

**No. A153662**

**IN THE COURT OF APPEAL OF  
THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT, DIVISION 4**

**EVAN MINTON,**

*Plaintiff and Appellant,*

vs.

**DIGNITY HEALTH dba MERCY SAN JUAN MEDICAL CENTER,**

*Defendant and Respondent.*

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**APPLICATION BY THE CATHOLIC HEALTH ASSOCIATION OF  
THE UNITED STATES AND ALLIANCE OF CATHOLIC HEALTH  
CARE FOR LEAVE TO FILE AMICI CURIAE BRIEF IN SUPPORT  
OF DEFENDANT/RESPONDENT**

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Appeal from a Judgment of the San Francisco Superior Court  
Hon. Harold E. Kahn  
Case No. CGC 17-558259

GREENE & ROBERTS LLP  
Stephen J. Greene, Jr.  
455 Capitol Mall  
Suite 405  
Sacramento, CA 95814  
Phone: (916) 753-1300  
sjg@greeneroberts.com

STRADLEY RONON STEVENS & YOUNG, LLP  
Mark E. Chopko  
Jennifer Gniady  
1250 Connecticut Avenue, N.W.  
Suite 500  
Washington, DC 20036-2652  
Phone: (202) 822-9611  
mchopko@stradley.com

Counsel for *Amici Curiae the Catholic Health Association of the United  
States and Alliance of Catholic Health Care*

## **APPLICATION TO FILE BRIEF OF AMICI CURIAE**

The Catholic Health Association of the United States and the Alliance of Catholic Health Care hereby apply under California Rules of Court, Rule 8.520(f) for permission to file a brief *amici curiae* supporting Defendant/Respondent Dignity Health dba Mercy San Juan Medical Center. The proposed brief follows this application.

The Catholic Health Association of the United States (“CHA”) is the national leadership organization for the Catholic health ministry. Comprised of more than 600 hospitals and 1,600 long-term care and other health facilities in all 50 states, the Catholic health ministry is the largest group of nonprofit health care providers in the nation, including Defendant-Respondent. CHA works to advance the ministry’s commitment to a just, compassionate health care system that protects life and advocates for a health care system that is available and accessible to everyone, paying special attention to the poor and vulnerable. The members of CHA share the conviction of Defendant-Respondent to serve the public while adhering to the religious tenets of the Catholic Church.

Alliance of Catholic Health Care (“ACHC”) represents Catholic health care providers committed to carrying out the ministry of healthcare by serving California communities. ACHC provides advocacy, health ministry formation, and leadership to the 52 Catholic and community-based

affiliated hospitals throughout the state of California. Its advocacy includes public policies and access to health care as a basic human right, the promotion of nonprofit health care, and the protection of religious freedom in the exercise of the healing ministry of the Church. These members include Defendant-Respondent and many identically situated hospitals who also seek the right to continue as religious organizations providing health care in accordance with the standards of their religion.

The issues presented in this case significantly affect the members of both CHA and ACHC, all of whom share an interest in being able to continue to provide healthcare services as an expression of a comprehensive ministry rooted in religious faith. Plaintiff-Appellant would have this Court apply California law in a way to coerce (or punish) a faith-based hospital because it refused to perform medical practices antithetical to its religious mission. The underlying claim for relief, if successful, would require faith-based institutions to serve the public, not according to religious conviction, but according to a court-ordered orthodoxy. It would open the door to additional broad-scale attacks on the healthcare ministry of the Church to the extent that any service might depart, in any way, from some secular world view, with even wider-scale negative consequences. Resolving this issue correctly would assure high-quality health care continues to be offered throughout the community and

with particular preference for the poor and vulnerable populations in California.

The proffered brief contributes particularly to the argument and authority supporting the lower court's proper conclusion that there was no basis on which Appellant could have prevailed in a claim under the Unruh Act. It provides a broader context to the position of religious organizations in the health care ministry and connects the religious standards for health care followed by these organizations to both state and federal constitutional protections. In the process, *amici* also hope to make clearer to the Court that the religious standards do not discriminate, intentionally or otherwise, because they are applied uniformly to individuals of all genders. Any claim otherwise relies upon probing the foundational religious beliefs under the standards, which is beyond the power of the courts.

No party, counsel for a party, or any person or entity other than The Catholic Health Association of the United States and the Alliance of Catholic Health Care and its counsel has made a monetary contribution intended to fund the preparation or submission of the brief, and no party or counsel for a party has authored this brief in whole or in part.

Dated: April 18, 2019

Respectfully submitted,

GREENE & ROBERTS, LLP  
Stephen J. Greene, Jr.

Of Counsel:

STRADLEY RONON STEVENS & YOUNG, LLP

Mark E. Chopko

Jennifer Gniady

*Attorneys for Amici Curiae*

*The Catholic Health Association of the United States  
and Alliance of Catholic Health Care*

<b>STATE OF CALIFORNIA</b> California Court of Appeal, First Appellate District	<b>PROOF OF SERVICE</b>  <b>STATE OF CALIFORNIA</b> California Court of Appeal, First Appellate District
Case Name: <b>Minton v. Dignity Health</b> Case Number: <b>A153662</b> Lower Court Case Number: <b>CGC17558259</b>	

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Christine Haskett Covington & Burling LLP	chaskett@cov.com	e-Serve	4/18/2019 3:47:58 PM
Lindsey Barnhart	LBarnhart@cov.com	e-Serve	4/18/2019 3:47:58 PM
John Loy ACLU Foundation of San Diego &	davidloy@aclusandiego.org	e-Serve	4/18/2019 3:47:58

Imperial Counties			PM
Elizabeth Gill ACLU Foundation of Northern California	egill@aclunc.org	e-Serve	4/18/2019 3:47:58 PM
Maria Ayala Greene & Roberts LLP	mga@greeneroberts.com	e-Serve	4/18/2019 3:47:58 PM
Barry Landsberg Manatt Phelps & Phillips LLP	blandsberg@manatt.com	e-Serve	4/18/2019 3:47:58 PM
Craig Rutenberg Manatt Phelps & Phillips LLP	crutenberg@manatt.com	e-Serve	4/18/2019 3:47:58 PM
Joanna McCallum Manatt Phelps et al LLP	jmccallum@manatt.com	e-Serve	4/18/2019 3:47:58 PM
Harvey Rochman Manatt Phelps & Phillips LLP	hrochman@manatt.com	e-Serve	4/18/2019 3:47:58 PM
Theodore Karch Covington & Burling, LLP	tkarch@cov.com	e-Serve	4/18/2019 3:47:58 PM

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4/18/2019

Date

/s/Maria Ayala

Signature

Greene, Jr. , Stephen J. (178098)

Last Name, First Name (PNum)

Greene & Roberts LLP

Law Firm