

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 316 MD 2020

IVY HILL CONGREGATION OF JEHOVAH'S WITNESSES,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
HUMAN SERVICES,

Respondent.

**REPLY BRIEF OF PETITIONER
IN FURTHER SUPPORT OF APPLICATION FOR SUMMARY
RELIEF**

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	ARGUMENT	2
	A. No procedural impediments prevent this Court from granting summary relief.	2
	B. No issues of material fact prevent this Court from granting summary relief.	7
	1. DHS’s investigative duties under the CPSL is a legal issue and, in any event, is immaterial.	8
	2. The role of elders in the Jehovah’s Witnesses’ faith is not a factual dispute.	10
	C. Ivy Hill Congregation is not seeking validation of a “defense” to a potential “lawsuit,” but rather is seeking critical clarification of an as-yet unexamined criminal law.....	15
III.	CONCLUSION.....	20

Exhibits

A—Petition for Review Proof of Service (May 20, 2020)

B—Commonwealth Court, Notice of Filing Petition for Review or Complaint (May 21, 2020)

TABLE OF AUTHORITIES

Cases

<i>Askew v. Trustees of Gen. Assembly of Church of the Lord Jesus Christ of the Apostolic Faith Inc.</i> , 684 F.3d 413 (3d Cir. 2012)	10
<i>Brittain v. Beard</i> , 6974 A.2d 479 (Pa. 2009)	13
<i>Com. v. Stewart</i> , 690 A.2d 195 (Pa. 1997).....	15, 19
<i>Com., Dep't of General Services v. Frank Briscoe Company, Inc.</i> , 466 A.2d 1336 (Pa. 1983)	16
<i>Dep't of Aud. Gen. v. State Employees' Ret. System</i> , 860 A.2d 206 (Pa. Cmwlt. 2004)	11, 12
<i>GGNSC Clarion LP v. Kane</i> , 131 A.3d 1062 (Pa. Cmwlt. 2016)	17
<i>Gilbert v. Synagro Cent., LLC</i> , 131 A.3d 1 (Pa. 2015)	8
<i>Hosp. & Healthsystem Ass'n of Pa. v. Com.</i> , 77 A.3d 587 (Pa. 2013)	9
<i>In re Adoption of Christopher P.</i> , 389 A.2d 94 (Pa. 1978)	5
<i>Kepple v. Fairman Drilling Co.</i> , 615 A.2d 1298 (Pa. 1992)	5
<i>Lee v. Com., Bureau of State Lotteries, Dep't of Revenue</i> , 492 A.2d 451 (Pa. Cmwlt. 1985).....	4
<i>Marcellus Shale Coal. v. Dep't of Envtl. Prot.</i> , 193 A.3d 447 (Pa. Cmwlt. 2018)	8
<i>Mark v. Com.</i> , 580 A.2d 901 (Pa. Cmwlt. 1990)	4
<i>Osram v. Sylvania Products, Inc. v. Comsup Commodities, Inc.</i> , 845 A.2d 846 (Pa. Super. 2004).....	15, 16
<i>Petition of City of Clairton</i> , 590 A.2d 838 (Pa. Cmwlt. 1991).....	5

Thomas v. Review Bd. of Indiana Employment Sec. Div., 450 U.S. 707
(1981) 11

United States v. Harriss, 347 U.S. 612 (1954) 20

Statutes

23 Pa.C.S. § 6311.1 12, 18, 19

23 Pa.C.S. § 6319 18

23 Pa.C.S. § 6334.1 8

42 Pa.C.S. § 5943 12, 18, 19

Rules

Pa.R.A.P. 105 6, 7

Pa.R.A.P. 521 2, 3, 5

Pa.R.C.P. 235 2, 3, 5

Treatises

20 West’s Pa. Prac., Appellate Practice § 521:3 4, 5

Other Authorities

In re: Electronic Filing System in the Appellate Courts, No. 418 Judicial
Administration Docket (Pa. Jan. 6, 2014) 5

The Watchtower, December 15, 2008 14

The Watchtower, November 15, 2006 14

The Watchtower, September 1, 2010 14

I. INTRODUCTION

None of the three issues raised by the Department of Human Services (“DHS”) in opposition to the Application for Summary Relief prevents the Court from immediately granting relief; those three issues are addressed below. But at the outset, the Court should observe that, to date, DHS still has stated *no position* on any of the substantive issues in this request for summary relief. For instance, not only does the record not yet reflect whether Ivy Hill Congregation’s elders are “clergymen” according to DHS, but also the record does not even reflect DHS’s legal view on what “clergymen” are. One would think the Commonwealth agency charged with receiving reports from “mandatory reporters” would at least have a view on *who* such reporters are and *when* they are legally obligated to speak.

Further, DHS has expressed *no view* on whether the clergymen’s privilege in the Judicial Code, which is inextricably linked to the statute that DHS itself administers, does or does not reflect an impermissible denominational preference. DHS has not even offered a basic statement that the statute is constitutional. Instead, it has simply

begged the Court, for various procedural reasons, not to reach the merits of Count II (or Count I for that matter).

All of this should be construed as an implicit admission by DHS that it has no view on any of the merits, or, that it in fact agrees with Ivy Hill Congregation's positions. In light of this silence from DHS, a declaration from the Court is vital to allow Ivy Hill Congregation's elders to rest assured that they are complying with the law and that the law allows them to worship according to the dictates of their faith. In short, relief is not only warranted, but it is summarily necessary.

II. ARGUMENT

A. No procedural impediments prevent this Court from granting summary relief.

In its summary relief response brief, DHS, through its attorneys at the Office of Attorney General, argues this Court should avoid a determination on the merits because of DHS's pending Preliminary Objections and also because of an alleged failure to give notice to the Attorney General under Pa.R.A.P. 521 and Pa.R.C.P. 235. *See* DHS br. at 7-9. Both of these procedural arguments fail.

As to the existence of the pending Preliminary Objections, that objection can be quickly dispatched. As DHS itself *admits*, summary

relief can be granted despite the pendency of preliminary objections. *See* DHS brief at 7 (“Respondent is aware that an application for summary relief may be granted prior to disposing of outstanding preliminary objections.”). Further, even were that not so, none of the Preliminary Objections has merit, as fully explained in Ivy Hill Congregation’s Brief in Opposition to Preliminary Objections. Thus, the Preliminary Objections are not a barrier to summary relief.

As to the alleged notice defect under Appellate Rule 521 and Civil Rule 235, that challenge fails for procedural, factual, and equitable reasons.

Procedurally, Appellate Rule 521(a) and Civil Rule 235 only require a party to give affirmative notice to the Attorney General in a constitutional challenge where the Commonwealth is *not* already a party. *See* Pa.R.A.P. 521(a) (“It shall be the duty of a party who draws in question the constitutionality of any statute in any matter in an appellate court to which the Commonwealth or any officer thereof, acting in his official capacity, ***is not a party...***” (emphasis added)); Pa.R.C.P. 235 (“In any proceeding in a court subject to these rules in which an Act of Assembly is alleged to be unconstitutional or a

charitable bequest or trust is involved and the Commonwealth *is not a party...*” (emphasis added)); *see also* 20 West’s Pa. Prac., Appellate Practice § 521:3 (“There is no need under Rule 521(a) to give notice of the constitutional challenge to the Attorney General if the Commonwealth or any Commonwealth officer, acting in an official capacity, is a party.”).^{1 2} Here, the Commonwealth *is* a party through the Department of Human Services; indeed, the caption of the Petition for Review makes this plain: “Ivy Hill Congregation of Jehovah’s Witnesses v. Commonwealth of Pennsylvania, Department of Human Services.” *See* Petition for Review; *see also* Docket, 316 MD 2020 (Pa. Cmwth.) (listing Respondent as “Commonwealth of Pennsylvania, Department of Human Services”). As this Court has held, when an integral Commonwealth agency, like DHS, is a party to a proceeding, no notice to the Attorney General is required. *See Lee v. Com., Bureau of State Lotteries, Dep’t of Revenue*, 492 A.2d 451, 452 (Pa. Cmwth. 1985);

¹ *Cited favorably in Mark v. Com.*, 580 A.2d 901, 903 n.2 (Pa. Cmwth. 1990), *aff’d*, 615 A.2d 337 (Pa. 1992).

² Of note, while the constitutionality of a statute is in issue with Count II, that Count is pleaded *in the alternative*, and is, consequently, a claim that may never be reached if the Court affords complete relief under Count I.

see also 20 West’s Pa. Prac., Appellate Practice § 521:3.³ Thus, procedurally, Appellate Rule 521 and Civil Rule 235 simply do not apply.

Factually, even if Appellate Rule 521 applies, the required notice was given. Indeed, as shown by the Proof of Service generated by PACFile upon the filing of the Petition for Review by Ivy Hill Congregation, the Attorney General was immediately electronically served with the Petition on May 20, 2020. *See* Proof of Service (May 20, 2020) (showing service upon “Attorney General” via “eService” method on 5/20/2020) (attached as Exhibit A); *see also* Commonwealth Court, Notice of Filing Petition for Review or Complaint (May 21, 2020) (notice from Commonwealth Court advising of Petition for Review and showing service on Joshua D. Shapiro) (attached as Exhibit B). Hence, the notice required by Appellate Rule 521 was supplied.⁴

³ In all three cases cited by DHS to claim notice is required, no Commonwealth agency or official was a named party; thus, those cases are inapposite. *See* DHS br. at 9 (citing *Kepple v. Fairman Drilling Co.*, 615 A.2d 1298 (Pa. 1992); *In re Adoption of Christopher P.*, 389 A.2d 94 (Pa. 1978); and *Petition of City of Clairton*, 590 A.2d 838 (Pa. Cmwlth. 1991)).

⁴ While Civil Rule 235 requires notice via “registered mail,” compliance with that Rule was substantially satisfied by the electronic notice given via PACFile. The very fact that the Attorney General is registered with PACFile signals his intent, and preference, to accept service via that system. *See In re: Electronic Filing System in the Appellate Courts*, No. 418 Judicial Administration Docket, at § II.F.2 (Pa. Jan. 6, 2014) (“Use of the PACFile system shall constitute the filer’s certification

Finally, the notice challenge also fails as a matter of equity. As Appellate Rule 105 makes plain, the rules of procedure should be “liberally construed to secure the just, speedy and inexpensive determination of every matter to which they are applicable.” Pa.R.A.P. 105(a). This is effectively a rule of equity that elevates fairness over inflexible compliance with the rules. In the clear equitable spirit of Appellate Rule 105, no *additional* notice to the Attorney General is required here for at least two reasons (as noted above, notice was first given on May 20, 2020 via PACFile). One, DHS is represented by *the Attorney General*, so it is odd to suggest that somehow the Attorney General is not on notice of the issues when the very document in which the purported lack of notice is raised is filed under his signature. *See* DHS br. at 16 (first name after “Respectfully submitted” is “JOSH SHAPIRO, Attorney General”). Two, the Office of Attorney General entered its appearance on behalf of DHS on July 15, 2020, and then just a few weeks later filed Preliminary Objections (on July 31, 2020). At no point in the Preliminary Objections, or in the many weeks and months

that: ... Electronic notice and service of other documents through the PACFile system will be accepted by the filer.”).

since they were filed, did the attorneys at the Office of Attorney General raise any concerns about Appellate Rule 521 or Civil Rule 235. In other words whatever alleged “notice defect” that exists in this case has existed for many months, and the Attorney General ignored it until just before the close of briefing. This is contrary to the speedy disposition ensured by Appellate Rule 105(a). Thus, even if procedurally and factually DHS’s notice argument had merit (it does not), equitably its argument is certainly unmeritorious.

In sum, the Court should ignore the host of procedural challenges raised by DHS and should address the merits of the Application for Summary Relief.

B. No issues of material fact prevent this Court from granting summary relief.

Next, DHS maintains that summary relief is inappropriate because material issues of fact exist relative to its investigative duties under the Child Protective Services Law (“CPSL”) and the role of elders in the Jehovah’s Witnesses faith. *See* DHS br. at 9-13. As developed below, however, neither argument involves a genuine factual dispute sufficient to preclude summary disposition.

1. DHS’s investigative duties under the CPSL is a legal issue and, in any event, is immaterial.

Insofar as DHS differs with Ivy Hill Congregation’s characterization of its investigative responsibilities under Section 6334.1 of the CPSL, 23 Pa.C.S. § 6334.1, that dispute is neither factual, nor material. To illuminate, DHS’s assertion that its sole duty under that provision is “to provide notice of the reported suspected abuse to appropriate county agencies and law enforcement officials to investigate,” DHS br. at 11, is predicated entirely on its interpretation of the statute, which is a legal, rather than factual question. *See, e.g., Gilbert v. Synagro Cent., LLC*, 131 A.3d 1, 17 (Pa. 2015); *Marcellus Shale Coal. v. Dep’t of Env’tl. Prot.*, 193 A.3d 447, 460 (Pa. Cmwlth. 2018) (explaining that the application and scope of a statutory regime “is not a disputed fact but rather one that may be determined based on comparison of statutory and regulatory provisions.”). As such, the dispute implicates a question of law—not fact.

Moreover, even if the nature of DHS’s investigative duties can be properly characterized as a factual issue, it is not material, since its resolution would not “affect the outcome of the case under the governing law.” *Hosp. & Healthsystem Ass’n of Pa. v. Com.*, 77 A.3d 587, 602 (Pa.

2013) (noting that summary relief is inappropriate if factual issue is material and explaining that “[a] fact is considered material if its resolution could affect the outcome of the case under the governing law”). Specifically, whether DHS investigates allegations of child sexual abuse itself, or refers them to other agencies, neither affects the substantive issue of the elders’ right to avail themselves of the clergyman privilege, nor any of the threshold procedural arguments DHS has advanced.

Indeed, DHS does not offer any legitimate basis for concluding the presence (or absence) of a direct duty to investigate would factor into the substantive analysis of this matter. To the contrary, DHS readily acknowledges that it is “charged with administering and overseeing the implementation of the CPSL[,]” DHS br. at 10, including promulgating requisite regulations, maintaining a hotline for reporting abuse, administering a statewide database of protective services, and notifying county agencies and law enforcement officials regarding suspected child abuse. And more critically still, DHS has not denied, because it cannot, that it is the *only* Commonwealth entity to whom the elders at Ivy Hill Congregation must speak *if* the statutory duty to speak is triggered.

This duty to speak has nothing to do with any subsequent responsibilities by DHS to investigate or not.

In short, DHS's conception of its duty to investigate cannot forestall summary disposition, as the question is neither factual nor material.

2. The role of elders in the Jehovah's Witnesses' faith is not a factual dispute.

For three reasons, an elder's responsibility to hear confession is not a factual dispute, as alleged by DHS. *See* DHS br. at 11-13.

First, because the role of elders in the Jehovah's Witnesses' faith is a quintessentially religious question—which, as a matter of law, is not subject to factual disagreement—DHS's attempt to divine a factual dispute in this regard is unavailing. *See* DHS br. at 12. Specifically, as developed in Ivy Hill Congregation's principal brief, a religion's interpretation of its doctrine and ecclesiastical text—including pronouncements concerning the role of clergy in the faith—are treated as "binding fact, so long as those decisions are not tainted by fraud or collusion." *Askew v. Trustees of Gen. Assembly of Church of the Lord Jesus Christ of the Apostolic Faith Inc.*, 684 F.3d 413, 418 (3d Cir. 2012). Without addressing this principle, which is derived from a

constitutional bar against interference in matters of religion, DHS suggests that if permitted to conduct discovery it could offer an alternative interpretation of the duties assigned to elders under the tenets of the Jehovah's Witnesses' faith. *See* DHS br. at 12. As the United States Supreme Court has explained, however, "Courts are not arbiters of scriptural interpretation." *Thomas v. Review Bd. of Indiana Employment Sec. Div.*, 450 U.S. 707, 716 (1981). Accordingly, whatever DHS's understanding of the functions performed by elders may be, those views cannot be offered as "facts" pertinent to the present analysis. In short, because any discovery in this respect would not yield facts that would create a genuine issue of fact, summary disposition is appropriate.

Second, whether elders have a faith-based duty to hear confession (they do, *see* PFR at ¶¶ 21-32 and *infra* § II.B.2) is irrelevant to the actual relief sought in the Petition for Review and is thus not a "dispute" that is material. As explained by this Court, "[o]nly disputes over facts that might affect the outcome of the suit under the governing law will properly preclude" summary relief. *See Dep't of Aud. Gen. v. State Employees' Ret. System*, 860 A.2d 206, 213 (Pa. Cmwlth. 2004)

(quotations removed). Other factual disputes “that are irrelevant or unnecessary will not be counted.” *Id.* In the foregoing case, the petitioner claimed the legal right to conduct performance audits, but the respondent argued that, factually, petitioner was not qualified to do so. *See id.* The Commonwealth Court held that because only the legal authority to conduct the audits was in issue, and not the professional “expertise and capabilities” to do so, it would ignore the “irrelevant” factual dispute and enter summary relief for the petitioner. *See id.*

This is the same scenario presented here. In Count I of the Petition for Review, Ivy Hill Congregation is only seeking a declaration that its elders meet the threshold condition in 42 Pa.C.S. § 5943 and 23 Pa.C.S. § 6311.1(b)(1); namely, that they are “clergymen” under the law. *See PFR at Count I, Prayer for Relief.* Ivy Hill Congregation has found no law, and DHS has cited to none, that says “clergymen” are only those persons who hear confession. Whether a clergyman hears confession as a part of his faith-based duties goes to the issue of whether a clergyman learned information “in the course of his duties,” *see* 42 Pa.C.S. § 5943, which is not an issue in dispute in Count I. In

sum, the claimed factual dispute is legally irrelevant to whether the elders at Ivy Hill Congregation are “clergymen.”

Third, and finally, DHS has failed to produce any “meaningful” evidence or to set forth facts showing a factual dispute capable of overcoming Ivy Hill Congregation’s entitlement to summary relief. *See generally Brittain v. Beard*, 6974 A.2d 479, 488 (Pa. 2009). Indeed, the only purported “evidence” and “facts” that DHS have produced are a citation about elders taken from the primary website for Jehovah’s Witnesses, JW.org. *See* DHS br. at 12-13. But there are two issues with this “evidence” that render it immaterial. One, DHS’s conclusions based on the citation to the JW.org website are utterly *in harmony* with the facts verified in the Petition for Review by an elder at Ivy Hill Congregation. *Compare* DHS br. at 12 (discussing elders’ duty to care for congregation and their duty to provide help and comfort), *with* PFR at ¶¶ 14, 20, 22 (discussing elders’ role as spiritual leaders, who, among other things, provide pastoral care for congregants and render spiritual assistance). Two, DHS’s claim that nothing “publicly available” on the JW.org website discusses elders’ responsibilities with confession, *see* DHS br. at 12-13, is demonstrably incorrect. *See, e.g., The Watchtower*,

September 1, 2010, pages 23-24 (passage under heading “To Whom Should Sins Be Confessed?”; stating “In the Christian congregation, there are spiritually ‘older men,’ or elders, appointed to assist those who want to gain God’s forgiveness. No, such ‘older men’ cannot absolve anyone of sins, for no man is authorized to forgive a fellow human for a wrong against God. However, they are spiritually qualified to reprove and readjust a person guilty of a serious sin, helping him to recognize the gravity of his sin and the need to repent.”), *available at* <https://www.jw.org/en/library/magazines/wp20100901/Is-Confession-of-Sins-Required-by-God/>.⁵ Thus, DHS has not met its burden to produce evidence or facts showing a genuine factual dispute.

⁵ See also *The Watchtower*, December 15, 2008, pages 7-11 (“When a Christian gets involved in serious wrongdoing, the right course is clear. It is time to seek the help of Christian elders. Jehovah has an arrangement in place for dealing with cases of serious spiritual sickness.”), *available at* <https://www.jw.org/en/library/magazines/w20081215/Will-You-Hold-Fast-to-Your-Integrity/>; *The Watchtower*, November 15, 2006, pages 26-30 (“So, then, what should a repentant wrongdoer do? ‘Let him call the older men of the congregation to him, and let them pray over him, greasing him with oil in the name of Jehovah. And the prayer of faith will make the indisposed one well, and Jehovah will raise him up.’ (James 5:14, 15) Approaching the elders is one way for a person to ‘produce fruit that befits repentance.’ (Matthew 3:8) These faithful and warmhearted men will ‘pray over him and grease him with oil in Jehovah’s name.’ Like soothing oil, their Bible counsel will prove to be comforting to anyone who is truly repentant.”), *available at* <https://www.jw.org/en/library/magazines/w20061115/accept-jehovahs-discipline/>.

Accordingly, for each of the foregoing reasons, there are no material facts in dispute that prevent the Court from granting the Application for Summary Relief.

C. Ivy Hill Congregation is not seeking validation of a “defense” to a potential “lawsuit,” but rather is seeking critical clarification of an as-yet unexamined criminal law.

DHS’s final procedural objections to summary relief are based on a mischaracterization of the relief sought in the Petition for Review. Specifically, DHS (1) incorrectly argues Ivy Hill Congregation is seeking a declaration as to “the validity of a defense to a potential future lawsuit,” and (2) incorrectly argues all of the guidance Ivy Hill needs on the relevant law is supplied by *Commonwealth v. Stewart*, 690 A.2d 195 (Pa. 1997). *See* DHS br. at 13-15. Both arguments do not withstand scrutiny.

As to DHS’s “defense” argument, DHS places undue reliance on *Osram v. Sylvania Products, Inc. v. Comsup Commodities, Inc.*, 845 A.2d 846 (Pa. Super. 2004), to claim declaratory relief is unavailable here because the Petition for Review is “an attempt to adjudicate the validity of a defense to a potential future lawsuit.” *See* DHS br. at 14. Yet an examination of *Osram*, and the Pennsylvania Supreme Court

case upon which it relies, shows the principle stated therein is utterly inapplicable. Indeed, *Osram* reflects the basic principle that a declaratory relief action cannot be heard where it seeks to resolve affirmative defenses when a competing, related civil action has been filed or is imminent. See 845 A.2d at 848-49. The decision in *Osram* is based on the Supreme Court's holding in *Commonwealth, Department of General Services v. Frank Briscoe Company, Inc.*, 466 A.2d 1336 (Pa. 1983). See *Osram*, 845 A.2d at 848 (citing *Frank Briscoe*). In *Frank Briscoe*, the Supreme Court described the same basic principle as follows:

Because it is manifestly apparent that the Department's request for declaratory relief in counts X and XI of its complaint was in reality simply an attempt to establish in advance the validity of an affirmative defense to be used to defeat the contractors' breach of contract actions currently pending in the Board of Claims, declaratory relief was properly denied.

Frank Briscoe, 466 A.2d at 1340-41. Relying on *Frank Briscoe*, this Court too has recognized that the rule stated therein is about the prevention of competing proceedings, where other litigation claims or enforcement proceedings are either about to be filed, or are already

filed. *See GGNSC Clarion LP v. Kane*, 131 A.3d 1062, 1069 (Pa. Cmwlth. 2016), *aff'd*, 152 A.3d 983 (Pa. 2016).

Applied here, the foregoing principle is utterly inapplicable. The Petition for Review was not filed to head off any pending or imminent civil action by another party, such as was the case in all of the matters above. To the contrary, this action was filed by Ivy Hill Congregation to give its elders necessary clarity on the scope of a mandatory reporting provision under the CPSL, as that provision intersects with the exercise of sincerely held religious beliefs. The relief demanded in the Petition for Review is necessary to permit the elders to comply with a *criminal* law, not to defeat some pending or forthcoming civil action (or “lawsuit” as DHS repeatedly describes it, *see* DHS brief at 13, 14, 15). This type of claim for declaratory relief regarding the lawfulness of a mandatory reporting law, carrying criminal sanctions for non-compliance, is *exactly* the type of claim that this Court allowed to proceed in *Firearm Owners Against Crime v. City of Harrisburg*, 218 A.3d 497, 513-14 (Pa. Cmwlth. 2019) (*en banc*), *appeal pending*, No. 29 MAP 2020 (Pa.). Accordingly, DHS’s “defense” challenge should be rejected.

Likewise the Court should disregard DHS's claim that *Stewart* provides Ivy Hill Congregation's elders all of the guidance they need to comply with the law. *See* DHS br. at 14-15. As a preliminary matter, DHS's reliance on *Stewart* is premised on its incorrect belief that Ivy Hill Congregation is seeking mere guidance on an "evidentiary privilege." *See* DHS br. at 14, 15. That characterization does not capture the whole of what is at stake. While it is true that 42 Pa.C.S. § 5943, standing alone, reflects an evidentiary privilege, that same section of the law, by function of being incorporated into the CPSL at 23 Pa.C.S. § 6311.1(b)(1), *also reflects* something quite larger: the difference between being charged with a crime for failure to report or not. That is, unlike in most cases where an evidentiary privilege is in issue and the mere consequence of having it fail is that the person has to testify or produce documents, here if the privilege fails (i.e., is deemed not applicable) the consequence is a *criminal charge*. *See* 23 Pa.C.S. § 6319 (describing criminal penalties for failure to report). Stated more bluntly still, the issue here is about the loss of liberty, and not the inability to withhold testimony. Thus, this case is not about some mere application of an evidentiary privilege.

Against a proper framing of what is at stake, *Stewart* does not resolve the uncertainty in the law described in the Petition for Review. While DHS is correct that under *Stewart* the application of the clergymen’s privilege is not based “solely” on the person’s status as clergy, *see* DHS br. at 15, DHS is *not* correct that clergy status doesn’t matter at all. In fact, the key passage in *Stewart* is the following: “We, therefore, hold that application of the privilege distills to a single inquiry: whether the communicant disclosed information in confidence to a **member of the clergy** in his or her capacity as confessor or spiritual advisor.” *Stewart*, 690 A.2d at 200 (*emphasis added*). As the emphasized phrase shows, the privilege in 42 Pa.C.S. § 5943 *only* applies where the person to whom a communication was made is a “member of the clergy.” But what *Stewart* does not directly state, and what the Petition for Review seeks, is *who* is a “member of the clergy.”⁶ Due Process requires the government “to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by

⁶ The decision in *Stewart* contains a footnote citing to a treatise that describes what a “clergyman” is, *see* 690 A.2d at 199 n.3, but the Supreme Court does not elaborate on the footnote and does not apply the footnote in the context of 42 Pa.C.S. § 5943—and certainly does not apply it in the context of 23 Pa.C.S. § 6311.1(b)(1).

the statute.” *United States v. Harriss*, 347 U.S. 612, 617 (1954). As soon as this Court, or DHS, supplies that answer, then the elders at Ivy Hill Congregation will be able to guide their conduct in accordance with the CPSL and the dictates of their faith. By granting the relief requested, this Court can do that which the Commonwealth refuses to do of its own accord.

Therefore, for all of the reasons set forth above, DHS’s procedural arguments that Ivy Hill Congregation is seeking improper or needless declaratory relief are without merit.

III. CONCLUSION

As stated elsewhere in this matter, Ivy Hill Congregation initiated this action to eliminate any doubt about when its elders have a duty to report child abuse under the CPSL when they learn of the abuse in a spiritually confidential way. In other words, the elders *want to comply with the law*, but the law is ambiguous as it applies to them. DHS could resolve this ambiguity with a simple “yes” or “no”—as in, “yes” the elders are “clergymen” or “no” they are not—but to date, it has written *thousands* of words to avoid a meaningful single syllable. Does this steadfast avoidance of a simple question signal that this matter is not

ripe, important, and useful, as DHS posits? Or, does it merely underscore why the Declaratory Judgment Act exists and why relief under that statute is so important in circumstances like these?

In the end, one should not be compelled to live in a state of constant uncertainty, where a decision, even if in good faith and inspired by sincerely held religious beliefs, will lead to the loss of liberty if later someone decides it was wrong. Instead, the better course, and the one that Pennsylvania absolutely affords, is for the person impacted by an uncertain law to petition a court for legal clarity. That is the situation here.

For all the reasons set forth above, and elsewhere in the briefs submitted by Ivy Hill Congregation, the Court should overrule DHS's Preliminary Objections and immediately grant the Application for Summary Relief.

Respectfully submitted,

Dated: October 9, 2020

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WORD COUNT CERTIFICATION

I hereby certify that the above brief complies with the word count limits of Pa.R.A.P. 2135(a)(1). Based on the word count feature of the word processing system used to prepare this brief, this document contains 4416 words, exclusive of the cover page, tables, and the signature block.

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*Attorneys for Petitioner Ivy Hill
Congregation of Jehovah's
Witnesses*

Exhibit A

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Exhibit B



Commonwealth Court of Pennsylvania

Michael Krimmel, Esq.
Prothonotary

Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 2100
P.O. Box 69185
Harrisburg, PA 17106-9185
www.pacourts.us

May 21, 2020

NOTICE OF FILING PETITION FOR REVIEW OR COMPLAINT

RE: Ivy Hill Congregation of Jehovah's Witnesses v DHS
316 MD 2020
Filed Date: May 20, 2020

A Petition for Review has been filed in the original jurisdiction of the Commonwealth Court of Pennsylvania. The docket number is endorsed on the enclosed cover page of the Petition for Review. The date of filing is on the top of this notice.

Responsive pleadings and motions filed in compliance with the appropriate rules of procedure should be addressed to the office shown on the attached page.

Any motions or applications filed should include a proposed order. Answers to motions or applications should also include a proposed order. Failure to provide a proposed order may result in the matter being returned to you for compliance. The Commonwealth Court docket number must be on all correspondence and documents filed with the Court.

The addresses to which you must transmit all documents are set forth on the last page of this notice.

If you have special needs, please contact this court in writing as soon as possible.

Attorney Name	Participant Name	Participant Type
Matthew Hermann Haverstick, Esq.	Ivy Hill Congregation of Jehovah's Witnesses	Petitioner
Mark Edward Seiberling, Esq.	Ivy Hill Congregation of Jehovah's Witnesses	Petitioner
Shohin Hadizadeh Vance, Esq.	Ivy Hill Congregation of Jehovah's Witnesses	Petitioner
Joshua John Voss, Esq.	Ivy Hill Congregation of Jehovah's Witnesses	Petitioner
Kenneth J. Serafin, Esq.	Department of Human Services	Respondent

Enclosure

Service List

Addressed To:	Matthew Hermann Haverstick, Esq. None/Not Applicable Kleinbard LLC 1717 Arch St 5th Fl Philadelphia, PA 19103	PACFile Notified
	Mark Edward Seiberling, Esq. None/Not Applicable Kleinbard LLC 1717 Arch St 5th Fl Philadelphia, PA 19103	PACFile Notified
	Kenneth J. Serafin, Esq. Acting Chief Counsel Pennsylvania Department of Human Services Office Of General Counsel 625 Forster St 3rd Fl West Harrisburg, PA 17120	PACFile Notified
	Joshua D. Shapiro, Esq. Attorney General of Pennsylvania PA Office of Attorney General 16th Floor, Strawberry Square Harrisburg, PA 17101-1825	
	Shohin Hadizadeh Vance, Esq. Kleinbard LLC 1717 Arch St 5th Fl Three Logan Square Philadelphia, PA 19103	PACFile Notified
	Joshua John Voss, Esq. None/Not Applicable Kleinbard LLC 1717 Arch St Fl 5th Philadelphia, PA 19103	PACFile Notified