

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GLOBAL IMPACT MINISTRIES, Inc.

Plaintiff,

v.

CITY OF GREENSBORO,
GUILFORD COUNTY,

Defendants.

Case No.: 20-329

VERIFIED COMPLAINT

PLAINTIFF

1. Plaintiff Global Impact Ministries, Inc. d/b/a Love Life is a nonprofit, charitable and religious entity organized under the laws of the State of North Carolina, with a principal place of business at 10308 Dailey Road, Unit 415, Cornelius, North Carolina 28031.

DEFENDANTS

2. Defendant City of Greensboro is a municipality organized under the laws of the State of North Carolina, and is subject to suit under 42 U.S.C. § 1983 and the common law.

3. Defendant Guilford County is a county formed under the laws of the State of North Carolina, and is subject to suit under 42 U.S.C. § 1983 and the common law.

INTRODUCTION AND FACTUAL BACKGROUND

4. This challenge seeks to protect the right of a pro-life, faith-based public charity to exercise its religious beliefs and to speak about those beliefs so it can help women with concerns about pregnancy and motherhood, and help meet the needs of vulnerable mothers and babies.

5. The County has passed, and the City is enforcing, regulations limiting the operations of certain businesses and activities, and imposing social distancing requirements in response to the recent pandemic, but those requirements have been applied in an inconsistent and unconstitutional manner with respect to peaceful conduct and charitable religious activities in Greensboro.

Love Life Ministries

6. Global Impact Ministries, Inc., operating as Love Life, is a private, faith-based, nonprofit organization that offers spiritual counseling, prayer, emotional counseling, post-abortion counseling, and a network of partnering area churches to provide material resources to expectant mothers, such as baby clothes, strollers, diapers, cribs, breast pumps, baby equipment, and car seats to women facing unplanned pregnancies. Love Life offers its ministry in the greater Charlotte, Greensboro, and Raleigh metropolitan areas.

7. Love Life's purpose is to unite and mobilize the church to create a culture of love and life that will bring an end to abortion and the orphan crisis. Love Life furthers this mission by providing compassion and hope to young women and men who

find themselves facing unplanned pregnancies, to help encourage them to make life-affirming decisions.

8. Specifically, for many years, a gap in available social services existed for women facing unplanned pregnancies who chose to continue their pregnancies. Many times, Christian sidewalk ministers would counsel women about life at abortion facilities and could immediately provide free ultrasounds, but such ministers were limited by manpower and resources and could not provide all essential social services to such mothers after they chose life.

9. Post-abortive counseling was another gap in social services. After abortion, many women and men feel grief, guilt, and regret. Manpower and resource limitations long limited the ability of Christian sidewalk counselors to invest an appropriate amount of time with such women and men to provide real hope and an understanding of the forgiveness that Christ offers.

10. Parenting mentorship and adoption-related services were also gaps that were not adequately being fulfilled for the same reasons.

11. Love Life was formed for the primary purpose of resolving these gaps. Essentially, Love Life is the interface between mothers and fathers who have considered or had an abortion, and the church – along with all the services local churches can offer when they are organized and mobilized to provide such services.

12. To resolve the gap, Love Life hires personnel to work outside of abortion facilities that have Christian sidewalk counselors. If a mother desires, she can speak with

a Christian sidewalk counselor. Upon receiving information, the mother can generally have a free on-site sonogram on a mobile ultrasound unit. Many times, mothers will choose life for their babies after seeing the ultrasound, in which case the mother is generally referred to the Love Life personnel who can then determine the mother's needs and meet them directly or use its church partner network to fulfill them.

13. Additionally, the Love Life personnel, along with the Christian sidewalk counselors, provide requested counseling to men and women after the abortion procedure is complete. Love Life refers the post-abortive men and women to its church network for ongoing counseling support services.

14. Love Life recognized that the only way to overcome the lack of manpower and resources was to unite and mobilize the church and individual Christians to fulfill such needs. Love Life understood that although most churches and church members desire to serve God by providing services to expectant mothers and fathers, many churches were not assisting in those efforts because they were (i) not aware of the methods by which they could help; (ii) not aware of the specific needs of the mothers and fathers; or (iii) not organized to be able to effectively help fulfill such needs.

15. Separate and apart from the ministry and services provided at the abortion facilities, Love Life initiated a multi-year campaign to partner with area churches to inform the churches of the needs, the methods by which they can help, and organize the churches and Christians to effectively provide help.

16. Since its inception in 2016, Love Life has partnered with over 300 churches. A partnering church will hear a sermon detailing the biblical view of life on a given Sunday, the following Wednesday the church will pray and fast, then on the next Saturday the church members will come to the abortion clinic and prayer walk.

17. Love Life has a very strict code of conduct that limits each volunteer prayer walking participant to prayer only. The prayer walkers are not allowed to engage any abortion-minded mothers or any individuals present advocating for abortion. Prayer walkers do not carry signs of any type and are asked to engage in silent prayer as they walk.

18. The prayer walks serve two primary purposes. First, the Bible explicitly states and demonstrates on numerous occasions that prayer is a Christian believer's method to speak with God, and that God receives prayer and can answer prayer requests. The prayer walks seek God's intervention in a mother or father's heart so that he or she may choose life. The second purpose of the prayer walk is to bring Christian believers to the abortion facilities so that Christians have a better understanding of the abortion and orphan crisis. Love Life believes that when confronted with the realities of the abortion and orphan crisis, Christians will become more involved in assisting those in need.

19. As of Saturday, March 20, 2020, in response to the COVID-19 virus and CDC recommendations, Love Life terminated all organized prayer walks and told any church partners that if Christians desired to prayer walk individually, they must abide by all CDC social distancing requirements. Love Life's new policy continued to call for

paid Love Life personnel to be present at or near abortion facilities that remained open during the pandemic, to fulfill Love Life's nonprofit purposes.

20. During this difficult time, Love Life's primary focus is to continue to be the interface between the church and abortion-minded mothers and fathers. Love Life continues to meet with abortion-minded mothers and fathers, and connect them with partner churches providing counseling, mentoring, education on adoption and orphan care, post-abortion counseling, and material resources.

21. Love Life has paid personnel offering its free services in Greensboro two days each week. These paid Love Life personnel engage in prayer walking as well as sidewalk counseling. Additionally, Love Life has provided its contact information to the Christian sidewalk counselors and ultrasound operators in Greensboro and Love Life is available via telephone to provide additional services on days on which Love Life personnel are not present.

22. Love Life's activities are the manifestation of its sincerely held religious belief is that it should convey and promote messages about God's creation of each unique individual human life.

23. Love Life believes that Jesus' transforming love can free people from hopelessness and fear when facing difficult circumstances.

24. Love Life believes the Bible teaches that God creates each human being in His image and forms babies in their mothers' wombs, such that from the moment of conception every life has precious value and worth.

25. Love Life's sincerely held religious belief is that it should care for and support women facing difficult decisions related to unplanned motherhood.

26. Love Life believes that women should be respected, encouraged, supported, and protected with emotional, spiritual, and tangible material resources and help.

27. Inspired by the love of Jesus, Love Life fulfills its religious and charitable mission by serving and teaching women about their unique value as human beings made in God's image, the precious value of babies in the womb, and the hope and peace that Jesus Christ offers.

28. Love Life hopes that by loving, serving, and counseling women in need, it encourages those it serves to put their faith in Jesus and free themselves from unhealthy behaviors, destructive relationships and habits, difficult situations, fears, and hopelessness.

29. Love Life operates its ministry through a staff of approximately 15 individuals working in various roles within the organization, along with a network of volunteers, affiliates, and other supporters, primarily from churches throughout North Carolina.

Guilford County Emergency Proclamation

30. Guilford County, North Carolina, has enacted an Emergency Proclamation¹ (“Order”) that limits business operations, travel, and other activities in Guilford County to those deemed “essential” or otherwise exempted under the Order.

31. The Order prohibits “Mass Gatherings,” defined as groups of 10 or more people. Exh. 6 at 4.²

32. The Order also sets forth “Social Distancing Requirements” for all individuals within the county, regardless of the activities they are engaged in. The Social Distancing Requirements mandate that, among other things, all individuals remain at least six feet apart and keep sanitizing products available. Exh. 6 at 13.

33. Violation of the Order is a class 2 misdemeanor, which carries a penalty of up to 60 days in jail and a \$1000 fine. Exh. 6 at 14.

34. The Order permits and expressly “strongly encourage[s]” “essential business” to continue operating in Guilford County, and defines “Essential Businesses and Operations” to include numerous businesses and services, such as transportation,

¹ Plaintiff challenges three iterations of the Order: the Revised Emergency Proclamation, effective March 27, 2020, attached as Exhibit 7; the Second Revised Emergency Proclamation, with an effective date of March 30, 2020, at 7:00 p.m., attached as Exhibit 1; and the Third Revised Emergency Proclamation, which went into effect at 5:00 p.m. on April 10, 2020, attached as Exhibit 6. Except where otherwise noted in this Complaint, the Orders are identical in material respects. Each Order therefore had a materially identical effect on Love Life during its operative duration.

² Except where otherwise noted, citations to the Order are to the current and operative version. Because the Order does not contain section numbers, page numbers, or other designations for ready citation, Love Life will refer to relevant provisions by title and the estimated page number.

food and beverage, laundry, media, hardware and supplies, construction, financial institutions, mailing and shipping, hotels, and professional services like legal services, real estate, and insurance. Exh. 6 at 8–12.

35. The Order expressly “allows travel into or out of the County” for these “Essential Businesses and Operations.” Exh. 6 at 5.

36. The provision for “Essential Businesses and Operations” permits operations by “[o]rganizations that provide charitable and social services,” including “religious and secular nonprofit organizations, . . . when providing . . . social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.” Exh. 6 at 9.

37. The provision for “Essential Businesses and Operations” expressly permits “Human Services Operations” to continue in Guilford County, Exh. 6 at 8, and includes in the definition “businesses that provide . . . social services, and other necessities of life for economically disadvantaged individuals . . . or otherwise needy individuals,” Exh. 6 at 7. Under the Order, “individuals may leave and return to their residence to work for . . . any Human Services Operations.” Exh. 6 at 7. The Order expressly directs that provision of such human services should be permitted to the fullest extent possible: “Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.” Id.

38. Furthermore, the Order permits “Essential Travel,” which is defined to include “[t]ravel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.” Exh. 6 at 12–13.

39. “Essential Activities” are also permitted under the Order, which allows for “outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined herein, such as, *by way of example and without limitation*, walking, hiking, golfing, running, cycling, or using the greenways[,] . . . go[ing] to public parks and open outdoor recreation areas.” Exh. 6 at 6 (emphasis supplied). The operative order March 25 through April 10 did not specify any exclusions to permitted types of “outdoor activity” qualifying as “Essential Activities.” Exh. 1 at 6.

Citations and arrests on March 28 and 30, 2020

40. On March 28,³ the Greensboro Police Department issued citations to Love Life staff members Isaiah Burner, Justin Reeder, and Carl Ubinas, and Love Life attorney and agent Jason Oesterreich (“Love Life Representatives”). Lieutenant Dan Knott and Sergeant Eric Goodykoontz of the Greensboro Police Department informed these four men that they were in violation of the Order. The citations originally indicated that the violation of the Order was “gather[ing] more than 10 people.” *See* Exh. 2.

³ The operative Guilford County Emergency Proclamation on this date, which went into effect March 27, was materially identical to the current operative Order. *See* Exh. 7.

41. The Greensboro police officer later scratched through the stated reason for the violation and changed it to say that Love Life's Representatives were cited for "travel[ing] for a non-essential function[/purpose]." Exh. 2.

42. The incident occurred in the vicinity of A Woman's Choice abortion clinic, located at 2425 Randleman Road, Greensboro, North Carolina 27406.

43. Oesterreich, Reeder, and Ubinas — Love Life's legal counsel and two Love Life personnel — were also arrested as part of the same incident.

44. At the time of their citation and arrest, Oesterreich, as the lawyer for Love Life, was providing legal services to Love Life. The remaining Love Life Representatives were present to provide social services according its non-profit purpose and also to walk and pray on a public sidewalk and on private property where Love Life frequently gathers and has the property owners' permission to be.

45. At the time of their citation and arrest, the four Love Life Representatives were distancing themselves at least six feet apart, were not gathered with more than 10 people, and were abiding by all of the Order's other Social Distancing Requirements, including carrying hand sanitizer.

46. At the time of their citation and arrest, the four Love Life Representatives were acting in their capacity as staff, officers, and agents of Love Life to offer the charitable and social services that it is Love Life's organizational mission to provide to people in need.

47. On March 30, at the same location, Love Life founder Justin Reeder and Love Life lawyer Jason Oesterreich gathered with three other pastors, including Pastor Leroy Stokes Jr. and Pastor Mark Shelley, both of Guilford County, North Carolina (collectively, “Love Life Affiliates”). Pastor Stokes is the pastor of Destiny Church located down the street from A Woman’s Choice. Pastor Shelley is the pastor of Shannon Hills Bible Chapel in Greensboro. Both pastors support Love Life’s mission and regularly assist Love Life in providing its charitable outreach services. The Love Life Affiliates are not staff members or official agents of Love Life but are regular volunteers with Love Life’s ministry.

48. Oesterreich was present for the purpose of providing legal services. Specifically, a nationally recognized constitutional law firm had reviewed the Ordinance and Love Life’s behavior and provided a written opinion that Love Life’s behavior was in compliance with the Ordinance. Oesterreich made several attempts to provide the written letter to Lieutenant Dan Knott, but Lt. Knott rejected these efforts. Reeder, Pastor Stokes, and Pastor Shelley were present for the purposes of providing social services according Love Life’s nonprofit purpose and also to walk and pray on a public sidewalk and on private property.

49. The Greensboro Police Department issued citations to Pastor Stokes, Reeder, and Oesterreich, and then arrested them. Pastor Shelley was issued a citation but not arrested. GPD officers informed them that they were in violation of the Order and the citations were issued for travel for non-essential function. *See, e.g.*, Exh. 3.

50. On March 30, the Love Life Affiliates walked and prayed on the public sidewalk until reaching the private property on which they had the owner's permission to be and where Love Life frequently performs its nonprofit activities. At that time, the Greensboro Police Department cited and arrested them.

51. At the time of their citation and arrest, the Love Life Affiliates were distancing themselves at least six feet apart, were not gathered with more than 10 people, and were abiding by all other Social Distancing Requirements of the Order, including carrying hand sanitizer.

52. At the time of their citation and arrest, the Love Life Affiliates were acting in their capacity as staff, officers, agents, and representatives of Love Life to offer the charitable and social services that it is Love Life's organizational mission by offering its charitable and social services to people in need.

53. Later that morning, additional personnel of Love Life and pastors attempted to fulfill Love Life's nonprofit functions by providing social services on the same private property. At no time did the Love Life personnel and pastors number more than 10, nor did they violate any of the Order's Social Distancing Requirements. These individuals were also cited and arrested culminating in eight citations, with 7 of the 8 being arrested.

Threat of Arrest on April 4, 2020

54. On April 4, Pastor Stokes, Pastor Brian Wardlaw of Guilford County, and two other pastors engaged in walking and praying at the same location where Love Life

Representatives and Love Life Affiliates had been cited and arrested on March 28 and 30. The four pastors are supporters and regular volunteers with Love Life.

55. Pastor Stokes was orally praying and peacefully walking on the public sidewalk. Three Greensboro Police Department officers stopped Pastor Stokes.⁴ Sergeant Goodykoontz told Pastor Stokes that the Order prohibits him from walking and praying because “praying is a form of demonstration” that is “outside the realm of the stay-at-home order.”⁵ The Greensboro police officer attributed this interpretation to guidance that the City had given to him.⁶

56. When Pastor Stokes asked Sergeant Goodykoontz, “So, just like anybody else, we can’t walk down the street?,” Sgt. Goodykoontz told Pastor Stokes that he and Pastor Wardlaw were “not just like anybody else” because they were walking down the street “with a purpose of praying for the abortion clinic, which is a form on demonstration.”⁷

57. Sergeant Goodykoontz instructed Pastor Stokes, however, that it was permissible for Pastor Stokes to engage in the same walking and praying in the Destiny Church parking lot, but not on the public sidewalks or streets outside A Woman’s Choice.⁸

⁴ Video footage of this incident, including Pastor Stokes’s conduct and the full exchange between Pastor Stokes and the Greensboro Police Department officers is available at <https://www.facebook.com/lovelifeusa/videos/224199762156073/>.

⁵ *See id.* at 14:50–17:50.

⁶ *Id.* at 19:05–19:22.

⁷ *Id.* at 16:20–16:50

⁸ *Id.* at 16:00–17:50.

58. When another man then walked past the Greensboro police officers and Pastor Stokes on the same public walkway, Sergeant Goodykoontz explained that while Pastor Stokes was subject to arrest under the Order for walking there, the other man would not be – because the other man was carrying grocery bags and presumably not praying.⁹

The City of Greensboro’s Changing Explanations for Arrests

59. After the arrests on March 30, at the request of Lt. Knott in response to Mr. Oesterreich’s concerns about the unlawful arrests, Mr. Oesterreich contacted Greensboro City Attorney Charles Watts. During their telephone conversation, Mr. Watts represented that the City would continue interpreting the Order to prohibit Love Life’s activities of walking, praying, and speaking even though Love Life engaged in these activities in groups of 10 or fewer and in accordance with Order’s Social Distancing Requirements.

60. During the call, Mr. Watts also offered his legal opinion that the Order authorized the City to suspend First Amendment activities for the duration of the COVID-19 emergency.

61. The following day, April 1, undersigned counsel Denise Harle spoke with Mr. Watts by telephone to clarify the City’s position as to which provisions of the Order prohibited Love Life’s activities. During that call, City Attorney Watts stated that under the Order, individuals may travel by foot but not by car to engage in outdoor activities.

⁹ *Id.* at 18:00–18:50.

62. During that call, City Attorney Watts also asserted that the Order does not restrict speech. City Attorney Watts informed Ms. Harle that the Order is *not* narrowly tailored because it in no way addresses speech.

63. During the same call, City Attorney Watts maintained that it is a violation of the Order for Messrs. Burner, Oesterreich, Reeder, and Ubinas to travel from outside Guilford County in order to walk and pray as representatives of Love Life on the public areas outside A Woman's Choice.

64. In the same conversation, City Attorney Watts stated that, as of that date, all individuals that had been arrested under the Order were affiliated with Love Life — and that the City had not enforced any provision of the Order against any other person in Greensboro.

65. On April 2, Ms. Harle sent a demand letter to the City, to the attention of City Attorney Watts, outlining Love Life's position as to the unlawful nature of the arrests of Love Life's Representatives, and the several ways in which Love Life's activities fall within the activities permitted by the Order. Exh. 4.

66. In response to Love Life's demand letter, City Attorney Watts responded by email that “[t]ravel is the problem” with Love Life's counseling, speech, and other provision of social services. City Attorney Watts further stated that Love Life's Representatives could instead “[p]rey [sic] and speak at home.” Exh. 4 at 6.

67. The following day, April 3, the City's outside counsel, Mr. Kane, contacted Ms. Harle and stated that the City's interpretation of the Order's “Prohibited and

Permitted Travel” is that travel is permitted into Guilford County “only . . . if that travel is for the purpose of maintaining Essential Businesses and Operations and Minimum Basic Operations, as those two things are subsequently defined in the Proclamation.” Mr. Kane further stated, without explanation, that the City does not interpret the “Essential Travel” provision of the Order to permit Love Life’s speech, counseling, and other social services. Exh. 4 at 4–5.

68. Love Life’s counsel twice, on April 3 and 7, asked Mr. Kane for an explanation why “Essential Business and Operations” would not include Love Life, a federally recognized 501(c)(3) public charity that offers emotional and spiritual counseling, prayer, and referrals for free basic material resources (e.g., diapers, strollers, breast pumps, baby equipment, baby clothes, baby blankets, etc.) for women in need and babies born into difficult circumstances, when “Essential Businesses and Operations” is defined to include “Organizations that provide charitable and social services,” such as “religious and secular nonprofit organizations . . . providing social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.” Exh. 4 at 2, 4. Outside counsel for the City simply restated, without explanation, that the City did not believe Love Life fit the definition of “Essential Businesses and Operations.” Exh. 4 at 1, 3.

69. On April 6, Love Life’s counsel sought clarification on whether the City asserted that simply walking, and praying, and speaking — by any individual — if done in accordance with Social Distancing Requirements would be prohibited by the Order,

i.e., if the City deemed the walking and praying to be “a form of demonstration.” Exh. 4 at 3–4.

70. In response, on April 7, outside counsel for the City referred Love Life’s counsel to statements by City Attorney Watts in a media article, in which City Attorney Watts stated that for the duration of the Order, limits have been placed on where and how individuals may walk and pray. Exh. 4 at 2. The article further quoted City Attorney Watts as saying that the issue with Love Life’s conduct of praying, walking, and speaking is “primarily an issue of travel.”¹⁰

71. The City has not, in any of its communications with Love Life or Love Life’s counsel, stated that Love Life’s conduct of walking while praying and speaking violates any provision of the Order, except for its alleged status as prohibited travel from outside of Guilford County.

72. The City has declined to explain why the Greensboro Police Department warned Love Life’s supporter and volunteer, Pastor Stokes — a Guilford County resident — that he would be arrested for violating the Order if he did not move away from A Woman’s Choice because walking and praying was a form of demonstration prohibited by the Order. Nor has the City explained why the Greensboro Police Department then

¹⁰ https://www.greensboro.com/news/local_news/abortion-protesters-greensboro-city-officials-battle-over-stay-home-enforcement/article_a47424e7-92fd-59b5-9dd6-eb88f67114c8.html

ordered Pastor Wardlaw to move away,¹¹ or why the Greensboro Police Department issued citations to Pastor Stokes and Pastor Shelley, and arrested Pastor Stokes.

73. No provision of the Order facially prohibits prayer, counseling, religious conversations, demonstration, or protest as part of providing social services under the provisions for Human Services Operations or Essential Businesses and Operations.

74. As the evidence shows, the City is not actually applying or enforcing any version of the Order according to its terms regarding permitted “Essential Businesses and Operations,” “Permitted . . . travel,” “Human Service Operations,” or “Organizations that provide charitable and social services,” as it claims, but has adopted a facially unconstitutional interpretation.

75. As the evidence shows, the City has not applied or enforced the March 27 and March 30 versions of the Order according to their terms regarding permitted “Essential Activities,” in particular, “Outdoor activity,” but has adopted a facially unconstitutional interpretation.

76. The City has a policy and practice of misinterpreting the Order so as to restrict the Plaintiffs’ speech and religious convictions.

77. This policy and practice indicates that the City is intent on interfering with certain views about life, pregnancy, and motherhood. The City has thus implemented the Order as a speaker-based, viewpoint-based law targeting the speech only of speakers espousing certain pro-life moral, religious, and philosophical beliefs.

¹¹ See *supra* note 4.

78. The practical result of enforcing the Order to prohibit the activities of Love Life's Representatives not only to inhibits a religious ministry from furthering its mission and message but also silences religious speakers from praying, speaking messages, and otherwise providing social services consistent with their beliefs.

79. To stop this ongoing irreparable harm, Love Life asks this Court to enjoin the City's unconstitutional enforcement of the Order, so that Love Life may freely speak its beliefs, freely exercise its faith, and freely serve the women and unborn babies of Greensboro who may wish to benefit from its free support services—all while meeting the Order's Social Distancing Requirements and prohibition on Mass Gatherings.

Guilford County Amends the Order to Target Prayer Walking

80. Effective 5 p.m. on April 10, Guilford County enacted a Third Revised Emergency Proclamation containing a few small changes. Exh. 6.

81. As revised on April 10, the Order now expressly permits travel into Guilford County for "Essential Activities," which term expressly includes "outdoor activity," including and "without limitation, walking, hiking, golfing, running, cycling, or using the greenways." Exh. 6 at 5.

82. The April 10 revised Order amended the definition of "outdoor activity" to specify that, while residents and nonresidents may engage in all of these forms of activity and more, they may not do so if their purpose is speaking a message or engaging in religious speech: "Outdoor activity means outside exercise and/or recreational activity. It does not include outside activity for other purposes." Exh. 6 at 6. The Order provides no

explanation for limiting outdoor activity in a way that infringes on core First Amendment rights.

JURISDICTION AND VENUE

83. This Court has subject matter jurisdiction over the federal claims by operation of 28 U.S.C. §§ 1331 and 1343.

84. This Court has authority to issue the requested declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, the requested injunctive relief under 28 U.S.C. § 1343, all appropriate monetary damages, including compensatory and nominal, and reasonable attorneys' fees and costs under 42 U.S.C. § 1988.

85. Venue lies in this district pursuant to 28 U.S.C. § 1391(b) because all events giving rise to the claims detailed here occurred within the Middle District of North Carolina and Defendants reside in the Middle District of North Carolina.

ALLEGATIONS OF LAW

86. At all times relevant to this Complaint, each and all of the acts alleged here are attributable to Defendants, who acted under color of a statute, regulation, custom, ordinance, or usage of the City of Greensboro or Guilford County.

87. Love Life currently suffers imminent and irreparable harm because of Defendants' actions that violate the Love Life's constitutional rights.

88. Love Life has no adequate or speedy remedy at law for the loss of its constitutional rights.

89. Unless the Defendants' unlawful enforcement of the Order is enjoined, Love Life will continue to suffer immediate irreparable injury.

FIRST CAUSE OF ACTION

First Amendment: Free Exercise of Religion

90. Love Life repeats and realleges each allegation contained in paragraphs 1-89 of this Complaint.

91. The First Amendment to the United States Constitution protects Love Life's rights to operate, speak, provide charitable services, and pray in accordance with its religious beliefs.

92. Love Life has sincerely held religious beliefs that motivate and require it to operate its ministry in accordance with biblical moral teachings affirming the value and dignity of life at every stage, from the moment of conception, and to teach and explain those beliefs to the public and those Love Life serves.

93. Love Life would violate its religious beliefs if it were forced to refrain from praying for women facing unplanned pregnancies and for the lives of their unborn babies, in the general vicinity of those people in need, or were prevented from providing its charitable services according to its mission.

94. Love Life would violate its religious beliefs if it were forced to refrain from praying and speaking its messages of hope and life, and thus from informing others about its religious beliefs and charitable services motivated by its religious beliefs.

95. The Order is not neutral or generally applicable on its face because it targets and prohibits outdoor activity by individuals engaging in religious activity.

96. The Order is not neutral or generally applicable as interpreted and applied by the City because the City's interpretation and application of the Order is based on hostility toward Love Life's religious beliefs and pro-life viewpoint.

97. The Order is not neutral or generally applicable as interpreted and applied by the City because the City's interpretation and application of the Order targets Love Life's disfavored religious beliefs and religious practices for punishment.

98. Defendants are enforcing regulations to interfere with Love Life's religious expression without any substantial evidence of a compelling need for such an application of the Order, while at the same time allowing identical conduct providing charitable services and walking outdoors in small groups and in public places for purposes other than praying.

99. The First Amendment protects Love Life's right to believe and profess the religious doctrines of its choice.

100. The First Amendment prohibits the government from interfering with this right by punishing the profession of a religious belief or imposing special disabilities on the basis of stating disfavored religious views.

101. The Order, facially and as enforced and interpreted by the City, punishes Love Life's profession of its religious beliefs.

102. Application of the Order against Love Life, its representatives and affiliates, suppresses their speech based on their religious beliefs.

103. The Order therefore imposes special disabilities on Love Life due exclusively to its profession of disfavored religious beliefs.

104. The Order also violates Love Life's free exercise rights under the hybrid rights doctrine because it implicates free exercise rights in conjunction with other constitutional guarantees, like the rights to free speech, expressive association, due process, and equal protection.

105. The Order burdens Love Life's sincerely held religious beliefs by banning, deterring, and preventing its religiously motivated speech.

106. The Order does not serve any compelling, significant, legitimate, or even valid interests in a narrowly tailored way.

107. Defendants' targeted and unequal application of the Order restricts Love Life's fundamental right to exercise its religious beliefs, without any real or substantial relation to the public health crisis on which the Order is based.

108. Defendants' targeted and unequal application of the Order is a pretext for restricting Love Life's fundamental right to express its religious beliefs.

109. Accordingly, facially and as applied to Love Life, the Order violates the First Amendment right to free exercise.¹²

¹² As to Plaintiff's Free Exercise claim, the City's interpretation and application of the plain meaning of "Outdoor activity" within "Essential Activities," "Essential Businesses and

SECOND CAUSE OF ACTION

First Amendment: Freedom of Speech

110. Love Life repeats and realleges each allegation contained in paragraphs 1-109 of this Complaint.

111. The First Amendment's Free Speech Clause protects Love Life's rights to speak, to publish speech, to be free from content and viewpoint discrimination, to be free from unconstitutional conditions, to be free from laws allowing unbridled discretion, and to be free from overbroad laws.

112. If not for the Order and the City's interpretation and enforcement of the Order, Love Life and its agents, including its staff, would immediately engage in protected speech, including but not limited to, praying, counseling, and speaking its desired messages in accordance with its organizational mission and outreach services.

113. Instead, Love Life is not only unable to pray and speak freely about its outreach ministries and services, it likewise cannot discuss its own religious beliefs in a public location where it is most likely to reach the vulnerable persons it desires to charitably serve.

Operations," "Human Services Operations," "Prohibited . . . travel," and "Organizations that provide charitable and social services" has been unconstitutional on its face for all three challenged versions of the Order. The Order as revised by the County on April 10 is additionally unconstitutional on its face as to "Essential Activities," in particular, "Outdoor activity."

114. Love Life has not and will not engage in certain protected speech to avoid triggering the Order and the City's unconstitutional interpretation and application of the Order, and to avoid incurring the penalties for violating the Order.

115. Love Life is currently suffering ongoing harm because of the Order and the City's unconstitutional interpretation and application of the Order.

116. Because the Order on its face and as interpreted and applied by the City infringes rights under the Free Speech Clause, its provisions chill, deter, and restrict Love Life.

117. The Order gives the City unbounded discretion to punish disfavored speech on pregnancy, motherhood, sexuality, abortions, and unborn life, and other topics of public concern, by interpreting provisions of the Order contrary to the plain meaning of the words.

118. This unbridled discretion also exacerbates the issue of viewpoint discrimination.

119. Because the Order on its face and as interpreted by the City violates free-speech principles for all of the reasons stated above, it must further a compelling interest in a narrowly tailored way.

120. Punishing Love Life's speech does not serve any legitimate, rational, substantial, or compelling government interest in a narrowly tailored way, and it has no real or substantial relation to the public health crisis underlying the Order.

121. The Defendants have alternative, less restrictive means to achieve any legitimate interest they may possess rather than forcing Love Life to abandon its free-speech rights, such as by permitting Love Life to walk, pray, and speak where other individuals are permitted to walk for purposes other than praying.

122. Accordingly, facially and as applied to Love Life, the Order violates the First Amendment right to free speech.¹³

THIRD CAUSE OF ACTION

Fourteenth Amendment: Procedural Due Process

123. Love Life repeats and realleges each allegation contained in paragraphs 1-122 of this Complaint.

124. The Due Process Clause of the Fourteenth Amendment guarantees persons the right to due process of law, which includes the right to be free from vague guidelines granting officials unbridled discretion.

125. Love Life's Fourteenth Amendment right to due process is violated by both the vagueness of the Order on its face and the manner in which the City is interpreting the Order, as well as by the lack of procedural safeguards in the enforcement process resulting from the City's misinterpretation.

¹³ As to Plaintiff's Free Speech claim, the City's interpretation and application of the plain meaning of "Outdoor activity" within "Essential Activities," "Essential Businesses and Operations," "Human Services Operations," "Prohibited . . . travel," and "Organizations that provide charitable and social services" has been unconstitutional on its face for all three challenged versions of the Order. The Order as revised by the County on April 10 is additionally unconstitutional on its face as to "Essential Activities," in particular, "Outdoor activity."

126. First, while the Order expressly permits Love Life’s activities as an “[o]rganization[] that provide[s] charitable and social services,” including “religious and secular nonprofit organizations, . . . when providing . . . social services, and other necessities of life for economically disadvantaged or otherwise needy individuals,” Exh. 6 at 9, the City is unilaterally determining whether Love Life is providing “social services” or “other necessities of life” to “economically disadvantaged or otherwise needy individuals.”

127. While the Order also expressly permits “Essential Travel,” which is defined to include Love Life’s conduct of “[t]ravel to care for . . . minors, dependents, . . . or other vulnerable persons,” Exh. 6 at 13, the City is unilaterally determining what constitutes “care” or who is a “vulnerable person.”

128. While the Order allows “Human Services Operations” to continue, including businesses like Love Life that “that provide . . . social services, and other necessities of life for economically disadvantaged individuals . . . or otherwise needy individuals,” Exh. 6 at 6–8, the City is unilaterally and restrictively determining what constitutes “social services” or “other necessities of life for . . . economically disadvantaged individuals . . . or otherwise needy individuals.” This is true even though the Order expressly directs that the provision “shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.” Exh. 6 at 8.

129. These provisions of the Order are therefore vague as the City is applying it to Love Life, and do not provide Love Life fair notice.

130. The provision of the Order allowing “Outdoor activity” and defining it as “exercise and/or recreational activity” that does not include outside activity for other purposes is also impermissibly vague and allows for unbridled discretion.

131. The Order further fails to define operative terms, such as “social services,” which allows enforcing officials to apply the Order’s terms discriminatorily and does not provide Love Life fair notice.

132. The Greensboro Police Department, backed by City of Greensboro officials including the Mayor and City Attorney, has the power to investigate, interpret, apply, and enforce the Order.

133. Guilford County, backed by and operating through the Guilford County Board of Commissioners, the Guilford County Emergency Management Director, the Guilford County Public Health Director, the Guilford County Manager, and the Guilford County Attorney, has the power to draft, revise, investigate, interpret, apply, and enforce the Order.

134. As such, the Order is devoid of procedural safeguards to protect against arbitrary enforcement. In particular, the broad powers given to the Greensboro Police Department violate the concepts of legal fairness, objectivity, and due process.

135. The Order, facially and as interpreted and applied by the City, does not serve any compelling, significant or legitimate, or even valid interest in a narrowly tailored way, because its application to Love Life bears no real or substantial relation to the public health crisis underlying the Order.

136. Accordingly, facially and as applied to Love Life, the City's arbitrary interpretation of the Order's language, and the facial lack of procedural safeguards resulting from that misinterpretation violate Love Life's Fourteenth Amendment right to due process under the laws.

FOURTH CAUSE OF ACTION

First Amendment: Freedom of Expressive Association

137. Love Life repeats and realleges each allegation contained in paragraphs 1-136 of this Complaint.

138. The First Amendment protects the right of people to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.

139. The First Amendment prohibits the government from banning people from associating with others in an association expressing messages.

140. Love Life is an expressive association because people with likeminded beliefs, including those on staff and volunteers in its organization, are joining together to assist and serve women in the Greensboro area and to express their religious beliefs about God's creation of life, pregnancy, and motherhood.

141. The volunteers and staff at Love Life advocate the position that women deserve dignity, respect, and truth when seeking information and counsel about their pregnancy. Forcing Love Life to refrain from this advocacy would undermine its ability

to collectively advocate its beliefs-based position and to freely associate with the women it seeks to associate with.

142. Love Life likewise engages in expressive association when its staff and volunteers pray together or alongside one another, while abiding by the Order's Social Distancing Requirements and prohibition on Mass Gatherings. Forcing Love Life to refrain from this collective prayer would undermine its ability to freely associate with the volunteers, supporters, and women it seeks to associate with.

143. Love Life also engages in expressive association when its staff and volunteers partner with each other and partner with women seeking information and counsel, teaching them certain biblical values and lessons, and providing them with emotion, spiritual, and material support.

144. In offering free services to those who seek the services, Love Life expressively associates with those women for the purpose of communicating desirable messages to those individuals.

145. One of the reasons that Love Life associates with women is to express messages consistent with its religious beliefs about God's sovereign creation of life and God's ability to offer hope, peace, and love in all circumstances.

146. When Love Life assists a woman with considering the baby in her womb and becoming equipped to welcome her baby into the world, it associates with that person, who themselves become an ongoing, living example that communicates to friends, co-workers, and others regarding Love Life's views about God's design.

147. It is common for people to learn about the services that Love Life provides from women who have used Love Life's services.

148. When people learn that Love Life assisted a woman facing an unplanned pregnancy, people believe that the services provided were consistent with Love Life's religious beliefs.

149. By preventing Love Life from praying and speaking freely, the City forbids Love Life to expressively associate in a way that communicates messages to women and to the community that are consistent Love Life's desired messages.

150. Because the Order infringes on Love Life's expressive association rights, it must further a compelling interest in a narrowly tailored way.

151. As applied to Love Life, the Order does not further any legitimate, rational, substantial, or compelling interest by preventing Love Life from expressively associating with and thereby conveying messages to the women it seeks to serve and to the community, and has no real or substantial relation to the public health crisis underlying the Order.

152. Defendants have alternative, less restrictive means to achieve any legitimate interest they may possess, without forcing Love Life to abandon its freedom of expressive association, including by permitting Love Life to associate in accordance with the Order's Social Distancing Requirements and prohibition on Mass Gatherings.

153. Accordingly, facially and as applied to Love Life, the Order violates Love Life's right to expressive association protected by the Free Speech Clause of the First Amendment.¹⁴

FIFTH CAUSE OF ACTION

First Amendment: Establishment Clause

154. Love Life repeats and realleges each allegation contained in paragraphs 1-153 of this Complaint.

155. The Establishment Clause of the First Amendment requires the government to act with a secular purpose and to neither promote nor inhibit religion.

156. The City's interpretation and application of the Order aimed at suppressing pro-life views and prayer lacks any secular purpose. Instead, the City has targeted and singled out religious speech and belief for exclusion.

157. The City's enforcement and ongoing threatened enforcement of the Order violates the Establishment Clause by manifesting hostility toward religious speech and belief.

158. The City's enforcement and ongoing threatened enforcement of the Order singles out Love Life based on disfavored religious views and disfavored religious

¹⁴ As to Plaintiff's Free Association claim, the City's interpretation and application of the plain meaning of "Outdoor activity" within "Essential Activities," "Essential Businesses and Operations," "Human Services Operations," "Prohibited . . . travel," and "Organizations that provide charitable and social services" has been unconstitutional on its face for all three challenged versions of the Order. The Order as revised by the County on April 10 is additionally unconstitutional on its face as to "Essential Activities," in particular, "Outdoor activity."

expression, and sends a message that religious people, such as Love Life's staff and volunteers, are second-class citizens, phonies, and not full members of the community.

159. The County's revision of the Order to preclude walking for the purposes of religious speech or expression violates the Establishment Clause by manifesting hostility toward religious speech and belief.

160. Because the Order violates the Love Life's rights under the Establishment Clause, it must further a compelling government interest in a narrowly tailored way.

161. Targeting pro-life nonprofit charities for exclusion based on a disfavored religious view does not further any legitimate, rational, substantial, or compelling government interest, nor does it serve any legitimate government interest in a narrowly tailored way, nor does it bear any real or substantial relation to the public health crisis underlying the Order, when other other nonprofit charities are permitted to freely provide social services not motivated by a religious, pro-life beliefs.

162. Banning outdoor activity including walking for purposes of religious speech or expression, while permitting walking for exercise or recreational purposes, does not further any legitimate, rational, substantial, or compelling government interest, nor does it serve any legitimate government interest in a narrowly tailored way, nor does it bear any real or substantial relation to the public health crisis underlying the Order.

163. Accordingly, facially as applied to Love Life, the Order violates the Establishment Clause of the First Amendment to the United States Constitution as incorporated and applied to the States through the Fourteenth Amendment.¹⁵

SIXTH CAUSE OF ACTION

Fourteenth Amendment: Equal Protection Clause

164. Love Life repeats and realleges each allegation contained in paragraphs 1-163 of this Complaint.

165. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution guarantees Love Life equal protection of the laws, which prohibits Defendants from treating Love Life differently than similarly situated persons and organizations.

166. The government may not treat some individuals or entities disparately as compared to similarly situated persons, based on a fundamental right.

167. The Order permits individuals who are walking outside A Woman's Choice to be free to do so in accordance with the Social Distancing Requirements and in groups of 10 or fewer, if, for example, they are walking for exercise or to carry groceries.

¹⁵ As to Plaintiff's Establishment Clause claim, the City's interpretation and application of the plain meaning of "Outdoor activity" within "Essential Activities," "Essential Businesses and Operations," "Human Services Operations," "Prohibited . . . travel," and "Organizations that provide charitable and social services" has been unconstitutional on its face for all three challenged versions of the Order. The Order as revised by the County on April 10 is additionally unconstitutional on its face as to "Essential Activities," in particular, "Outdoor activity."

168. The City has interpreted all three challenged versions of the Order, and the County explicitly revised the Order effective April 10, to prohibit Love Life from walking in the same place and manner if Love Life is doing so with the purpose of engaging in prayer and religious speech.

169. The City's interpretation and application of the Order, and the Order as revised by the County effective April 10, therefore treats Love Life, its staff and volunteers, differently than other persons engaging in the same activity of "walking," as permitted by the Order.

170. The Order permits individuals to travel from outside of Guilford County if working as part of "[o]rganizations that provide charitable and social services," including "religious and secular nonprofit organizations, . . . when providing . . . social services, and other necessities of life for economically disadvantaged or otherwise needy individuals."

171. The City interprets and applies the Order to prohibit Love Life from traveling into Guilford County to operate its "[o]rganization[] that provide[s] charitable and social services," which is a "religious . . . nonprofit organization[], . . . providing . . . social services, and other necessities of life for economically disadvantaged or otherwise needy individuals," without explaining which part of the definition the City believes Love Life does not satisfy – except that Love Life is engaging in prayer that the City deems "demonstration."

172. The City’s interpretation and application of the Order therefore treats Love Life, its staff and volunteers, differently than other nonprofit organizations engaging in the same activity of “provid[ing] charitable and social services” or “other necessities of life for economically disadvantaged or otherwise needy individuals,” simply because the City does not like the viewpoint, mission, or nature of Love Life’s charitable social services.

173. The Order permits individuals to travel from outside of Guilford County if working as part of “Human Services Operations,” including entities “that provide . . . social services, and other necessities of life for economically disadvantaged individuals . . . or otherwise needy individuals.”

174. The City interprets and applies the Order to prohibit Love Life from traveling into Guilford County to operate its “Human Services Operations” as an entity “that provide[s] . . . social services, and other necessities of life for economically disadvantaged individuals . . . or otherwise needy individuals,” without explaining which part of the definition Love Life does not satisfy – except that Love Life is engaging in prayer that the City deems “demonstration.”

175. The City’s interpretation and application of the Order therefore treats Love Life, its staff and volunteers, differently than other “Human Services Operations” and entities “that provide . . . social services, and other necessities of life for economically disadvantaged individuals . . . or otherwise needy individuals,” simply because the City does not like the viewpoint, mission, or nature of Love Life’s charitable social services.

176. Therefore, in its interpretation and application of the Order, the City treats similarly situated persons differently based upon a fundamental right.

177. Similarly, the County's crafting of the Order effective April 10 to revise the definition of permissible "outdoor activity" treats similarly situated persons differently based upon a fundamental right.

178. Defendants lack a rational or compelling state interest for such disparate treatment of Love Life because prohibiting prayer and religious speech while walking, while at the same time permitting walking in the same location and manner by those who are not praying or engaging in religious speech, bears no real or substantial relation to the public health crisis underlying the Order.

179. Defendants' disparate treatment of Love Life is not narrowly tailored because prohibiting Love Life from praying or speaking while walking is not the least restrictive means of advancing any legitimate interest the government may have regarding the public health crisis.

180. Accordingly, facially and as applied to Love Life, the Order and the City's implementation and enforcement of the Order violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.¹⁶

¹⁶ As to Plaintiff's Equal Protection claim, the City's interpretation and application of the plain meaning of "Outdoor activity" within "Essential Activities," "Essential Businesses and Operations," "Human Services Operations," "Prohibited . . . travel," and "Organizations that provide charitable and social services" has been unconstitutional on its face for all three challenged versions of the Order. The Order as revised by the County on April 10 is additionally unconstitutional on its face as to "Essential Activities," in particular, "Outdoor activity."

PRAYER FOR RELIEF

Love Life respectfully requests that this Court enter judgment against Defendants and provide Love Life with the following relief:

(A) A temporary restraining order, preliminary injunction, and permanent injunction to stop Defendants and any person acting in concert with the City or County from enforcing the Order as applied to the constitutionally protected activities of Love Life and its agents, including its right to freely speak, pray, and provide charitable social services;

(B) A declaration that each challenged iteration of the Order on its face and as interpreted by the City violates the United States Constitution's Free Exercise of Religion, Freedom of Speech, Establishment, Due Process, and Equal Protection Clauses facially and as applied to the constitutionally protected activities of Love Life and its agents, including its right to freely speak and pray, in the following provisions:

- a. "Essential Travel";
- b. "Prohibited and Permitted Travel";
- c. "Essential Activities," in particular, "Outdoor activity"; and
- d. "Essential Businesses and Operations," in particular, "Organizations that provide charitable and social services" and "Human Services Operations";

(C) That this Court adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter in controversy here so that these declarations shall have the force and effect of a final judgment;

(D) That this Court award all appropriate damages, including compensatory and nominal, for the violation of Love Life's constitutional and statutory rights;

(E) That this Court retain jurisdiction of this matter for the purpose of enforcing its orders and that it adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy so that these declarations shall have the force and effect of final judgment;

(F) That this Court award Love Life costs and expenses of this action, including reasonable attorneys' fees, in accordance with 42 U.S.C. § 1988; and

(G) That this Court grant any other relief that it deems equitable and just in the circumstances.

Respectfully submitted this 14th day of April, 2020.

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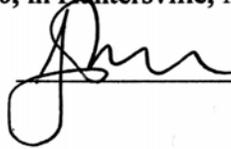
Attorneys for Plaintiff

**Special Appearance*

VERIFICATION OF COMPLAINT

I, Justin M. Reeder, a citizen of the United States and a resident of the State of North Carolina, hereby declare under penalty of perjury that I have read the foregoing Verified Complaint and the factual allegations contained therein, and the facts as alleged are true and correct.

Executed this 13th day of April, 2020, in Huntersville, North Carolina.

 president