

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Vita Nuova Inc., on behalf of itself and
others similarly situated,

Plaintiff,

v.

Alex M. Azar II, in his official capacity
as Secretary of Health and Human
Services; **United States of America**,

Defendants.

Case No. 4:19-cv-00532-O

MOTION FOR CLASS CERTIFICATION

Plaintiff Vita Nuova Inc. respectfully moves to certify the following class under Rule 23(b)(2) of the federal rules of civil procedure:

Every present and future health-care provider in the United States that opposes abortion for sincere religious reasons.

The accompanying brief provides our arguments and authorities.

Respectfully submitted.

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Dated: June 30, 2020

*Counsel for Plaintiff
and the Proposed Class*

CERTIFICATE OF CONFERENCE

I certify that on June 29, 2020, I conferred with Bradley Humphreys, counsel for the defendants, and he informed me that the defendants oppose this motion.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
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CERTIFICATE OF SERVICE

I certify that on June 30, 2020, I served this document through CM/ECF upon:

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BRIEF IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

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United States Conference of Catholic Bishops,
Ethical and Religious Directives for Catholic Health Care Services (6th ed. 2018)2

Plaintiff Vita Nuova Inc. respectfully moves to certify the following class under Rule 23(b)(2) of the federal rules of civil procedure:

Every present and future health-care provider in the United States that opposes abortion for sincere religious reasons.

The common characteristics of these class members is that they are all health-care providers, and they all object to abortion for sincere religious reasons. *See* Local Rule 23.2(b)(3). The distinguishing characteristics are that some of these health-care providers are for-profit while others are non-profit; some are large while others are small; and the proposed class members are geographically dispersed throughout the United States. *See id.*

I. THE COURT SHOULD CERTIFY THE PROPOSED CLASS UNDER RULE 23(b)(2)

A party that moves for class certification must satisfy all of the requirements of Rule 23(a) and at least one of the subdivisions in Rule 23(b). The proposed class meets each of these requirements.

A. The Class Is So Numerous That Joinder Of All Members Is Impractical

The number of health-care providers who object to abortion on religious grounds easily exceeds the numerosity threshold. The number of Catholic health-care providers in the United States exceeds 2,000, which includes over 660 hospitals and over 1,600 continuing care facilities. *See* Affidavit of E. Christian Brugger at ¶ 21 (ECF No. 33-3).¹ The Catholic Church has long opposed abortion as the deliberate killing of an innocent human being. *See id.* at ¶ 14–15 (quoting Pope Saint John Paul II, *Encyclical Letter On the Value and Inviolability of Human Life (Evangelium Vitae)*)

1. *See also* <https://www.chausa.org/about/about/facts-statistics> (“Comprised of more than 600 hospitals and 1,600 long-term care and other health facilities in all 50 states, the Catholic health ministry is the largest group of nonprofit health care providers in the nation. Every day, more than one in seven patients in the U.S. is cared for in a Catholic hospital.”) (last visited on June 30, 2020).

(1995) ¶¶ 62, 81). And every Catholic health-care provider is bound by the *Ethical and Religious Directives for Catholic Health Care Services* issued by the United States Conference of Catholic Bishops, which prohibit Catholic health-care providers from any kind of moral “cooperation” with abortion. See Affidavit of E. Christian Brugger at ¶¶ 16–17 (ECF No. 33-3); see also United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services* (6th ed. 2018), “Part VI: Introduction” at page 24; *id.* Directives Nos. 45, 67–68. 70–71, 76.²

The data on Catholic health-care providers alone are enough to establish that the number of class members exceeds 40—and that is before we even begin counting the non-Catholic health-care providers that also object to abortion for sincere religious reasons. In addition, the proposed class includes not only the present-day health-care providers that oppose abortion for sincere religious reasons, but also *future* health-care providers who will object to abortion on religious grounds. It is inconceivable that this class would fail to meet the numerosity threshold of Rule 23(a)(1).

The local rules of this Court require us to provide the “approximate number of class members.” Local Rule 23.2(b)(1). It is difficult, however, to calculate the number of present and future health-care providers who hold sincere religious objections to abortion. The number of class members is at least 2,000 given the data on Catholic health-care providers, but this is only a floor, and there are doubtless other non-Catholic health-care providers that also oppose abortion for sincere religious reasons.

2. The Ethical and Religious Directives (ERDs) are authoritative ethical directives that morally and legally bind all of the more than 2,000 Catholic healthcare institutions in the United States. They are available at: <http://www.usccb.org/about/doctrine/ethical-and-religious-directives/upload/ethical-religious-directives-catholic-health-service-sixth-edition-2016-06.pdf> (last visited on June 30, 2020).

Based on the existing data, one can confidently estimate that the proposed class members number in the thousands, but it is difficult to come up with a more precise calculation.

B. There Are Questions Of Law Or Fact Common To The Members Of The Class

Vita Nuova seeks to litigate a question of law common to all class members: Does 42 U.S.C. § 300a-7(c) violate the Religious Freedom Restoration Act by disqualifying religious health-care providers from federal funds if they “discriminate in the employment, promotion, or termination of employment of any physician or other health care professional” who performs or assists elective abortions? This common question of law comprises three other legal questions common to each member of the class: (1) Does 42 U.S.C. § 300a-7(c) substantially burden the religious freedom of health-care providers who object to abortion for sincere religious reasons? (2) Is there a “compelling governmental interest” in enforcing 42 U.S.C. § 300a-7(c) against health-care providers who object to abortion for sincere religious reasons? (3) Is 42 U.S.C. § 300a-7(c) the “least restrictive means” of advancing those “compelling governmental interests”?

These questions affect all class members because each of them is compelled to choose between two unpalatable alternatives: (1) allowing the employment of individuals who perform or assist elective abortions; and (2) disqualifying themselves from federal funding. *See* Affidavit of E. Christian Brugger at ¶¶ 19–22 (ECF No. 33-3). Each class member will “suffer the same injury” on account of 42 U.S.C. § 300a-7(c), and that is all that is needed to satisfy Rule 23(a)(2)’s commonality requirement. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 348 (2011) (quoting *E. Tex. Motor Freight Sys., Inc. v. Rodriguez*, 431 U.S. 395, 403 (1977)); *see also Wal-Mart*, 564 U.S. at 360 (“[E]ven a single [common] question ‘will do.’” (citation and internal quotation marks omitted)); *In re Deepwater Horizon*, 739 F.3d 790, 812 (5th Cir. 2014) (same). And

a ruling on these RFRA issues “will resolve an issue that is central to the validity of each one of the claims in one stroke.” *Wal-Mart*, 564 U.S. at 350; *see also M.D. v. Perry*, 675 F.3d 832, 840 (5th Cir. 2012).

C. Vita Nuova’s Claims Are Typical Of The Claims Of The Class

Vita Nuova contends that 42 U.S.C. § 300a-7(c) violates the Religious Freedom Restoration Act as applied to health-care providers who object to abortion for sincere religious reasons—the precise claim that it seeks to litigate on behalf of the absent class members. The interests of Vita Nuova are aligned with those of the class, as each class member benefits from a ruling that allows them to prevent their employees from performing or assisting abortions without jeopardizing their eligibility for federal funds. *See James v. City of Dallas*, 254 F.3d 551, 571 (5th Cir. 2001) (“[T]he test for typicality is not demanding. It focuses on the similarity between the named plaintiffs’ legal and remedial theories and the theories of those whom they purport to represent.” (citations and quotation marks omitted)); *id.* (“[T]he critical inquiry is whether the class representative’s claims have the same essential characteristics of those of the putative class. If the claims arise from a similar course of conduct and share the same legal theory, factual differences will not defeat typicality.” (citations and quotation marks omitted)); *see also Wal-Mart*, 564 U.S. at 350 n.5 (“[T]he commonality and typicality requirements of Rule 23(a) tend to merge.” (quoting *Gen. Tel. Co. of Sw. v. Falcon*, 457 U.S. 147, 157–158 n.13 (1982))).

D. Vita Nuova Will Fairly And Adequately Protect The Interests Of The Class

Vita Nuova will fairly and adequately represent the interests of its fellow class members, and there are no conflicts of interest between Vita Nuova and the other members of this class. The class members consist of health-care providers who object to abortion for sincere religious reasons, and every member of this class benefits from

an injunction that prevents 42 U.S.C. § 300a-7(c) from being enforced against religious health-care providers who oppose abortion. There is no conceivable conflict of interest that could arise from Vita Nuova's efforts to enforce the Religious Freedom Restoration Act on a classwide basis. *See Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 625 (1997) ("The adequacy inquiry under Rule 23(a)(4) serves to uncover conflicts of interest between named parties and the class they seek to represent."). The Religious Freedom Restoration Act protects *all* religious health-care providers, and a classwide injunction will serve only to enhance the freedom and autonomy of each of the class members.

Vita Nuova is an appropriate class representative because its religious objections to abortion are sincere and deeply held, and Vita Nuova operates overtly as a Christian entity. *See* Affidavit of Carol Everett ¶¶ 3, 6–9 (ECF No. 33-2). Vita Nuova's attorneys are self-financing this litigation, but the legal issues are straightforward and the case will not be expensive to litigate. *See* Local Rule 23.2(c).

E. The Proposed Class Satisfies Rule 23(b)(2)

The final criterion for class certification under Rule 23(b)(2) is that "the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). The Supreme Court has held that this requirement is satisfied "when a single injunction or declaratory judgment would provide relief to each member of the class." *Wal-Mart*, 564 U.S. at 360; *see also id.* at 361–62 ("[T]he relief sought must perforce affect the entire class at once . . ."). That is precisely what Vita Nuova is requesting: A single injunction that stops the defendants from enforcing 42 U.S.C. § 300a-7(c) against each of the class members. No one is seeking individualized relief for any class member or for any subset of the class. *Compare with M.D.*, 675 F.3d at 845 (disapproving class certification under

Rule 23(b)(2) when individualized relief was sought). Vita Nuova is requesting a simple, classwide injunction that halts the enforcement of 42 U.S.C. § 300a-7(c) against health-care providers who object to abortion for sincere religious reasons.

In addition, the defendants are “act[ing] . . . on grounds that apply generally to the class.” Fed. R. Civ. P. 23(b)(2). 42 U.S.C. § 300a-7(c) applies to every member of the class, and it requires each class member to choose between: (1) allowing the employment of individuals who perform or assist elective abortions; or (2) disqualifying themselves from federal funding. This statute “appl[ies] generally to the class,” which makes “final injunctive relief or corresponding declaratory relief . . . appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2); *see also Wal-Mart*, 564 U.S. at 360 (“Rule 23(b)(2) applies only when a single injunction or declaratory judgment would provide relief to each member of the class.”).

II. CLASS DISCOVERY IS NOT NEEDED

Class discovery is unnecessary given that the classes unquestionably satisfy the numerosity requirement of Rule 23(a)(1). *See* Local Rule 23.2(f). The plaintiff’s attorneys’ fees will be paid on a contingency basis if the action is successful, as RFRA provides for fee-shifting. *See* 42 U.S.C. § 1988(b); Local Rule 23.2(g). The remaining information required by Local Rule 23.2 is inapplicable because certification is sought solely under Rule 23(b)(2) and the representative plaintiff is not seeking damages or monetary relief, so notice need not be given to absent class members. *See* Local Rule 23.2(e). In addition, this is not a diversity action, so there is no need to determine a jurisdictional amount. *See* Local Rule 23.2(d).

CONCLUSION

The plaintiff's motion for class certification should be granted.

Respectfully submitted.

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I certify that on June 29, 2020, I conferred with Bradley Humphreys, counsel for the defendants, and he informed me that the defendants oppose this motion.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
*Counsel for Plaintiff
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*Counsel for Plaintiff
and the Proposed Class*

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Defendants.

Case No. 4:19-cv-00532-O

AFFIDAVIT OF CAROL EVERETT

I, Carol Everett, being duly sworn, state as follows:

1. My name is Carol Everett. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiff's motion for summary judgment and permanent injunction.

2. I have personal knowledge of the matters contained in this affidavit, and all of the facts stated in this affidavit are true and correct.

3. I am the founder and CEO of Vita Nuova, Inc. Vita Nuova is a Christian, pro-life organization that provides health-care services to women, including family-planning services. Vita Nuova will serve five counties with hidden pockets of low-income women and men in desperate need of comprehensive and reproductive health care. Quality health care offered through low-income programs is limited to some of the target counties because of the lower populations and rural locations. Bastrop, Bell, Burnet, Caldwell, Lee, and Milam counties would be considered rural. Williamson and Travis counties are served but pockets of under- and unserved still exist. Women and men delay needed health care or go to emergency rooms (which do not provide

long-term care) and medical homes. Vita Nuova will be a medical home for men, women, and families of these counties.

4. Before I founded Vita Nuova, I served as founder and CEO of the Heidi Group, which I continue to lead today. Like Vita Nuova, the Heidi Group is a Christian, pro-life organization that provides health-care services to women, including family-planning services, but does not provide abortions or abortion referrals. The Heidi Group provided prenatal care in two Dallas zip codes: 75212—the 11th most severely poverty-stricken zip code in the nation—and 75210, which is considered the most poverty-stricken zip code in the nation. Patient counts grew from 16 per day to 60 patients per day. The Heidi Group developed relationships with two hospitals to facilitate safe deliveries for patients. Two physicians, both medical doctors, oversaw three nurse practitioners to offer quality medical care free of charge to uninsured patients and patients waiting for Medicaid approval. (Upon Medicaid approval, patients were transferred to the offices of The Heidi Group’s medical directors, who were obstetric specialists.)

5. Vita Nuova will offer the following services in Bastrop, Bell, Burnet, Caldwell, Lee, Milan, Tarrant, and Williamson through an office located in Round Rock and a mobile medical unit to serve other counties:

Comprehensive Health Care	Contraceptive Services
Well Woman Health Care	Pregnancy Testing and Counseling
STD Testing and Treatment	
Basic Infertility Services	Preconception Health Services
Annual Well Woman Exams	Prenatal Care
Contraceptive Services and Counseling	

6. Vita Nuova will not perform abortions, and it will not provide abortion referrals or abortion counseling. Vita Nuova's opposition to abortion is rooted in its Christian faith, which teaches human life is made in the "image" and "likeness" of God (Genesis 1:26), and that human life is sacred from conception to natural death.

7. Vita Nuova also requires its employees to respect the sanctity of human life at all times, both on and off the job. Vita Nuova will not allow its doctors to perform elective abortions, nor will it allow its employees to assist elective abortions, consistent with the employment practices of Catholic hospitals and other Christian health-care entities that oppose abortion for sincere religious reasons.

8. Allowing our employees to perform or assist elective abortions—even if they do so while off the job—would directly undermine Vita Nuova's Christian witness. Jesus instructed his disciples to heal the sick. *See* Luke 9:2 (KJV) ("And he sent them to preach the kingdom of God, and to heal the sick."). Vita Nuova seeks to provide needed health-care services to women to fulfill this divine command, and to do so as a component of Christian ministry. That mission would be obliterated if we were unable to exclude practicing abortionists and individuals who assist abortions from our ministry. An organization cannot credibly maintain that it promotes Christian values—including the sanctity of human life at all stages—if it is willing to employ individuals who behave in a manner that directly contradicts the organization's values.

9. The Bible also warns Christians not to cooperate in evil, or to show approval to those who perform or assist in violent and murderous acts such as abortion. *See* Romans 1:32 (NKJV) ("[W]ho, knowing the righteous judgment of God, that those who practice such things are deserving of death, not only do the same but also approve of those who practice them."). Vita Nuova cannot, consistent with this Biblical instruction, employ practicing abortionists or individuals who assist abortions, any more than it could employ a doctor or health-care worker who practices euthanasia or assisted suicide.

10. Vita Nuova intends to apply for Title X funding from the U.S. Department of Health and Human Services at the next available opportunity. The next round for applying for Title X funding will begin in November 2020, and the Department will select the grantees in the spring of 2021.

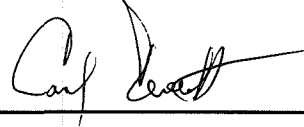
11. 42 U.S.C. § 300a-7(c)(1), however, prohibits entities from receiving federal funds unless they allow their employees to perform or assist in abortions, and it makes no exemptions or accommodations for organizations (such as Vita Nuova) that oppose abortion for sincere religious reasons.

12. 42 U.S.C. § 300a-7(c)(1) requires Vita Nuova to choose between: (1) allowing the employment of individuals who perform or assist elective abortions, in violation of our organization's religious beliefs; or (2) disqualifying ourselves from federal funding.

13. The Supreme Court held in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), that “a law that ‘operates so as to make the practice of . . . religious beliefs more expensive’ in the context of business activities imposes a burden on the exercise of religion.” *Id.* at 2770 (quoting *Braunfeld v. Brown*, 366 U.S. 599, 605 (1961)).

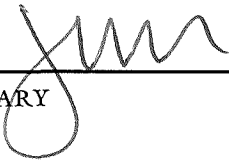
14. 42 U.S.C. § 300a-7(c)(1) makes the “‘practice of . . . religious beliefs more expensive’ in the context of business activities” because it disqualifies Vita Nuova from federal funding unless we abandon our policy of requiring employees to refrain from performing or assisting elective abortions—a policy which is compelled by the Christian beliefs of our organization. This imposes a substantial burden on Vita Nuova's exercise of religion.

This concludes my sworn statement. I swear under penalty of perjury that, to the best of my knowledge, the facts stated in this affidavit are true and complete.

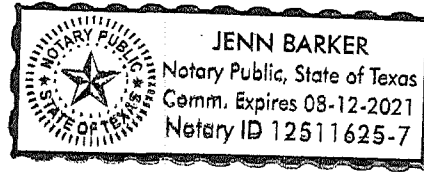


CAROL EVERETT

Subscribed and sworn to me
this 30 day of June, 2020



NOTARY



UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Vita Nuova Inc., on behalf of itself and
others similarly situated,

Plaintiff,

v.

Alex M. Azar II, et al.,

Defendants.

Case No. 4:19-cv-532-O

AFFIDAVIT OF E. CHRISTIAN BRUGGER

I, E. Christian Brugger, being duly sworn, states as follows:

1. My name is E. Christian Brugger. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiff's motion for class certification and motion for summary judgment and permanent injunction.

2. I have personal knowledge of the matters contained in this affidavit, and all of the facts stated in this affidavit are true and correct.

3. After graduating from college in 1987, I obtained a masters degree in moral theology from Seton Hall University, and a second masters degree in moral philosophy from Harvard Divinity School.

4. In 1997, I received a Masters in Christian Ethics from Oriel College, Oxford. In 2000, I received my D. Phil. from St. Hugh's College, Oxford. My dissertation supervisors were John M. Finnis of University College, Oxford, and Oliver O'Donovan of Christ Church College. I spent my fourth and final year of doctoral study with the Jesuits at Die Hochschule für Philosophie in Munich, generously funded by fellowships from the Earhart Foundation and the Intercollegiate Studies Institute.

5. In 2000, I became an Assistant Professor of Ethics in the Religious Studies Department at Loyola University New Orleans. In 2004, I moved to the Institute for the Psychological Sciences (IPS), a Catholic graduate school of clinical psychology in Arlington, Virginia, and began teaching courses in theology and philosophy. In 2006, I was promoted to Associate Professor and became the Director of Integrative Research overseeing the IPS's scholarly effort to integrate clinical psychology with relevant truths of philosophical and theological anthropology. I also taught in 2008 as an adjunct professor of bioethics for the School of Philosophy at the Catholic University of America. In July 2008, I became an Associate Professor of Moral Theology at St. John Vianney Theological Seminary in Denver, Colorado. In 2011, I was awarded the J. Francis Stafford Chair of Moral Theology, the first endowed chair in the seminary's history. In 2013 I was promoted to Full Professor.

6. In July 2019 I became a Full Professor of Moral Theology at St. Vincent de Paul Regional Seminary in Boynton Beach, Fl, where I am presently on faculty.

7. In addition, from 2002 through 2011, I was a Senior Fellow at the Westchester Institute for Ethics and the Human Person, where I focused my attention on bioethics. And from 2007 through 2019, I was a Senior Fellow of Ethics at the Culture of Life Foundation in Washington, D.C., where I published a bi-monthly article in bioethics.

8. Moreover, I served as a bioethical advisor to the Archbishops of Denver and the Colorado Catholic Conference of Bishops from 2008 through 2016. I served as an ethical consultant to the Committee on Doctrine of the United States Catholic Conference of Bishops from 2015 through 2107. And I have served since 2012 as a bioethical advisor to the Catholic Medical Association.

9. I have published three books, *Capital Punishment and Roman Catholic Moral Tradition* (Notre Dame University Press, 2003), *The Indissolubility of Marriage and the Council of Trent* (Catholic University of America Press, 2017), and with Gerard

V. Bradley, *Catholic Social Teaching: A Volume of Scholarly Essays* (Cambridge University Press, 2019) and over 500 articles in scholarly and popular periodicals on topics in bioethics, sexual ethics, natural-law theory, and the interdisciplinary field of psychology and Christian anthropology.

10. A copy of my curriculum vitae is attached to this affidavit as Exhibit A.

11. Under the federal Church Amendment, a Catholic health-care provider that accepts federal money is forbidden to “discriminate in the employment, promotion, or termination of employment of any physician or other health care professional” who performs or assists in elective abortions. 42 U.S.C. § 300a-7(c)(1).

12. A separate statutory provision imposes similar requirements on every entity that receives a grant or contract for biomedical or behavioral research under any program administered by the Secretary of Health and Human Services. *See* 42 U.S.C. § 300a-7(c)(2).

13. 42 U.S.C. § 300a-7(c)(1) and (c)(2) contain no exemptions or accommodations for religious entities that oppose abortion for sincere religious reasons.

14. This places a disproportionate burden on Catholic healthcare institutions. The Catholic Church, following Judaism, believes that human life is made in the “image” and “likeness” of God (Genesis 1:26). Consequently, the Church teaches that “human life, as a gift of God, is sacred and inviolable.” *See* Pope Saint John Paul II, *Encyclical Letter On the Value and Inviolability of Human Life (Evangelium Vitae)* (1995) ¶ 81. This has always been the basis of the Catholic Church’s opposition to abortion. From this foundation, St. John Paul II, in the most solemn declaration of his 27-year pontificate, concluded, “Therefore, by the authority which Christ conferred upon Peter and his Successors, in communion with the Bishops—who on various occasions have condemned abortion and who [. . .], albeit dispersed throughout the world, have shown unanimous agreement concerning this doctrine—I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes

a grave moral disorder, since it is the deliberate killing of an innocent human being.”
See id. at ¶ 62.

15. The Catholic Church has never wavered from this judgment. Literally from biblical times to the present it has condemned every deliberate attempt to terminate the life of an unborn child. *See, e.g., Didache Apostolorum* (100AD), V, ch. 2; *Letter of Barnabas* (ca. 130 AD), ch. 19; Athenagoras (2nd century), *A Plea for the Christians*, ch. 35; Tertullian (died ca. 220AD), *Apology* ch. 9, *A Treatise on the Soul*, ch. 25; Clement of Alexandria (d. ca. 215), *Christ the Educator* bk. 2, ch. 10; St. Cyprian (d. ca. 258), *Epistle* 48, no. 2; St. Basil the Great (d. 379), *First Canonical Epistle*, canons 2, 8; St. Ambrose of Milan (d. 397), *Hexameron* bk. 5, ch. 18, no. 58; St. Jerome (d. 420), “Letter 22”; St. Augustine (d. 430), “Marriage and Desire,” bk. I, no. 17. Contemporary instances include: Pope Pius XI, Encyclical Letter *Casti Conubii* (1930), ¶¶ 54, 63; Pius XII, *Address to Italian Midwives* (Oct. 29, 1951); Second Vatican Council, *Pastoral Constitution on the Church in the Modern World (Gaudium et spes)* (1965), ¶ 27; St. Paul VI, Encyclical Letter on the Regulation of Birth (*Humanae Vitae*) (1968), ¶¶ 12, 14; Sacred Congregation for the Doctrine of the Faith, Declaration On Procured Abortion (1974); Saint John Paul II, *Apostolic Exhortation On the Christian Family in the Modern World (Familiaris Consortio)* (1981), ¶ 30; Congregation for the Doctrine of the Faith, *Instruction on Respect for Human life (Donum Vitae)* (1987), Part I, section 1, ¶¶ 2–3 and sections 2, 4, Part II, ¶ 2; St. John Paul II, *Encyclical Letter On the Value and Inviolability of Human Life (Evangelium Vitae)* (1995), ¶ 62; Congregation for the Doctrine of the Faith, *Instruction on Certain Bioethics Questions (Dignitas Personae)* (2008), ¶ 23).

16. Given the absoluteness, unanimity and perpetuity of this moral condemnation of abortion, it is understandable that the Catholic Church in the United States prohibits all of its more than 2,000 healthcare facilities from any kind of moral “cooperation” with abortion.

17. *Cooperation* is a theological term meaning complicity in the wrongdoing of another. I cooperate by doing something that facilitates or contributes to the success of another's bad act. Cooperation is called "formal" when the act by which I cooperate agrees in the wrongdoer's bad intending: I do what I do *in order to* facilitate his wrongdoing. The Catholic Church condemns this outright and always: "formal cooperation, in whatever form, is always morally wrong." See United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, "Part VI: Introduction," p. 24.¹ If, however, a cooperator disagrees with what the wrongdoer does, yet in some way still advances his bad acts (*e.g.*, he pays taxes to a government that uses some of the money in wrongful ways), his cooperation is called "material." "Some instances of material cooperation are morally wrong, others are morally justified." *Id.* But in relation to the evil of abortion, the Catholic Church prohibits its healthcare facilities from *all* cooperation, material or otherwise: "Catholic health care institutions are not to provide abortion services, even based upon the principle of material cooperation." See *Ethical and Religious Directives for Catholic Health Care Services*, Directive no. 45; see also no. 70. This prohibition extends to the performance of abortions on the premises of Catholic facilities, the hiring of doctors who perform abortions, including those who perform them off premises, and even the granting of hospital privileges to doctors who perform abortions, even should they promise that their visits would be unrelated to abortion. The dangers of scandal and of the undermining of a Catholic institution's witness to the sanctity of

1. The Ethical and Religious Directives (ERDs) are authoritative ethical directives that morally and legally bind all of the more than 2,000 Catholic healthcare institutions in the United States. They are available at: <http://www.usccb.org/about/doctrine/ethical-and-religious-directives/upload/ethical-religious-directives-catholic-health-service-sixth-edition-2016-06.pdf> (last visited on June 30, 2020).

human life are serious enough to justify a total prohibition: no cooperation—no complicity—with abortion is permissible. See *Ethical and Religious Directives for Catholic Health Care Services*, Directive No. 45; see also *id.*, Directive Nos. 67, 68, 70–71, 76; Part VI, “Introduction,” pp. 24–25.

18. According to the Supreme Court’s ruling in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), “a law that ‘operates so as to make the practice of . . . religious beliefs more expensive’ in the context of business activities imposes a burden on the exercise of religion.” *Id.* at 2770 (citation omitted).

19. But under the Church Amendment, a Catholic health-care institution cannot adhere to its Church’s “no cooperation” teaching by excluding practicing abortionists or others who aid and abet abortions from employment or visitation privileges unless it agrees to relinquish and forgo federal funding. With expanding healthcare costs, this can destroy an institution’s financial viability. In 2017, health-care spending in the United States skyrocketed to \$3.5 trillion, 28% of which was paid by the federal government.² By making the price of institutional financial viability the violation of an institution’s founding religious commitments, the Church Amendment “‘make[s] the practice of . . . religious beliefs more expensive’ in the context of business activities” and therefore greatly burdens the exercise of religion.

20. The Catholic Church’s prohibition from complicity with abortion is not merely a petty regulation that can be abrogated depending on the local bishop. It is a grave moral teaching directed to—and meant to bind—the consciences of Catholics, especially those who administer health-care facilities. The Second Vatican Council teaches that “conscience is the most secret core and sanctuary of a man.” See *Gaudium et spes* (1965), ¶ 16. And the *Catechism of the Catholic Church* (1997) teaches, “in all

2. See <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Downloads/highlights.pdf> (last visited on June 30, 2020).

he says and does, man is obliged to follow faithfully what he knows to be just and right . . . , the judgment of his conscience.” *Id.* at ¶ 1778. There is hardly a teaching more sacred in all Catholic theology than the integrity of conscience: “He who acts against his conscience loses his soul” said the great Oxford scholar and Catholic saint, John Henry Newman.³ But the federal government stands by and says to the leadership of Catholic healthcare institutions: “lose your soul or forgo our critical assistance.”

21. We should note that we are not talking about a few marginal healthcare centers scattered throughout obscure areas of our country. The Catholic Church runs over 660 hospitals (74% in urban areas) and over 1,600 continuing care facilities (85% in urban areas), including three of the four largest non-profit hospital systems in the United States. It is by far the largest network of nonprofit healthcare facilities in the country. *See* Catholic Health Association, *Catholic Health Care in the United States*, January 2020 update, at <https://www.chausa.org/about/about/facts-statistics>; Becker’s Hospital Review, at <https://www.beckershospitalreview.com/lists-and-statistics/13-largest-non-profit-hospital-systems-by-number-of-hospitals.html> (last visited on June 30, 2020).

22. The federal government’s imposed toxic dilemma between the Scylla of institutional conscience violation and the Charybdis of financial non-viability imposes a substantial burden on Catholic institutional exercise of religion in the United States.

This concludes my sworn statement. I swear under penalty of perjury that the facts stated in this affidavit are true and correct.

3. J.H. Newman, *Letter to the Duke of Norfolk*, ch. 5 {sec. 259}. Newman was quoting with approval the influential 19th century French Cardinal and theologian, Thomas-Marie Gousset.

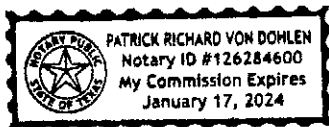
Christian Brugger

E. CHRISTIAN BRUGGER, D. PHIL.

Subscribed and sworn to me
this 30th day of June, 2020

Patrick Richard von Dohlen

NOTARY



**Exhibit A to
Affidavit of E. Christian Brugger, D. Phil.**

June 2020

E. CHRISTIAN BRUGGER, D.PHIL

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ACADEMIC & RESEARCH POSITIONS

- 2019 -** **St. Vincent de Paul Regional Seminary**, Boynton Beach, FL
- *Professor of Moral Theology*
- 2007 - 2019** **Culture of Life Foundation**, Washington, D.C.
- *Senior Research Fellow of Ethics*
- 2107** **University of Notre Dame Australia**, Sydney
Jan - July - *Professor and Dean*, School of Philosophy and Theology
July '17–Dec. '18 - *Adjunct Professor*
- 2008 – 2016** **Saint John Vianney Theological Seminary**, Denver
2013 - *Full Professor*
2011 - *J. Francis Cardinal Stafford Chair of Moral Theology*
2008 - *Associate Professor of Moral Theology*, Theology Department
- Spring 2014, 2016** **University of Mary**, Bismarck (courses taught in Denver)
- *Catholic Social Teaching Instructor*, Department of Theology
- 2008** **Catholic University of America**, Washington, D.C.
- *Bioethics Lecturer*, School of Philosophy
- 2004 – 2008** **Institute for the Psychological Sciences**, Arlington, VA
2006 - *Associate Professor of Theology*, Department of Psychology
- *Director of Integration Research*
2004 - *Assistant Professor of Theology*, Department of Psychology
- 2000 – 2004** **Loyola University New Orleans**
- *Assistant Professor of Ethics*, Department of Religious Studies

EDUCATION AND QUALIFICATIONS

- 2000** **University of Oxford, St. Hugh's College**
- Doctor of Philosophy (DPhil), Christian Ethics, Faculty of Theology
supervisors: John M. Finnis, Oliver O'Donovan
- 1998-2000 - *St. Hugh's College Yates Senior Scholar of Theology*
- 1999-00** **Hochschule für Philosophie**, Munich, Germany. PhD student in residence
- 1997** **University of Oxford, Oriel College**
- Master of Studies, Christian Ethics

1996 **Harvard University, The Divinity School**
- Master of Theology, Christian Ethics

1994 **Seton Hall University, School of Theology**
- Master of Arts, Moral theology

1987 **Rutgers University, Livingston College**
- Bachelor of Arts, Biological Sciences

PROFESSIONAL & ECCLESIAL AFFILIATION

2015 – 2017 **Theological Consultant, *Committee on Doctrine*, United States Catholic
Conference of Bishops**

2002 – 2011 **Westchester Institute for Ethics & the Human Person, Westchester, NY**
- Senior Fellow in Bioethics

SCHOLARSHIP

Publications

Books

- “Catholic Social Teaching: A Volume of Scholarly Essays,” edited with Gerard V. Bradley,
Cambridge University Press, 2019.

- “The Indissolubility of Marriage and the Council of Trent,” *The Catholic University of
America Press*, 2017.

- “Capital Punishment and Roman Catholic Moral Tradition,” *University of Notre Dame Press*,
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Editing Projects

Guest Editor: “Psychology and Christian Anthropology,” in *Edification: Journal of the Society
for Christian Psychology*, vol. 3, no. 1 (Summer 2009); lead essay by Brugger; six scholars
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authors apply Brugger’s ideas to clinical psychology.

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Review Essay: *The Jurisprudence of Marriage and Other Intimate Relationships*, eds. Scott FitzGibbon, Lynn D. Wardle, A. Scott Loveless (New York: William S. Hein & Co., 2010), in *The American Journal of Jurisprudence: An International Forum for Legal Philosophy*, vol. 55 (2010), 225-232.

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“The New Pangenderism: Transgenders, Polysexuals and Sex Reassignment Surgery,” *Zenit World News Service*, April 25, 2012; available at <https://zenit.org/articles/the-new-pangenderism/>

“Transhumanism and the Perfection Imperative,” three part series, *Zenit World News Service*, Part I: March 7, 2012, at <https://zenit.org/articles/transhumanism-and-the-perfection-imperative-part-1/>; Part II: March 21, 2012, at <https://zenit.org/articles/transhumanism-and-the-perfection-imperative-part-2/>; Part III: April 4, 2012, at <https://zenit.org/articles/transhumanism-and-the-perfection-imperative-part-3/>

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“Legalizing Euthanasia by Omission: And Making It a Doctor’s Order,” *Culture of Life Foundation*, August 25, 2011; available at <https://www.culture-of-life.org/2011/08/25/legalizing-euthanasia-by-omission-and-making-it-a-doctors-order/>

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“Fighting to Live versus Dying to Die: U.S. Bishops Challenge the Right-to-Die Movement,” *Zenit World News Service*, July 6, 2011; available at <https://zenit.org/articles/fighting-to-live-versus-dying-to-die/>

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“Update on Embryo-Destructive Research: Legislation Developments in the US and Abroad,” *Culture of Life Foundation*, May 25, 2011; available at <http://www.culture-of-life.org/2011/05/26/update-on-embryo-destructive-research-legislation-developments-in-the-us-and-abroad/>

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“3 Arguments Against IVF: Artificial Reproduction Is Not Procreation,” *Zenit World News Service*, April 6, 2011; at <https://zenit.org/articles/3-arguments-against-ivf/>

“Savior Siblings: At What Moral Cost? The Golden Rule Also Applies to Embryos,” *Zenit World News Service*, March 23, 2011; at <https://zenit.org/articles/savior-siblings-at-what-moral-cost/>

“Stem Cells and Parthenogenesis: Are Parthenotes Human Embryos?” *Zenit World News Service*, March 2, 2011; at <https://zenit.org/articles/stem-cells-and-parthenogenesis/>

“Transplants from Murder Victims: Diverging Definitions of Brain Death,” *Zenit World News Service*, Feb. 2, 2011; at <https://zenit.org/articles/transplants-from-murder-victims/>

“Belated Reflections on Pontiff’s Condom Remarks,” *Zenit World News Service*, Dec. 1, 2010; at <https://zenit.org/articles/belated-reflections-on-pontiff-s-condom-remarks/>

“Bioethics and Transhumanism: Should We Be More than We can Be?” *De Libris Arbitrium: Center for Morality in Public Life*, December 2010.

“When Medical Care Gets Expensive,” *Zenit World News Service*, Nov. 17, 2010; at <https://zenit.org/articles/when-medical-care-gets-expensive/>

“The Ethics of Fetal Pain,” *Public Discourse: Ethics, Law, and the Common Good*, Witherspoon Institute, November 5, 2010, available at <http://www.thepublicdiscourse.com/2010/11/1954>

“Antidepressants and the Dying,” *Zenit: World News Service*, October 20, 2010; at <https://zenit.org/articles/anti-depressants-and-the-dying/>

“The Incredible, Profitable Egg: ‘Eggsploitation’ Uncovers Dark Side of Infertility Industry,” *Culture of Life Foundation*, October 14, 2010; at <http://www.culture-of-life.org/2010/10/14/the-incredible-profitable-egg-eggsploitation-uncovers-dark-side-of-infertility-industry/>

“The Voice of Dissent: Alive but Growing Weaker,” *New Oxford Review*, vol. 77, no. 7 (Sept. 2010), 39-40.

“Satisfaction in the Marital Conjugal Relationship,” *Culture of Life Foundation*, September 23, 2010; at <https://www.culture-of-life.org/2010/09/23/satisfaction-in-the-marital-conjugal-relationship/>

“More on Marriage and Contraception,” *Zenit: World News Service*, September 8, 2010; at <https://zenit.org/articles/more-on-marriage-and-contraception/>

“Unmasking the Ella Masquerade,” *Zenit: World News Service*, August 25, 2010; at <https://www.culture-of-life.org/2010/08/26/unmasking-the-ella-masquerade-blurring-the-line-between-contraception-and-abortion/>

“Contraception and Marriage,” *Zenit: World News Service*, July 28, 2010; <https://zenit.org/articles/contraception-and-marriage/>

“Sterilized Couples Seeking to Marry,” co-authored with William E. May, *Zenit: World News Service*, July 14, 2010; at <http://www.ewtn.com/library/Marriage/zsterile.htm>

“Reasons for Postponing A Pregnancy,” and “Ventilator Care,” co-authored with William E. May, *Zenit: World News Service*, June 30, 2010; at <https://zenit.org/articles/reasons-for-postponing-a-pregnancy/>

“Just Cause and Natural Family Planning,” *Zenit: World News Service*, June 16, 2010; at <https://zenit.org/articles/just-cause-and-natural-family-planning/>

“Are Food and Water Extraordinary Measures? Ethical Principles on Caring for those in a ‘Vegetative State,’ co-authored with William E. May, *Zenit: World News Service*, May 5, 2010; at <https://zenit.org/articles/are-food-and-water-extraordinary-measures/>; also published in *Voices* (On-line Edition), vol. XXV, no. 2, Pentecost 2010.

“Follow-up: Rescuing Frozen Embryos,” *Zenit: World News Service*, March 31, 2010; at <http://www.culture-of-life.org/2010/04/01/follow-up-rescuing-frozen-embryos/>

“Rescuing Frozen Embryos,” *Zenit: World News Service*, March 17, 2010; at <https://zenit.org/articles/rescuing-frozen-embryos/>

“Health Care Proposals Pending Before Congress: Ethical Questions a Catholic Should Ask,” co-authored with Helen Alvare, *National Catholic Bioethics Quarterly*, vol. 9, no. 4 (Winter 2009), pp. 739-745.

“Moral Reflections on the Merits of Universalized Health Care,” *Westchester Institute for Ethics and the Human Persons*, web publication, August 2009.

“Requiem for the President’s Council on Bioethics”, *Culture of Life Foundation*, June 24, 2009; available at <http://www.cultureoflife.org/requiem-president’s-council-bioethics>

“Human Cloning and the Inimitable Panos Zavos”, *Culture of Life Foundation*, May 2009, available at http://www.lifeissues.net/writers/bru/bru_01humancloning.html

“Interrogatory Torture: Where should America Draw the Line? Symposium,” *National Review On Line*, Expert Opinion, April 30, 2009.

“On Denying Pro-Abortion Politicians Holy Communion,” *New Oxford Review* (April 2009).

“Stem Cells for Dummies,” *Zenit: World News Service*, March 24, 2009; at <https://zenit.org/articles/stem-cells-for-dummies/>

“The President’s Council on Bioethics: White Paper on Brain Death: Are Brain-Dead Patients Dead?” *Westchester Institute for Ethics and the Human Persons*, web publication, February 2009.

“Cloning on the International Scene: The Fate of the ‘United Nations Declaration on Human Cloning’”, *Culture of Life Foundation*, Oct. 30, 2008, available at <http://jstor.uc9.net/cloning-international-scene-fate-‘united-nations-declaration-human-cloning>

“Morning of the Stem Cell Revolution”, *Culture of Life Foundation*, Dec. 2008.

“Stem Cell Updates”, *Culture of Life Foundation*, Oct. 2, 2008, available at <http://www.cultureoflife.org/stem-cell-updates>

“*Humanae Vitae* Turns 40: A Study in Human Nature,” *Westchester Institute for Ethics and the Human Persons*, web publication, July 2008.

“Domestic Adoption: An Approach to the Frozen Embryo Crisis,” *Culture of Life Foundation*, June 5, 2008; available at <http://www.cultureoflife.org/domestic-adoption-approach-frozen-embryo-crisis-0>

“Killing the Patient: Arguments For and Against the Personhood of the Embryo”; *Culture of Life Foundation*, May 2, 2008; available at <http://www.cultureoflife.org/killing-patient-arguments-and-against-personhood-embryo-0>

“Bovine Frankenstein: UK and the Controversial Bioethics Law”; *Culture of Life Foundation*, April 4, 2008; available at <http://www.cultureoflife.org/bovine-frankenstein-uk-and-controversial-bioethics-law>

“Induced Pluripotent Stem Cells (PSCs): Good Science, Good Morals,” *Culture of Life Foundation*, March 7, 2008; available at <http://www.cultureoflife.org/ipses-brief-good-science-good-morals-spread-word>

“Thirty-five and Losing Strength: Roe and the Decline of the Pro-choice Movement,” *Westchester Institute for Ethics and the Human Persons*, Jan. 28, 2008.

“Dualism, Bodiliness and the Self: Incompatible Bedfellows,” *New Oxford Review*, vol. 74, no. 10 (November 2007), 26-32.

“Making Sense Out of the Senseless: Despair and Uncomfortable Questions,” *National Review Online*, op. ed., April 18, 2007.

“Just Tragic? The justice in Saddam Hussein’s execution,” *NRO: National Review Online, Symposium: Expert Opinion*, Jan. 1, 2007.

“Should Saddam Hussein be executed?” *Vital Theology*, vol. 3, no. 7 (December 2006), 6.

“New Research would resolve the stem cell debate,” *Science & Theology News* (June 2006), pp. 22, 24

“Moral Stem Cells,” *First Things*, no. 163 (May 2006), 14-17.

“Ethical Commitment Stimulates Scientific Insights,” *National Catholic Bioethics Quarterly*, discussion 223-224.

“A Primer on Stem Cells,” *New Oxford Review*, Vol. 70, No. 9 (Oct. 2003), 36-40.

Select Scholarly Presentations at National/Regional Meetings, Academic Institutions

“Is Augmentation a Human Right?”, Panel Discussion at *Human by Design Conference*, Paley Center, NYC, Aug. 3, 2016; Art Kaplan discussion moderator.

“Brain Death as Human Death? A Reply to Melissa Moschella,” delivered at Symposium on Brain Death, *University Faculty for Life Conference*, Marquette University, Milwaukee, WI, June 11, 2016.

“Catholic Social Teaching as Catholic Moral Teaching,” delivered at University of Dallas, Feb. 9, 2016.

“The duties of dying Christians (or Christian principles for conscientiously living the dying phase of life),” delivered at University of St. Thomas, joint sponsored by *Catholic Studies Program* and *Curatio* Apostolate to Catholic Healthcare workers, St. Paul, MN, Oct. 2015.

“Are Brain Dead Bodies Corpses? Grounds for Reasonable Doubt,” delivered at Symposium on the Definition of Death, at The Catholic University of America, Washington, D.C., June 2-3, 2014.

“Natural Law Foundations in Aquinas: A Systematic and Historical Analysis,” delivered at conference entitled *Medieval Views of Ethics and Nature and its Reception in European and Latin American Philosophy*, Sponsored by the Alexander von Humbolt Foundation, at the International Catholic University of Santiago, Chile, May 20, 2014.

“Bioethics: Ethico-Centric Interdisciplinarity,” delivered at Institute for Bioethics, Franciscan University of Steubenville, March 19, 2014

“Catholic Social Teaching and Catholic Moral Teaching,” delivered at scholars forum on Catholic Social Teaching sponsored by the Biolchini Chair in Legal Philosophy at Notre Dame Law School; Notre Dame, South Bend, Indiana, Oct. 26, 2013.

“Reason’s “Wax Nose”: Moral Self-Determination and the Epistemic Death of the Natural Law,” delivered at *International Conference on Tradition*, University of Notre Dame Sydney, Australia, July 4, 2013.

“Physician Orders for Life Sustaining Treatment (POLST/MOLST),” delivered at *The Twenty-Fourth Workshop for Bishops (of the US and Latin America)*, Dallas, TX, February 5, 2013.

“The question of duty in refusing life-sustaining care” and “The Problem of the POLST Model and Renewal in Catholic Healthcare Culture”; two keynote lectures delivered at annual conference of the *Catholic Medical Association*, Lexington, KT, November 16-17, 2012.

“Some Reflections on the Moral Foundations of a ‘Right’ to Energy,” delivered at international conference on *Energy Justice*, University of Colorado School of Law, Boulder, Sept. 17, 2012.

“Moral Cooperation,” delivered at *Natural Law Forum*, Sponsored by the James Madison Program in American Ideals and Institutions, Princeton University, April, 1, 2012.

“The Future of the Princeton Model,” delivered at the *Annual Conference of the Society of Christian Ethics*, New Orleans, LA, Jan. 6-9, 2011.

“Dualism in Natural Law Moral Theory,” delivered at *Natural Law Forum*, Sponsored by the James Madison Program in American Ideals and Institutions, Princeton University, October 23, 2010.

“Fetal Pain and the Morality of Abortion,” delivered at *A Conference on Life & Choice in the Abortion Debate*, sponsored by Peter Singer and Francis Kissling, Princeton University, N.J., October 15, 2010.

“The Moral Theology of Pope Benedict XVI After 1997,” delivered at annual convention of the *Fellowship of Catholic Scholars*, Providence, RI, September 27, 2009.

“Catholic Church Teaching on Emigration, Immigration and the Moral Status of National Boundaries,” delivered at scholars forum sponsored by the Biolchini Chair in Legal Philosophy at Notre Dame Law School; Notre Dame, South Bend, Indiana, April 3, 2009.

“The Bible and Morality: Biblical Roots of Christian Conduct,” presentation on new document by Pontifical Biblical Commission, at Westchester Scholars Forum entitled *On the Church’s Competence to Teach on Matters Pertaining to the Natural Law*, Georgetown Suites, Georgetown, Washington, D.C., Nov. 6-7, 2008.

“Free Choice and Self-Determination,” delivered at Conference entitled *The Culture of Life vs. The Culture of Death: from Humanae Vitae to Cloning and Assisted Suicide*, Sponsored by the *Culture of Life Foundation*, September 20, 2008

“Anthropological Foundations to Mental Health and Disorder,” delivered at conference entitled *Sacerdos: Psychology Serving Pastoral Ministry*, Bethesda Retreat Center, Bethesda, MD, August 11, 2008.

“Human Embryos & the Principle of Fairness: Replies to Arguments Against Personhood,” delivered at conference *Emerging Issues in Embryo Donation & Adoption*, Arlington, VA, May 29-31, 2008.

“Christian Integrative Reasoning: Reflections on the Nature of Integrating Psychology with Catholic Theology and Philosophy,” delivered at the 15th Annual Meeting of the *Society of Catholic Social Scientists*, St. John’s University School of Law, Jamaica, Queens, N.Y., Oct. 27, 2007.

“On the possibility of identifying the minimum threshold indicators of *totipotency* in human embryos, and establishing reasonable criteria for determining the moral status of biological human constructs,” participant in 3rd annual exchange between scientists and philosophers, *The Westchester Institute Scholars Forum*, The Westin Washington Hotel, D.C., May 16-18, 2007.

“Integrating Psychology with Faith and Philosophy: Models in Dialogue,” Paper delivered to the *Society of Catholic Social Scientists* Eastern Regional Meeting, 28 April 2007.

“Capital Punishment and the Papal Teaching of John Paul II: Continuity and Change?” Delivered at Notre Dame Graduate School of Christendom College, Alexandria, VA, April 22, 2006.

“Conciliar Precursors to Vatican II’s reference to Torture in *Gaudium et spes*, no 27,” delivered at scholars forum on the Ethics of Interrogatory Torture, sponsored by the Biolchini Chair in Legal Philosophy at Notre Dame Law School; Notre Dame, South Bend, Indiana, April 7, 2006.

“Continuing Ethics and Policy Issues in Stem Cell Research,” presentation and panel debate (with Harvard Bioethicist Dan Brock), at conference entitled *The New Medicine: The Ethics and Policy of Regenerative and Replacement Therapy*, at University of Virginia, March 17, 2006.

“ANT-OAR: Reply to David Schindler, et al.” delivered at the 5th *Westchester Institute Scholars Forum*, Topic *On the Definition of “Human Embryo” and the Criteria for Distinguishing the Human Embryo from Non-embryonic Entities*, Jefferson Hotel, Washington, D.C., March 3, 2006.

“The Death Penalty and Contemporary Roman Catholic Moral Teaching,” delivered at symposium on capital punishment at Mount St. Mary’s University, Emmitsburg, MD, Feb. 2, 2006.

“Morally Acceptable Alternative Sources for Pluripotent Stem Cells: A Reply to Schindler.” Presented at the *Society of Catholic Social Scientists Annual National Conference*, Franciscan University of Steubenville, October 28-29, 2005.

“Bodiliness and Relationality in Philosophy and Psychology.” Paper delivered to *Fellowship of Catholic Scholars Annual Convention*, Charlotte, NC, September 24, 2005.

“On the Science and Ethics of Altered Nuclear Transfer (ANT),” Round table at Westchester Institute’s Scholars Forum on ANT, Jefferson Hotel, Washington D.C., April 28-29, 2005.

“Capital Punishment, Abolition, and Catholic Moral Philosophy: An Ethically Principled Perspective.” Presentation given to Symposium on Capital Punishment at Williams College, Feb. 9, 2005.

“The Ethics of Heterologous Embryo Transfer (HET).” Paper delivered to the *Westchester Institute Scholars Forum on the Morality of HET*, Capital Hill, D.C., Oct. 29-30, 2004.

“Catholic Moral Teaching and the Problem of Capital Punishment.” Paper delivered to Annual Convention, Fellowship of Catholic Scholars, general session, convention title, *The Catholic Citizen: Debating Issues of Justice*, Arlington, VA, Sept. 26-28, 2003.

“Catholic Social Teaching,” four lectures presented at *4th Annual Prince of Liechtenstein European Fellowship*, Guile Foundation, Boncourt, Switzerland, June 5-7, 2003.

“Recent Changes in Authoritative Catholic Teaching On Capital Punishment,” presented at conference entitled, *American Catholics and Capital Punishment*, sponsored by Faith & Reason Institute (Washington, D.C.), University of Dallas, April 19-20, 2002.

Chaired and introduced session entitled, “Catholic Teaching On Capital Punishment,” at *Capital Punishment Colloquium*, sponsored by the Biolchini Chair of Law, University of Notre Dame Law School, Notre Dame, IN, April 12-14, 2002.

“To Kill or Not To Kill: The Catholic Church and the Problem of the Death Penalty,” to a faculty colloquium of the Political Science Department, Louisiana State University, Baton Rouge, LA, April 19, 2001.

“Aquinas and the Norm Against Killing,” presented at the *Thirty-Sixth International Congress on Medieval Studies*, Center for Thomistic Studies Session, Western Michigan University, Kalamazoo, Mich., May 3-6, 2001.

Congress on the death penalty: entitled “The Morality of the Death Penalty: The Challenge for Law, Society and Religion;” invited respondent to two papers; jointly sponsored by the Columbus School of Law and School of Religious Studies, Catholic University of America, D.C., March 29-31, 2001.

“To Kill or Not To Kill: The Catholic Church and the Problem of the Death Penalty,” Annual Endowed *Yamauchi Lecture in Religion*, Loyola University New Orleans; sponsored by Department of Religious Studies, March 18, 2001.

“Capital Punishment and the *Catechism of the Catholic Church*: The Teaching of the Church Interpreted,” presented at inaugural conference of the Notre Dame *Center For Ethics and Culture*, conference title: “Culture of Death,” Notre Dame University, South Bend, IN, Oct. 12-14, 2000.

Select Community: Lectures, Presentations, Media

Radio Interview, *NCRegister Radio*, “*Humanae Vitae* at 50”, July 19, 2018.

Radio Interview, *Radio Maria*, “The Question for a Culture of Death in America,” July 2, 2018.

“Christian Witness in the Age of Militant Atheism,” *Holy Family Parish*, West Sydney, Australia, June 2017.

Radio Interview, *Take 2 with Jerry & Debbie: EWTN Radio*, “On Legalization of Marijuana,” Monday, June 6, 2016.

“Using Primary Theological Texts in the Classroom: Bringing students into contact with *Veritatis Pulchritudo*,” National Symposium for Catholic High School Teachers, St. Thomas More, Denver, CO, Dec. 3, 2015.

“The ‘Way of Accompaniment and Discernment:’ *Mater Sed Non Magistra*,” *Cardinal Stafford Chair Annual Lecture*, Bonfils Hall, Denver, CO, Nov. 19, 2015.

Radio Interview, *The Mike Allen Show* (1380 WMJR, Real Life Radio, Diocese of Lexington, KY), “Marriage and the Council of Trent,” September 20, 2015.

“The Problem of Transgender,” EWTN *Heroic Media*, filmed June 11, 2015.

Radio Interview, *Sean Herriott Show* (Syndicated by Relevant Radio), “Ebola Updates,” October 24, 2014.

Panel on Just War and Problem in the Middle East, Sponsored by St. John XXIII University Parish, Colorado State University, Oct. 13, 2014.

Radio Interview, *What’s up with Terry Lowry* (Syndicated Houston, Dallas, Austin), “Ebola,” Oct. 6, 2014.

Radio Interview, *Jim Bohannon Show* (Nationally Syndicated), “Ebola,” October 3, 2014.

Radio Interview, *Morning Air with Sean Herriott* (Syndicated by Relevant Radio), “Amazing Robots: Can Machines be Moral?”, Sept. 15, 2014.

Radio Interview, *Morning Air with Sean Herriott* (Syndicated by Relevant Radio), “Choosing/refusing treatment during pregnancy & the principle of double effect,” July 23, 2014

“The Morality of Recreational Pot Smoking,” Panel discussion at Holy Ghost Catholic Church, Denver, CO, July 8, 2014.

“The Frozen Children”: On the problem of embryo adoption in the US, 7 minute television segment for *Heroic Media*, aired by EWTN, Wed. May 14, 2014.

“Love in a Time of Controversy,” presentation and extended time of questions and answers on ethical questions, Holy Name Catholic Church, November 19, 2013.

Radio Interview, *Morning Air with Sean Herriott* (Syndicated by Relevant Radio), “3-D Bioprinting,” September 26, 2013.

Radio Interview, *LifeLine with Craig Roberts* (KFAX 1100AM, San Francisco), “Should We Cure Down’s Syndrome?”, August 28, 2013.

Radio Interview, *EWTN: Son Rose Morning Show with Brian Patrick* (nationally syndicated), “Are Combat Drones Ethical? Will They Lead to More Death?” August 21, 2013.

Radio Interview, *Cradio Limited* (Sydney, Australia), “The Epistemic Death of the Natural Law,” June 18, 2013.

Radio Interview, *Seize the Day with Gus Lloyd* (SiriusXM’s the Catholic Channel), “The Morality of Smoking Marijuana,” June 14, 2013.

Radio Interview, *The Georgene Rice Show* (KPDQ 93.9 FM/800 AM, Portland, OR), “Human Cloning,” May 28, 2013.

MP3 Digital Podcast Archdiocese of Denver, “Human Cloning and Bioethics,” hosts Greg Willits & Karna Swanson, Podcast #012, May 15, 2013, available at <http://denvercatholic.org/?p=285>

“Fetal Pain and Abortion: Separating Fact from Fiction,” Power Point Presentation, *Christ the King Catholic Parish*, Evergreen, CO, May 15, 2013.

“Advance Directives and Health Care Proxies,” Power Point Presentation, *Christ the King Catholic Parish*, Evergreen, CO, May 8, 2013.

“Stem Cell Research: Embryonic and Adult,” Power Point Presentation, *Christ the King Catholic Parish*, Evergreen, CO, May 1, 2013.

Radio Interview, *What’s Up with Terry Lowry* (Syndicated out of Dallas, TX), “Do Unborn Children Feel Pain?” April 22, 2013.

Radio Interview, *Relevant Radio, The Drew Mariani Show*, “The Morality of Smoking Marijuana,” Feb. 25, 2013.

Choices, Habits and Addictions: Some Thoughts on the Relevance of Moral Philosophy for Clinical Psychology,” delivered to the Catholic Psychotherapy Association (CPA), Denver Chapter, John Paul II Center for the New Evangelization, Thurs., Feb 23, 2012.

“Transhumanism,” lecture delivered at *Gospel of Life Conference*, Denver, Colorado, October 26, 2011.

“Danger of POLST forms,” led discussion at Denver chapter of the Catholic Medical Association (CMA), Bonfils Hall, Aug. 17, 2011.

“Extraordinary Means,” Address to the retired priests of the Denver Archdiocese, Denver, May 27, 2011.

Radio Interview, *Relevant Radio, Morning Air Show*, “Parthenogenesis and Stem Cells,” Tuesday, March 15, 2011.

“End of Life Decision Making,” address to priests of Archdiocese of Denver, Priests Convocation, March 2011.

“Catholics and Capital Punishment,” facilitated discussion in response to PBS documentary “No Tomorrow,” Bonfils Hall, Archdiocese Denver, Jan. 26, 2011.

Radio Interview, *In His Sign Network Radio* (www.inhissign.com), “Economic Considerations in the Removal of Life Support,” December 29, 2010.

“Autonomy and Self-Killing,” *The Aquinas Institute*, CU Boulder, public lecture, November 10, 2010.

“Does Morality Exist? Conscience and the Problem of Relativism,” *The Gospel of Life Conference*, conference lecture, Bonfills Hall, John Paul II Center, Denver, CO, October 2, 2010

PBS television interview, “Transhumanism,” taped in Denver Thursday, July 23, 2010; interview available at <http://www.pbs.org/wnet/religionandethics/episodes/august-20-2010/christian-brugger-extended-interview/6840/>

Radio Interview, *Relevant Radio, Morning Air Show*, “Organ Donation Euthanasia,” Wednesday, June 16, 2010.

Radio Interview, *Relevant Radio, Morning Air Show*, “Providing Food and Water to Patients in the Persistent Vegetative State,” Tuesday, May 25, 2010.

Radio Interview, *Relevant Radio, Morning Air Show*, “Transhumanism,” Wednesday, May 5, 2010.

Radio Interview, *Ave Maria Radio*, “Transhumanism,” Tuesday, May 4, 2010.

Interview with Cheryl Wetzstein, *Washington Times*, On Catholics and Embryo Adoption, March 24, 2010.

“Embryonic Stem Cell Update,” presentation to parish youth leaders of the Denver Archdiocese, Bonfills Hall, Denver, Jan. 14, 2010.

“Protecting Embryos: Love for the Weakest,” *Splendor of Truth Series: The Virtue of Life*, St. James Catholic Church, Newport St., Denver, Jan. 11, 2010.

Phone Interview, Cheryl Wetzstein, *Washington Times*, On ObamaCare’s nurse helper home visits, Jan. 6, 2010.

Theology on Tap, “Biotechnology on the Edge: Updates on Stem Cell Research,” Baur’s Pub, Denver, December 11, 2009.

Theology on Tap, “Biotechnology on the Edge: Updates on Stem Cell Research,” lecture and Power Point presentation, C.B. and Potts, Fort Collins, December 10, 2009.

Media Interview, *Focus on the Family*, on Senate motion to table pro-life “Nelson Amendment” from Senate health care bill, December 9, 2009.

Radio Interview, *Relevant Radio, Morning Air Show*, “Ethical Issues Pertaining to Universal Health Care Legislation,” October 9, 2009.

Radio Interview, *Relevant Radio, Morning Air Show*, “Ethical Questions Concerning Civil Disobedience in Defense of Innocent Human Life,” September 8, 2009.

“Ethical Reflections on Universal Health Care,” with Helen Alvare, *Denver Catholic Register*, published in four parts, Aug. 26, Sept. 9, Sept. 16, Sept. 23 2009.

Radio Interview, *EWTN Radio*, “Health Care Reform,” August 24, 2009.

Radio Interview, *Relevant Radio, Morning Air Show*, “Embryonic Stem Cells and Stem Cell Research.”

“Embryonic Stem Cell Research,” PowerPoint presentation to *Respect Life Forum*, Holy Ghost Catholic Church, Denver, Co., May 17, 2009.

Radio interview, *AM 850 KFUE*, “Cloning and alternative sources for pluripotent stem cells,” April 2009.

Radio interview, March 2009, *AM 850 KFUE*, “Embryonic Stem Cell research,” March 2009.

“A Matter of Conscience: Conscience Protection Laws and Abortion,” address delivered to the *Catholic Medical Association of Denver*, July 20, 2008.

“Federal Funding and Embryo Experimentation,” *March for Life Convention*, Hyatt Regency Capital Hill, January 21, 2008.

“Abortion in America,” *Focus on the Family Radio*, taped interview, January 21, 2008.

Guest on Radio talk show, *Ave Maria/EWTN Radio*, “Capital Punishment and Christians,” Jan. 5, 2008, 5:00-5:30pm EST, aired live.

“Do the lives of Socrates and Edmund Campion have anything to say to aspiring public leaders?” Presentation to Young Filipinos Society, Bethesda, MD, Oct. 9, 2007.

“Capital Punishment, Catholic Teaching and New Deterrence Information,” radio broadcast on Ave Maria Radio, aired live June 12, 2007.

Radio interview, Ave Maria Radio, “Saddam Hussein, Capital Punishment and the Catholic Church,” aired November 6, 2006.

“IPS Graduate Studies and the Concept of Integration,” presentation to prospective students at University of Dallas, Friday, October 27, 2006.

“Catholic Thinking on Capital Punishment: An Historical Perspective,” presentation at National Catholic Death Penalty Symposium, Mt. St. Mary’s University, Emmitsburg, MD, Sept. 30, 2006.

Radio interview, Ave Maria EWTN Radio, “An Historical Survey of the Catholic Church’s ideas on Capital Punishment,” Jan. 5, 2006, 5:00-5:30pm EST, aired live.

“Altered Nuclear Transfer and the Catholic ethical community,” telephone interview with Julia Cort, Producer, NOVA, in preparation for television show dedicated to Hurlbut’s proposal, Nov., 7, 2005.

Radio talk show, WUST, 1120, *The Catholic Current*. Taped two 30 minute shows (April, 12, 2005): 1) “The Terri Schiavo Case” (aired April 26, 2005), 2) “What is the Dignity of the Human Person?” (aired April 27, 2005).

“Morality of Cloning,” presentation to *New Orleans Right to Life* (NORL) autumn colloquium on cloning; Riverside Baptist Church, River Ridge, LA, September 22, 2003.

“The Glory and Challenge of the Domestic Endeavor,” *Roman Catholic Homeschool Association of Louisiana*, Homeschool Fair, St. Peter Catholic Church, Covington, March 8, 2003.

Television Interview, *WWL TV*, “Clerical Infidelity and Crisis in the Church,” aired on 10PM News, May 2002.

“Scientific and Ethical Issues Associated with Embryonic Stem Cell Research,” Power Point presentation to a three parish audience in Kenner, LA, Nov. 2001.

“Justifiable and Unjustifiable Homicide in Catholic Moral Tradition,” presentation to Mater Dolorosa Church, S. Carrollton Ave, New Orleans, LA, Nov. 16, 2000.

“Making Moral Choices,” presentation to Catholic religious community, *Brot des Lebens*, Munich, Germany, Feb. 2000.

TEACHING

Saint John Vianney Theological Seminary Courses

Graduate: MDiv, STB

Fundamental Moral I	(Fall 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016)
Fundamental Moral II	(Spring 2009, 2010, 2011, 2012, 2013, 2014, 2015)
Biological and Sexual Ethics	(Fall 2008, 2009, 2010, 2011, 2012, 2013)
Sexual Ethics	(Fall 2015, 2016)
Bioethics	(Spring 2016)
Catholic Social Teaching	(Spring 2009, 2010, 2011, 2013, 2014, 2016)
Theology of the Body	(Fall 2008, 2009, 2010)
Thomistic Psychology	(Spring 2010, 2012)
Council of Trent & Marital Indissolubility	(Spring 2011)
Self and the World (Permanent Deacons)	(Spring 2009)
Life in Christ: Virtue & Common Problems (Permanent Deacons)	(Spring 2014, Fall 2016)
Life in Christ: Fundamental Morals (Permanent Deacons)	(Spring 2016)

University of Mary, Bismarck, ND/Christ in the City, Denver, Instructor, Department of Theology
Catholic Social Teaching (Spring 2014, 2016)

Catholic University of America, Instructor, School of Philosophy (Spring 2008)
Graduate: MS in Nursing
Bioethics

Institute for the Psychological Sciences Courses
Graduate: MS, Psy.D.
Theological and Philosophical Anthropology
Practical Reasoning and Moral Character
Major World Philosophies and Religions
Hermeneutics and Research Techniques
Theology of Marriage and Family

Loyola University Courses
Undergrad:
Introduction to World Religions (compulsory course for all Loyola students)
Christian Ethics
Catholic Sexual Ethics (principles and issues)
Catholic Social Teaching I (History of Christian Political Thought)
Catholic Social Teaching II (Modern Catholic Social Teaching)
Moral Theology of John Paul II

Grad (MA):
Christian Ethics

Teaching Grants

New Orleans Consortium for Technology Integration and Implementation in Teacher Education (NOC-TIITE), Louisiana Department of Education, Grant period running Jan -Dec. 2001, \$1000.00.

Institute for the Study of Catholic Culture and Tradition, Loyola University, Grant to develop two semester course in Catholic Social Teaching, Summer 2002, \$3645.00.

Distinctions

2014	Linacre Award, Catholic Medical Association; best essay for 2014
2002- 2003	Spirit of Loyola Award for Outstanding University Organization Advisor
2002- 2003	Nominated for Loyola University Senate Award for Excellence in Teaching
2002- 2003	Nominated for Loyola University Senate Award for Excellence in Advising
1999-2000	Western Civilization Fellowship, <i>Inter Collegiate Studies Institute</i>
1999-2000	Earhart Fellowship, <i>Earhart Foundation</i> , Ann Arbor, Mich.
1997-98	Denyer and Johnson Scholarship, Faculty of Theology, Oxford
1998-99	Denyer and Johnson Scholarship, Faculty of Theology, Oxford

1998-2000

Yates Senior Scholarship in Theology, St. Hugh's College, Oxford

SERVICE

Academic Institution /Scholarly Community

Saint John Vianney Seminary

Service to the Archbishop of Denver (2008-2017)

- *Ethical Consultation*

Service to the Auxiliary Bishop of Denver (2008-2013)

- *Ethical Consultation*

Service to Colorado Catholic Conference (2008-2017)

- *Ethical consultation*

- Testified before the State Congress on provisions in proposed "living will" legislation:

- House Health and Human Services subcommittee (Feb. 24, 2010)
- Senate Health and Human Services subcommittee (March 25, 2010)
- Senate Judiciary Committee (April 12, 2010)

- Denver Catholic Hospitals, Ethical Advisory Board, 2010-present.

Service to Archdiocese (2008-2017):

- *Ethical consultation*: to persons associated with the Denver archdiocese: chancery officials, priests, deacons, laypeople.

- Member: *Healthcare Commission of the Archdiocese of Denver*

- Addressed two gatherings at State Capital (at request of chancery): "Stand up for Religious Freedom Rally," March 23, 2012 and June 8, 2012.

- "Transhumanism," lecture delivered at *Gospel of Life Conference*, Denver Archdiocese, Bonfils Hall, John Paul II Center October 26, 2011.

- "Extraordinary Means," address to the retired priests of the Denver Archdiocese, Denver, May 27, 2011.

- "End of Life Decision Making," address to priests of Archdiocese of Denver, Priests Convocation, March 2011.

- "Husbands and Fathers in the Image of Christ," *Living the Catholic Faith Conference*, Colorado Convention Center, Denver, March 11 and 12, 2011.

- "Catholics and Capital Punishment," facilitated discussion in response to PBS documentary "No Tomorrow," Bonfils Hall, Archdiocese Denver, Jan. 26, 2011.

- "Does Morality Exist? Conscience and the Problem of Relativism," lecture delivered at *The Gospel of Life Conference*, Denver Archdiocese, Bonfils Hall, John Paul II Center, Denver, CO, October 2, 2010

- *Theology on Tap*, "Biotechnology on the Edge: Updates on Stem Cell Research," Baur's Pub, Denver, December 11, 2009.

- *Theology on Tap*, "Biotechnology on the Edge: Updates on Stem Cell Research," lecture and Power Point presentation, C.B. and Potts, Fort Collins, December 10, 2009.

- "*Getting Grilled*," St. Mary's, Littleton, questions and answers on controversial issues; June 23, 2016

SJV Committee Work:

Membership on Standing Committees:

- Awards and Rank Committee, Fall 2010-2013; 2015-
- Committee Chair 2012-2013

- Faculty Grievance Committee, Spring 2012-2014
- Library Committee, 2009-present

Membership on Ad-hoc Committees:

- ATS re-accreditation: Learning, Teaching, and Research Committee (2011-2012)
- Student Advising Committee, Spring 2010
- Endowed Chair Consultation Committee, Fall 2009
- Spirituality Year Review Committee, 2009

Faculty Colloquia:

- “Mercy and Conscience,” delivered at SJV Alumni Day, Academic Symposium, Sept. 14, 2016.
- “POLST Orders: Clinical and Ethical Concerns,” Nov. 28, 2012
- “Thoughts on the Health and Human Services (HHS) Contraception Mandate,” March 14, 2012
- “Pope Benedict XVI and the Death Penalty,” November 30, 2011
- “Current Stage of Research Concerning Trent’s Teaching on Indissolubility,” April 21, 2010
- “Update on Stem Cell Research: Alternatives for Deriving Pluripotent Stem Cells,” Dec. 2, 2009.
- “Are Brain-Dead Patients Dead? The Contemporary Conversation,” Feb. 18, 2009

Formation:

- Presentation entitled “Married Love”, Formation Day for 2nd theologians, Nov. 2013; Nov. 2015; Nov. 2017

STB Thesis Director:

- Deacon Kerry Wakulich (2009-2010)
- Deacon Wojciech Gierasimczyk (2011-2012)
- Deacon Dan Vanyo (2011-2012)
- Deacon Scott Perry (2013-2014)
- Deacon Thomas Yuan (2015-2016)
- Deacon Jacob Schneider (2016-2017)

Academic Advising:

- Blake Stork (2011)
- Brian Feller (2011-2014)

Examiner for STB Comprehensives:

- May 2009-2014

Institute for the Psychological Sciences (2004-2008)

Director and Chair of Integration Lecture Series, 2007-08
Chair of faculty-student integration case study seminars, Spring 2007-2008
Institutional Review Board, (IRB), member (2006 – 2008)
Director of Integration Research

- Directing and editing faculty book project entitled: *Towards an Integrated Catholic Model of Clinical Psychology*, August 2007-present
- Led and directed topics for monthly faculty integration meetings
- Initiated and directed faculty symposium: A sound model for integrative pedagogy, Summer 2006
- Initiated, developed and received approval for four course integration sequence revisions 2005-06

Admissions committee for Oxford Summer Program, 2006-07
Chair, faculty benefits subcommittee, 2006-07
Psy.D. admissions subcommittee member, 2006-07
Psy.D. dissertation committee member, Peter Martin, defended Spring 2009
Psy.D. dissertation committee member, Donna Darbolay, defended Fall 2006
Consultor for PhD in Philosophical Psychology, 2005-2008
Diversity Task Force, member, 2005-06
IPS application revision committee, member 2005-06
Drafted Website statement on integration 2007
Drafted Academic Freedom statement, 2005
Drafted Academic Integrity statement, 2005
Member of all Psy.D. oral comp. committees, 2004-2008
Textbook acquisitions committee, member 2004-2008

Loyola (2000-2004)

Loyola University Senate, Religious Studies Department Representative, term 2001-2004.
Administrator of Religious Studies Department's biannual *Faculty Seminar*, 2001-2004
Library Acquisitions Review Committee, Dept. of Religious Studies, 2000-2004
Loyola Life Group, Faculty Advisor, 2000-2004
Compass Catholic Fellowship, Faculty Advisor, 2002-2004
Rhodes Scholarship advisor, 2002-03
Senior thesis supervisor, 2002-03

Scholarly Community

Manuscript Reviewer: *Journal of Law and Religion*, *Catholic Social Science Review*, *Review of Metaphysics*, *The Thomist*, *Fellowship of Catholic Scholars Quarterly*, *Catholic University of America Press*, *Peter Lang*

Board of Directors, *Fellowship of Catholic Scholars* (2008-2104)

Board Member, *Human by Design (Augmentation Project)*; sponsorship: Turner Broadcasting and Square Enix; drafted a "Code of Ethics" for human enhancement (2016)

External reviewer, tenure & promotion application, Jason T. Eberl, assistant professor in the department of Philosophy at Indiana University-Purdue University Indianapolis, July 2007.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Vita Nuova Inc., on behalf of itself and
others similarly situated,

Plaintiff,

v.

Alex M. Azar II, in his official capacity
as Secretary of Health and Human
Services; **United States of America**,

Defendants.

Case No. 4:19-cv-00532-O

**[PROPOSED] ORDER GRANTING
MOTION FOR CLASS CERTIFICATION**

The plaintiff's motion for class certification is granted. The Court certifies the following class under Rule 23(b)(2) of the federal rules of civil procedure:

Every present and future health-care provider in the United States that opposes abortion for sincere religious reasons.

Vita Nuova Inc. is appointed class representative. Jonathan F. Mitchell, Charles W. Fillmore, and H. Dustin Fillmore are appointed class counsel under Fed R. Civ. P. 23(g).

Dated: _____, 2020

REED O'CONNOR
UNITED STATES DISTRICT JUDGE