

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA

CARE NET PREGNANCY CENTER)	
OF WINDHAM COUNTY)	
200 Clark Avenue)	
Brattleboro, VT 05301)	Case No.
)	
v.)	
)	
UNITED STATES DEPARTMENT)	
OF AGRICULTURE)	
1400 Independence Avenue, S.W.)	
Washington, D.C. 20250)	
)	
and)	
)	
THOMAS J. VILSAK,)	
SECRETARY OF THE UNITED STATES)	
DEPARTMENT OF AGRICULTURE)	
1400 Independence Avenue, S.W.)	
Washington, D.C. 20250)	JURY TRIAL REQUESTED

VERIFIED COMPLAINT

INTRODUCTION

This is a civil rights action and appeal of the United States Department of Agriculture and its Secretary Thomas J. Vilsak’s [collectively USDA’s] decision to deny Care Net Pregnancy Center of Windham County [Care Net], a small Vermont non-profit, eligibility to obtain a government sponsored loan solely on the basis of Care Net’s desire to engage in religious speech. USDA operates programs to provide loans to individuals and non-profit organizations in rural areas. USDA determined that Care Net met all of the standard eligibility criteria to qualify for a

Rural Development Community Facilities program loan and grant but required Care Net to meet additional and undisclosed “Faith Based Eligibility Criteria” not imposed on non-religious organizations. USDA denied Care Net eligibility on the basis that with its proposed new facility it, in addition to providing an emergency shelter for pregnant women and new mothers and providing pregnancy and parenting classes, it would also provide voluntary Bible study classes in its classroom space when not used for other purposes. USDA’s own regulations provide that religious education uses are to be allowed in buildings purchased or renovated using USDA loans or grants. See 7 C.F.R. §16.3(d)(1). Nevertheless, USDA stated that it would not allow Care Net to apply for a loan unless it agreed to have its Bible study classes in a offsite location.¹ The defendants’ denial of loan eligibility on the basis of Care Net’s religious speech violates Care Net’s rights to free speech and free exercise under the First Amendment, equal protection and due process under the Fifth Amendment as well as a violation of the Religious Freedom Restoration Act, 42 U.S.C. §§2000cc and 1988, the Fair Housing Act, 42 U.S.C. §3605, the Equal Credit Opportunity Act, 15 U.S.C. §1691 and USDA’s own regulations. Care Net seeks a declaration and injunction that Care Net should be allowed to apply for a loan and/or grant on the same basis as non-religious non-profit organizations.

¹ Ironically, if Care Net requested that it hold its Bible study classes in a Brattleboro public school building or at Brattleboro’s public library, public officials almost certainly would be required to allow the Bible study classes. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001)(public school must allow group to host Bible study classes in publicly funded and maintained room); *Lamb’s Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993); *Widmar v. Vincent*, 454 U.S. 263 (1981).

PARTIES

1. Care Net Pregnancy Center of Windham County (“Care Net”) is a small non-profit organization which operates a pregnancy resource center in Brattleboro, Vermont, where it provides classes and services to both pre-natal and post-natal women in need.

2. United States Department of Agriculture (“USDA”) is a governmental agency with a principal place of business at 1400 Independence Avenue, S.W., Washington, D.C. 20250. USDA operates several governmental agencies, including USDA Rural Development (“Rural Development”).

3. Thomas J. Vilsak is the Secretary of the United States Department of Agriculture with his principal place of business at 1400 Independence Avenue, S.W., Washington, D.C. 20250.

JURISDICTION AND VENUE

4. This action arises under the United States Constitution, particularly the First and Fifth Amendments and under federal law, particularly the Religious Freedom Restoration Act, 42 U.S.C. §2000cc and 1988, the Fair Housing Act, 42 U.S.C. §3605, the Equal Credit Opportunity Act, 15 U.S.C. §1691; the Administrative Procedures Act, 5 U.S.C. §701 and 7 U.S.C. §6999 and 28 U.S.C. §§2201 and 2202.

5. This Court has original jurisdiction over the plaintiff’s federal claims by operation of 28 U.S.C. §§1331, 1343 and 1346.

6. This Court has authority to issue the requested declaratory relief under 28 U.S.C. §2201.

7. This Court has authority to issue the requested injunctive relief under Federal Rule of

Civil Procedure 65 and 28 U.S.C. §1343(3).

8. This Court has authority to issue the requested damages and attorneys fees and costs under 28 U.S.C. §1343(3), 42 U.S.C. §§ 2000cc, 42 U.S.C. §3605, 42 U.S.C. §1988, 28 U.S.C §2412, 15 U.S.C. §1691 and *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

9. Venue is proper under 28 U.S.C. §1391(e) in the District of the District of Columbia because the defendant, Thomas J. Vilsak, the Secretary of the U.S. Department of Agriculture is located in the District of Columbia.

FACTS

10. Care Net operates a pregnancy resource center where it provides classes and services to both pre-natal and post-natal women in need in the Windham County area.

11. Windham County is a small rural county located in the southeast corner of Vermont. Its largest town is Brattleboro, with a population of slightly over 12,000 people.

12. Care Net is seeking to obtain new facilities in Brattleboro that will allow it provide improved services to its clients, as well as allow it to provide emergency housing for pregnant women and new mothers in need.

13. In addition to providing pregnancy and parenting classes, Care Net also offers Bible study classes.

14. These Bible study classes take place in the same classrooms which Care Net offers its pregnancy and parenting classes, but at a different time.

15. These Bible study classes are completely voluntary and are not a required part of any of Care Net's pregnancy or parenting classes.

16. In order to acquire and renovate new facilities to provide improved services to its clients, Care Net applied for an Eligibility Determination with USDA Rural Development under its Community Facilities Loan and Grant Program.

17. USDA Rural Development's Community Facilities Direct and Guaranteed Loans provides loans to non profit organizations in rural areas and towns up to 20,000 people in population.

18. Pursuant to 7 C.F.R. §16.2(a), "A religious organization is eligible, on the same basis as any other eligible private organization, to access and participate in USDA assistance programs. Neither the federal government, nor a state or local government receiving USDA assistance shall, in the selection of service providers, discriminate for or against a religious organization on the basis of the organization's religious character or affiliation."

19. On May 16, 2011, Care Net was informed by USDA Rural Development that it was ineligible to participate in USDA's programs "based on constitutional issues with potential excessive government entanglement with religion." See attached Exhibit A.

20. Care Net was informed by USDA that it could qualify for the Rural Development Loan Program if Care Net agreed to have any Bible study classes take place in a separate building.

21. Windham County does not have a sufficient population to support one Care Net facility for pregnancy and parenting classes and a separate building for Bible study classes.

22. Care Net does not require any additional space to offer its Bible study classes as these Bible study classes take place in the same room as parenting or pregnancy classes take place in.

23. Bible study classes make up approximately 10% of the classes taken at Care Net.

24. Care Net administratively appealed the May 16, 2011 denial of eligibility to the USDA National Appeals Division on June 15, 2011.

25. An Administrative Hearing was held before a National Appeals Division Hearing Officer on July 21, 2011. The record was closed on that same day.

26. USDA argued at the July 21, 2011 hearing that allowing Care Net to obtain a USDA guaranteed loan would violate the Establishment Clause.

27. The Hearing Officer decided not to consider USDA's argument that allowing Care Net to obtain a loan on the same basis as a non-religious organization would violate the Establishment Clause nor Care Net's argument that failing to treat Care Net on the same basis as a non-religious organization was unconstitutional viewpoint discrimination in violation of the Free Speech Clause of the First Amendment

28. Pursuant to 7 C.F.R. §11.8(f), a hearing officer must issue a decision "not later than thirty days after a hearing or the closing date of the hearing record." The Hearing Officer failed to issue a decision within that time frame.

29. On September 26, 2011, the Hearing Officer issued a decision holding that since January 2008, approximately 9.8% of all client visits to Care Net were for Bible study classes but that the historical percentage of use for inherently religious activities is not a sufficient indicator of future use pursuant to 7 C.F.R. §16.3(d)(1) and, therefore, held that the agency was correct in denying all USDA assistance.

30. The Hearing Officer's decision became a final decision ripe for a judicial review on October 26, 2011. See 7 C.F.R. §11.8(f); 7 C.F.R. §11.9. See also 7 U.S.C. §6999.

31. USDA knew or should have known that denying grant and loan eligibility was both a

violation of its own regulations as well as a clear violation of Care Net's constitutional rights.

32. Care Net had received a \$15,000 grant from a private trust to assist with the cost of obtaining and renovating its proposed new facility.

33. Due to USDA's denial of eligibility for financing, Care Net was not able to obtain the property in time to utilize this grant.

COUNT I:

DEFENDANTS MISAPPLIED 7 C.F.R. §16.3(d)(1) TO FIND CARE NET INELIGIBLE FOR USDA RURAL DEVELOPMENT BUILDING ASSISTANCE FUNDS

34. The allegations contained in all of the preceding paragraphs are incorporated here by reference.

35. In denying Care Net's eligibility for a Rural Development loan, USDA acted arbitrarily and capriciously and misapplied its own regulations.

36. 7 C.F.R. § 3564 requires that USDA provide an applicant with an explanation, in writing, with all the reasons an applicant is determined to be ineligible.

37. In its May 16, 2011 denial letter, the Agency fails to cite any regulation which precludes Care Net's eligibility for a USDA loan but refers to unidentified "Faith Based Eligibility Factors." See attached as Exhibit A.

38. On or about May 27, 2011, June 3, 2011 and again on June 6, 2011, Care Net requested USDA identify what the "Faith Based Eligibility Factors" required or what regulation contained these "Faith Based Eligibility Factors" but USDA refused to provide Care Net with the Faith Based Factors on which its denial was allegedly based. See emails attached as Exhibit D.

39. On or about June 6, 2011, USDA stated that it could not release the Faith Based

Factors as they were too complicated for a lay person to understand and USDA's only explanation for these criteria were a May 5, 2011 letter from their attorney Virginia Henning which USDA refused to produce as it provided internal legal advice.²

40. The "Faith Based Eligibility Factors" cited in the May 5, 2011 letter are not objective standards adopted by rule or regulation but are a subjective, ad hoc, and erroneous determination that Care Net's proposed renovation would violate the Establishment Clause.

41. The May 5, 2011 letter admits that "there is no bright line test that would lead to a clear result."

42. On or about June 14, 2011, USDA Community Programs Specialist Andrea Ansevin-Allen informed Care Net that they would be eligible for the program as long as they agreed to have any religious speech take place in a separate building. See Agency Record, page 69 attached as Exhibit C.

43. On appeal of this decision, the Hearing Officer stated that Care Net met all of the standard eligibility criteria. See in its September 26, 2011 Appeal Determination attached as Exhibit B at page 1.

44. Although USDA's decision was based on its determination that allowing Care Net to obtain a loan neutrally available to non-religious entities would violate the Establishment Clause of the Constitution, the Hearing Officer refused to consider USDA and Care Net's constitutional arguments and upheld USDA's denial on a basis not previously articulated by USDA.

² USDA finally produced the May 5, 2011 letter on June 23, 2011 after being ordered by the Hearing Officer to produce it.

45. The Hearing Officer stated in its September 26, 2011 appeal determination that due to its religious nature, Care Net was required to meet additional factors and the denial was an application of 7 C.F.R. §16.3(d)(1). See attached as Exhibit B.

46. 7 C.F.R. §16.3(d)(1) provides in relevant part that:

Where a structure is used for both eligible and inherently religious activities, direct USDA assistance may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to USDA funds. Sanctuaries, chapels, or other rooms that an organization receiving direct assistance from USDA uses as its principal place of worship, however, are ineligible for USDA-funded improvements.

47. 7 C.F.R. §16.3(d)(1) expressly recognizes that USDA loans can be used to fund renovation of structures to be used for both eligible and inherently religious activities.

48. There is no requirement in 7 C.F.R. §16.3(d)(1) that religious speech take place in a separate building.

49. The Hearing Officer found that non-religious programs offered by Care Net in the proposed structure (pregnancy tests, pregnancy and parenting classes, support and counseling and distribution of free baby supplies) were all eligible activities. See Exhibit B at page 4, ¶ 12.

50. USDA's own interpreting guidelines state "Where a structure is used for both eligible and inherently religious activities, the [adopted at 7 C.F.R. §16.3(d)(1)] rule clarified that USDA funds may not exceed the cost of those portions of the acquisition, construction or rehabilitation that are attributable to eligible activities." See Equal Opportunity for Religious Organizations, 69 Fed. Reg. 41,376 (July 9, 2004) attached at page 93 of Exhibit C.

51. Care Net's Bible classes are to take place in the same classrooms that the non-

religious pregnancy and parenting classes take place in.

52. No additional USDA funds and no additional construction is made necessary by using the classrooms for voluntary Bible study when the classrooms are not in use for pregnancy or parenting classes.

53. If Care Net agreed to have all religious function take place in an offsite location, USDA would be willing to find Care Net eligible for Community Facilities funds for 100% of the cost of acquisition and renovation. See Agency Record, page 69 attached as Exhibit C.

54. A proper application of 7 C.F.R. §16.3(d)(1) provides that entire acquisition and renovation cost is eligible for a USDA loan as no improvements are required to allow for non-eligible activities such as Bible study.

55. The Hearing Officer erred in determining that 7 C.F.R. §16.3(d)(1) requires an applicant to demonstrate an exact percentage of time that any portion of the proposed building may be used for religious purposes.

56. Even if 7 C.F.R. §16.3(d)(1) required an applicant to prove the exact percentage of time space is used for religious purposes, such requirement was met as the Hearing Officer found that only 9.8% of the client visits to Care Net since January 2008 have been for Bible study. See Exhibit B at page 4, ¶ 11.

57. Therefore, to the extent that 7 C.F.R. §16.3(d)(1) requires that the use of the building be prorated by use (as opposed to by improvements necessary), Care Net has demonstrated, based on three years of historical use, that the classrooms will be used 9.8% of

the time for Bible study and Care Net is eligible for a loan of up to 90.2%³ of the acquisition and renovation cost.

58. Care Net has been damaged by USDA's misapplication of its regulations.

Count II

**VIOLATION OF CARE NET'S FIRST AMENDMENT RIGHTS
TO ENGAGE IN RELIGIOUS SPEECH**

59. The allegations contained in all of the preceding paragraphs are incorporated here by reference.

60. USDA has created a program whereby it offers grants and loans under its Community Facilities Program to non-profit entities in rural communities of less than 20,000 people.

61. USDA, having created a neutrally available program, cannot deny eligibility to Care Net on the basis of Care Net's religious speech.

62. USDA has denied Care Net's eligibility on the basis of the content of Care Net's religious speech.

63. On or about June 14, 2011, USDA Community Programs Specialist Andrea Ansevin-Allen informed Care Net that they would be eligible for the program as long as they agreed to have any religious speech take place in a separate building. See Agency Record,

³ The Hearing Officer found that the classroom space will be used 9.8% of the time for Bible study. In addition to the classroom space, there is proposed office space and a proposed 3 bed emergency shelter for women in need. Therefore, the use of the entire building for eligible purposes is greater than 90.2%. Due to the fluctuating client need in a small rural area, it is difficult to determine the frequency of use of the emergency shelter. Use of the building for Bible study classes will likely be under 5%. Nevertheless, Care Net is willing to more conservatively estimate that use may be as high as 10%.

page 69 attached as Exhibit C.

64. If Care Net was a non-religious organization, it would be deemed eligible to participate in the Community Facilities grant and loan program.

65. The sole reason for USDA's denial of Care Net is Care Net's desire to use its classrooms for Bible study when not being used for pregnancy or parenting classes.

66. USDA's application of its regulations to Care Net to completely deny eligibility on the basis that classroom space may be used for Bible study is not narrowly tailored to serve any significant government interest.

67. Care Net has been damaged by USDA's unconstitutional denial of eligibility.

Count III

VIOLATION OF THE RELIGIOUS FREEDOM RESTORATION ACT [RFRA], 42 U.S.C. §2000(bb)

68. The allegations contained in all of the preceding paragraphs are incorporated here by reference.

69. RFRA applies to all federal laws, including USDA laws and regulations regarding Rural Development Community Facilities grants and loans.

70. USDA's denial of eligibility to Care Net constitutes a substantial burden on Care Net's religious exercise.

71. In order to qualify for the Community Facilities program, Care Net must promise not to allow Bible study classes in the proposed facility.

72. USDA's denial of eligibility to Care Net does not further any compelling government interest.

73. Even if the denial of eligibility was in furtherance of a compelling government interest, complete denial of eligibility for the program is not the least restrictive means of furthering that interest.

74. Care Net has been damaged by USDA's violation of RFRA.

Count IV

**VIOLATION OF CARE NET'S RIGHTS TO
FREE EXERCISE OF RELIGION UNDER THE FIRST AMENDMENT**

75. The allegations contained in all of the preceding paragraphs are incorporated here by reference.

76. Laws which burden the free exercise of religion must be neutral and generally applicable.

77. Care Net was required to comply with additional requirements not imposed on non-religious organizations.

78. In addition to the standard eligibility criteria, Care Net was required to meet additional "faith based eligibility criteria." See Hearing Officer's September 26, 2011 Appeal Determination attached as Exhibit B at page 1.

79. Care Net would be eligible for USDA Rural Development funds if Care Net either agreed not to have any more Bible study classes or obtained a second building and held all Bible study classes in a building separate from the building in which Care Net will offer pregnancy and parenting classes.

80. Making Care Net choose between offering Bible study classes in its facility or participating in the Rural Development program results in a substantial burden on Care

Net's right to free exercise.

81. Care Net has been damaged by USDA's actions.

Count V

**VIOLATION OF THE CARE NET'S RIGHTS TO
DUE PROCESS UNDER THE FIFTH AMENDMENT**

82. The allegations contained in all of the preceding paragraphs are incorporated here by reference.

83. USDA acted arbitrarily and capriciously in denying Care Net eligibility to obtain Community Facilities program building funds.

84. USDA's May 16, 2011 Denial letter does not cite any regulation that precludes Care Net from being eligible for Community Facilities program building funds.

85. The sole basis for USDA's denial is that Care Net failed to meet the "Faith Based Eligibility Factors."

86. On or about May 27, 2011, June 3, 2011 and again on June 6, 2011, Care Net requested USDA identify what the "Faith Based Eligibility Factors" required or what regulation contained these "Faith Based Criteria" but USDA refused to provide Care Net with the Faith Based Eligibility Factors on which its denial was allegedly based. See emails attached as Exhibit D.

87. On or about June 6, 2011, USDA stated that it could not release the Faith Based Eligibility Factors as they were too complicated for a lay person to understand and USDA's only explanation for these criteria were a May 5, 2011 letter from their attorney Virginia Henning.

88. The May 5, 2011 letter did not address 7 C.F.R. §16.3(d)(1) but stated that Care Net would violate the Establishment Clause under the *Lemon* Test.

89. At a hearing before the USDA National Appeals Division on July 21, 2011, USDA argued, for the first time, that Care Net was ineligible under 7 C.F.R. §16.3(d)(1).

90. Pursuant to 7 C.F.R. §11.8(f), a hearing officer must issue a decision “not later than thirty days after a hearing or the closing date of the hearing record.” Although the hearing was held and the record was closed on July 21, 2011, a decision was not issued by August 21, 2011 as required by USDA’s own regulations.

91. On September 26, 2011, the Hearing Officer finally issued a decision.

92. The Hearing Officer held that since January 2008, approximately 9.8% of all client visits to Care Net were for Bible study classes but that the historical percentage of use for inherently religious activities is not a sufficient indicator of future use pursuant to 7 C.F.R. §16.3(d)(1) and, therefore, held that the agency was correct in denying all USDA assistance.

93. USDA applied criteria to Care Net different that would have been applied had Care Net been a non-religious organization.

94. USDA has violated Care Net’s rights to due process by not providing it with reasons for its denial, not providing Care Net with a timely appeal decision and arbitrarily and capriciously determining that 3 years of past historical usage is not an adequate indicator of future use.

95. Care Net has been damaged by USDA’s actions.

Count VI

**VIOLATION OF THE CARE NET'S RIGHTS TO
EQUAL PROTECTION UNDER THE FIFTH AMENDMENT**

96. The allegations contained in all of the preceding paragraphs are incorporated here by reference.

97. Freedom of speech under the First Amendment is a fundamental right.

98. Free exercise of religion under the First Amendment is a fundamental right.

99. The Fifth Amendment requires that the government treat all similarly situated persons equally.

100. Had Care Net agreed not to engage in religious speech, Care Net would have been deemed eligible to participate in the Community Facilities Program and could have obtained a loan to renovate its new building from USDA.

101. USDA required Care Net to comply with "Faith Based Eligibility Factors" not required of non-religious organizations.

102. The "Faith Based Eligibility Factors" cited in the May 5, 2011 Henning letter have not been applied to other organizations seeking Community Facility loans or grants.

103. USDA does not apply "Faith Based Eligibility Factors" to determine eligibility for loan programs it offers other than the Community Facilities program.

104. Applicants for farm services loans or other farm loan programs may have prayer services, Bible study, say grace before meals, or have religious education at their farms without losing eligibility for loans from USDA.

105. Current holders of farm service loans say prayers and conduct religious education at their farms.

106. Religious speech that takes place at farms which have a USDA mortgage is private speech and is not made government speech by virtue of the fact that USDA provided loans to purchase the farm or construct or renovate the farm buildings.

107. USDA does not have a compelling or legitimate governmental interest for disparate treatment of entities wishing to engage in religious speech such as Care Net from non-religious entities.

108. USDA does not have a compelling or legitimate governmental interest for disparate treatment of entities applying for Community Facilities loans than for other USDA loan programs.

109. Care Net has been damaged by USDA's actions.

Count VII

USDA'S DENIAL OF A LOAN ON THE BASIS OF RELIGIOUS SPEECH VIOLATES THE FAIR HOUSING ACT, 42 U.S.C. § 3605

110. The allegations contained in all of the preceding paragraphs are incorporated here by reference.

111. Care Net had applied for a loan from USDA to purchase and renovate a building that would be used for parenting and pregnancy classes as well as emergency shelter for pregnant women or new mothers.

112. The Fair Housing Act, 42 U.S.C. § 3605, [FHA] prohibits lenders from denying loans for dwellings on the basis of religion.

113. Dwellings under the FHA include emergency shelters for pregnant women, abused

women or new mothers. See *Lakeside Resort Enters. v. Bd. of Supervisors of Palmyra Township*, 455 F.3d 154 (3d Cir. 2006)(dwelling under FHA includes drug and alcohol facility).

114. Therefore, USDA's denial of loan eligibility, in addition to violating the Constitution and USDA's own regulations, also constitutes a violation of the FHA.

115. Care Net has been damaged by USDA's actions.

Count VIII

USDA'S DENIAL OF A LOAN ON THE BASIS OF RELIGIOUS SPEECH VIOLATES THE EQUAL CREDIT OPPORTUNITY ACT, 15 U.S.C. § 1691

116. The allegations contained in all of the preceding paragraphs are incorporated here by reference.

117. The Equal Credit Opportunity Act prohibits lenders from denying loan eligibility on the basis of religion. See 15 U.S.C. § 1691.

118. USDA denied Care Net eligibility for a Rural Development Community Facilities loan on the basis of Care Net's religious speech.

119. On or about June 14, 2011, USDA Community Programs Specialist Andrea Ansevin-Allen informed Care Net that they would be eligible for the program as long as they agreed to have any religious speech take place in a separate building. See Agency Record, page 69 attached as Exhibit C.

120. Care Net has been damaged by the defendant's violation of the Equal Credit Opportunity Act.

PRAYERS FOR RELIEF

WHEREFORE, Care Net respectfully requests that this Honorable Court:

- a) Issue a preliminary and permanent injunction against the Defendants, their agents, officials, servants, employees, and other persons acting on their behalf from denying Care Net eligibility for a loan or a grant under the USDA Rural Development Community Facilities program on the basis of Care Net's use of its facility for Bible study classes or similar religious education;
- b) Declare that the Defendants' application of its regulations to Care Net to preclude eligibility for a loan violates USDA's own regulations, and in particular 7 C.F.R. §16.3(d)(1), the Religious Freedom Restoration Act, 42 U.S.C. §2000(bb), the Fair Housing Act, 42 U.S.C. §3605, the Equal Credit Opportunity Act, 15 U.S.C. §1691, Care Net's right to free speech and free exercise of religion under the First Amendment and Care Net's rights to equal protection and due process under the Fifth Amendment;
- c) Grant Care Net an award of nominal and compensatory damages;
- d) Award Care Net its reasonable attorneys fees and costs (both for the administrative appeal to the USDA National Appeals division and the present action) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, The Equal Credit Opportunity Act, 28 U.S.C § 2412; 15 U.S.C. §1691, and 42 U.S.C. § 1988;
- e) Retain jurisdiction on remand to ensure that Care Net is not subjected to further religious discrimination;

f) Such other and further relief as is just and equitable.

Respectfully submitted,

CARE NET PREGNANCY
CENTER OF WINDHAM COUNTY
By their attorneys,
WADLEIGH, STARR & PETERS, PLLC

Dated: November 22, 2011

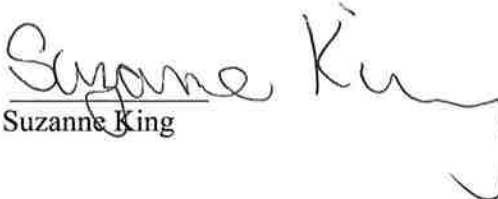
By /S/ Michael J. Tierney
Michael J. Tierney, Esq., NH Bar 17173
(*pro hac vice* motion pending)
95 Market Street
Manchester, NH 03101
Tel. (603) 669-4140
Fax. (603) 626-4808
Mtierney@wadleighlaw.com

ALLIANCE DEFENSE FUND

By /S/ Steven H. Aden
Steven H. Aden, Esq., D.C. Bar 46777
801 G. Street NW
Washington, D.C. 20001
Tel: (202) 393-8690
Fax: (202) 347-3622
Saden@telladf.org

VERIFICATION

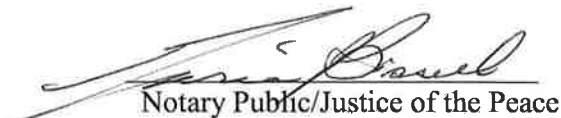
Under pain and penalty of perjury, I, Suzanne King, as the duly authorized board member of Care Net Pregnancy Center of Windham County, state that I have read this complaint and have verified the allegations contained therein based upon personal knowledge and information.


Suzanne King

STATE OF VERMONT
COUNTY OF *Windham*

Personally appeared the above named Suzanne King and acknowledged the foregoing to be true to the best of his/her knowledge and belief.

Before me,


Notary Public/Justice of the Peace

