

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

RABBI GAYLE POMERANTZ, RABBI
ROBYN FISHER, and RABBI JASON
ROSENBERG,

Case No. _____

Plaintiffs,

-against-

VERIFIED COMPLAINT

STATE OF FLORIDA; ASHLEY MOODY, in her official capacity as ATTORNEY GENERAL for the State of Florida; GINGER BOWDEN MADDEN, in her official capacity as State Attorney for the First Judicial Circuit of Florida; JACK CAMPBELL, in his official capacity as State Attorney for the Second Judicial Circuit of Florida; JOHN DURRETT, in his official capacity as State Attorney for the Third Judicial Circuit of Florida; MELISSA W. NELSON, in her official capacity as State Attorney for the Fourth Judicial Circuit of Florida; WILLIAM GLADSON, in his official capacity as State Attorney for the Fifth Judicial Circuit of Florida; BRUCE BARTLETT, in his official capacity as State Attorney for the Sixth Judicial Circuit of Florida; R.J. LARIZZA, in his official capacity as State Attorney for the Seventh Judicial Circuit of Florida; BRIAN S. KRAMER, in his official capacity as State Attorney for the Eighth Judicial Circuit of Florida; MONIQUE H. WORRELL, in her official capacity as State Attorney for the Ninth Judicial Circuit of Florida; BRIAN HAAS, in his official capacity as State Attorney for the Tenth Judicial Circuit of Florida; KATHERINE FERNANDEZ RUNDLE, in her official capacity as State Attorney for the Eleventh Judicial Circuit of Florida; ED BRODSKY, in his official capacity as State Attorney for the Twelfth Judicial Circuit of Florida; ANDREW H. WARREN, in his official capacity as State Attorney for the Thirteenth Judicial Circuit of Florida; LARRY BASFORD, in his official capacity as State Attorney for the Fourteenth

Judicial Circuit of Florida; DAVID A. ARONBERG, in his official capacity as State Attorney for the Fifteenth Judicial Circuit of Florida; DENNIS W. WARD, in his official capacity as State Attorney for the Sixteenth Judicial Circuit of Florida; HAROLD F. PRYOR, in his official capacity as State Attorney for the Seventeenth Judicial Circuit of Florida; PHILIP G. ARCHER, in his official capacity as State Attorney for the Eighteenth Judicial Circuit of Florida; THOMAS BAKKEDAHL, in his official capacity as State Attorney for the Nineteenth Judicial Circuit of Florida; and AMIRA D. FOX, in his official capacity as State Attorney for the Twentieth Judicial Circuit of Florida,

Defendants.

VERIFIED COMPLAINT

For the Verified Complaint against Defendants the State of Florida, Ashley Moody, Ginger Bowden Madden, Jack Campbell, John Durrett, Melissa W. Nelson, William Gladson, Bruce Bartlett, R.J. Larizza, Brian S. Kramer, Monique H. Worrell, Brian Haas, Katherine Fernandez-Rundle, Ed Brodsky, Andrew Warren, Larry Basford, David A. Aronberg, Dennis W. Ward, Harold F. Pryor, Philip G. Archer, Thomas Bakkedahl, and Amira D. Fox, each of whom are sued in their official capacities (collectively referred to herein as “Defendants”), Plaintiffs Rabbi Gayle Pomerantz, Rabbi Robyn Fisher, and Rabbi Jason Rosenberg (collectively referred to herein as “Plaintiffs”) by and through undersigned counsel, alleges and avers as follows:

PRELIMINARY STATEMENT

1. This is a lawsuit brought by three Jewish rabbis in the State of Florida, whose religious beliefs, speech, and conduct are severely burdened by the state of Florida’s criminalization of abortion in many circumstances where the Jewish faith supports the decision to

obtain an abortion on religious grounds. The lawsuit is seeking to invalidate House Bill 5, the Reducing Fetal and Infant Mortality Act (“HB 5” or the “Act”), because it violates: (1) the rights of Plaintiffs to liberty of speech and free exercise and enjoyment of religion, guaranteed by Article I, §§ 3, 4 of the Florida Constitution, (2) the Florida Religious Freedom Restoration Act, Fla. Stat. Ann. § 761.03 (“FRFRA”), and (3) Plaintiffs’ freedom of speech and free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution. Under HB 5 and Florida’s criminal law, Plaintiffs are at risk of prosecution for counseling women, girls, and families to obtain an abortion beyond the narrow bounds of HB 5 as someone who aids and abets the crime. Under Florida’s aiding and abetting law, they commit the crime itself by counseling in favor of it.

2. The sanctity of all human life is *the* core tenet of Judaism.

3. Jewish law is comprised of multiple, detailed foundational texts that Plaintiffs use to apply broad principles to specific teachings and guide their individual congregants and communities through context-specific life events. Some Jewish women, girls, and others who become pregnant, such as the members, congregants, and supporters of Plaintiffs’ synagogues, obtain an abortion because it is mandated, in certain narrow circumstances, by their religious faith.

4. The rabbinic relationship is designed to facilitate the foundational principle of all religious counseling: guiding the congregation, the broader community, and individual congregants to make decisions in their lives that are informed by the principles and, in some instances, requirements of their faith.

5. The relationship between a clergy member and their congregants and community represents a sacred trust.

6. Each of the Plaintiffs help form the consciences of their congregants and members of the faith community concerning Jewish values and principles regarding various personal, social action, and life-cycle events, including the sacredness of all human life.

7. Many of the sacred texts that inform Plaintiffs' beliefs on reproductive issues are thousands of years old. Throughout history, Jewish people have sought counsel and guidance from their clergy on issues related to the spiritual, physiological, and psychological aspects of sex and sexuality including decisions related to pregnancy and childbirth, family planning, and abortion. In return, clergy have provided counseling that aligns with sacred Jewish text as applied to specific context-dependent situations, which in broad strokes, provide that the reproductive decisions should never be taken lightly, but that "life" of those living is paramount, including pregnant women.

8. The relationship between clergy and their congregants has, until now, been protected, revered, and respected as sacrosanct and inviolable. Now, Defendants have inserted themselves into this alliance by imposing criminal penalties on those who counsel, aid and/or assist with an abortion after fifteen weeks, with no religious accommodation provided and no exceptions for the psychological health of the pregnant woman or girl, incest, rape, or trafficking, non-fatal fetal abnormalities, or psychological disease or impairment.

9. Plaintiffs engage in religious counseling that honors the Jewish traditions' beliefs, including guiding informed decisions about the termination of pregnancy and to act upon them.

10. The Florida Legislature passed the Act banning abortions after fifteen weeks as dated from the first day of a woman's last menstrual period (LMP) with two extremely limited exceptions. *See* Ch. 2022-69, §§ 3–4, Laws of Fla. (amending §§ 390.011, 390.0111, Fla. Stat.);

Fla. Stat. § 390.0111(1)(a)–(b); § 390.011(6). There is no exception for incest, rape, trafficking, non-fatal fetal abnormalities or psychological disease or impairment.

11. The Act was signed into law by Governor Rick DeSantis on April 14, 2022, and it took effect on July 1, 2022.

12. HB 5, entitled the Infant and Fetal Abnormality Act, establishes as the law of the State of Florida, a pernicious elevation of the legal rights of fetuses while at the same time it devalues the quality of life and the health of the woman or girl who is pregnant. It is in direct conflict with Plaintiffs’ clerical obligations and faith and imposes severe barriers and substantial burdens to their religious beliefs, speech, and conduct. It imposes severe burdens on the religious beliefs, speech, and conduct of their congregants, members of Plaintiffs’ synagogues and the greater Jewish community.

13. The Act further provides for no exceptions for the psychological health of the mother or family, victims of incest, rape, or trafficking, which are all circumstances in which Judaism would, amongst other circumstances, support a girl or woman’s decision to have an abortion before or after fifteen weeks.

14. HB 5 violates the sacred trust between a clergy member and his or her congregants, and tramples Plaintiffs’ First Amendment and Florida constitutional rights to free speech and free exercise of religion, and the rights under FRFRA. It also violates the separation of church and state under the federal and state constitutions.

15. Bedrock principles under the First Amendment invalidate HB 5, and Defendants’ actions have caused, are causing, and will continue to cause irreparable injury to Plaintiff’s fundamental and cherished liberties. The dramatic change in abortion rights in Florida has caused confusion and impose a significant potential burden among clergy and pregnant girls and women,

particularly in light of the criminal penalties attached. Plaintiffs intend to engage in counseling regarding abortion beyond the narrow limits of HB 5 and, therefore, risks incarceration and financial penalties. When fundamental rights like the freedom of speech and free exercise hang in the balance, a plaintiff is not required to expose themselves to actual arrest or prosecution. HB 5's criminal penalties constitute a credible threat of prosecution to Plaintiffs.

16. The dramatic change in abortion rights in Florida has caused confusion and imposed a significant potential burden among clergy and pregnant girls and women particularly in light of the criminal penalties attached.

17. Given their general duties and work as Jewish Clergy, Plaintiffs intend to engage in counseling regarding abortion beyond the narrow limits of HB 5 and, therefore, risk incarceration and financial penalties.

18. HB 5 is unconstitutionally vague. The Act chills the speech of Jewish Clergy with their members regarding when Jewish law requires or permits an abortion or other medical procedures related to maternal health and pregnancy, because it is unconstitutionally vague and therefore chills this sacred communication.

19. A violation of the Act constitutes a third-degree felony; “any person” who “willfully performs” or “**actively participates**” in an abortion in violation of the law is subject to criminal penalties, including imprisonment of up to five years and monetary penalties up to \$5,000 for a first offense. §§ 390.0111(10)(a), 775.082(8)(e), 775.083(1)(c), Fla. Stat. (emphasis added).

20. Under Florida law, counseling or encouraging a crime constitutes “aiding and abetting” that crime and considered under the law someone who committed the crime. *See* Fla. Stat. § 777.011 (“Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed...

is a principal in the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.”). Thus, counseling to obtain an abortion in violation of HB 5’s strictures appears likely to be a crime under HB 5.

21. HB 5 criminalizes abortion after fifteen weeks of gestation except for severely limited exceptions. While it clearly regulates doctors and healthcare delivery centers, its criminal penalties for them can be interpreted to create criminal aiding and abetting liability for clergy who counsel a family or pregnant woman or girl to seek an abortion beyond the narrow confines HB 5 permits. The Act is so vague that it provides no reliable guidance regarding whether Plaintiffs will violate the law when they affirmatively advise and support their believers to choose an abortion beyond HB 5’s extreme limitations. *See* Ch. 2022-69, §§ 3–4, Laws of Fla. The Act leaves Plaintiffs with no choice but to interpret the Act broadly due to its vagueness, or risk criminal penalties.

22. Since time immemorial, the questions of when a potential fetus becomes a life and how to value maternal life during a pregnancy have been answered according to religious beliefs and creeds. HB 5 codifies one of the possible religious viewpoints on the question, and in its operation imposes severe burdens on other believers including Jewish clergy and people.

23. The Act severely burdens Plaintiffs’ right to engage in religious speech regarding when the Jewish faith holds that life begins and the value of the mother’s life. It further burdens the ability to speak freely and publicly about religious beliefs and to provide and receive religious counseling consistent with their sincerely held religious beliefs in violation of Plaintiffs’ free speech and religious liberty rights.

24. Thus, Plaintiffs seek preliminary and permanent injunctive relief against Defendants, enjoining the enforcement of the Act, and a declaratory judgment declaring that the Act, both on its face and as applied, is an unconstitutional violation of Article I, §§ 3 and 4 of the Florida Constitution, FRFRA, and the First and Fourteenth Amendment to the United States Constitution.

THE PARTIES, JURISDICTION, AND VENUE

25. Plaintiff Rabbi Gayle Pomerantz is the senior rabbi in a Reform Jewish synagogue operating in Miami-Dade County, Florida. Rabbi Pomerantz files this lawsuit on behalf of herself because she is potentially in danger of criminal penalty due to her sacred duty to advise and counsel the congregants, members, supporters, and families within her synagogue on the principles and ideologies of the faith, particularly related to maternal health, abortion, and related reproductive healthcare measures, as well as incest, rape, and trafficking.

26. Rabbi Robyn Fisher is a post-denominational rabbi who leads a Jewish synagogue operating in Miami-Dade County, Florida. Rabbi Fisher files this lawsuit on behalf of herself because she is in imminent danger of criminal penalty due to her duty as a member of the clergy to advise and counsel the congregants, members, supporters, and families within her synagogue on the principles and ideologies of the faith, particularly related to maternal health, abortion, and related reproductive healthcare measures, as well as incest, rape, and trafficking.

27. Rabbi Jason Rosenberg leads a Reform Jewish synagogue operating in Hillsborough County, Florida. Rabbi Rosenberg files this lawsuit on behalf of himself because he is in imminent danger of criminal penalty due to his duty as a member of the clergy to advise and counsel the congregants, members, supporters, and families within his synagogue on the principles

and ideologies of the faith, particularly related to maternal health, abortion, and related reproductive healthcare measures, as well as incest, rape, and trafficking.

Defendants

28. Defendant the State of Florida, through its Legislature and Governor, adopted the challenged Act.

29. Defendant Ashley Moody is the Attorney General for the State of Florida, an elected cabinet official and the chief legal officer in the State of Florida, responsible for the enforcement of the laws of Florida and obligated to offer her opinion if she concludes that a law, such as the Act, is unconstitutional and unenforceable. Defendant Moody is sued in her official capacity as are her agents and successors.

30. Defendant Ginger Bowden Madden is the state attorney of the First Judicial Circuit of Florida. Defendant Bowden Madden is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Bowden Madden is sued in her official capacity, as are her agents and successors.

31. Defendant Jack Campbell is the state attorney of the Second Judicial Circuit of Florida. Defendant Campbell is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Campbell is sued in his official capacity, as are his agents and successors.

32. Defendant John Durrett is the state attorney of the Third Judicial Circuit of Florida. Defendant Durrett is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Durrett is sued in his official capacity, as are his agents and successors.

33. Defendant Melissa W. Nelson is the state attorney of the Fourth Judicial Circuit of Florida. Defendant Nelson is authorized to initiate and prosecute alleged violations of the Act.

§ 27.02(1), Fla. Stat. Defendant Nelson is sued in her official capacity, as are her agents and successors.

34. Defendant William Gladson is the state attorney of the Fifth Judicial Circuit of Florida. Defendant Gladson is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Gladson is sued in his official capacity, as are his agents and successors.

35. Defendant Bruce Bartlett is the state attorney of the Sixth Judicial Circuit of Florida. Defendant Bartlett is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Bartlett is sued in his official capacity, as are his agents and successors.

36. Defendant R.J. Larizza is the state attorney of the Seventh Judicial Circuit of Florida. Defendant Larizza is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Larizza is sued in his official capacity, as are his agents and successors.

37. Defendant Brian S. Kramer is the state attorney of the Eighth Judicial Circuit of Florida. Defendant Kramer is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Kramer is sued in his official capacity, as are his agents and successors.

38. Defendant Monique H. Worrell is the state attorney of the Ninth Judicial Circuit of Florida. Defendant Worrell is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Worrell is sued in her official capacity, as are her agents and successors.

39. Defendant Brian Haas is the state attorney of the Tenth Judicial Circuit of Florida. Defendant Haas is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Haas is sued in his official capacity, as are his agents and successors.

40. Defendant Katherine Fernandez-Rundle is the state attorney of the Eleventh Judicial Circuit of Florida. Defendant Fernandez-Rundle is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Fernandez-Rundle is sued in her official capacity, as are her agents and successors.

41. Defendant Ed Brodsky is the state attorney of the Twelfth Judicial Circuit of Florida. Defendant Brodsky is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Brodsky is sued in his official capacity, as are his agents and successors.

42. Defendant Andrew H. Warren is the state attorney of the Thirteenth Judicial Circuit of Florida. Defendant Warren is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Warren is sued in his official capacity, as are his agents and successors.

43. Defendant Larry Basford is the state attorney of the Fourteenth Judicial Circuit of Florida. Defendant Basford is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Basford is sued in his official capacity, as are his agents and successors.

44. Defendant David A. Aronberg is the state attorney of the Fifteenth Judicial Circuit of Florida. Defendant Aronberg is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Aronberg is sued in his official capacity, as are his agents and successors.

45. Defendant Dennis W. Ward is the state attorney of the Sixteenth Judicial Circuit of Florida. Defendant Ward is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Ward is sued in his official capacity, as are his agents and successors.

46. Defendant Harold F. Pryor is the state attorney of the Seventeenth Judicial Circuit of Florida. Defendant Pryor is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Pryor is sued in his official capacity, as are his agents and successors.

47. Defendant Philip G. Archer is the state attorney of the Eighteenth Judicial Circuit of Florida. Defendant Archer is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Archer is sued in his official capacity, as are his agents and successors.

48. Defendant Thomas Bakkedahl is the state attorney of the Nineteenth Judicial Circuit of Florida. Defendant Bakkedahl is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Bakkedahl is sued in his official capacity, as are his agents and successors.

49. Defendant Amira D. Fox is the state attorney of the Twentieth Judicial Circuit of Florida. Defendant Fox is authorized to initiate and prosecute alleged violations of the Act. § 27.02(1), Fla. Stat. Defendant Fox is sued in his official capacity, as are his agents and successors.

Jurisdiction and Venue

50. This Court has jurisdiction over this action pursuant to Article V, § 5(b) of the Florida Constitution and Sections 26.012(3) and 86.011, Florida Statutes.

51. This Court is authorized to grant declaratory judgment under and a permanent injunction pursuant to Chapter 86 and Section 26.012(3), Florida Statutes, and Florida Rules of Civil Procedure Rule 1.610.

52. Venue is proper in this Court pursuant to Section 47.021, Florida Statutes, because at least one Defendant has a principal office in Miami-Dade County.

STATEMENT OF FACTS

A. Jewish Beliefs Regarding Reproductive Issues

53. Judaism is a several-thousands year-old ethno-religion. In modern times, the practice of Judaism is informed by multiple sacred texts, including the Torah, the primary sacred text often referred to as part of the “Old Testament” by non-Jews; and the Talmud, a body of religious law and theology, part of which dates back as early as the second century, C.E.

54. Under the faith, the decision to terminate a pregnancy for any reason is an extremely serious decision that requires significant deliberation. The decision must be motivated by a combination of diverse, complex, and interrelated factors that are often intimately tied to the individual woman or girl’s religious values and beliefs.

55. Jewish law, practice and core tenets are unequivocal that all human life is sacred. As such, the decision to bring new life into the world is a deeply religious one. While Judaism cherishes both actual and potential life, the physical and mental well-being of the mother always takes precedence over an unborn fetus. *See e.g.* Rabbi Jacob Emden, Responsa She’elat Ya’vetz 1:43, 1739-1759, Germany.

56. The body of sacred and source texts that comprise Jewish ideology with respect to reproductive issues takes a layered and nuanced approach to determining whether abortion is permissible, discouraged, or, in certain limited cases, mandated.

57. Under Jewish law, existing life is always sacred and takes precedence of over a potential life. For example, Judaism's oldest and most sacred text, the Torah, addresses the distinction between a fully realized human life, or "personhood," and a fetus. *See, e.g.,* Exodus 21:22-25. In addition, the Talmud, the central text of Rabbinic Judaism and primary source of Jewish law and theology, provides that a fetus is part of the mother's body, not a separate and independent person. *See, e.g.,* Talmud: Gittin 23b. As a result, when a pregnant woman converts to Judaism, the baby is born Jewish under Jewish law. Under certain Jewish texts, "personhood" is not achieved until the actual birth of the child.

58. In addition, certain religious texts dictate that a mother's mental, psychological, and spiritual health are also valid considerations in determining whether to terminate a pregnancy. *See, e.g.,* Rabbi Jacob Emden, Responsa She'elat Ya"vetz 1:43, 1739-1759, Germany; Rabbi Jacob Emden, Responsa She'elat Ya"vetz 1:43, 1739-1759, Germany.

B. Plaintiffs' Rabbinic Practices

59. As Reform and post-denominational rabbis, Jewish laws inform Plaintiffs' religious beliefs, practices, and congregational leadership, but do not dictate or mandate their practices. Each rely on the vast body of Jewish authority and law and life to inform their beliefs on how to live justly and counsel her congregants on social justice and religious issues.

60. Based on these principles, Plaintiffs have provided guidance and counseling to women and girls of the congregations and broader communities that Plaintiffs have served throughout their years in the rabbinate.

61. Plaintiffs firmly believe and support the ideologies of the Jewish faith set forth above that are related to reproductive health care and procedures, including abortions, and use these principles in counseling and advising congregants and their broader communities.

i. Rabbi Pomerantz

62. Rabbi Pomerantz serves as the lead rabbi for a synagogue in Miami-Dade County, Florida that is affiliated with the Reform Jewish movement and serves in leadership positions in multiple local and national organizations affiliated with the Reform Jewish movement.

63. Throughout her involvement in these organizations and her congregation, Rabbi Pomerantz particularly focuses on social justice initiatives important to and informed by her Reform Jewish faith. She regularly speaks to congregants and the broader community on social justice issues through the lens of her faith and view of Reform Jewish values. For example, prior to this action, on one of the holiest days of the Jewish faith, Rabbi Pomerantz announced to her congregation that she would teach a class regarding Jewish beliefs on reproductive rights and issues.

64. Throughout her time in the rabbinate, Rabbi Pomerantz has counseled congregants and families regarding life-cycle events, including reproductive issues. For example, one congregant learned she had breast cancer while pregnant. Other congregants had undergone in-vitro fertilization and were pregnant with multiple fetuses, but medically advised to reduce the number of fetuses due to medical and health concerns. Another congregant learned late in her pregnancy that she was carrying a fetus with a fatal abnormality. In each instance, Rabbi Pomerantz counseled her congregants in accordance with the context-dependent considerations required by Jewish law under the circumstances, with scrutiny toward the respect for life and the well-being of the pregnant women. As a result of the significant inconsistencies between Jewish and recently enacted Florida law, it is inevitable that additional congregants will seek counsel on these issues.

65. In addition, in her rabbinic practice, Rabbi Pomerantz provides courses for teenagers and adults regarding Jewish teachings, values, and principles. For example, Rabbi Pomerantz co-teaches a Confirmation class for teenagers, which focuses on making choices and asking “big questions.” For example, a central theme of the Confirmation course is the meaning of the dictate to “choose life” contained in the Book of Deuteronomy in the Torah as applied to various situations, including choosing the life of the mother in making reproductive decisions. *See* Deuteronomy 30:19.

66. Rabbi Pomerantz’s beliefs are consistent with the Jewish principles set forth above and, as a result, HB 5 substantially burdens the exercise of her religious faith because it hampers her ability to counsel congregants and speak freely on reproductive rights and issues, and burdens her congregants’ ability to seek counsel from their religious leader.

ii. Rabbi Fisher

67. Rabbi Fisher is a post-denominational rabbi who is the spiritual leader of a congregation in Miami-Dade County, Florida and holds leadership roles within Miami’s interfaith community.

68. In addition to providing counsel to those in her congregation, Rabbi Fisher is also called upon to counsel others in the greater community outside of her congregation who may be seeking Jewish guidance and support.

69. Rabbi Fisher speaks to congregants and the broader community on social justice issues that she views as part of her faith and obligation to comply with the Jewish concept of *tikkun olam*, a directive to repair, heal and improve the world. Further, the teachings of *tikkun olam*

involve broad concepts of fighting injustice not on behalf of Jewish people, but on behalf of anyone who is oppressed and powerless to combat such injustices.¹

70. For example, Rabbi Fisher gave a sermon informing congregants of the Jewish perspective on abortion and warning that if reproductive rights were eroded, it would conflict with the Jewish tradition.

71. Now that there is a direct conflict between Jewish and State law on reproductive issues, speaking and counseling on reproductive issues is at the forefront for Rabbi Fisher and her congregation. For example, Rabbi Fisher spoke at the recent Bans Off Our Bodies rally in Miami, Florida regarding her congregation's perspective on reproductive justice issues, including access to healthcare.

72. When approached regarding an abortion for a woman or girl who is a victim of incest, rape or trafficking, or who discovers a fetal abnormality, Rabbi Fisher would counsel her in Jewish law, which would permit an abortion in such traumatic and disturbing situations. The Jewish tradition's sense of compassion and deference to the psychological and physical well-being of the woman is one that Rabbi Fisher would feel compelled to recommend.

73. In addition, Rabbi Fisher's synagogue has convened a group of congregants to formally consider how to best support and counsel congregants considering the inherent conflicts between HB 5 and Jewish law.

74. Rabbi Fisher's beliefs are consistent with the Jewish principles set forth above and, as a result, HB 5 substantially burdens the exercise of her religious faith because it hampers her ability to counsel congregants and speak freely on reproductive rights and issues, and burdens her congregants' ability to seek counsel from their religious leader.

¹ See <https://www.myjewishlearning.com/article/justice-justice-you-shall-pursue/amp/>

iii. Rabbi Rosenberg

75. Rabbi Rosenberg leads a synagogue in Hillsborough County, Florida that is affiliated with the Reform Jewish movement. Rabbi Rosenberg's rabbinic philosophy is to create a congregation that strives to be holy and emphasizes teaching the ethical principles and moral values of the Reform Jewish tradition and the Jewish people.

76. Throughout his time in the rabbinate, Rabbi Rosenberg has counseled congregants and families regarding life-cycle events, including reproductive issues. In so doing he has counseled individual congregants and sometimes their partners to assist them in applying nuanced Jewish law and principles to reproductive issues in view of their specific set of circumstances. Accordingly, he advises on whether Jewish law and teaching would permit, require, or discourage an abortion in their specific situation. In addition, he helps individuals navigate the implications of their decision, irrespective of their ultimate choice, through Jewish guidance and teaching. As a result of the significant inconsistencies between Jewish and recently enacted Florida law, it is inevitable that additional congregants will seek counsel on these issues.

77. In addition, Rabbi Rosenberg has led programming for teenage members of his synagogue regarding reproductive choice in which he teaches that while the decision should never be taken lightly and balances many factors, terminating a pregnancy is a valid choice.

78. Rabbi Rosenberg's beliefs are consistent with the Jewish principles set forth above and, as a result, HB 5 substantially burdens the exercise of his religious faith because it hampers his ability to counsel congregants and speak freely on reproductive rights and issues, and burdens his congregants' ability to seek counsel from their religious leader.

C. HB 5 Burdens and Chills Plaintiffs' Religious Beliefs and Practices

79. As set forth above, on July 1, 2022, the Act took effect. Florida law now bans abortions after fifteen weeks as dated from the first day of a woman's or girl's LMP with two extremely limited exceptions. *See* Ch. 2022-69, §§ 3–4, Laws of Fla. (amending §§ 390.011, 390.0111, Fla. Stat.); Fla. Stat. § 390.0111(1)(a)–(b); § 390.011(6).

80. Contrary to Jewish law and teachings, the Act establishes as the law of the State of Florida, a particular and narrow religious view about abortion and when “life” begins.

81. The Act further provides for no exceptions for the psychological health of the mother or family, victims of incest, rape, or trafficking, psychological harm to the mother stemming from non-fatal fetal abnormalities, or psychological disease or impairment, which are all circumstances in which Judaism would, amongst other circumstances, support and/or counsel in favor of a girl or woman's decision to have an abortion before or after fifteen weeks.

82. Moreover, the Act's purported exception for the life of the mother is significantly narrower than what is required under Jewish law and practice, and only applies “to save the pregnant woman's life or avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function of the pregnant woman.” As set forth above, Plaintiffs' beliefs require that the life and general well-being of the mother be prioritized in all instances. In addition, Judaism requires that clergy and members of the faith engage in an inherently nuanced approach that balances multiple context-specific factors to determine if abortion is permissible, mandatory or discouraged in a variety of situations.

83. Similarly, the Act's purported exception for a fatal fetal abnormality is inconsistent with the nuanced approach required under Jewish law and only applies to a “terminal condition that, in reasonable medical judgment . . . is incompatible with life outside the womb *and* will result

in death upon birth or *immediately* thereafter.” For example, the definition of fatal fetal abnormality does not account for genetic diseases such as tay-sachs disease, which disproportionately affects certain Jewish ethnic groups and results in increasingly severe neurological and other symptoms until a premature death, which typically occurs around age four. If these conditions lead to psychological harm to the mother, Jewish law would certainly permit an abortion in those circumstances.

84. A violation of the Act constitutes a third-degree felony; “any person” who “willfully performs” or “**actively participates**” in an abortion in violation of the law is subject to criminal penalties, including imprisonment of up to five years and monetary penalties up to \$5,000 for a first offense. §§ 390.0111(10)(a), 775.082(8)(e), 775.083(1)(c), Fla. Stat. (emphasis added).

85. Moreover, counseling or encouraging a crime operates as “aiding and abetting” a crime. *See* Fla. Stat. § 777.011. Thus, counseling to obtain an abortion in violation of HB 5’s strictures appear to be a crime under HB 5.

86. HB 5 criminalizes abortion after fifteen weeks gestation except for severely limited exceptions but is so vague that it provides no reliable guidance regarding whether clergy violate the law when they affirmatively advise and support their believers to choose an abortion beyond HB 5’s extreme limitations. *See* Ch. 2022-69, §§ 3–4, Laws of Fla.

87. The Act prohibits Plaintiffs and similarly situated members of the clergy from practicing their faith and carrying out their duties as a clergy member and leader of a congregation. Instead, they face government intrusion, including possible criminal penalties, in violation of their First Amendment rights.

88. By preventing congregants and the greater Jewish Community from receiving religious counsel on these intimate decisions about their families or when and under what

circumstances to bring new life into the world, the Act not only threatens the clerical role of Plaintiffs but also the lives, dignity, and equality of Jewish women, girls and families in denying religious freedom to congregants and communities. Thus, the Act effectively establishes the religion of its State proponents and prohibits the free exercise of the Jewish religion by prohibiting Plaintiffs' members, congregants, and the greater Jewish communities from exercising their religious beliefs in the most intimate decisions of their lives in consultation with their clergy, medical providers, and family.

89. Because of the Act, Plaintiffs are restricted from engaging in constitutionally protected speech, including providing counseling services to congregants and members of the community consistent with their sincerely held religious beliefs.

90. Because of the Act, Plaintiffs, as well as other members of the Jewish faith community, have suffered, are suffering, and will continue to suffer ongoing, immediate, and irreparable injury to their free speech and religious liberty rights.

91. Plaintiffs have no adequate remedy at law to protect the ongoing, immediate, and irreparable injury to their constitutional rights.

92. The Act serves no compelling, legitimate, or rational governmental interest and in fact is harmful to the interests of the people of Florida. Thus, the relief sought by Plaintiffs will serve the public interest.

COUNT I
VIOLATION OF FLORIDA RELIGIOUS FREEDOM RESTORATION ACT

93. Plaintiffs hereby reiterate and adopt each and every allegation in the preceding paragraphs as if fully set forth herein.

94. FRFRA prohibits the government from substantially burdening a person's exercise of religion even if the burden results from a law of general applicability unless the government can

demonstrate that application of the burden to the person: (1) furthers a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

95. The Act applies to any and all religious beliefs, speech, and conduct, not just those that are “central” to the faith. According to the Act, “any person” who “actively participates” in an abortion in violation of the law is subject to criminal penalties §§ 390.0111(10)(a), 775.082(8)(e), 775.083(1)(c), Fla. Stat.

96. Through the Act, the government has placed a substantial burden on Plaintiffs’ religious practice, which is motivated by their sincere religious belief.

97. The Act substantially burdens Plaintiffs, as well as their congregants and all members of the Jewish faith, in the exercise of their Jewish beliefs and practices regarding abortion.

98. The Jewish tradition not only religiously supports access to reproductive health care, including abortion procedures, but requires it, under certain limited circumstances.

99. The Act intentionally places a substantial burden on Plaintiffs’ sincerely held religious beliefs by prohibiting the practice of Jewish beliefs related to abortion. This practice includes providing religious counseling to congregants on Jewish principles that is required as a member of the clergy, and which appear to be or are criminalized by HB 5.

100. The right to receive and support quality reproductive healthcare for all members of the Jewish faith, including abortion procedures in certain circumstances, is a significant component of Judaism, and FRFRA guarantees the right of Plaintiffs and their congregants to exercise the freedom to engage in religious practices without governmental interference absent a compelling state interest that is achieved through the least restrictive means for Plaintiff.

101. There is not a compelling state interest furthered by the Act, which runs contrary to the economic, medical, psychological, and many other interests of the state.

102. Even if it were found that the Act serves a compelling state interest, it is not the least restrictive means of furthering those interests. Plaintiffs are required by their faith to counsel believers that abortion decisions require consideration of many factors the Act prohibits, and to advise in favor of abortion in numerous situations the Act makes illegal.

103. The State did not provide a religious exemption or provide exceptions in cases such as psychological harm to the mother stemming from non-fatal fetal abnormalities, psychological disease or impairment, rape, incest, and/or trafficking, all of which would be factors under the Jewish faith. Instead, the Act prohibits abortions after fifteen weeks gestation with just two extremely narrow exceptions, which means there are many instances where HB 5 violates the religious beliefs and conduct of Plaintiffs.

104. The Act's violation of Plaintiffs' rights under FRFRA is causing and will continue to cause Plaintiffs and their congregants to suffer undue and actual hardship and irreparable injury.

105. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of rights.

COUNT II
VIOLATION OF RIGHT TO LIBERTY OF SPEECH UNDER
ARTICLE 1, SECTION 4 OF THE FLORIDA CONSTITUTION

106. Plaintiffs hereby reiterate and adopt each and every allegation in the preceding paragraphs as if fully set forth herein.

107. Article I, § 4 of the Constitution of the State of Florida provides, "Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press."

108. The threat of criminal liability for violations of the Act restrains Plaintiffs' ability to speak freely about fundamental tenets of Judaism and to counsel congregants on matters of family planning, pregnancy and childbirth, and abortion in accordance with Plaintiffs' sincerely held religious beliefs and those of the congregants.

109. The Act vests unbridled discretion in government officials to apply or not apply the penalties in a manner that restricts free speech, and subjects Plaintiffs to violations of Jewish religious tenets.

110. Defendants lack compelling, legitimate, significant, or even rational governmental interests to justify the Act's infringements of the right to free speech.

111. The Act, on its face and as applied, is not the least restrictive means to accomplish any permissible government purposes sought to be served by the law.

112. The Act does not leave open ample alternative channels of communication for Plaintiffs.

113. The Act, on its face and as applied, is irrational and unreasonable and imposes unjustifiable and unreasonable restrictions on constitutionally protected speech.

114. The Act's violation of Plaintiffs' rights of free speech has caused, is causing, and will continue to cause Plaintiffs and their congregants to suffer undue and actual hardship and irreparable injury.

115. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of the cherished constitutional liberties.

COUNT III
**VIOLATION OF RIGHT TO FREE EXERCISE AND ENJOYMENT OF RELIGION
UNDER ARTICLE I, SECTION 3 OF THE FLORIDA CONSTITUTION**

116. Plaintiffs hereby reiterate and adopt each and every allegation in the preceding paragraphs as if fully set forth herein.

117. Article I, § 3 of the Florida Constitution provides, “There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof.”

118. The Florida Constitution goes beyond the United States Constitution in its protection of religious freedom in that it adds that the free exercise of religion may not be penalized. Claims under Florida’s Free Exercise Clause are analyzed the same as claims under the First Amendment.

119. Plaintiffs and the members, congregants, and supporters of their synagogues rely on Jewish law, principles, and ideals regarding abortion, which differ from the requirements of the Act. If the congregants and supporters of Plaintiffs practice their religion regarding decisions related to abortion, they will be penalized by the State in violation of the Constitution.

120. The Act, on its face and as applied, targets Plaintiffs’ sincerely held religious beliefs regarding autonomy and the right to self-determination, reproductive health, and abortion which are informed by religious text and constitute central components of their faith. Plaintiffs also have sincerely held religious beliefs to provide spiritual counsel and assistance to their congregants who seek such counsel and to do so from a religious viewpoint that aligns with the faith’s religious beliefs and those of the congregants.

121. The Act, on its face and as applied, violates the rights of Plaintiffs and Jewish congregants by unconstitutionally establishing religion in the context of decisions regarding abortion, and prohibiting and penalizing the practice of Judaism in matters of abortion.

122. Through the implementation of the Act, Defendants are establishing their religious views on when life begins and foisting them upon Plaintiffs and the Jewish congregants.

123. The Act further prohibits and penalizes Plaintiffs and members of the Jewish faith for practicing their beliefs and living in accordance with their faith.

124. The Act thus places Plaintiffs and their congregants in an irresolvable conflict between compliance with their religious beliefs and compliance with the Act.

125. The Act, on its face and as applied, is neither neutral nor generally applicable, but rather specifically and discriminatorily targets the religious viewpoints of Plaintiffs and Jewish congregants.

126. The Act's purported interest in protecting life is unsubstantiated and thus does not constitute a compelling government interest.

127. No compelling government interests justify the burdens Defendants impose upon Plaintiffs and Jewish congregants' rights to the free exercise of religion.

128. Even if the Act was supported by compelling government interests, they are not the least restrictive means to accomplish any permissible government purpose, which the Act seeks to serve.

129. The Act, both on its face and as applied, has failed to accommodate Plaintiffs' sincerely held religious beliefs in the violation of the rights to free exercise of religion.

130. The Act's violation of Plaintiffs' rights has caused, is causing, and will continue to cause Plaintiffs and Jewish congregants to suffer undue and actual hardship and irreparable injury.

131. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of the most cherished constitutional liberties.

COUNT IV
VIOLATION OF FREE SPEECH UNDER THE FIRST AMENDMENT

132. Plaintiffs hereby reiterate and adopt each and every allegation in the preceding paragraphs as if fully set forth herein.

133. The Act is unconstitutional on its face and as applied under the Free Speech Clause of the First Amendment.

134. The First Amendment, which applies to the States through the Fourteenth Amendment, prohibits laws and actions abridging the freedom of speech, or of the press.

135. A central tenet of freedom of speech is that speech can very rarely be punished. Closely tied to the right not to be punished for engaging in free speech is the right not to have one's religious speech prospectively silenced through threat of criminal punishment.

136. The Act on its face and as applied violates the First Amendment's Free Speech Clause.

137. The threat of criminal liability for violations of the Act suppresses Plaintiffs' ability to speak freely about the fundamental tenets of the Jewish faith and to counsel their congregants on matters of family planning, pregnancy and childbirth, and abortion in accordance with Plaintiffs' sincerely held religious beliefs and those of their synagogues and congregants.

138. The Act does not serve a compelling interest and is not narrowly tailored and does not leave open ample alternative channels of communication for Plaintiffs.

139. The Act, on its face and as applied, is irrational and unreasonable and imposes unjustifiable and unreasonable restrictions on constitutionally protected speech.

140. The Constitution protects against overbroad laws that chill speech.

141. The Act, on its face and as applied, unconstitutionally chills and abridges the right of Plaintiffs to freely communicate the fundamental religious beliefs of the Jewish faith pertaining to family planning, pregnancy and childbirth, and abortion. It serves no compelling interest and is not narrowly tailored.

142. The Act vests unbridled discretion in government officials to make the choice in applying the penalties pursuant to the Act such that it restricts free speech, and subjects Plaintiffs to violations of state law and Jewish religious tenets.

143. The void-for-vagueness doctrine in the context of the First Amendment “requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory treatment.” The Act fails this test.

144. The Act is unconstitutional on its face because it is void for vagueness by failing to specify the penalties for its violation and by failing to identify who could be prosecuted under its vague terms.

145. The Act fails to define the term “actively participates” and thus criminalizes behavior about which those of ordinary intelligence and experience would have to guess if and/or when it applies to them.

146. The Act fails to make clear if those who provide religious counseling regarding the permissibility of abortion under Jewish law or who support a woman or a girl’s decision to terminate her pregnancy beyond the narrow parameters of HB 5 would be subject to prosecution for “actively” participating in an abortion.

147. By failing to specify the penalties for violation of the Act, and who would be subject to such penalties, the Act leaves Plaintiffs and other members of the clergy in the dark as to the potential consequences that could befall them if and when they exercise their religious beliefs, which has a chilling effect upon of the freedom of religion.

148. The Act, on its face and as applied, is impermissibly vague as it requires those who could be subject to its penalties, as well as government and law enforcement officials tasked with

enforcing its penalties, to guess at their meaning and differ as to their application, severely burdening and chilling the free speech of Plaintiffs and all clergy who share certain religious beliefs.

149. Defendants lack compelling, legitimate, significant, or even rational governmental interests to justify the Act's infringement on the right to free speech.

150. The Act, on its face and as applied, neither serves a compelling interest nor is narrowly tailored. The determination that a fetus becomes a human being at fifteen weeks of gestation is irrational, and there is nothing in the Act which explains why this date has been chosen to begin the imposition of harsh criminal penalties. Nor does the Act provide for accommodation for the many Jewish clergy and believers who do not believe that "life" begins at fifteen weeks and who value the actual life of the pregnant person over the potential life of the fetus.

151. The Act's violation of Plaintiffs' right of religious speech has caused, is causing, and will continue to cause Plaintiffs to suffer undue and actual hardship and irreparable injury.

152. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of their most cherished constitutional liberties.

COUNT V
VIOLATION OF THE FREE EXERCISE CLAUSE UNDER
THE FIRST AMENDMENT

153. Plaintiffs hereby reiterate and adopt each and every allegation in the preceding paragraphs as if fully set forth herein.

154. As described herein, and incorporated by reference, the Act violates the right of the Plaintiffs, as well as their synagogues' congregants and supporters, their families, and members of the Jewish faith, from exercising their rights to freedom of religion in the most intimate decisions of their lives. By harming and discounting the Jewish faith, and the rights of Jewish women and

girls, the Act does irreparable harm and burdens Plaintiffs' religious beliefs, speech, and conduct as well as the members of the Jewish faith.

155. The Free Exercise Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, provides that governments may "make no law prohibiting the free exercise [of religion]." U.S. Const. amend. I.

156. Plaintiffs hold sincerely held religious beliefs to provide spiritual counsel and assistance to congregants and believers within their synagogues and faith who seek such counsel.

157. Plaintiffs also have sincerely held religious beliefs to engage in counseling and honor congregants' autonomy and right to self-determination, which includes the right to reach informed decisions about the termination of pregnancy and to act upon them beyond the narrow strictures of HB 5. The Free Exercise Clause permits Plaintiffs to provide counseling and advice from a viewpoint that aligns with their sincerely held Jewish religious beliefs and those of the congregants and believers who seek their guidance.

158. The Act, on its face and as applied, targets Plaintiffs' sincerely held religious beliefs regarding the value of the life of the mother, bodily autonomy, and the right to self-determination, reproductive health, and abortion. These beliefs are informed by the faith's interpretation of sacred texts, tradition, and reason, which are central components of the faith and guide how decisions throughout one's life should be processed. The Act causes a direct and immediate conflict between Plaintiffs' religious beliefs, speech, and conduct by prohibiting them from providing and receiving religious counseling that is consistent with their religious beliefs.

159. The Act, on its face and as applied, impermissibly burdens Plaintiffs' sincerely held religious beliefs, speech, and conduct. The Act has also forced Plaintiffs to choose between the fundamental teachings of the sincerely held religious beliefs and criminal penalties.

160. The Act places Plaintiffs in an irresolvable conflict between compliance with their sincerely held religious beliefs and conduct and compliance with the Act.

161. The Act, on its face and as applied, is neither neutral nor generally applicable, but rather specifically and discriminatorily targets the religious speech, beliefs, and viewpoint of Plaintiffs and those who share their beliefs in autonomy and self-determination and who treat decisions to terminate a pregnancy as fundamental to those rights.

COUNT VI
VIOLATION OF THE ESTABLISHMENT CLAUSE UNDER
THE FIRST AMENDMENT

162. Plaintiffs hereby reiterate and adopt each and every allegation in the preceding paragraphs as if fully set forth herein.

163. The Establishment Clause under the First Amendment provides, in relevant part, that “Congress shall make no law respecting an establishment of religion.” U.S. Const. amend. I.

164. The prohibition on abortions after fifteen weeks gestation has no secular basis and is harmful to the interests of a wide variety of believers and citizens in Florida, including Plaintiffs.

165. Women, girls, and others who terminate their pregnancy after fifteen weeks from the LMP often do so because they have health conditions that are caused or exacerbated by pregnancy or receive a diagnosis of a serious fetal condition or a serious medical condition of their own which makes carrying a fetus to term risky and medically inadvisable. Many fetal conditions are not able to be identified until after fifteen weeks from the LMP, but these conditions are not accommodated by the Act’s very limited exceptions.

166. The Act further does not recognize maternal well-being or psychological injury to the pregnant woman or girl as a weighty factor to be considered prior to an abortion, in violation of Plaintiffs’ faith and many other faiths. Nor does it provide for exceptions for incest, rape, or trafficking, again in conflict with many faiths including Plaintiffs. Rather, the Act reflects the

views of a minority of Americans, whose faith rejects abortion and who seek, through legislation, to deny religious freedom on the issue of abortion to all others, under the notion that only they are capable of understanding God's law and judgments and the religious views of all others are wrong and thus not entitled to respect or constitutional protections.

167. The Act codifies the narrow religious views of few as the law of the State of Florida, which not only results in irreparable harm to Plaintiffs and all others who espouse a different view, but it also threatens the very framework of our Democracy, and the cherished ideal of the separation of church and state which has been the cornerstone of American democracy since its inception.

168. Members and supporters of the Jewish faith have been among those who strongly believe in the principle of the separation of church and state, which is violated by the Act.

169. Plaintiffs, as well as their congregants, supporters, and families of the Jewish faith, do not require others to impose their religious views about when life begins and the sanctity of life in order to supplant and replace by judicial fiat and the power of the State the Jewish view of when life begins and the sanctity of life.

170. The Act, as written and applied, establishes a religion in the context of decisions regarding abortion and pregnant women and girls' well-being.

171. Evidence of the Florida lawmakers' intent to impose a religion on the state is their failure to even consider their obligations under the Florida Religious Freedom Restoration Act, which requires the state to accommodate religious believers and institutions from Florida state laws that substantially burden their religious belief, speech, and conduct. There is no question that HB 5 substantially burdens Plaintiffs' religious belief, speech, and conduct. The failure to include

accommodation for the religious believers whose faith is suppressed by HB 5 is indicative of the state's illicit intent to impose a faith perspective on the citizens of Florida.

172. The Act is not justified by any compelling, legitimate, or rational justification. The purported "protection of life" with its thumb heavily on the side of the fetus over the pregnant woman or girl and the 15-week cutoff are devoid of economic, scientific, or medical merit.

173. The Act imposes on Florida the danger of the unity of the state with a singular minority religion, which the First Amendment's Establishment Clause was intended to deter. As the First Amendment's drafter, James Madison, put it: "Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects?" *See* James Madison, Memorial and Remonstrance Against Religious Assessments (June 20, 1785), in 5 THE FOUNDERS' CONSTITUTION 82 (P. Kurland & R. Lerner eds. 1986). Plaintiffs bring this lawsuit against Florida to ensure that religious diversity and mutual respect are restored to the state regarding when and how life is valued and begins.

174. No compelling government interest justifies the burdens Defendants impose upon Plaintiffs and their congregants' religious freedoms.

175. Florida lawmakers and the Governor, through the Act, have imposed on the state the narrow views of a minority of believers without accommodation for any other religious believer.

176. The Act's violation of the separation of church and state has caused, is causing, and will continue to cause Plaintiffs to suffer undue and actual hardship and irreparable injury.

177. An injunction of the Act is required to avoid the Act's violation of the Establishment Clause of the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

A. Issue preliminary and permanent injunctive relief restraining the enforcement, operation and/or execution of HB 5 by enjoining Defendants, their officers, agents, servants and successors, from enforcing, threatening to enforce or otherwise applying the provisions of the Act in Florida due to its violation of FRFRA.

B. Issue temporary and permanent injunctive relief restraining the enforcement, operation and/or execution of HB 5 by enjoining Defendants, their officers, agents, servants, employees, appointees, or successors, as well as those in active concert or participation with any of them, from enforcing, threatening to enforce, or otherwise applying the provisions of the Act in Florida due to its violation of the rights of Plaintiffs as well as the Jewish synagogue members, congregants, supporters, individuals, and families as provided in the First and Fourteenth Amendments of the United States Constitution and Article I, sections 3 and 4 of the Florida Constitution.

C. That this Court render a declaratory judgment declaring that:

- i. HB 5 violates FRFRA and therefore is invalid, unconstitutional, and of no legal force and effect.
- ii. HB 5 violates the rights of Plaintiffs and Jewish congregants, supporters and their families, as well as all others to be free to exercise their religious, spiritual and/or ethical values and beliefs, free from government intrusion; and to find that HB 5 violates the establishment and the free exercise clause of the Florida Constitution as expressed in Article I, sections 3 and 4 of the Florida Constitution and is therefore void, unenforceable, invalid and of no legal effect.

- iii. HB 5 is invalid on its face under the United States Constitution's First Amendment and permanently enjoin HB 5.
 - iv. HB 5 violates the constitutional and statutory rights of Plaintiffs as a member of the clergy within the Jewish community regarding abortion beliefs and Plaintiffs' ability to advise and counsel women and girls within the congregation on their synagogue's teachings in violation of the Free Speech and Free Exercise Clauses under the First Amendment of the United States Constitution.
 - v. HB 5 violates the Establishment Clause of the United States Constitution by discriminating against Plaintiffs and their religious beliefs, speech, and conduct regarding abortion under the Jewish faith and is therefore void, unenforceable, invalid, and of no legal effect.
- D. Grant Plaintiffs' costs and attorney's fees.
- E. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Danielle Moriber

SPIRO HARRISON

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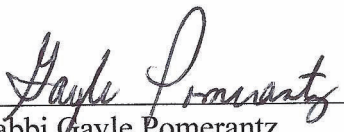
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VERIFICATION

I, Rabbi Gayle Pomerantz, am over the age of 18 and one of the Plaintiffs in this action. Unless otherwise indicated, I have personal knowledge of the facts set forth herein, the statements and allegations about me or which I make in this Verified Complaint are true and correct, and if called upon to testify, I would and could do so competently.

Pursuant to 28 USC 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge.

Executed this 31 day of July, 2022.



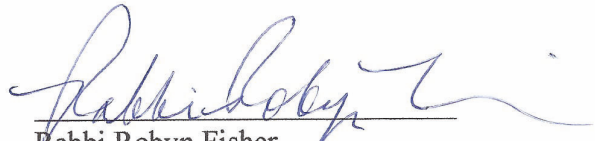
Rabbi Gayle Pomerantz
Date: 7/31/22

VERIFICATION

I, Rabbi Robyn Fisher, am over the age of 18 and one of the Plaintiffs in this action. Unless otherwise indicated, I have personal knowledge of the facts set forth herein, the statements and allegations about me or which I make in this Verified Complaint are true and correct, and if called upon to testify, I would and could do so competently.

Pursuant to 28 USC 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge.

Executed this 29 day of July, 2022.

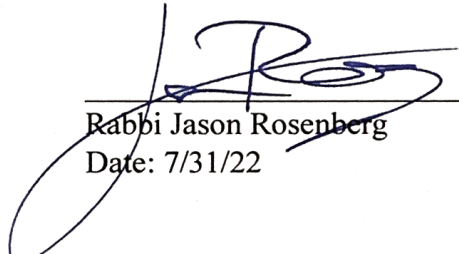

Rabbi Robyn Fisher
Date: July 29, 2022

VERIFICATION

I, Rabbi Jason Rosenberg, am over the age of 18 and one of the Plaintiffs in this action. Unless otherwise indicated, I have personal knowledge of the facts set forth herein, the statements and allegations about me or which I make in this Verified Complaint are true and correct, and if called upon to testify, I would and could do so competently.

Pursuant to 28 USC 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge.

Executed this 31st day of July, 2022.



Rabbi Jason Rosenberg
Date: 7/31/22