and under spending. USCCB/MRS may request an estimate of unspent funds during the fiscal year. Projected Sub-recipient underspending, due to lower than agreed upon case acceptance, may result in USCCB/MRS reallocating funds to another Sub-recipient within the current Agreement period. Continual non-compliance in placement and service requirements for this Agreement may result in placement holds, budget reductions, or other administrative action.

G. Indemnification

The Sub-recipient shall indemnify and hold harmless USCCB/MRS from and against any and all demands, claims, damages, losses, actions, and liabilities arising out of or caused by the Sub-recipient's provision of services under this Agreement. The Sub-recipient shall not have waived or be deemed to have waived by reason of this paragraph any defense which it may have with respect to such claims.

H. Catholic Identity

USCCB/MRS must ensure that services provided to those served under this Agreement are not contrary to the authentic teaching of the Catholic Church, its moral convictions, and religious beliefs. Accordingly, USCCB/MRS expects that the Sub-recipient will provide services under this Agreement within certain parameters including, among other things, that the Sub-recipient will not provide, refer, encourage, or in any way facilitate access to contraceptives or abortion services.

I. Program Management and Communication

The principal staff contacts for the Sub-recipient and USCCB/MRS assigned to this Program is as follows:

Program Management:

Tosin Ogunyoku King, Assistant Director, Foster Care
202-541-3043

Financial Management:

Ann Franken, Grants & Programs Administrator, Children's Services
202-541-3175

J. Assignment

Sub-recipient may assign some or all core services responsibilities to an outside agency. Any assignment shall be in accordance with standards for provision of foster care within the State of Texas. Any such assignment shall be accomplished only with a binding written agreement between Sub-recipient and outside agency that contains pertinent legal responsibility and related policies and procedures pertaining to the care of the child in the ORR/DUCS custody. Sub-recipient shall use the Agreement provided by USCCB/MRS when contracting with outside agencies. Sub-recipient is responsible for monitoring the outside agency, ensuring provisions of services adhere to ORR Policies and Procedures and local state licensing requirements.

K. Termination

Either party to this Agreement reserves the right to terminate this Agreement for any reason by providing ninety (90) calendar days written notice to the other party. This Agreement may also be terminated in the event that the federal grant which provides funding authority is terminated or significantly modified, at which time USCCB/MRS shall provide written notice of such termination to the Sub-recipient.

L. Terms of Agreement

This Agreement shall take effect February 1, 2017 and remain in effect until the end of the Project Period, January 31, 2020, or until such time as it is terminated or amended as stipulated in section J.

This Agreement contains all the provisions agreed upon by the parties hereto. Any amendment to this memorandum must be in writing and signed by the persons below or their duly authorized representatives.

This Agreement shall be governed by, and construed in accordance with, and any disputes resolved in accordance with the laws of the District of Columbia. This Agreement contains all covenants, stipulation, and provisions agreed upon by the parties. It may only be amended in writing by the parties.

Agreed to and signed:

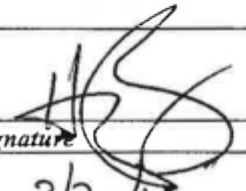
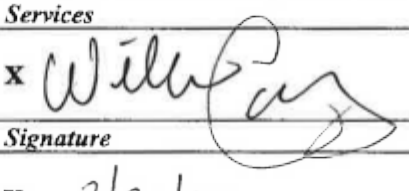
Catholic Charities, Diocese of Fort Worth, Inc. / 102474491	United States Conference of Catholic Bishops / Migration and Refugee Services
<i>Sub-Recipient Name/DUNS</i>	<i>Organization Name</i>
X Heather Reynolds	William Canny
<i>Authorizing Official and Title</i>	<i>Executive Director, Migration and Refugee Services</i>
X 	X 
<i>Signature</i>	<i>Signature</i>
X 3/20/17	X 3/20/17
<i>Date</i>	<i>Date</i>



EXHIBIT 12

Agreement Between

**Catholic Charities, Diocese of Fort Worth, Inc.
and
United States Conference of Catholic Bishops/
Migration and Refugee Services**

This Agreement by and between **Catholic Charities, Diocese of Fort Worth, Inc.** (hereinafter “Sub-recipient”), and the **United States Conference of Catholic Bishops/ Migration and Refugee Services** (hereinafter “USCCB/MRS”), 3211 Fourth Street, NE, Washington, D.C. 20017-1194, is hereby established with the following provisions and shall be effective on the date of the last signature below.

A. Purpose

The Office of Refugee Resettlement (hereinafter “ORR”) has been authorized by Congress, through the Homeland Security Act, to provide care and legal custody of unaccompanied alien children. ORR’s responsibilities include the initial placement of such children in a range of settings such as foster family, group home, shelter, staff secure or secure and associated services for transitional or long-term periods of time until the children are reunified with family in the U.S., turn 18, are returned to their country, or are placed in another care setting. ORR’s Division of Children’s Services (hereinafter “ORR/DCS”) is charged with these responsibilities.

The purpose of this Agreement is to establish an appropriate programmatic and financial relationship between the Sub-recipient and USCCB/MRS to provide foster care placements for unaccompanied alien children in federal custody. This Agreement shall cover only program activities and financial expenditures related to the services for ORR/DCS-funded placements of unaccompanied alien children for the period February 1, 2018 – January 31, 2019 (Fiscal Year 2018).

Please note that this Agreement supersedes all previous agreements between USCCB/MRS and the Sub-recipient pertaining to this program. Funds for the services outlined in this Agreement are derived from the Notice of Award (NOA) dated February 8, 2018, granted to USCCB/MRS by the U.S. Department of Health and Human Services (HHS)/ORR through the Safe Passages I – Residential Foster Care Services for Unaccompanied Children Program. The Grant Document Number (GDN) is 90ZU0163. The Catalog of Federal Domestic Assistance (CFDA) number for this mandatory grant is 93.676, Unaccompanied Alien Children Program.

B. Responsibilities

Applicable Law and Policy

Sub-recipient must adhere to ORR/DCS Policies and Procedures and subsequent adjustments to the program, which are provided on MyMembership through USCCB/MRS. Subsequent adjustments to the program are hereto incorporated by reference in this Agreement. Access information for MyMembership is made available by USCCB/MRS.

In addition, the program must adhere to applicable local state law. If and when a conflict between state law and ORR/DCS Policies and Procedures, in effect as of August 2006, seems to exist, the Sub-recipient should contact the USCCB/MRS Program Management staff for discussion and clarification. The Sub-recipient is responsible for ensuring compliance with the following laws and regulations:

- The Flores v Reno Settlement Agreement - (A class action law suit, Flores v. Reno (507 U.S. 292 (1993)), was filed against the INS, challenging the agency's arrest, processing, detention, and release of minors in its custody. In 1993, the Supreme Court ruled in favor of the INS on several issues, but the parties to the lawsuit were able to negotiate a settlement on other key issues, including the detention, release, and treatment of minors in INS custody. This settlement is known as the Flores settlement agreement.) Note: INS is now US Citizenship and Immigration Services (CIS).
- Section 462 of the Homeland Security Act - (Functions under the immigration laws of the United States with respect to the care of unaccompanied alien children will not transfer from the Department of Justice to DHS, but will instead transfer to the Department of Health and Human Services pursuant to Section 462 of the Act.)
- ORR/DCS Policies and Procedures Manual, in effect as of August 2006, and subsequent revisions and guidance from ORR via USCCB/MRS through MyMembership.
- Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

USCCB/MRS will:

Serve as primary liaison for all concerns related to the implementation and continuation of care for the unaccompanied alien children as outlined in this Agreement. In such role, provide referrals, coordination, programmatic direction and financial oversight to the program. USCCB/MRS will not guarantee the number of ORR/DCS referrals but will continually communicate with the program on capacity needs and availability.

1. Ensure that responsibilities outlined in the Cooperative Agreement (hereinafter "CA") and subsequent revisions are met;
2. Liaise and coordinate with ORR/DCS concerning various aspects and needs of the program;
3. Ensure contractual compliance, and preparation and submission of reports to ORR/DCS;
4. Provide funds to Sub-recipient based on the negotiated budget per current fiscal year and contingent on Sub-recipient submitting approved reimbursement expense reports as stipulated in section C below. Funds are based on available and continual funding by ORR/DCS.

The Sub-recipient will:

1. Be prepared to maintain a minimum number of foster care cases in care at any given time, no less than the program projects in its communication with USCCB/MRS;
2. Ensure sufficient foster care placement capacity through recruitment of foster families and sub-contracted placements to accept new referrals while maintaining existing cases;
 - **Maintain 9 budgeted LTFC cases in care at any given time in FY18**
 - * For programs unable to maintain FY18 proposed capacity, USCCB/MRS reserves the right to reevaluate program funding and status for FY19;
3. Notify USCCB/MRS of acceptance of referrals in a timely manner depending on the urgency of the referral and within needed time frames;
4. Deliver provision of services for each child in accordance with ORR Policies and Procedures, including but not limited to:
 - a. Completion of intake and ongoing ORR/DCS required assessment forms;
 - b. A comprehensive program orientation;
 - c. Case management services;
 - d. Documented evidence of ongoing efforts for safe and timely family reunification;
 - e. Educational services in a community based school;
 - f. Weekly individual counseling sessions;
 - g. Legal services and representation, as applicable;
 - h. Individualized Safety Plans;
 - i. Services related to culture, language, and religious observation;
 - j. Recreation and Leisure Time Services;
 - k. Acculturation and Adaptation services;
 - l. Telephone calls, visitation, and mail;
 - m. Opportunities for vocational education and independent living;
5. Provide all the core services for the children in accordance with standards for provision of licensed foster care within the State of Texas;
6. Make decisions regarding placement based on ongoing assessment of the child's needs. Should a child need a different level of care, the Sub-recipient must first notify USCCB/MRS, and the alternative placement will be contingent on ORR/DCS approval;
7. Submit quarterly Program Progress Reports to USCCB/MRS, with information specific to your agency as it relates to the reporting requirements per guidance from USCCB/MRS. Enter all Significant Incident Reports, Individual Service Plans/Case Summaries and other pertinent ORR/DCS required documentation into the ORR/DCS database system;
8. Insure adherence to ORR/DCS Policies and Procedures and Program Guideline Memorandums regarding the need for immediate notification to USCCB/MRS and ORR/DCS in cases of runaways, emergencies, significant incidents, and any other circumstance that would require custodial consent. This includes maintaining an emergency back-up plan for staff coverage should unforeseen circumstances surface;
9. Notify USCCB/MRS upon determination that Sub-recipient projects inability to meet the terms of this Agreement.

C. Expenses and Reimbursements

USCCB/MRS shall reimburse the Sub-recipient by check or direct deposit on the basis of monthly reimbursement requests received for actual expenses incurred and only for authorized FY18 expenses.

The Sub-recipient shall submit monthly reimbursement requests through the MRIS database within twenty (20) business days following the end of the month and maintain appropriate supporting documentation and any other records relevant to the work and activities performed during the reimbursement request period.

All funds authorized under this Agreement shall be obligated by the sub-recipient no later than January 31, 2019, unless otherwise approved in writing by USCCB/MRS.

USCCB/MRS will release funds in MRIS up to the approved budget total listed in the Sub-recipient budget letter for services rendered in accordance with the terms of this Agreement and is subject to the availability of ORR/DCS funds.

D. Federal Assurances and Certifications

The Sub-recipient and USCCB/MRS shall comply with all applicable assurances and certifications which are required under U.S. contract laws and regulations, including but not limited to the restrictions against lobbying contained in the Certification Regarding Lobbying.

E. Audit

The Sub-recipient shall have the federal funds passed through to it under the terms of this Agreement identified as part of its annual single audit performed by independent public accountants in accordance with Generally Accepted Government Auditing Standards (GAGAS) covering financial audits. The Sub-recipient is also expected to comply with the GAGAS if issues arise from an audit as per 2 CFR 200 part F or any related compliance supplements to this part, the Sub-recipient will notify USCCB/MRS. The Sub-recipient shall ensure all expenses are compliant with the terms of the award and all applicable Federal statutes, regulations and policies, including the Terms and Conditions for this program. Receipts should be kept on-site in accordance with 2 CFR 200 Part D Subsection on Record Retention Access. USCCB/MRS may request supporting documentation to be sent periodically for review and auditing purposes.

Case File Maintenance: Sub-recipient will maintain secure physical custody of hard copy or electronic case files, on behalf of USCCB/MRS, and case files are subject to review by USCCB/MRS and/or ORR/DCS. Sub-recipient agrees to retain case files for all clients in order to respond to a potential federal audit of the ORR/DCS. Additionally, if Sub-recipient agency closes, it must notify USCCB/MRS and submit all of its case files in accordance with ORR Policies and Procedures and financial support documentation for clients to the USCCB/MRS office.

On-site Reviews and Desk Audits: Per USCCB/MRS's CA with ORR/DCS, representatives from either of these agencies may conduct on-site monitoring to ensure compliance with this Agreement, ORR/DCS Policies and Procedures and Program Guidelines. During on-site reviews and/or desk audits, USCCB/MRS and/or ORR/DCS will review case files and collaborate with agency staff to discuss program implementation and compliance with this Agreement and the CA. Following on-site reviews, USCCB/MRS will submit a report to the Sub-recipient to include areas for program development and growth and Sub-recipient will have 30 business calendar days to respond to any corrective actions.

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The principal staff contacts for the Sub-recipient and USCCB/MRS assigned to this Program is as follows:

Program Management:

Tosin Ogunyoku King, Assistant Director, Foster Care
202-541-3043

Financial Management:

Caitlin Nuraliev, Grants & Programs Administrator, Children's Services
202-541-3175

J. Assignment

Sub-recipient may assign some or all core services responsibilities to an outside agency. Any assignment shall be in accordance with standards for provision of foster care within the State of Texas. Any such assignment shall be accomplished only with a binding written agreement between Sub-recipient and outside agency that contains pertinent legal responsibility and related policies and procedures pertaining to the care of the child in the ORR/DUCS custody. Sub-recipient shall use the Agreement provided by USCCB/MRS when contracting with outside agencies. Sub-recipient is responsible for monitoring the outside agency, ensuring provisions of services adhere to ORR Policies and Procedures and local state licensing requirements.

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Agreed to and signed:


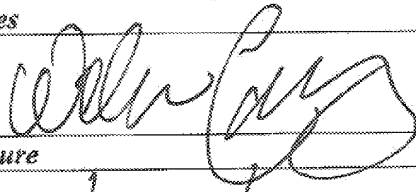
Catholic Charities, Diocese of Fort Worth, Inc. / 102474491	United States Conference of Catholic Bishops / Migration and Refugee Services
<i>Sub-Recipient Name/DUNS</i>	<i>Organization Name</i>
X Heather Reynolds, CEO	William Canny
<i>Authorizing Official and Title</i>	<i>Executive Director, Migration and Refugee Services</i>
X 	X 
<i>Signature</i>	<i>Signature</i>
X 2/27/18	X 3/20/18
<i>Date</i>	<i>Date</i>



EXHIBIT 13

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Case No. 1:18-cv-378 (APM)		
-----X		
FATMA MAROUF, et al.,	:	
Plaintiffs	:	
	:	
VS	:	
	:	
ALEX AZAR, in his official	:	
capacity as Secretary of the	:	
UNITED STATES DEPARTMENT OF	:	
HEALTH AND HUMAN SERVICES, et al.,	:	
Defendants	:	
-----X		

Videotaped deposition of KENNETH TOTA
taken via videoconference before Clifford Edwards,
Certified Shorthand Reporter and Notary Public, on
September 28, 2020, at 9:12 a.m.

1 A P P E A R A N C E S: (all via videoconference)

2 ON BEHALF OF THE PLAINTIFFS:

3 BRENDAN QUINN, ESQ.
MICHAEL GENDALL, ESQ.
4 KEN CHOE, ESQ.
KAREN LIVELY
5 HOGAN LOVELLS LLP
555 Thirteenth Street, Northwest
6 Washington, D.C. 20004
brendan.quinn@hoganlovells.com
7 mike.gendall@hoganlovells.com
ken.choe@hoganlovells.com

8
9 KENNETH UPTON, ESQ.
AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE
10 upton@au.org

11 CAMILLA TAYLOR, ESQ.
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
12 Ctaylor@lambdalegal.org

13

14 ON BEHALF OF THE FEDERAL DEFENDANTS:

15 JASON LYNCH, ESQ.
JIM POWERS, ESQ.
16 U.S. DEPARTMENT OF JUSTICE
Civil Division
17 1100 L Street, Northwest
Washington, D.C. 20005
18 jason.lynch@usdoj.gov

19

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1 A P P E A R A N C E S: (all via videoconference)

2 (continued)

3

4 ON BEHALF OF THE DEFENDANT U.S. CATHOLIC CONFERENCE
5 OF BISHOPS:

6

JASON CELLIER, ESQ.

7

DAVID RAIMER, ESQ.

8

JOHN GOETZ, ESQ.

9

JONES DAY

10

325 John H. McConnell Boulevard

11

Suite 600

12

Columbus, Ohio 43215

13

jcellier@jonesday.com

14

dtraimer@jonesday.com

15

jdgoetz@jonesday.com

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ALSO PRESENT: DARRAK LIGHTY, VIDEOGRAPHER

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KENNETH TOTA

residing at 2502 Turbridge Lane, Alexandria,
Virginia 22308, having first been duly sworn,
deposed and testified as follows:

DIRECT EXAMINATION

BY MR. QUINN:

Q Good morning, Mr. Tota. My name is
Brendan Quinn, and I represent the plaintiffs in
this case.

A Good morning.

Q Have you ever been deposed before?

A I have, yes.

Q How many times?

A I think three times before this.

Q So hopefully, we can go through this
quickly since you've been deposed before, but let's
just talk about some of the basic ground rules for
our conservation.

So I'll be asking you questions, and
you'll be providing answers.

Do you understand?

1 designees are recruiting foster parents in
2 compliance with State law?

3 A Can you repeat that again? Sorry.

4 Q Sure.

5 So how does ORR ensure that replacement
6 designees recruit foster parents in compliance with
7 State law?

8 A And so it's something that we would
9 certainly require USCCB to -- who works and
10 sub-grants directly with those providers to provide
11 -- provide oversight of that process.

12 Q How does ORR ensure the replacement
13 designees recruit foster parents in compliance with
14 federal law?

15 A And then we -- we would in turn would
16 provide oversight of that process as well --

17 Q And what oversight --

18 A -- through our -- through our -- through
19 our monitoring.

20 Sorry.

21 Q You said through your monitoring?

22 A Correct.

23 Q And what would that look like?

24 MR. LYNCH: Object to form.

25 A So the monitoring -- on a sort of regular

1 basis, we have staff that go out and monitor --
2 monitor and sort of review processes around
3 certainly recruitment and training, service
4 provision, those kinds of things, in accordance with
5 our regulations.

6 BY MR. QUINN:

7 Q And do ORR requirements -- or excuse
8 me -- regulations encompass foster parent-related
9 activities?

10 A They -- they -- the requirement would be
11 that they make sure that they're following State
12 licensing standards around probably recruitment and
13 selection.

14 And so we would want to make -- you know,
15 follow up and -- and ensure that they're following
16 those sort of State standards.

17 Q But are there any federal standards that
18 are involved?

19 A In -- not -- to my knowledge, not
20 directly in the ORR program, no.

21 Q But are there any HHS-wide policies that
22 may apply?

23 A I'm -- I'm not aware specifically.

24 Q Could you go to the binder and turn to
25 tab 31?

1 reporting?

2 A Yes. I would say that, yes.

3 (Whereupon, the court reporter
4 requests clarification.)

5 MR. LYNCH: I apologize.

6 Object to form on the last question.

7 I apologize.

8 BY MR. QUINN:

9 Q Could you turn to tab nine?

10 A Yes.

11 MR. QUINN: I'm going to enter this
12 into the record as Exhibit 9.

13 (Whereupon, Plaintiff's Exhibit No.
14 9, Letter to Robert Carey from
15 William Canny dated October 31, 2016,
16 was marked for identification.)

17 BY MR. QUINN:

18 Q Have you seen this document before?

19 A Yes.

20 Q Did you review this document to prepare
21 for your deposition?

22 A No.

23 Q What is this document?

24 A A letter from the executive, Bill Canny,
25 to the director of ORR stating their intent to

1 submit a proposal for the URM Program in Texas as a
2 replacement designee.

3 Q If you could turn to the second page of
4 this.

5 A Yes.

6 Q In the first full paragraph that says --
7 that starts off with, "USCCB/MRS would also ensure,"
8 the second sentence after that reads, "In addition,
9 USCCB/MRS would ensure that services provided under
10 this application are not contrary to the authentic
11 teaching of the Catholic Church, its moral
12 convictions, and religious beliefs."

13 Do you see that?

14 A Yes.

15 Q Did you notice this language when you
16 first reviewed this letter?

17 MR. LYNCH: Object to form.

18 MR. CELLIER: Object to form.

19 A Uh-huh. Yes.

20 BY MR. QUINN:

21 Q What did you think it meant?

22 MR. LYNCH: Object to form.

23 MR. CELLIER: Object to form.

24 A Our interactions with USCCB, certainly to
25 date, had always expressed -- had expressed language

1 certainly on the religious rights, certainly around
2 right to life, and so that clause was certainly
3 flagged there, certainly their -- their religious
4 conscious -- conscious clause rights and was
5 interpreted certainly specific to right-to-life
6 issues.

7 BY MR. QUINN:

8 Q So are you -- aside from this specific
9 instance of the URM Program in Texas in 2017, are
10 you aware of other grants from ORR where this or
11 similar language was included?

12 MR. LYNCH: Object to scope.

13 MR. CELLIER: Object to scope.

14 THE WITNESS:

15 A I'm sorry. I didn't hear the comments.

16 The objection -- was there an objection
17 or --

18 BY MR. QUINN:

19 Q It was just an objection to scope.

20 A Oh, okay. Okay.

21 Q Please answer my question.

22 A There -- in some of my work prior to --
23 more specific work on the refugee program, on the
24 Unaccompanied Alien Children's Program, USCCB often
25 included this language in their cooperative

1 agreements with -- with ORR.

2 Q So for how long had you been accustomed
3 to seeing similar language?

4 MR. LYNCH: Object to form. Object
5 to scope.

6 MR. CELLIER: Object to form and
7 scope.

8 A I can't say specifically. I -- I can't
9 say specifically, but I would say probably as far
10 back as 2008. It would really depend on some of the
11 grant cycles.

12 BY MR. QUINN:

13 Q Why would you say 2008 specifically?

14 A I remember some interaction with the
15 acting director at the time who is -- who was the
16 acting director during that time, yeah.

17 Q What was the nature of the interaction?

18 MR. LYNCH: Object to scope.

19 And I'm going to instruct the
20 witness not to answer to the extent that
21 that involves agency deliberations.

22 MR. CELLIER: Object to scope.

23 A It was -- it was related to the topic of
24 right to life.

25

1 BY MR. QUINN:

2 Q So you were used to seeing this or
3 similar language in various grant agreements with
4 USCCB for, roughly, a decade prior to this Texas
5 situation?

6 A Yes.

7 MR. LYNCH: Object to form. Object
8 to scope.

9 MR. CELLIER: Object to form and
10 scope.

11 BY MR. QUINN:

12 Q What religious beliefs did you understand
13 this language encompassed?

14 A Right-to-life issues. Specific to
15 right-to-life issues.

16 Q Any other religious beliefs?

17 A No.

18 Q Were you aware of any other religious
19 beliefs that may have been encompassed by virtue of
20 your work at USCCB?

21 MR. CELLIER: Object to scope.

22 MR. LYNCH: Object to scope.

23 A Issues that would have come up in the
24 context of my work, no.

25

1 Q Were you aware that USCCB's religious
2 beliefs included a belief against same-sex marriage?

3 A Yes.

4 MR. CELLIER: Object to form.

5 MR. LYNCH: Object to form.

6 BY MR. QUINN:

7 Q Were you aware of that religious belief
8 when you worked at USCCB?

9 A Yes.

10 Q Did Catholic teaching regarding same-sex
11 marriage inform your work?

12 A I'm sorry?

13 MR. LYNCH: Object to form.

14 BY MR. QUINN:

15 Q Did Catholic teaching regarding same-sex
16 marriage impact your work?

17 MR. LYNCH: Object to form.

18 MR. CELLIER: Objection to form.

19 MR. LYNCH: Object to scope.

20 MR. CELLIER: And scope.

21 A No, not in the programs that I worked on
22 at the time.

23 BY MR. QUINN:

24 Q Did Catholic teaching regarding same-sex
25 marriage inform USCCB's decision-making regarding

1 foster parenting issues at USCCB?

2 MR. LYNCH: Object to form. Object

3 to scope.

4 MR. CELLIER: Object to form and

5 scope.

6 A I -- I can't speak to that. I didn't
7 work in that part of the program.

8 BY MR. QUINN:

9 Q What do you mean, "that part of the
10 program"?

11 A I didn't work on -- yeah. I didn't work
12 in the URM Program when I was at USCCB.

13 Q Have any Catholic teachings regarding
14 same-sex marriage changed since you worked at USCCB?

15 MR. CELLIER: Object to form.

16 MR. LYNCH: Object to form.

17 A Can you repeat that again? Sorry.

18 BY MR. QUINN:

19 Q Sure.

20 Have Catholic teachings regarding
21 same-sex marriage changed since you worked at USCCB?

22 MR. LYNCH: Object to form.

23 MR. CELLIER: Object to form.

24 A Not to my knowledge.

25

1 BY MR. QUINN:

2 Q So your knowledge of their belief
3 concerning same-sex marriage hasn't changed since
4 you worked at USCCB?

5 A I don't --

6 MR. LYNCH: Object to form.

7 A I don't believe so, no.

8 MR. CELLIER: Object to form.

9 BY MR. QUINN:

10 Q You don't believe so or do you know so?

11 MR. LYNCH: Object to form.

12 A I'm sorry?

13 BY MR. QUINN:

14 Q You said, "Believe." Do you know whether
15 or not, to your knowledge, it's changed?

16 MR. LYNCH: Object to form.

17 MR. CELLIER: Object to form.

18 A I don't -- I don't follow it exactly, but
19 I don't believe that they've changed.

20 BY MR. QUINN:

21 Q Did you know that USCCB's religious
22 beliefs regarding same-sex marriage would prevent
23 USCCB from processing a same-sex couple's foster
24 parent application?

25 A No.

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C E R T I F I C A T E

I, Clifford Edwards, Certified Shorthand Reporter, do hereby certify that prior to the commencement of the examination, the witness was duly remotely sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony, that said deposition was taken by me stenographically at the time and date hereinbefore set forth, and the foregoing is a true and accurate transcript of the testimony.

I FURTHER CERTIFY that I am neither of counsel nor attorney to any of the parties to said suit, nor am I an employee of any party to said suit, nor of any counsel in said suit, nor am I interested in the outcome of said cause.

Witness my hand and seal as Notary Public this 30th day of September, 2020.



Clifford Edwards

Notary Public

My commission expires: 9/30/2021



EXHIBIT 15

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

- - - - -X
FATMA MAROUF, et al., :
Plaintiffs, : Case No.
vs. : 1:18-cv-378 (APM)
ALEX AZAR, in his official :
capacity as Secretary of the :
UNITED STATES DEPARTMENT OF :
HEALTH AND HUMAN SERVICES, :
et al., :
Defendants. :

- - - - -X
Remote Videotape Deposition Of JALLYN N. SUALOG
Wednesday, August 26, 2020
9:05 a.m. (EDT)

Job No. 314851
Pages: 1 - 269
Reported by: Dana C. Ryan, RPR, CRR

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August 26, 2020

9:05 a.m. (EDT)

Remote Videotape Deposition of JALLYN N.
SUALOG, held via Zoom video teleconference, before
Dana C. Ryan, Registered Professional Reporter,
Certified Realtime Reporter and Notary Public in
and for the State of Maryland.

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF THE PLAINTIFFS (cont'd):

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF THE DEFENDANT

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Also Present:

Steve DeCanio, Video Technician

Nicole Cubbage, ACF

Kevin Lake, HHS

Llewellyn Woolford, HHS

Page
1 other, whether or not -- whether or not the legal
2 service -- the child has -- you know, children in
3 long-term foster care have been identified to have
4 a very high potential for immigration relief, so
5 are these homes located in a place where that can
6 be continued if -- and there's legal service
7 coverage for that area so that child can continue
8 that -- that process.

9 So all of these -- all these kind of
10 specific items or factors for that particular
11 child is considered and go into that decision
12 making.

13 Q Ultimately, you're trying to make a
14 placement that's in the best interest of the
15 child; correct?

16 A Absolutely.

17 Q Are there any child welfare standards
18 that ORR subscribes to?

19 A Yeah. I think ORR's general policies
20 and procedures primarily looks at child welfare
21 standards. Certainly -- certainly, the people
22 that makes recommendation from, you know, the
23 facility, case managers and clinicians, to the
24 caseworker, to the FFS has in mind those child
25 welfare standards. And that is a factor in the --

Page

1 MR. POWERS: Object to form.

2 MR. CELLIER: Object to form.

3 THE WITNESS: In general, yes.

4 BY MR. GENDALL:

5 Q For instance, it would be good if the
6 potential pool of foster families includes foster
7 homes of Muslim faith?

8 MR. CELLIER: Object to form.

9 THE WITNESS: In general, yes, because
10 we have children who are of the Muslim faith, so
11 it would be -- it would be -- their experience in
12 foster care would be enhanced by that.

13 BY MR. GENDALL:

14 Q Because it might well be the case that
15 the best interest of the particular child are to
16 be placed in that Muslim home; right?

17 A Sure. Yes.

18 Q And would it also be a good thing if
19 the potential pool of foster families included
20 foster homes headed by the same-sex married
21 couple?

22 MR. POWERS: Object to form.

23 MR. CELLIER: Object to form.

24 THE WITNESS: Yes.

25 BY MR. GENDALL:

Page

1 Q And that's because it might well be the
2 case that the best interest of a particular child
3 might be to be placed in such a home; right?

4 MR. POWERS: Object to form.

5 MR. CELLIER: Object to form.

6 THE WITNESS: It may be, yes.

7 BY MR. GENDALL:

8 Q Do the unaccompanied alien children in
9 ORR's care have any visibility into where other
10 unaccompanied alien children are placed into a
11 long-term foster home?

12 MR. CELLIER: Objection: scope.

13 THE WITNESS: Can you -- can you repeat
14 your question?

15 BY MR. GENDALL:

16 Q Yeah. Sure. Let me make it just, you
17 know, more concrete.

18 Do the unaccompanied -- strike that.

19 Are the unaccompanied alien children in
20 ORR's custody aware of each other?

21 A Yeah, sometimes.

22 Q They live together in shelters; right?

23 A Yes.

24 Q So when one of them is transitioned to
25 a long-term foster care home, do the other

Page

1 THE WITNESS: I -- I -- I don't know.

2 I mean . . .

3 BY MR. GENDALL:

4 Q What is your understanding of USCCB's
5 religious beliefs regarding same-sex marriage?

6 MR. CELLIER: Objection.

7 MR. POWERS: Objection: asked and
8 answered. Objection to form.

9 THE WITNESS: My understanding is
10 same-sex marriage is contrary to the Catholic
11 faith.

12 BY MR. GENDALL:

13 Q Did you have that understanding in
14 2016?

15 MR. CELLIER: Objection to form.

16 THE WITNESS: That same-sex marriage
17 was contrary to the Catholic teachings or belief?
18 Yes.

19 BY MR. GENDALL:

20 Q When Fatma sent that email that we
21 looked at in February 2017, it notified ORR that
22 CCFW would not accept Fatma and Bryn's foster
23 parent application based on its religious beliefs.

24 Could ORR have processed their
25 application -- foster care application instead?

Page

REPORTER'S CERTIFICATE

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I, Dana C. Ryan, Certified Shorthand Reporter in and for the District of Columbia, hereby certify that the deponent was by me first duly sworn and the foregoing testimony was reported by me and was thereafter transcribed with computer-aided transcription; that the foregoing is a full, complete, and true record of said proceedings.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing proceedings and caption named or in any way interested in the outcome of the cause in said caption.

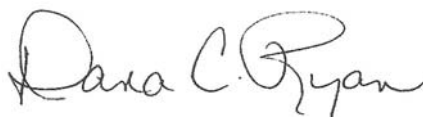
The dismantling, unsealing, or unbinding of the original transcript will render the reporter's certificate null and void.

In witness whereof, I have hereunto set my hand this day: September 8, 2020.

 X Reading and Signing was requested.

 Reading and Signing was waived.

 Reading and Signing was not requested.



Dana C. Ryan, RPR, CRR

Page

E R R A T A S H E E T

IN RE: FATMA MAROUF, et al. v. ALEX AZAR, in his
official capacity as Secretary of the UNITED
STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
et al.

RETURN BY: Jallyn Sualog

PAGE	LINE	CORRECTION AND REASON
<u>28</u>	<u>2-3</u>	<u>“provision sexual abuse audit” to “sexual abuse audit” (for accuracy)</u>
<u>36</u>	<u>1</u>	<u>“grant's mechanism” to “grants mechanism” (transcription error)</u>
<u>40</u>	<u>9</u>	<u>“Southwest Keys” to “Southwest Key” (transcription error)</u>
<u>56</u>	<u>23</u>	<u>“foster care place – capacity” to “foster care – capacity” (for accuracy)</u>
<u>76</u>	<u>11</u>	<u>"subgrantee" to “subgrantees” (transcription error)</u>
<u>88</u>	<u>2</u>	<u>“the RA grantee” to “the grantee” (for accuracy)</u>
<u>138</u>	<u>24-25</u>	<u>“Lutheran Immigrants Refugee Services” to “Lutheran Immigration and Refugee Services” (transcription error)</u>
<u>141</u>	<u>15-16</u>	<u>“determination at” to “a determination in” (transcription error)</u>
<u>143</u>	<u>12-13</u>	<u>“accommodation” to “an accommodation” (transcription error)</u>
<u>145</u>	<u>9</u>	<u>“Rachel Jacob Gainer” to “Rachel Jacobs Gainor” (transcription error)</u>
<u>145</u>	<u>15, and page 146, lines 7 and 17,</u>	<u>“Ms. Gainer” to “Ms. Gainor” (transcription error)</u>
<u>148</u>	<u>23</u>	<u>“a packet of referral” to “a referral packet” (for accuracy)</u>
<u>149</u>	<u>21-22</u>	<u>“placement” to “placements” (transcription error)</u>
<u>153</u>	<u>22-23</u>	<u>“expedientially” to “exponentially” (transcription error)</u>
<u>160</u>	<u>7-8</u>	<u>“NSW” to “NASW” (transcription error)</u>
<u>163</u>	<u>5-6</u>	<u>“UAC Jallyn is” to “UAC ‘Jallyn’ is” (transcription error)</u>
<u>179</u>	<u>3-4 and 8</u>	<u>“Ann Mullooly” to “Anne Mullooly” (transcription error)</u>

October 8, 2020

Jallyn N. Sualog -S Digitally signed by Jallyn N.
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Date: 2020.10.08 14:52:07 -04'00'

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Page

ACKNOWLEDGMENT OF DEPONENT

I, Jallyn N. Sualog, do hereby
 acknowledge that I have read and examined the
 foregoing testimony, and the same is a true,
 correct and complete transcription of the
 testimony given by me and any corrections appear
 on the attached Errata sheet signed by me.

October 8, 2020

Jallyn N.
Sualog -S

Digitally signed by Jallyn N.
Sualog -S
Date: 2020.10.08 14:52:31
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CERTIFICATE OF NOTARY PUBLIC

Sworn and subscribed to before me this

_____ day of _____, _____

NOTARY PUBLIC

MY COMMISSION EXPIRES



EXHIBIT 17

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FATMA MAROUF, et al.,)
)
 Plaintiffs,) Civil Action No.
) 18-cv-00378 (APM)
VS.)
)
ALEX AZAR, et al,)
)
 Defendants.)

ORAL AND VIDEOTAPED REALTIME DEPOSITION OF
CATHOLIC CHARITIES, DIOCESE OF FORT WORTH, INC.
DANA SPRINGER
TAKEN VIA ZOOM VIDEOCONFERENCE
NOVEMBER 18, 2020
REPORTED REMOTELY

ORAL AND VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
DANA SPRINGER, produced as a witness at the instance of
the Plaintiffs, and duly sworn, was taken in the
above-styled and numbered cause on November 18, 2020,
from 9:03 a.m. CST to 3:13 p.m. CST, before Christy
Cortopassi, CSR in and for the State of Texas, reported
by machine shorthand remotely, with the witness being
located at the law offices of Vitek Lange, 300
Throckmorton Street, Suite 650, Ft. Worth, Texas 76102,
pursuant to the Federal Rules of Civil Procedure, the
Emergency Order Regarding the COVID-19 State of Disaster
and the provisions stated on the record or attached
hereto.

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1 (Appearances continued)

2

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8

9 ALSO PRESENT:
10 Mr. Rick Bell, Videographer

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1 A. Not that I recall.

2 Q. Do you know whether CCFW has complied with its
3 requirements?

4 MR. CELLIER: Object to form.

5 MR. LANGE: Object to form.

6 A. I can't -- I don't know.

7 Q. (BY MR. BURNS) If you scroll down in Exhibit 4
8 to paragraph --- excuse me -- Section 7 titled Same-Sex
9 Marriage Provisions, have you ever seen this provision
10 before?

11 A. No, I have not seen this document before.

12 Q. Have there been any discussions within CCFW
13 about this document and specifically this provision?

14 A. Not to my knowledge.

15 Q. Did CCFW review ORR's policies and procedures
16 in -- in administering the UAC and URM programs?

17 MR. CELLIER: Object to form.

18 MR. LYNCH: Object to form.

19 A. I don't know.

20 Q. (BY MR. BURNS) Do you know whether CCFW has
21 complied with the provisions of Exhibit 4?

22 MR. CELLIER: Object to form.

23 MR. LYNCH: Object to form.

24 MR. CELLIER: Calls for a legal conclusion.

25 Q. (BY MR. BURNS) You can answer, Ms. Springer.

1 parents?

2 MR. CELLIER: Object to scope.

3 MR. LANGE: Object to form.

4 A. We ensure that all of our foster parents are
5 committed to allowing them -- the children placed in
6 their home or child placed in their home to continue to
7 practice their preferred religion.

8 Q. (BY MR. BURNS) Give me just one moment.

9 A. Sure.

10 Q. I have dropped tab ten into the chat. I'm
11 going to share it. Do you recognize this document,
12 Ms. Springer?

13 A. I do.

14 Q. What is it?

15 A. It's our recruitment and retention on foster
16 parents policy.

17 Q. And can you read the date that -- the review
18 date in the top right corner?

19 A. July 18th, 2016.

20 (Exhibit No. 10 was marked.)

21 Q. (BY MR. BURNS) And I would like to mark this
22 as Exhibit 10. Towards the bottom of this first page
23 under procedures it states foster parent requirements.
24 Do you see that?

25 A. I do.

1 That they have to complete and pass a home study, that
2 they have to agree, as we talked about before, about the
3 RICHES and the Catholic social teachings and those
4 things. Excuse me.

5 Those are just the few that come to my mind
6 right now.

7 Q. Did CCFW's requirements to become a licensed
8 foster parent change over time?

9 A. Yes.

10 Q. How so?

11 A. Based on new laws that were enacted or changed,
12 a change of law.

13 Q. Can you give me --

14 A. From the State of Texas.

15 Q. -- examples?

16 A. Sure. Same-sex marriage did not used to be
17 recognized in the State of Texas and when it was, our
18 rules changed.

19 Q. How did the rules change?

20 A. That the decision was made not to license
21 same-sex foster parent.

22 Q. I just want to clarify. Before same sex was
23 legal in Texas, CCFW would license same-sex couples?

24 MR. CELLIER: Object to form.

25 A. No, but it -- no.

1 Q. (BY MR. BURNS) Do you mean that CCFW began --
2 do you mean that CCFW implemented the requirement that
3 foster parents be married after same-sex marriage became
4 legal in Texas?

5 MR. LANGE: Object to form.

6 MR. CELLIER: Object to form.

7 A. I don't know.

8 Q. (BY MR. BURNS) Did CCFW previously -- strike
9 that.

10 Did CCFW ever allow single individuals to
11 become licensed foster parents?

12 A. Yes.

13 Q. Did that policy change as a result of the
14 Supreme Court's decision in Windsor allowing same-sex
15 marriage?

16 A. I don't know.

17 Q. Do you know when CCFW changed the
18 requirement -- implemented the requirement that foster
19 parent applicants be married?

20 A. I don't know.

21 (Exhibit No. 7 was marked.)

22 Q. (BY MR. BURNS) I just entered tab seven in the
23 chat which I will mark as Exhibit 7. Do you recognize
24 this document, Ms. Springer?

25 A. I don't.

1 divorced, a copy of the divorce decree must be
2 provided."

3 Q. So is it a fair summary to say that at the time
4 this policy was in place, CCFW permitted single and
5 divorced individuals to become foster parents?

6 A. Yes, it is.

7 Q. Do the dates on Exhibits 9 and 10 help refresh
8 your recollection of when the policy changed at CCFW
9 with respect to allowing single or divorced individuals
10 to become foster parents?

11 A. Not necessarily.

12 Q. Is it fair to say that it happened between 2012
13 and September 2016 -- excuse me, July of 2016?

14 A. It is.

15 Q. Is divorce contrary to Catholic teachings?

16 MR. CELLIER: Object to scope.

17 A. I don't know.

18 Q. (BY MR. BURNS) Is it within CCFW's knowledge
19 whether divorce is contrary to Catholic teachings?

20 MR. CELLIER: Object to scope.

21 MR. LANGE: Form.

22 A. I don't know.

23 Q. (BY MR. BURNS) And to clarify, when you say I
24 don't know, you're saying CCFW does not know; is that
25 correct?

1 beliefs -- let me rephrase it.

2 Did CCFW ever discuss its religious beliefs
3 with USCCB in the context of the administration of UAC
4 or URM programs?

5 MR. CELLIER: Object to form and scope.

6 A. Yes.

7 Q. (BY MR. BURNS) Can you tell me about those
8 conversations?

9 A. I mean, I can tell you that they occurred but,
10 again, I wasn't -- the conversations didn't happen
11 with -- I don't have firsthand knowledge. I just know
12 that they occurred.

13 Q. What do you know about those conversations?
14 Just tell me what you do know.

15 A. I mean, I know that USCCB was aware that -- of
16 our requirements to become a foster parent with Catholic
17 Charities Fort Worth.

18 Q. And when you say requirements, you mean that it
19 could not be a same-sex couple?

20 A. That's included, yes.

21 Q. Was that a requirement of USCCB as well?

22 A. I don't know.

23 Q. Have federal defendants communicated any
24 concern to CCFW with respect to compliance with the
25 sexual orientation nondiscrimination rule in the ACF

1 general terms and conditions which was Exhibit 4?

2 A. Not that I'm aware of.

3 MR. CELLIER: Object to form.

4 MR. LANGE: Object to form.

5 Q. (BY MR. BURNS) Did federal defendants inquire
6 of CCFW regarding compliance with the ACF general terms
7 and conditions?

8 A. Not that I'm aware of.

9 Q. Did USCCB inquire of CCFW regarding compliance
10 with the ACF general terms and conditions?

11 A. Regarding the conditions of the exhibit?

12 Q. Correct. Exhibit 4 is the ACF's general terms
13 and conditions. If you recall, we discussed earlier one
14 of those provisions -- and I'll pull it up for you. It
15 was the same-sex marriage provision numbered paragraph
16 seven?

17 A. Not that I recall.

18 Q. All right. Switching gears, I think you know a
19 little bit more about this topic so thanks for bearing
20 with me.

21 A. Sure.

22 Q. With respect to the plaintiffs, Fatima Marouf
23 and Bryn Esplin, can you briefly summarize the
24 interaction that occurred between CCFW and the
25 plaintiffs?

1 which ones those were?

2 A. I know I said Lutheran Social Services and, you
3 know, my typical is to give two to three so I can't
4 imagine why I didn't in this case but no, I don't recall
5 specifically the other two.

6 Q. And did Lutheran Social Services, did that
7 agency administer either the URM or the UAC program?

8 A. Not in our area.

9 Q. Did they administer in another area?

10 A. I believe so.

11 Q. Do you know where?

12 A. I don't.

13 Q. And you said -- I think you said you typically
14 gave two or three options for referrals. So had it
15 happened before where you would give referrals to other
16 agencies if CCFW determined that the individual or the
17 couple could not be licensed through -- as a foster
18 parent through CCFW?

19 MR. CELLIER: Object to scope.

20 A. For that reason and also if the individuals
21 inquiring learned more about the program and they -- it
22 wasn't a population they were interested in or they
23 wanted domestic foster care.

24 Q. (BY MR. BURNS) Sure. Focusing on the -- on
25 the former, where CCFW determines that the individual or

1 individuals do not qualify under CCFW's requirements to
2 be a foster parent, were there instances where that
3 failure to qualify was based on CCFW's religious
4 beliefs, as here?

5 MR. CELLIER: Object to scope.

6 MR. LYNCH: Object to scope.

7 A. Yes.

8 Q. (BY MR. BURNS) Yes? Do you recall any of
9 those situations, any of those incidents?

10 MR. CELLIER: Object to scope.

11 A. Yes.

12 Q. (BY MR. BURNS) What were some of the
13 underlying issues that caused those individuals to not
14 qualify to be foster parents?

15 MR. CELLIER: Object to scope.

16 Q. (BY MR. BURNS) Were there same-sex couples or
17 were there other religious beliefs issues?

18 A. Same sex or unmarried.

19 Q. And for the same-sex couples were there -- was
20 there more than one?

21 A. I can only recall one other.

22 Q. Is this in addition to the one we discussed
23 earlier that was in 2017 as well or is this the
24 same individual?

25 A. It's the same.

1 Q. Okay. And you referred that individual to
2 another agency or agencies?

3 A. I believe so. It was very quick communication
4 via email but I believe so.

5 Q. Okay. With respect to the individuals that
6 were unmarried, I assume this was during the time period
7 after CCFW had implemented the requirement that foster
8 parents be married?

9 A. That's correct.

10 MR. CELLIER: Object to scope.

11 Q. (BY MR. BURNS) Bear with me one moment.

12 A. Sure.

13 Q. I want to go back to -- this is Exhibit 2 we
14 discussed earlier. This, you will recall, is the
15 agreement between CCFW and USCCB with respect to the UAC
16 program. Do you recall discussing this document
17 earlier?

18 A. I do.

19 Q. Flipping to the fifth page in the middle of the
20 page, there's the paragraph H titled Catholic Identity.
21 Do you remember this paragraph?

22 A. I do.

23 Q. I'll -- I want to read the second sentence in
24 the paragraph. "Accordingly, USCCB/MRS expects the
25 sub-recipient will provide services under this agreement

1 A. A calendar invite to have a phone conversation
2 with Fatima.

3 Q. And it appears that the phone conversation, the
4 call would take place on February 21st, 2017; is that --

5 A. That's correct.

6 Q. And is that when the call did take place; do
7 you recall?

8 A. I believe -- I believe so but no, I don't
9 recall the exact date.

10 Q. And it appears that this document was collected
11 from Mr. Beard's email account; is that correct?

12 A. I'm not sure how to tell that. Oh, I guess
13 because his email address is up there.

14 Q. That's what I was surmising?

15 A. Yeah --

16 Q. But --

17 A. I mean, it would have been on my email too, so.

18 Q. Sure. But you have no reason to doubt that
19 this an accurate record from his email account?

20 A. I do not.

21 Q. All right.

22 MR. BURNS: Adding tab 13 to the chat and
23 marking as Exhibit 13.

24 (Exhibit No. 13 was marked.)

25 Q. (BY MR. BURNS) Do you recognize this document?

1 Well, I'll zoom in a bit so it's legible.

2 A. I don't.

3 Q. Okay. What is it?

4 A. An email that I sent to our CEO.

5 Q. And your CEO is Heather Reynolds?

6 A. Correct. At the time it was.

7 Q. Okay. The first sentence, third call I have
8 had to do like this between yesterday and today. First,
9 which call are you referencing and second, what are the
10 first two calls, if you remember?

11 A. I assume I'm referencing the call with Fatima
12 and Bryn. And the other two calls, I can't remember two
13 but I can remember one being that other one we already
14 discussed.

15 Q. The other same-sex couple or LGBT individual?

16 A. Yes, sir.

17 Q. Would the -- so that was call number one or --

18 A. Yeah. And if I'm being completely honest with
19 you, sir, I don't even recall having a call with them,
20 it was email. So I don't know if I just maybe should
21 have said third interaction or I don't recall.

22 Q. Understood. And the second sentence, they
23 actually all went super well because I'm the queen of
24 sharing this news now. What were you referencing there?

25 A. The --

1 Q. I mean, not being the queen but the news that
2 you are sharing?

3 A. Yeah, this is awesome. Probably, I assume --
4 I'm thinking the news of not being able to be a foster
5 parent with us.

6 Q. And specific to same-sex couples or just
7 generally?

8 A. I would say generally.

9 Q. Okay. And in the subsequent sentence where you
10 say until I shared our qualifications for licensing
11 foster parents based on our CST and Catholic doctrine,
12 is it accurate to say that CST is Catholic social
13 teachings?

14 A. It is.

15 Q. And which qualifications were you referring to?

16 A. All of them.

17 Q. Would it -- okay. I assume you would have
18 mentioned about -- did you mention about the marriage
19 requirement being between one man and one woman?

20 A. Yes.

21 Q. Do you recall whether you mentioned the
22 requirement that foster parents mirror the Holy Family?

23 A. I did.

24 Q. Do you remember what you said specifically?

25 A. Exactly that.

1 Q. That foster parents must mirror the Holy
2 Family?

3 A. Yes, sir.

4 Q. Okay. When you are saying, you're referring to
5 she, using the pronoun "she," who was it you were
6 speaking to?

7 THE WITNESS: Could I just have one moment
8 because something is happening on the computer? I can't
9 see what you have up.

10 MR. BURNS: Yeah.

11 THE WITNESS: It says installing some
12 software components. Sorry.

13 MR. BURNS: That's okay. It wouldn't be a
14 proper remote deposition without some type issues.

15 A. I'm sorry. Where was the she?

16 Q. (BY MR. BURNS) Yeah. So the second half of
17 the second sentence and then she said well, we're a
18 same-sex couple. And then farther down, then she said
19 well, good-bye.

20 Do you remember which of the plaintiffs you
21 were speaking to or you were referencing here?

22 A. I feel very strongly it was Fatima.

23 Q. Did CCFW inform USCCB about this interaction?

24 A. I don't recall.

25 Q. Would Ms. Reynolds know whether CCFW informed

1 Worth as well?

2 A. Yes.

3 Q. Does CCD share any office space with CCFW?

4 A. No.

5 Q. Does CCD and CCFW share any -- are they housed
6 in the same building?

7 A. No.

8 Q. Does CCD lease or rent space from CCFW?

9 A. Yes.

10 Q. Has CCFW shared or made available its files
11 from its child foster services -- let me rephrase. Did
12 CCFW share any documents or files with CCD?

13 A. Yes.

14 Q. Is it possible that CCD has more documents that
15 are responsive to the document request in Schedule B to
16 the subpoena, Exhibit 1?

17 MR. LANGE: Objection; form.

18 MR. CELLIER: Object to form.

19 A. I can't imagine that being possible. They have
20 only what we were able to locate and give them.

21 Q. (BY MR. BURNS) So they would have copies of
22 CCFW records but not the original files; is that
23 accurate?

24 A. They have some original files, client files, so
25 children's files and, you know, certifications and

1 licensing requirements that have to be original for
2 foster parents. So yes, some are both, some original,
3 some copy.

4 Q. All right.

5 MR. BURNS: I think I'm finished but I
6 would like to take a ten-minute break. Let's make it 15
7 just so I can confer with cocounsel and see if there is
8 anything else to touch base on. And hopefully the other
9 side won't have too much for you.

10 THE VIDEOGRAPHER: We are off the record at
11 2:24 p.m.

12 (Break from 2:24 p.m. to 2:39 p.m. CST)

13 THE VIDEOGRAPHER: Back on the record at
14 2:38 p.m.

15 Q. (BY MR. BURNS) Just a few more questions about
16 the transition of child foster services from CCFW to
17 CCD.

18 A. Okay.

19 Q. What happened to the staff who worked in the
20 International Foster Care department at CCFW?

21 A. At transition time?

22 Q. Yeah.

23 A. They were all offered a position with CC Dallas
24 and the huge majority of them transitioned.

25 Q. Did anyone -- scratch that.

1 And you stayed with CCFW, obviously. Do
2 you do any work with CCD on child foster care services?

3 A. No.

4 Q. And how many children were in CCFW's care when
5 it made the decision to transfer services?

6 A. I'm going to be making a rough guess, I'm going
7 to say about 75 in URM, 8 or 9 in DUCS and shelter
8 capacity I believe was 15.

9 I don't know what number capacity we were
10 at when the transition occurred and then we had
11 transitional foster care maybe 3 to 5.

12 Q. And as far as the group houses, agency homes,
13 is that -- are they owned by -- were they owned by CCFW
14 or by individual foster parents?

15 A. So two were owned by CCFW and two were leased
16 by CCFW.

17 Q. And two questions. Did CCD take over the
18 leases on those properties?

19 A. I believe so initially.

20 Q. And as to the other properties that were owned
21 by CCFW, were they transferred in any way to CCD?

22 A. Not ownership.

23 Q. Is CCD using those properties?

24 A. One of them.

25 MR. BURNS: I have no further questions at

1 Q. Following the call, did CCFW receive any
2 follow-up from plaintiffs concerning the child placement
3 alternatives that you suggested?

4 A. I don't recall.

5 Q. Do you know whether plaintiffs reached out to
6 any of these agencies?

7 A. I don't know.

8 Q. Did plaintiffs ever request CCFW's assistance
9 with getting in contact with any of these agencies?

10 A. Not that I recall.

11 Q. Had they done so, would you have assisted?

12 A. Yes.

13 Q. Earlier I believe we discussed that CCFW is no
14 longer involved in the URM or UAC programs, correct?

15 A. That's correct.

16 Q. And we discussed that the reason for them
17 leaving was the emphasis on poverty and ending poverty?

18 A. That's correct.

19 Q. And now both programs are currently being run
20 at CC Dallas, correct?

21 A. Yes, sir.

22 Q. Approximately, how many children did CCFW place
23 with foster parents through the URM program during your
24 time at CCFW?

25 A. So during my time in child welfare?

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FATMA MAROUF, et al.,)
)
 Plaintiffs,)
)
VS.) Civil Action No.
) 18-cv-00378 (APM)
ALEX AZAR, et al,)
)
 Defendants.)

REPORTER'S CERTIFICATION
DEPOSITION OF DANA SPRINGER
CATHOLIC CHARITIES, DIOCESE OF FORT WORTH, INC.
NOVEMBER 18, 2020
REPORTED REMOTELY

I, Christy Cortopassi, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, DANA SPRINGER, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on
_____ to the witness or to the attorney
for the witness for examination, signature and return to
me by _____;

That the amount of time used by each party at the
deposition is as follows:

MR. MICHAEL A. BURNS.....03:21
MR. JASON LYNCH.....00:00
MR. JASON A. CELLIER.....00:25

1 MR. SID LANGE.....00:00

2 I further certify that pursuant to FRCP No.

3 30(f)(i) that the signature of the deponent:

4 X was requested by the deponent or a party
5 before the completion of the deposition and that the
6 signature is to be returned within 30 days from date of
7 receipt of the transcript. If returned, the attached
8 Changes and Signature Page contains any changes and the
9 reasons therefor;

10 _____ was not requested by the deponent or a party
11 before the completion of the deposition.

12 I further certify that I am neither counsel for,
13 related to, nor employed by any of the parties or
14 attorneys in the action in which this proceeding was
15 taken, and further that I am not financially or
16 otherwise interested in the outcome of the action.

17 Certified to by me this _____ of _____,
18 2020.



21
22 Christy Cortopassi, Texas CSR 6222
23 Expiration Date: 10/31/2022
24 Firm Registration No. 343
25 U.S. LEGAL SUPPORT, INC.
8144 Walnut Hill, Suite 350
Dallas, Texas 75231
214.741.6001



EXHIBIT 18

November 06, 2020

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Case No. 1:18-cv-378 (APM)

FATMA MAROUF, et al.,)
)
Plaintiffs)
)
VS)
)
ALEX AZAR, in his)
official capacity as)
Secretary of the UNITED)
STATES DEPARTMENT OF)
HEALTH AND HUMAN)
SERVICES, et al.,)
)
Defendants)

ORAL AND VIDEOTAPED DEPOSITION OF

FATMA E. MAROUF

APPEARING REMOTELY

NOVEMBER 6, 2020

ORAL AND VIDEOTAPED DEPOSITION OF FATMA E. MAROUF, produced as a witness at the instance of the DEFENDANT, U.S. CATHOLIC CONFERENCE OF BISHOPS, and duly sworn, was taken in the above-styled and numbered cause on NOVEMBER 6, 2020, from 8:07 a.m. to 10:34 a.m., before Donna L. Garza, CSR, in and for the State of Texas, reported by machine shorthand and appearing remotely from Polk County, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto; that the deposition shall be read and signed before any notary public.

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1 that relates to these allegations in the complaint.

2 A. Not that I can think of. For Paragraph 50,
3 there are the emails with the Know Your Rights
4 presentation invitation, and I accepting that invitation
5 as well. That -- that has -- that was just a separate
6 presentation that I did with Catholic Charities for the
7 community.

8 Q. Okay. I understand. Anything -- anything
9 else you can think of?

10 A. No. Nothing I can think of right now.

11 Q. Okay. Thank -- thank you very much for going
12 through these paragraphs with me.

13 So let me turn to some background
14 information, if I -- if I could. I want to ask a few
15 questions about -- about your family.

16 First, you referenced a marriage license
17 or certificate. When -- when were you and your wife
18 married?

19 A. May 24th, 2015.

20 Q. Where were you married?

21 A. Saint George, Utah.

22 Q. And you mentioned a marriage license or
23 certificate. Does -- does that relate to the marriage
24 on May 24, 2015?

25 A. Yeah. Yeah.

1 A. She was born to us on [REDACTED]

2 Q. Congratulations.

3 A. Thank you.

4 Q. Have you ever served as a foster parent for
5 any type of -- of minor child?

6 A. No.

7 Q. Have you ever applied to be a foster parent
8 for any kind of minor child?

9 A. No. We were planning to apply with CCFW, but
10 we were not able to apply.

11 Q. Okay. Did you apply to any other agencies,
12 including Jonathan's Place and Upbring --

13 A. No, we didn't.

14 Q. -- to become a foster parent?

15 A. No, we did not.

16 Q. And I'm -- I'm sorry if I asked you this
17 already. What -- what is the -- what -- is it a boy or
18 a girl?

19 A. Our daughter is a girl.

20 Q. Daughter. Terrific.

21 I -- I know that you are like -- like all
22 of us on the line here. You're an attorney and you're
23 an immigration law professor, an immigration lawyer.
24 Have you reviewed the proposals and agreements in this
25 case between the government and USCCB?

1 Q. Okay. So let's move now to Paragraph 47 in
2 the complaint. Would you just take a look at that, if
3 you could.

4 A. Yep.

5 Q. Okay. Now, this references a conversation
6 that occurred on February 22nd, 2017, with you and CCFW;
7 is that correct?

8 A. Yes.

9 Q. Okay. My first question is who was on that
10 conversation?

11 A. I actually don't -- I don't know her name for
12 sure. We asked CCFW for it and the name they gave me
13 was Dana Springer. I don't know if that's -- there's
14 two people named Springer and I was never entirely clear
15 if it was actually Dana Springer or the other Springer
16 we talked to that day.

17 Q. Okay. So you think Ms. Springer was on the
18 phone. Was -- was it by a conference call?

19 A. I think they called my cell. And I put it on
20 speaker and Bryn and I were both on it.

21 Q. Okay.

22 A. They called one of our cell phones. Yeah.

23 Q. Okay. So it was you and Bryn, correct?

24 A. Yes. We were on the phone together, on
25 speaker.

1 Q. Okay. And then from CCFW, you believe -- or
2 you recall it was Ms. Springer?

3 A. Right. I -- that's based on the information
4 CCFW gave us afterwards when I asked who we had had the
5 call with.

6 Q. Okay. Can you recall anybody --

7 A. Sorry. They put us with the director of their
8 immigration services, something like that. They had
9 given us sort of the title but not the name. So when --
10 when the call happened, I actually wasn't sure. The
11 person may have stated her name, but I -- I didn't
12 remember until -- which is why I tried to verify it
13 afterwards.

14 Q. Was it just one person on the phone from CCFW?

15 A. Yes. It was just one person.

16 Q. Okay. Anybody else other than you,
17 Ms. Esplin, and -- you believe -- Ms. -- Ms. Springer?

18 A. No.

19 Q. So, could you tell me what you recall from
20 that conversation that you had on February 22nd, 2017?

21 A. Yeah. I recall it started out by them telling
22 us a little bit about sort of the requirements for being
23 foster parents and starting out talking about things
24 like how much physical space there needs to be in the
25 house; what items a foster child would need -- a

1 backpack, a dresser, a bed; that we would have to have
2 certain safety things in the house, like a fire
3 extinguisher.

4 I remember those kind of things. Right.
5 And then I asked some questions about the children, what
6 countries they are coming from, their ages. And she
7 told me some information about children coming from the
8 Middle East, from other countries, sort of the age
9 ranges they tend to have.

10 And then at some point -- well, at some
11 point into the conversation, she said we also require
12 our foster parents to mirror the Holy Family. And I was
13 somewhat stunned. And I -- I assumed that to mean that
14 it -- we couldn't be a same-sex couple, but I wanted to
15 make sure.

16 So I clarified that. I said is -- I said
17 so Bryn and I are -- are both, you know, women. Is that
18 an issue? And she said yes. Then you wouldn't qualify
19 to apply.

20 Q. Did she make any other statements other than
21 what you just relayed?

22 A. I think I was sort of, again, sort of somewhat
23 stunned into silence after that because I was shocked
24 that in a government program that would be the case.
25 And I -- I think I asked her some follow-up -- or I made

1 some follow-up comments saying, you know, there are --
2 that being LGBT is a basis for asylum in the United
3 States, that -- is she aware of that. And she said no.
4 And I said, you know, there are probably LBGT foster
5 kids in your care. And she said no, we don't have any.

6 And I think that's kind of where the
7 conversation ended.

8 Q. How long was that conversation?

9 A. I don't remember exactly. I'm going to guess
10 somewhere between 30 minutes and an hour, estimate.

11 Q. Did you or Ms. Esplin make any notes of the
12 conversation?

13 A. I remember we have -- we had a notepad, but I
14 don't know where that notepad is anymore.

15 Q. Okay.

16 A. I remember we were writing down requirements
17 as she was giving them to us. And then we sort of
18 stopped writing when they told us we couldn't apply.

19 Q. And you don't believe you have that notepad in
20 your possession; is that correct?

21 A. No. No. I think I looked for it a long time
22 ago and I couldn't find it back then.

23 Q. Do you know if Ms. Esplin made any notes
24 during the time of the conversation?

25 A. I think we were both writing on the same

1 background questions and -- and the allegations in the
2 complaint.

3 MR. GOETZ: So let's take ten minutes and
4 we'll see everybody at, what, 10:17. Is that okay, Ken?

5 MR. UPTON: Sure.

6 THE VIDEOGRAPHER: We're now off the
7 record at 9:07 a.m.

8 (Break from 9:07 a.m. to 9:19 a.m.)

9 THE VIDEOGRAPHER: We're now back on the
10 record. The time is 9:19.

11 Q. (BY MR. GOETZ) Ms. Marouf, let me ask you
12 some follow-up questions on the testimony given before
13 the break.

14 Before your call with CCFW in February of
15 2017, did you research any other foster care providers?

16 A. No.

17 Q. Either in the Dallas-Fort Worth area or any
18 other geographic area?

19 A. No.

20 Q. Did you contact any foster care providers
21 before your call with CCFW in February 2017?

22 A. Not that I recall. No.

23 Q. And I take it, then, that you did not apply to
24 be a foster parent with any foster care providers before
25 your visit or your conversation with CCFW in February

1 2017?

2 A. Correct.

3 Q. The two entities that you referenced earlier,
4 Jonathan's Place and Upbring, you contacted both of them
5 after February of 2017; is that correct?

6 A. Correct.

7 Q. Let me just refer you to Tab 14 of your
8 binder. This is an article by Tim Murphy called Banned
9 from Giving Love. Do you see this?

10 A. I do.

11 Q. Okay. So we'll -- we'll mark this as a
12 Deposition Exhibit 14.

13 (Marked Marouf Exhibit No. 14.)

14 Q. (BY MR. GOETZ) Are you familiar with -- with
15 this article, Ms. Marouf?

16 A. I don't remember the particular article.

17 Q. Pardon me?

18 A. I don't remember this particular article.

19 Q. Okay. Just take a minute to just generally
20 peruse it. I'm going to ask you a question about a
21 reference on Page 3 whenever you've had a chance to look
22 through the article, generally.

23 A. Okay.

24 Q. Okay. So on Page 3, the third to last
25 paragraph has a -- has a quote. And let me read it so

1 UAC program in San Antonio or El Paso?

2 A. No. They never informed me about it.

3 Q. Did ORR ever inform you that BCFS was starting
4 a UAC program in the Dallas-Fort Worth area within the
5 past year?

6 A. No, they did not.

7 Q. And that's something that you're not aware of
8 one way or the other; is that correct?

9 A. Correct. Yes.

10 Q. Did ORR ever communicate to you about LIRS
11 becoming a replacement designee in the URM program in
12 May of 2020?

13 A. No, they did not.

14 Q. Did ORR ever communicate to you that LIRS was
15 planning to operate a URM program in the Dallas-Fort
16 Worth area this year?

17 A. No, it did not.

18 Q. And that's something that you have no
19 knowledge of one way or the other; is that correct?

20 A. Yes. That's correct.

21 Q. And I now have, from your testimony today, all
22 of your communications and interactions with ORR; is
23 that correct?

24 A. Yes.

25 Q. Let me just ask some follow-up questions about

1 CCFW, if I could. You testified this morning that a
2 representative from CCFW informed you that they would
3 not approve any foster parent applications for foster
4 parents who do not mirror the Holy Family. Do you
5 remember that testimony?

6 A. Correct. Correct.

7 Q. Was your understanding from that comment that
8 CCFW would not approve foster applications for same-sex
9 couples?

10 A. Yes.

11 Q. Are you aware of any same-sex couples who were
12 accepted as foster parents by CCFW?

13 A. I am not aware of any.

14 Q. Either before or after February 2017; is that
15 correct?

16 A. Correct.

17 Q. Do you have any reason to believe that CCFW's
18 policy, as you've testified to about same-sex foster
19 parents, was not based on its sincerely-held religious
20 beliefs?

21 A. Can you repeat the question?

22 Q. Sure. When -- let me ask it a different way.
23 Hopefully a better way.

24 When CCFW relayed that they would not
25 approve foster applications for same-sex couples because

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WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE CORRECTION REASON FOR CHANGE

8:3 = "It's a little strong." = Transcription Error

22:4 = ",and I accepted that invitation" = Transcription Error

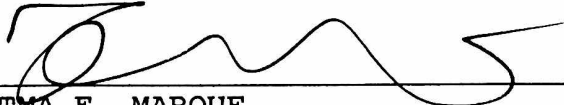
32:0 = "have been 2017 - I think" = Transcription Error

37:8 = "Yeah. I believe I initiated it." = Transcription Error

59:4 = ""one way or another" = Transcription Error

67:1 = "That's where I initially went" = Transcription Error

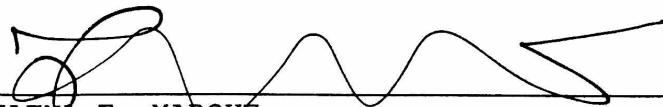
83:2 = "I'm going to impose an" = Transcription Error


FATMA E. MAROUF

Fatma Marouf
November 06, 2020

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I, FATMA E. MAROUF, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.


FATMA E. MAROUF

STATE OF _____ *
COUNTY OF _____ *

Before me, _____, on this day personally appeared FATMA E. MAROUF, known to me, or proved to me under oath or through _____ (description of identity card or other document), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this, the _____ day of _____, 2020.

Notary Public, State of _____

My Commission Expires: _____

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Case No. 1:18-cv-378 (APM)

FATMA MAROUF, et al.,)
)
Plaintiffs)
)
VS)
)
ALEX AZAR, in his)
official capacity as)
Secretary of the UNITED)
STATES DEPARTMENT OF)
HEALTH AND HUMAN)
SERVICES, et al.,)
)
Defendants)

REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF
FATMA E. MAROUF
APPEARING REMOTELY
NOVEMBER 6, 2020

I, Donna L. Garza, a Certified Shorthand
Reporter in and for the State of Texas, hereby certify
to the following:

That the witness, FATMA E. MAROUF, was duly
sworn by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness remotely;

1 I further certify that pursuant to FRCP Rule
2 30(e)(1) that the signature of the deponent:

3 _____X_____ was requested by the deponent or
4 a party before the completion of the deposition and is
5 to be returned within 30 days from the date of receipt
6 of the transcript. If returned, the attached changes
7 and Signature Page contains any changes and the reasons
8 therefor;

9 _____ was not requested by the deponent
10 or a party before the completion of the deposition.

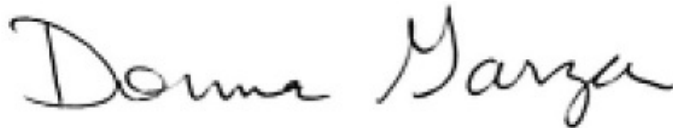
11 I further certify that I am neither counsel
12 for, related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken. Further, I am not a relative or employee of any
15 attorney of record in this cause, nor am I financially
16 or otherwise interested in the outcome of the action.

17 Subscribed and sworn to on this the _____ day
18 of November, 2020.

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22

23

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25

Donna L. Garza, CSR NO. 4785
Expiration Date: 12-31-22
US Legal Support, Inc.
Firm Registration No. 122
16825 Northchase Drive
Suite 800
Houston, Texas 77060
(713) 653-7100



EXHIBIT 19

From: Veeraraghavan, Mimi (ACF) <Mimi.Veeraraghavan@acf.hhs.gov>
Sent time: 03/03/2017 08:34:26 AM
To: Kristyn Peck <KPeck@usccb.org>
Cc: Bill Canny <WCanny@usccb.org>
Subject: RE: Refugee Foster Care Program -- LGBT Foster Parents

Thanks!

From: Kristyn Peck [mailto:KPeck@usccb.org]
Sent: Friday, March 03, 2017 7:16 AM
To: Veeraraghavan, Mimi (ACF)
Cc: Bill Canny
Subject: Re: Refugee Foster Care Program -- LGBT Foster Parents

Hi Mimi,

Yes, that is correct. Catholic Charities of Fort Worth said that Fatma referred to her union as a same gender marriage and she used the word spouse in her email communication. Catholic Charities of Fort Worth did not ask Fatma for legal documentation of the marriage.

Best,
Kristyn

Sent from my iPhone

On Mar 3, 2017, at 6:56 AM, Veeraraghavan, Mimi (ACF) <Mimi.Veeraraghavan@acf.hhs.gov> wrote:

Good Morning Kristyn,

Thanks for this summary. To recap, ORR had also asked whether Catholic Charities of Fort Worth has knowledge of whether Ms. Fatma is *legally* married to her wife (using the word indicated in her inquiry below). I believe you had indicated that CCFW had noted that she used either the word 'spouse' or 'wife' in her communications with them, but that they did not ask for any documentation on that point or otherwise assess the legality of the marriage. Correct?

Thanks,
Mimi

From: Kristyn Peck [mailto:KPeck@usccb.org]
Sent: Thursday, March 02, 2017 4:47 PM
To: Veeraraghavan, Mimi (ACF)
Cc: Bill Canny
Subject: Re: Refugee Foster Care Program -- LGBT Foster Parents

Dear Mimi,

Thank you for sending the written inquiry.

As we discussed, I spoke to Heather Reynolds, CEO/President, and Dana Springer, Director of Child Welfare, at Catholic Charities of Fort Worth on Friday, February 24th following your questions during our phone call about the below complaint.

ORR question: *How did Fatma come to know about the program?*

Heather and Dana stated that Fatma came to a Catholic Charities of Fort Worth "KNOW Poverty Hour". These are regular community-based information sessions that are posted on Catholic Charities of Fort Worth's web site for the public to attend and learn about Catholic Charities of Fort Worth's services and programs to combat poverty. These sessions include a "How to Help" component where the need for foster parents is mentioned, in addition to other volunteer opportunities.

ORR question: *What else did you know about her interest?*

Heather and Dana stated that Fatma had requested a follow up call after the KNOW Poverty Hour and expressed her interest in the International Foster Care program (this is the unit in which URM is housed).

Dana Springer called Fatma to explain more about the program and at this time learned that Fatma was in a same-sex marriage and explained that Catholic Charities of Fort Worth does not

recruit/license same-sex foster parents due to their Catholic identity.

ORR question: *What was the basis of Catholic Charities of Fort Worth's decision?*

As a Catholic agency, Catholic Charities of Fort Worth's practices and services are rooted in and guided by Catholic teaching. One of the themes of Catholic teaching includes strengthening and supporting Christian marriage, which in God's image is between a male and a female.

ORR question: *Does Catholic Charities of Fort Worth have an official policy on whether same sex couples can serve as foster families?*

Catholic Charities of Fort Worth does not have such a policy as they are guided by Catholic teaching which supports their practice of recruiting foster parents that mirror the Holy Family.

ORR question: *Are there any state laws prohibiting same-sex couples from becoming foster parents?*

Catholic Charities of Fort Worth is not aware of any Texas state laws that prohibit same-sex couples from becoming foster parents.

ORR question: *Has Catholic Charities of Forth Worth dealt with this in the past?*

This has been Catholic Charities of Fort Worth's practice for as long as it has been in existence.

ORR question: *Does USCCB concur with Catholic Charities of Fort Worth's decision?*

As a Catholic organization, the USCCB also believes that marriage is between one man and one woman.

All the best,

Kristyn

Kristyn Peck, MSW

Associate Director, [Children's Services](#)

[Migration and Refugee Services](#)' Office of Special Programs

United States Conference of Catholic Bishops

3211 4th Street, NE

Washington, DC 20017

Office: 202-541-3039

Cell: 202-578-2844

Email: kpeck@usccb.org

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MRS Vision Statement: "Creating a world where immigrants, refugees, migrants, and people on the move are treated with dignity, respect, welcome, and belonging."

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On Mar 1, 2017, at 9:57 AM, Veeraraghavan, Mimi (ACF)

<Mimi.Veeraraghavan@acf.hhs.gov> wrote:

Good Morning Kristyn,

Please remember to send me a written summary of Catholic Charities Fort Worth's take on the events described below, and their decision, as discussed yesterday. Were you able to determine whether the policy you referenced on the phone is a written policy? If so, please send that to.

Please also add USCCB's position – i.e., whether USCCB concurs with CCFW's decision. Are there any additional results from your internal conversations?

Thanks,

Mimi

From: Veeraraghavan, Mimi (ACF)

Sent: Tuesday, February 28, 2017 9:13 AM

To: 'Kristyn Peck'

Subject: FW: Refugee Foster Care Program -- LGBT Foster Parents

Here is the inquiry that I mentioned. Thanks for the information and thanks in advance for your written summary of what we discussed.

From: Marouf, Fatma E [<mailto:fatma.marouf@law.tamu.edu>]

Sent: Wednesday, February 22, 2017 4:34 PM

To: ACF Urmprogram (ACF)

Subject: Refugee Foster Care Program -- LGBT Foster Parents

Hello,

I am writing to ask whether Refugee Foster Care programs run by Catholic Charities are allowed to discriminate against LGBT prospective foster parents. My wife and I are a same-sex couple interested in refugee foster care, and we had an initial interview today with Catholic Charities in Fort Worth, TX. We were told we were not eligible because we did not "mirror the holy family." I presume Catholic Charities is operating this program based on a contract with ORR and is receiving federal funding. Are they allowed discriminate against same-sex couples in this manner? The state of Texas has no laws prohibiting same-sex couple from becoming foster care parents. If this is allowed, are there any other organizations involved in refugee foster care that allow same-sex couples to become foster parents?

Thank you - I appreciate any information you have on this issue.

Best,

Fatma

Fatma E. Marouf

Professor of Law

Director, Immigrant Rights Clinic

Texas A&M University School of Law

1515 Commerce St.

Fort Worth, Texas 76102

fatma.marouf@law.tamu.edu

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EXHIBIT 20

Message

From: Schmalz, Jennifer (ACF) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0409F47DAA7C47D8AAF8B330CCC6F482-SCHMALZ, JE]
Sent: 3/3/2017 1:41:22 PM
To: Veeraraghavan, Mimi (ACF) [mimi.veeraraghavan@acf.hhs.gov]
CC: Mullooly, Anne (ACF) [anne.mullooly@acf.hhs.gov]
Subject: RE: Refugee Foster Care Program -- LGBT Foster Parents

Thanks, Mimi!

From: Veeraraghavan, Mimi (ACF)
Sent: Friday, March 03, 2017 8:35 AM
To: Schmalz, Jennifer (ACF)
Cc: Mullooly, Anne (ACF)
Subject: FW: Refugee Foster Care Program -- LGBT Foster Parents

Good Morning Jenn,

Anne asked me to provide this directly to you.

-Mimi

From: Kristyn Peck [mailto:KPeck@uscceb.org]
Sent: Friday, March 03, 2017 7:16 AM
To: Veeraraghavan, Mimi (ACF)
Cc: Bill Canny
Subject: Re: Refugee Foster Care Program -- LGBT Foster Parents

Hi Mimi,

Yes, that is correct. Catholic Charities of Fort Worth said that Fatma referred to her union as a same gender marriage and she used the word spouse in her email communication. Catholic Charities of Fort Worth did not ask Fatma for legal documentation of the marriage.

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Sent from my iPhone

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Thanks,

Mimi

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Cc: Bill Canny
Subject: Re: Refugee Foster Care Program -- LGBT Foster Parents

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ORR question: *Does USCCB concur with Catholic Charities of Fort Worth's decision?*

As a Catholic organization, the USCCB also believes that marriage is between one man and one woman.

All the best,
Kristyn

Kristyn Peck, MSW
Associate Director, Children's Services
Migration and Refugee Services' Office of Special Programs
United States Conference of Catholic Bishops
3211 4th Street, NE
Washington, DC 20017

Office: 202-541-3039
Cell: 202-578-2844
Email: kpeck@uscgb.org

Follow MRS! Blog: <image001.gif> Twitter:<image002.png>

<IMAGE003.JPG>

MRS VISION STATEMENT: "Creating a world where immigrants, refugees, migrants, and people on the move are treated with dignity, respect, welcome, and belonging."

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On Mar 1, 2017, at 9:57 AM, Veeraraghavan, Mimi (ACF) <Mimi.Veeraraghavan@acf.hhs.gov> wrote:

Good Morning Kristyn,

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Please also add USCCB's position – i.e., whether USCCB concurs with CCFW's decision. Are there any additional results from your internal conversations?

Thanks,

Mimi

From: Veeraraghavan, Mimi (ACF)
Sent: Tuesday, February 28, 2017 9:13 AM
To: 'Kristyn Peck'
Subject: FW: Refugee Foster Care Program -- LGBT Foster Parents

Here is the inquiry that I mentioned. Thanks for the information and thanks in advance for your written summary of what we discussed.

From: Marouf, Fatma E [<mailto:fatma.marouf@law.tamu.edu>]
Sent: Wednesday, February 22, 2017 4:34 PM
To: ACF Urmprogram (ACF)
Subject: Refugee Foster Care Program -- LGBT Foster Parents

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Thank you - I appreciate any information you have on this issue.

Best,

Fatma

Fatma E. Marouf

Professor of Law

Director, Immigrant Rights Clinic

Texas A&M University School of Law

1515 Commerce St.

Fort Worth, Texas 76102

fatma.marouf@law.tamu.edu

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EXHIBIT 22

November 06, 2020

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Case No. 1:18-cv-378 (APM)

FATMA MAROUF, et al.,)
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Plaintiffs)
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VS)
)
ALEX AZAR, in his)
official capacity as)
Secretary of the UNITED)
STATES DEPARTMENT OF)
HEALTH AND HUMAN)
SERVICES, et al.,)
)
Defendants)

ORAL AND VIDEOTAPED DEPOSITION OF

BRYN S. ESPLIN

APPEARING REMOTELY

NOVEMBER 6, 2020

ORAL AND VIDEOTAPED DEPOSITION OF BRYN S. ESPLIN, produced as a witness at the instance of the DEFENDANT, U.S. CATHOLIC CONFERENCE OF BISHOPS, and duly sworn, was taken in the above-styled and numbered cause on NOVEMBER 6, 2020, from 12:29 p.m. to 3:03 p.m., before Donna L. Garza, CSR, in and for the State of Texas, reported by machine shorthand and appearing remotely from Polk County, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto; that the deposition shall be read and signed before any notary public.

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REMOTE APPEARANCES

FOR THE PLAINTIFFS:

Mr. Brendan Quinn
HOGAN LOVELLS, LLP
555 Thirteenth Street, Northwest
Washington, D.C. 20004
brendan.quinn@hoganlovells.com

Mr. Kenneth Upton
AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE
upton@au.org

Ms. Camilla Taylor
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
ctaylor@lambdalegal.org

FOR THE FEDERAL DEFENDANTS:

Mr. Jason Lynch
U.S. DEPARTMENT OF JUSTICE
Civil Division
1100 L Street, Northwest
Washington, D.C. 20005
jason.lynch@usdoj.gov

FOR THE DEFENDANT, U.S. CATHOLIC CONFERENCE OF BISHOPS:

Mr. John D. Goetz
Mr. Joshua R. Sallmen
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, Pennsylvania 15219-2514
jdgoetz@jonesday.com
jsallmen@jonesday.com

Mr. Jason E. Cellier
JONES DAY
325 John H. McConnell Boulevard, Suite 600
Columbus, Ohio 43215
jcellier@jonesday.com

1 MR. GOETZ: You can answer --

2 MR. UPTON: You can answer. If you have
3 a -- if you have a belief, you could answer.

4 And my objection, by the way, is based
5 on the fact that it asks for a legal conclusion.

6 Q. (BY MR. GOETZ) I don't want a legal
7 conclusion. Just your -- your testimony about whether
8 you think it's necessary, in your view, to continue on
9 with claims against my client, USCCB.

10 A. Sure. Given -- given the question, I would
11 like to say that I feel it's necessary to continue
12 because I sincerely believe that there are kids who are
13 in this program, or in any program, who deserve
14 loving homes and to maximize the pool -- and to have any
15 system that has a two-door -- you know, to be referred
16 out disadvantages not just us.

17 It hurt. It was really painful to be
18 rejected. It was more -- it was equally painful to know
19 the government was allowing that discrimination to
20 happen for our sake.

21 But beyond that, as I mentioned before,
22 some of these kids may be LGBTQ themselves. And in this
23 kind of placement that thinks of LGBTQ relationships or
24 persons as lesser than, I feel it's necessary to
25 continue in my heart because I -- I -- I believe that

1 that discrimination is wrong. And having a daughter
2 now, I want -- I feel it's necessary to continue because
3 I want her to know that her home is just as good as any
4 other home and her parents are just as fit as any other
5 parents.

6 And so in regards to your question, sir,
7 I -- I'm encouraged to hear there are what sounds like
8 possible -- more opportunities. And at the same time, I
9 feel it's necessary to pursue the lawsuit because of
10 this kind of discrimination with which the government
11 has knowledge.

12 Q. Okay. Thank you for your answer.

13 Given your deposition today, you still
14 would be interested in learning about URM or UAC
15 programs that may be available in Dallas-Fort Worth to
16 you and to Ms. Marouf; is that correct?

17 A. Correct. I am always interested in more
18 information.

19 Q. Okay. And to this point in time up to today,
20 you have not investigated these other options that may
21 be available in Dallas-Fort Worth; is that correct?

22 A. Correct. And I have not.

23 Q. And you're not aware of any efforts by
24 Ms. Marouf to explore these other options that may exist
25 in Dallas-Fort Worth as of today?

Bryn Esplin

November 06, 2020

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WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE CORRECTION REASON FOR CHANGE

54:22 = "particular program requirements" = Transcription Error

63:10 = "definition of brain death or death by neurological" = Transcription Error

64:9 = "Of course." = Transcription Error

71:23 = "Of course." = Transcription Error


BRYN S. ESPLIN

Bryn Esplin
November 06, 2020

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I, BRYN S. ESPLIN, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.


BRYN S. ESPLIN

STATE OF _____ *
COUNTY OF _____ *

Before me, _____, on this day personally appeared BRYN S. ESPLIN, known to me, or proved to me under oath or through _____ (description of identity card or other document), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this, the _____ day of _____, 2020.

Notary Public, State of _____

My Commission Expires: _____

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IN THE UNITED STATES DISTRICT COURT
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Case No. 1:18-cv-378 (APM)

FATMA MAROUF, et al.,)
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Plaintiffs)
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VS)
)
ALEX AZAR, in his)
official capacity as)
Secretary of the UNITED)
STATES DEPARTMENT OF)
HEALTH AND HUMAN)
SERVICES, et al.,)
)
Defendants)

REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF
BRYN S. ESPLIN
APPEARING REMOTELY
NOVEMBER 6, 2020

I, Donna L. Garza, a Certified Shorthand
Reporter in and for the State of Texas, hereby certify
to the following:

That the witness, BRYN S. ESPLIN, was duly
sworn by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness remotely;

November 06, 2020

80

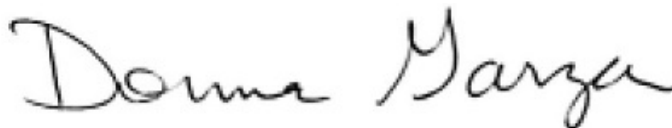
1 I further certify that pursuant to FRCP Rule
2 30(e)(1) that the signature of the deponent:

3 _____X_____ was requested by the deponent or
4 a party before the completion of the deposition and is
5 to be returned within 30 days from the date of receipt
6 of the transcript. If returned, the attached changes
7 and Signature Page contains any changes and the reasons
8 therefor;

9 _____ was not requested by the deponent
10 or a party before the completion of the deposition.

11 I further certify that I am neither counsel
12 for, related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken. Further, I am not a relative or employee of any
15 attorney of record in this cause, nor am I financially
16 or otherwise interested in the outcome of the action.

17 Subscribed and sworn to on this the _____ day
18 of November, 2020.

19
20 

21 _____
22 Donna L. Garza, CSR NO. 4785
23 Expiration Date: 12-31-22
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