

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

LIGHTHOUSE FELLOWSHIP CHURCH,)

Plaintiff,)

v.)

Case No. _____

RALPH NORTHAM, in his)

official capacity as Governor of the)

Commonwealth of Virginia,)

Defendant.)

**VERIFIED COMPLAINT FOR DECLARATORY RELIEF,
TEMPORARY RESTRAINING ORDER, PRELIMINARY AND
PERMANENT INJUNCTIVE RELIEF, AND DAMAGES**

For its Verified Complaint against Defendant, RALPH NORTHAM, in his official capacity as Governor of the Commonwealth of Virginia (“Governor Northam” or the “Commonwealth”), Plaintiff, LIGHTHOUSE FELLOWSHIP CHURCH (“Lighthouse”), alleges and avers as follows:

URGENCIES JUSTIFYING TEMPORARY RESTRAINING ORDER

1. In its Prayer for Relief, *infra*, and in the contemporaneously filed Motion for Temporary Restraining Order (TRO), Lighthouse seeks a TRO restraining enforcement against Lighthouse of the various COVID-19 orders issued by Governor Northam and other Commonwealth officials purporting to prohibit Lighthouse, on pain of criminal sanctions, from gathering at Lighthouse for worship services of more than 10 people, regardless of whether Lighthouse meets or exceeds the social distancing and hygiene guidelines pursuant to which the Commonwealth disparately and discriminatorily allows so-called “essential” commercial and non-religious entities (*e.g.*, beer, wine, and liquor stores, warehouse clubs, and ‘big box’ and

‘supercenter’ stores) to accommodate large crowds and masses of persons without scrutiny or numerical limit.

2. As shown in the verified allegations below, Governor Northam’s Executive Orders relating to COVID-19 have been interpreted, applied, and enforced, including against the pastor of Lighthouse, such that police officers in the Commonwealth of Virginia have visited Virginia churches, such as Lighthouse, threatened to impose, and in the case of Lighthouse, actually **imposed criminal sanctions against religious gatherings that included 16 people, only 6 more than Governor Northam’s 10-person restriction, even though these 16 people were separated by more than six feet in the 225-seat sanctuary, far exceeding government social distancing and personal hygiene recommendations.**

3. At around the same time as Governor Northam’s Executive Orders surrounding COVID-19 were being used to impose criminal sanctions on Lighthouse’s pastor, officials in other jurisdictions had similarly threatened to impose criminal sanctions on other religious gatherings. In Louisville, Kentucky, for example, the government threatened to use police to impose criminal sanctions on those individuals found in violation of similar COVID-19 orders and threatened to impose various sanctions on individuals found in violation of such orders. The United States District Court for the Western District of Kentucky found that the mere threat of such criminal sanction warranted a TRO. *See On Fire Christian Center, Inc. v. Fischer*, No. 3:20-cv-264-JRW, 2020 WL 1820249 (W.D. Ky. Apr. 11, 2020). The *On Fire* TRO enjoined the Mayor of Louisville from **“enforcing, attempting to enforce, threatening to enforce, or otherwise requiring compliance with any prohibition on drive-in church services at On Fire.”** *Id.* at *1 (emphasis added).

4. Yet, what the government in Louisville only threatened to do, Governor Northam and police officers in the Commonwealth of Virginia actually did to Lighthouse on April 5, 2020.

Pursuant to Governor Northam's Executive Order prohibiting the in-person gathering of more than 10 individuals, the Town of Chincoteague Police Department actually issued a criminal citation and summons to Pastor Kevin Wilson of Lighthouse ("Pastor Wilson") for the sole act of holding a church service in the Commonwealth of Virginia. In addition to that actually imposed criminal sanction, officials in the Commonwealth threatened to impose similar criminal sanctions on Lighthouse, its pastor, and each and every member and/or attendee who dared visit the Lighthouse Fellowship Church's service on Easter Sunday or any other worship service held while Governor Northam's orders are in effect.

5. In fact, the Virginia State Police—acting under the direction of Governor Northam's orders—have publicly declared that they would enforce the Governor's orders and have threatened to impose criminal sanctions on those found in violation of them.

6. Additionally, the Governor of Kansas had imposed a virtually identical restriction on religious gatherings in Kansas, stating that "gatherings" of more than 10 individuals are prohibited, including religious gatherings. On April 18, 2020, the United States District for the District of Kansas issued a TRO enjoining Kansas officials from enforcing its discriminatory prohibition on religious gatherings and required the government to treat "religious" worship services the same as other similar gatherings that are permitted. *See First Baptist Church. v. Kelly*, No. 20-1102-JWB, 2020 WL 1910021, *6–7 (D. Kan. Apr. 18, 2020) [hereinafter *First Baptist*]. The *First Baptist* TRO specifically stated that the government's disparate treatment of religious gatherings was a violation of the Free Exercise Clause because it showed that "**religious activities were specifically targeted for more onerous restrictions than comparable secular activities,**" and that the churches had shown irreparable harm because they would "be prevented from gathering for worship at their churches" during the pendency of the executive order. *Id.* at *7–8 (emphasis added).

7. In discussing the Kansas orders—which imposed a 10-person limit on in-person gatherings just as the Governor Northam orders here—the court said that specifically singling out religious gatherings for disparate treatment while permitting other non-religious activities “show[s] that these executive orders expressly target religious gatherings on a broad scale and are, therefore, not facially neutral,” *First Baptist*, 2020 WL 1910021, at *7, and—much like here—“churches and religious activities appear to have been singled out among essential functions for stricter treatment. **It appears to be the only essential function whose core purpose—association for the purpose of worship—had been basically eliminated.**” *Id.* (emphasis added). Thus, the court found that a TRO was necessary and that Kansas should be enjoined from enforcing its orders’ disparate terms against churches. Indeed, “**it goes without saying that the government could not lawfully expressly prohibit individuals from meeting together for religious services.**” *Id.* at *6 (emphasis added).

8. Lighthouse’s members were also threatened with criminal sanctions and penalties if, at any time, the number of individuals attending worship services at Lighthouse exceeded 10 individuals, and regardless of whether social distancing, enhanced sanitization, and personal hygiene practices were followed. Because of the government threat of criminal sanction, Lighthouse was forced not to host services on Easter Sunday, its most treasured day in Christianity.

9. The Commonwealth has purported to direct all churches to host online services, drive-thru, drive-in, and/or parking lot services. Lighthouse is a small congregation without the resources or equipment to broadcast its worship services online or conduct parking lot or drive-in services. Moreover, even if Lighthouse had such capabilities, many of the members it serves are recovering drug addicts, former prostitutes, and others simply trying to put their lives together, who do not have the resources to watch worship services over the Internet. To those members, Lighthouse is their only family, and assembling with their church family is everything.

10. Absent emergency relief from this Court, Lighthouse, its pastor, and all members and/or attendees will suffer immediate and irreparable injury from the threat of criminal prosecution for the mere act of engaging in the free exercise of religion and going to church. **Indeed, if Lighthouse, its pastor, or its members do not subscribe to what Governor Northam has prescribed as orthodox in a worship service, they risk becoming criminals in the Commonwealth.** A temporary restraining should issue.

INTRODUCTION

11. Due to the unprecedented nature of the 2019 novel coronavirus disease (COVID-19) and the indisputable health tragedy the disease has wrought on our great Republic and those victims suffering under its yoke, there are those who may find it “tempting to hold that First Amendment rights should acquiesce to national security in this instance.” *Tobey v. Jones*, 706 F.3d 379, 393 (4th Cir. 2013). One could be forgiven for hastily reaching such a conclusion in such uncertain times, but “our Forefather Benjamin Franklin warned against such a temptation by opining that those who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.” *Id.*

12. When the great American experiment was first implemented, our revered Founders took pains to note that the Constitution—and all of the rights it recognized and enshrined—was instituted “in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and **secure the Blessings of Liberty to ourselves and our Posterity.**” U.S. Const. Pmbl. (emphasis added). To this very day, “we continue to strive toward ‘[that] more perfect union.’” *Smith v. City of New Smyrna Beach*, No. 6:110cv01110-Orl-37KRS, 2013 WL 5230659, *1 (M.D. Fla. Sept. 16, 2013). That work is not easy, and governments acting in good faith can and sometimes do miss the mark. This is such a case.

13. Recognizing that times of crisis would arise, that such times might lead governments to seek to repress precious freedoms, and that the Republic's survival depended upon defeating such repressive instincts, the genius of our founding document is that it placed explicit protections into the text of the Bill of Rights. And, importantly, "[o]ur Bill of Rights placed our survival on firmer ground—that of freedom, not repression." *Konigsberg v. State Bar of California*, 366 U.S. 36, 79 (1961) (Black, J., dissenting).

14. During times of national crisis, such as the current uncertainty arising from COVID-19, "the fog of public excitement obscures the ancient landmarks set up in our Bill of Rights." *American Communist Ass'n, C.I.O. v. Douds*, 339 U.S. 382, 453 (1950) (Black, J., dissenting). But, where the fog of public excitement is at its apex, "the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly." *De Jonge v. Oregon*, 299 U.S. 353, 365 (1937). Without doubt, "[t]herein lies the security of the Republic, the very foundation of constitutional government." *Id.*

15. It is beyond cavil that our commitment to our founding principles is most tested and best calculated during times of crisis and uncertainty. Indeed, "[t]imes of crisis take the truest measure of our commitment to constitutional values. **Constitutional values are only as strong as our willingness to reaffirm them when they seem most costly to bear.**" *Hartness v. Bush*, 919 F.2d 170, 181 (D.C. Cir. 1990) (Edwards, J., dissenting) (emphasis added). Our willingness to reaffirm our staunch commitment to our fundamental freedoms is imperative to the very survival of the American experiment. For, "[h]istory reveals that the initial steps in the erosion of individual rights are usually excused on the basis of an 'emergency' or threat to the public. **But the ultimate strength of our constitutional guarantees lies in the unhesitating application in times of crisis and tranquility alike.**" *United States v. Bell*, 464 F.2d 667, 676 (2d Cir. 1972) (Mansfield, J., concurring) (emphasis added).

16. Lighthouse brings this case to restrain the troubling transgression of its fundamental and cherished liberties wrought by the imposition of Governor Northam's orders surrounding COVID-19. Lighthouse seeks not to discredit or discard the government's unquestionable interest in doing that task for which it was instituted—protecting the citizenry. But, as is often true in times of crisis, Lighthouse respectfully submits that in an effort to uphold his sworn duties Governor Northam has stepped over a line the Constitution does not permit. Because of that, Lighthouse brings this action to ensure that this Court safeguards the cherished liberties for which so many have fought and died. For, “[i]f the provisions of the Constitution be not upheld when they pinch as well as when they comfort, they may as well be discarded.” *Home Bldg. & Loan Ass’n v. Blaisdell*, 290 U.S. 398, 483 (1934) (Sutherland, J., dissenting) (emphasis added). Lighthouse prays unto the Court that it not permit the cherished and fundamental liberties enshrined in the Constitution to be another tragic casualty of COVID-19.

PARTIES

17. Plaintiff, LIGHTHOUSE FELLOWSHIP CHURCH (“Lighthouse” or the “Church”), is a subsidiary of Living Hope Ministries of the Eastern Shore, Inc., a Maryland non-stock religious corporation incorporated under the laws of Maryland. Lighthouse's principle place of business is 6329 Maddox Blvd., Chincoteague Island, Virginia 23336.

18. Defendant, RALPH NORTHAM, in his official capacity as Governor of the Commonwealth of Virginia (“Governor Northam” or the “Commonwealth”), is responsible for enacting and enforcing the COVID-19 Executive Orders and other Orders at issue in this litigation. Governor Northam is sued in his official capacity.

JURISDICTION AND VENUE

19. This action arises under the First and Fourteenth Amendments to the United States Constitution and is brought pursuant to 42 U.S.C. § 1983. This action also arises under the

Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §2000cc, *et seq.* This action also arises under Article I, Sections 1, 7, 12, and 16 the Constitution of Virginia. This action also arises under the Virginia Act for Religious Freedom, Va. Code § 57-1, *et seq.*

20. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

21. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Lighthouse's claims occurred in this district.

22. This Court is authorized to grant declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. § 2201-02, implemented through Rule 57 of the Federal Rules of Civil Procedure, and is authorized to grant a temporary restraining order and injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure.

23. This Court is authorized to grant Lighthouse's prayer for relief regarding costs, including a reasonable attorney's fee, pursuant to 42 U.S.C. § 1988 and Va. Code § 57-2.02(D).

GENERAL ALLEGATIONS

A. GOVERNOR NORTHAM'S EXECUTIVE ORDERS AND RELATED ORDERS FROM THE COMMONWEALTH OF VIRGINIA.

24. On March 12, 2020, in response to COVID-19, Governor Northam issued Executive Order 51, which declared a state of emergency in the Commonwealth of Virginia. A true and correct copy of Executive Order 51 is attached hereto as **EXHIBIT A** and incorporated herein.

25. In Executive Order 51, Governor Northam stated that COVID-19 represents "a communicable disease of public health threat" and directed various government agencies to implement certain restrictions and orders to facilitate the Commonwealth's response.

26. On March 23, 2020, Governor Northam issued Executive Order 53 prohibiting “all public and private in person gatherings of more than 10 individuals.” Executive Order 53 was subsequently amended on April 15, 2020. A true and correct copy of Executive Order 53 is attached hereto as **EXHIBIT B** and incorporated herein.

27. In Executive Order 53, though purporting to prohibit “all public and private in person gatherings of more than 10 individuals,” permits crowds and masses of persons to gather at certain businesses deemed “essential,” including “[b]eer, wine, and liquor stores,” “department stores,” “[h]ome improvement, hardware, and building material” stores, and other designated “essential” businesses.

28. Businesses deemed “essential” are permitted to continue operations subject to the requirement—but only “to the extent possible”—that they “adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces,” and other measures recommended by various government agencies.

29. On March 30, 2020, Governor Northam issued Executive Order 55, which further expanded on the restrictions imposed in Executive Order 53, and purported to require all individuals in the Commonwealth to stay at home. A true and correct copy of Executive Order 55 is attached hereto as **EXHIBIT C** and incorporated herein.

30. In Executive Order 55, Governor Northam stated that “[a]ll individuals in Virginia shall remain at their place of residence” except in the circumstances specifically permitted in the order.

31. Executive Order 55 reiterated that “[a]ll public and private in-person gatherings of more than ten individuals are prohibited. This includes parties, celebrations, **religious**, or other social events.” (Emphasis added.)

32. Despite its **absolute** prohibitions on “religious” gatherings, Executive Order 55 permits all “essential” retail businesses to continue operating with **no limit** on the number of persons who may be physically present inside such businesses while following distancing and sanitizing practices (**if possible**), and permits all “non-essential” retail businesses to continue operating with no limit on the number of employees and other non-customer persons who may be physically present inside such businesses while following distancing and sanitizing practices (**if possible**).

33. Executive Order 55 states that any violation of Governor Northam’s executive orders constitutes a criminal offense subject to criminal penalties under the Code of Virginia.

34. On April 1, 2020, pursuant to Executive Orders 53 and 55, the Virginia State Police issued a press release outlining its enforcement practices for the COVID-19 orders. A true and correct copy of the Virginia State Police April 1 News Release is attached hereto as **EXHIBIT D** and incorporated herein.

35. In its release, the Virginia State Police confirmed the “[p]rohibition on all public and private in-person, indoor and outdoor gatherings of more than 10 individuals,” and confirmed that violation of the Executive Orders from Governor Northam “can result in an individual(s) or business being charged with a class one misdemeanor, which carries up to a year in jail and \$2,500 fine.”

36. On April 7, 2020, the Office of Diversity, Equity, and Inclusion in the Office of the Governor of Virginia issued a “Faith Communities Guidance Document,” which purported to outline what is permissible for religious services. A true and correct copy of the Faith Communities Guidance Document is attached hereto as **EXHIBIT E** and incorporated herein.

37. Despite the fact that Executive Order 55 permits businesses deemed “essential” to operate without limitation on the number of persons who may be physically present and businesses

deemed “non-essential” to operate without limitation on the number of employees and non-customer persons who may be physically present—even if it is not possible for such “essential” and “non-essential” businesses to comply with social distancing and sanitization guidelines—the Faith Communities Guidance Document confirms that Executive Order 55:

- a. prohibits any in-person religious gatherings that include more than 10 people;
- b. prohibits more than 10 employees or other persons to lead or support any “drive-in,” “drive-through,” or “parking lot” religious service, even if outside; and
- c. dictates that sacramental and other religious practices “must be **strictly** limited” to avoid personal contact and observe social distancing (emphasis added).

38. Lighthouse hereinafter refers to Executive Order 51, Executive Order 53, Executive Order 55, the Virginia State Police April 1 Enforcement Announcement, and the Governor’s Faith Communities Guidance Document (EXHIBITS A-E) collectively as the “GATHERING ORDERS.”

B. THE COMMONWEALTH’S ENFORCEMENT OF GOVERNOR NORTHAM’S GATHERING ORDERS.

39. On April 5, 2020, Lighthouse held a worship service at its church property in Chincoteague Island, Virginia, with **16 individuals attending, only 6 people over Governor Northam’s 10-person restriction.**

40. Forty-five minutes prior to the service on April 5, 2020, and without any knowledge of how many individuals would attend such service at Lighthouse, a uniformed officer with the Town of Chincoteague Police Department entered Lighthouse’s building to see whether Lighthouse was hosting a religious service.

41. The police officer never requested to speak with the pastor or with any leadership of the church. Upon entering the building at Lighthouse, the officer merely demanded that there be no more than 10 people and that all must be spaced six feet apart.

42. The officer spoke to a member of Lighthouse, Donald Morley, who is also a member of the Lighthouse Board of Directors.

43. The officer exhibited hostility and unprofessionalism while speaking with Mr. Morley, demanding that he provide some sort of response to the officer's demands. The officer's unprovoked hostile and threatening statements included, "I don't like the way you're looking at me," and, "You don't want to open up this can of worms."

44. Not understanding what the problem was at Lighthouse, Mr. Morley drove to the police headquarters for the Town of Chincoteague and asked to speak with the Chief of Police, R.K. Fisher.

45. Mr. Morley was informed that Chief Fisher was not present, so Mr. Morley informed the police dispatcher on duty about what had occurred at Lighthouse that morning.

46. After speaking with the dispatcher, Mr. Morley returned to Lighthouse for the worship service.

47. At the conclusion of the April 5 worship service, two additional uniformed officers from the Town of Chincoteague Police Department arrived at Lighthouse and entered the building. Those officers entered the building in gloves and masks.

48. Pastor Wilson spoke to the officers about their concerns, and immediately thereafter was given a criminal citation and summons by Patrolman First Class John R. Carmody of the Town of Chincoteague Police Department. A true and correct copy of Pastor Wilson's summons is attached hereto as **EXHIBIT F** and incorporated herein.

49. The criminal citation and summons for Pastor Wilson charged him with violating Va. Code § 44-146.17, for violating Governor Northam's GATHERING ORDERS prohibiting religious gatherings. The statute makes it a Class 1 misdemeanor to violate an executive order that declares it has the full force and effect of law.

50. Governor Northam's GATHERING ORDERS purport to declare that they have the full force and effect of law under the Code of Virginia.

51. Pastor Wilson inquired of the Town of Chincoteague Police Department whether, if Lighthouse held a religious worship service on Easter Sunday, he would be further criminally cited, and PFC Carmody informed Pastor Wilson that should Lighthouse host an Easter Service with more than 10 people, **every person at the Easter Service would be given a criminal citation and summons.**

52. PFC Carmody also informed Pastor Wilson that should Lighthouse host any further "religious" gatherings with more than 10 people, **every person at such a gathering or service would be given a criminal citation and summons.**

53. Pastor Wilson's criminal prosecution is now pending in the General District Court for the County of Accomack in Virginia, Case No. GC20002594-00.

C. LIGHTHOUSE'S CHURCH SERVICES COMPLIED WITH SOCIAL DISTANCING AND PERSONAL HYGIENE RECOMMENDATIONS.

54. To comply with the CDC and other governmental social distancing and personal hygiene guidelines imposed by Governor Northam's GATHERING ORDERS (*i.e.*, "to the extent possible" for exempted businesses) for its April 5 Sunday worship service, Lighthouse executed stringent social distancing and personal hygiene protocols, including extensive and enhanced sanitizing of common surfaces in Lighthouse's building prior to the service, requiring attendees to

remain at least six feet apart and use hand sanitizer prior to entering and during movement inside Lighthouse's building.

55. Lighthouse's church building has a total occupancy limit of 293 individuals by virtue of the government's fire inspection, and its sanctuary where its worship services are held typically seats approximately 225 persons.

56. On April 5, the date Pastor Wilson was given a criminal citation and summons for violating Governor Northam's GATHERING ORDERS, **Lighthouse only had 16 individuals in attendance**, representing approximately thirteen percent (7%) of its seating capacity, and only five percent (5%) of the overall capacity.

57. Lighthouse's social distancing, personal hygiene, and enhanced sanitizing practices complied with all of the recommended practices for "essential" and "non-essential" businesses that are permitted to continue to operate with more than 10 people present, and more than exceeded those of some businesses currently operating within the Commonwealth, and Lighthouse plans to continue such practices for all worship services held during the COVID-19 period.

D. GOVERNOR NORTHAM'S UNEQUAL TREATMENT OF NON-RELIGIOUS GATHERINGS.

58. In publicly released photographs from Governor Northam's own thrice-weekly press conferences, even he does not abide by his 10-person limitation on "in-person" gatherings.



Associated Press, *Nation's Only Doctor Governor Offers Sober Voice on Virus* (April 9, 2020), available at <https://wtop.com/virginia/2020/04/nations-only-doctor-governor-offers-sober-voice-on-virus/> (last visited April 21, 2020) (showing photograph of Governor Northam's press conference on April 8, 2020).

59. Throughout the Commonwealth, as Lighthouse is prohibited from having “religious” gatherings, the parking lots of local businesses deemed “essential” contained numerous cars as shown below, and the cars’ occupants were not engaging in the social distancing purportedly required of “drive-in” church services under the GATHERING ORDERS, but were nevertheless being permitted to enter such businesses without threat of (or actual) criminal sanction

like that imposed on Lighthouse’s Pastor Wilson. One such example is from Lowe’s, which is deemed essential under the GATHERING ORDERS, and at the time of visit had 162 cars in the parking lot:



(Declaration of Richard L. Mast (“Mast Declaration”), attached hereto as **EXHIBIT G**, ¶7).

60. Likewise, as shown below, Walmart Supercenters and Target Stores, also deemed essential under the GATHERING ORDERS, are not abiding by the standards imposed on Lighthouse’s “religious” gatherings, and the cars’ occupants were not engaging in the social distancing purportedly required of “drive-in” church services under the GATHERING ORDERS,

but were nevertheless being permitted to enter such businesses without threat of (or actual) criminal sanction like that imposed on Lighthouse's Pastor Wilson:



(Mast Decl. ¶¶8-9 (noting that there were 268 cars in the WalMart parking lot at the time of his visit and 156 cars in the Target parking lot).

61. Similarly, workers deemed “essential” under Governor Northam’s GATHERING ORDERS have engaged in their regular operations without following the mandated social distancing protocols imposed on Lighthouse’s in-person religious gathering.

62. Additionally, at around the same time as Lighthouse’s Pastor Wilson was being subjected to criminal penalties for his “religious” gathering of more than 10 people, local businesses deemed “essential” were permitted to accommodate customers that were not engaging in the same social distancing protocols that Lighthouse members and attendees followed during the April 5 church service.

E. LESS RESTRICTIVE ALTERNATIVES ARE AVAILABLE TO GOVERNOR NORTHAM.

63. Despite Governor Northam’s insistence that in-person religious gatherings of more than 10 people cannot continue because they would spread COVID-19, the Commonwealth has failed to consider other, substantially less restrictive alternatives to an absolute prohibition on “religious” gatherings.

64. Like the Commonwealth of Virginia, the State of Florida has issued stay-at-home executive orders and required the closure of all so-called “non-essential” businesses without unnecessarily discriminating against religious gatherings. On April 1, 2020, Florida Governor Ron DeSantis issued Executive Order 20-91, which **included “religious services conducted in churches, synagogues, and houses of worship” as essential activities permitted to continue subject to social distancing and personal hygiene guidelines.** A true and correct copy of Florida Executive Order 20-91 is attached hereto as **EXHIBIT H** and incorporated herein.

65. The State of Indiana has likewise issued stay-at-home executive orders and required the closure of all so-called “non-essential” businesses without unnecessarily discriminating against religious gatherings. Governor Eric J. Holcomb’s Executive Order 20-08 declared that “[r]eligious facilities, entities and groups, and religious gatherings” are essential and may continue to operate provided they follow appropriate social distancing and personal hygiene practices. A true and correct copy of Indiana’s Executive Order 20-08 is attached hereto as **EXHIBIT I** and incorporated herein.

66. The State of Arizona, in Executive Order 2020-18, classified religious services as essential and also permitted them to meet provided social distancing and personal hygiene practices were followed. A true and correct copy of Arizona Executive Order 2020-18 is attached hereto as **EXHIBIT J** and incorporated herein.

67. The State of Alabama, in its final Order of the State Health Officer Suspending Certain Public Gatherings Due to Risk of Infection by COVID-19, issued April 3, 2020, exempts individuals attending religious worship services in person subject to certain requirements and permits “drive-in” worship services without limitation. A true and correct copy of the Alabama Order is attached hereto as **EXHIBIT K** and incorporated herein.

68. The State of Arkansas has likewise exempted “places of worship” from its Executive Order 20-13 imposing restrictions to prevent the spread of COVID-19, provided that they engage in adequate social distancing and personal hygiene practices. A true and correct copy of the Arkansas Executive Order is attached hereto as **EXHIBIT L** and incorporated herein.

69. The State of Connecticut has similarly shown that other, less restrictive alternatives are available. In Executive Order No. 7N, Governor Ned Lamont permitted religious services to continue to meet, but limited their in-person gatherings to 50 people, as opposed to the six-person

limit applicable to other gatherings. A true and correct copy of the Connecticut Executive Order No. 7N is attached hereto as **EXHIBIT M** and incorporated herein.

70. The State of Texas has likewise issued certain COVID-19 orders, but has provided explicit protections to religious gatherings and issued directives outlining the protection for religious freedom, even in these times of uncertainty. A true and correct copy of the Texas Guidance for Houses of Worship is attached hereto as **EXHIBIT N** and incorporated herein. In that Guidance, Texas notes that religious assemblies and houses of worship are “essential services” and that in-person gatherings are permissible if social distancing and personal hygiene practices are followed.

71. Numerous other states have similarly permitted religious gatherings to be treated equally with non-religious gatherings.

72. As these other states have demonstrated, Governor Northam can continue to pursue the Commonwealth’s objective of preventing the spread of COVID-19 without unnecessarily treating religious gatherings in a discriminatory manner, and the Commonwealth has numerous other, less restrictive alternatives available to it to do so.

73. **Governor Northam has neither tried without success nor considered and ruled out for good reason these less restrictive alternatives.**

74. Governor Northam has constitutionally permissible alternatives available, but has failed to attempt to achieve the Commonwealth’s purported goals without unnecessarily interfering with constitutionally protected activities.

F. IRREPARABLE INJURY TO LIGHTHOUSE FROM GOVERNOR NORTHAM’S GATHERING ORDERS.

75. Despite following all social distancing and personal hygiene protocols recommended by the CDC and specified in the GATHERING ORDERS, Lighthouse has been

explicitly targeted, singled out, and punished for participating in an in-person religious gathering when exempted commercial and non-religious entities may accommodate gatherings, crowds, and masses of people without numeric limitation, and without targeting or punishment by the government.

76. As a result of Governor Northam's GATHERING ORDERS, Lighthouse has suffered and is suffering irreparable injury by having its Pastor criminally sanctioned and all attendees of future services threatened with similar criminal sanction.

77. As a result of Governor Northam's GATHERING ORDERS, Lighthouse has suffered and is suffering irreparable injury by being prohibited from engaging in its constitutionally and statutorily protected rights of free exercise, assembly, and speech.

78. As a result of Governor Northam's GATHERING ORDERS, Lighthouse has suffered and is suffering irreparable injury by the infringement of its constitutionally protected right to be free from government hostility toward religion.

79. As a result of the Governor Northam's GATHERING ORDERS and the explicit threats from the Town of Chincoteague Police Department, Lighthouse has suffered and is suffering irreparable injury by the continuing threat of criminal sanctions Lighthouse's Pastor Wilson and members/attendees for merely exercising their constitutionally protected freedoms.

80. Due to the explicit threats of Governor Northam's GATHERING ORDERS, the announcements by the Virginia State Police, and the statements of police officers in the Commonwealth of Virginia, Lighthouse has been forced to self-censor, cease its religious worship services, and violate its sincerely held religious beliefs.

G. LIGHTHOUSE’S ATTEMPTS TO SECURE RELIEF WITHOUT JUDICIAL INTERVENTION WERE IGNORED AND FURTHER ATTEMPTS TO NOTIFY THE COMMONWEALTH ARE FUTILE AND IMPRACTICAL BEFORE THIS SUNDAY.

81. On April 22, 2020, prior to the commencement of the instant action, Lighthouse’s counsel sent by email a demand letter to Governor Northam, with copies to state and local police and other officials, in which Lighthouse’s counsel demanded, by 5:00 P.M. on April 23, written confirmation that the Commonwealth has withdrawn the ban on religious gatherings over 10 people embodied in the GATHERING ORDERS, will allow individuals to attend church services at Lighthouse in an equal manner with other essential and non-essential business permitted to exceed 10-person gathering limitations provided certain social distancing and personal hygiene practices are followed, and will cease enforcement of any church gathering ban against members and/or attendees of Lighthouse church services. A true and correct copy of the demand letter is attached hereto as **EXHIBIT O**. No written response from Governor Northam’s office was received by the requested deadline, or at any time prior to the filing of this Verified Complaint.

82. The failure of Governor Northam or his officials to confirm withdrawal or cessation of enforcement of the discriminatory 10-person gathering ban for religious services in the GATHERING ORDERS and applied to Lighthouse and its pastor shows that Lighthouse’s irreparable injury to its constitutionally protected freedoms is ongoing.

83. The failure of Governor Northam or his officials to respond to Lighthouse’s communication also shows that notice and an opportunity to respond to this lawsuit cannot be effectuated, and would be futile, prior to this Sunday’s worship activities at Lighthouse, when the Commonwealth and/or other government officials will again interfere with the constitutional liberties of Lighthouse and its members absent a temporary restraining order from this Court.

CONSTITUTIONAL CLAIMS

**COUNT I—THE GATHERING ORDERS VIOLATE
PLAINTIFF’S RIGHT TO FREE EXERCISE OF RELIGION
UNDER THE FIRST AMENDMENT**

84. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

85. The Free Exercise Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, prohibits the Commonwealth from abridging Lighthouse’s rights to free exercise of religion.

86. Lighthouse has sincerely held religious beliefs that Scripture is the infallible, inerrant word of the Lord Jesus Christ, and that it is to follow its teachings.

87. Lighthouse has sincerely held religious beliefs, rooted in Scripture’s commands (*e.g.*, Hebrews 10:25), that followers of Jesus Christ are not to forsake the assembling of themselves together, and that they are to do so even more in times of peril and crisis. Indeed, the entire purpose of the Church (in Greek “ekklesia,” meaning “assembly”) is to assemble together Christians to worship Almighty God.

88. The GATHERING ORDERS, on their face and as applied, target Lighthouse’s sincerely held religious beliefs by prohibiting religious gatherings.

89. The GATHERING ORDERS, on their face and as applied, impermissibly burden Lighthouse’s sincerely held religious beliefs, compel Lighthouse to either change those beliefs or to act in contradiction to them, and force Lighthouse to choose between the teachings and requirements of its sincerely held religious beliefs in the commands of Scripture and the Commonwealth’s imposed value system.

90. The GATHERING ORDERS, on their face and as applied, place Lighthouse in an irresolvable conflict between compliance with the GATHERING ORDERS and its sincerely held religious beliefs.

91. The GATHERING ORDERS, on their face and as applied, put substantial pressure on Lighthouse to violate its sincerely held religious beliefs by ignoring the fundamental teachings and tenets of Scripture concerning the assembling of Believers.

92. The GATHERING ORDERS, on their face and as applied, are neither neutral nor generally applicable, but rather specifically and discriminatorily target the religious beliefs, speech, assembly, and viewpoint of Lighthouse.

93. The GATHERING ORDERS, on their face and as applied, constitute a substantial burden on Lighthouse's sincerely held religious beliefs.

94. The Commonwealth lacks a compelling, legitimate, or rational interest in the GATHERING ORDERS' application of different standards for churches and religious gatherings than those applicable to exempted businesses or non-religious entities.

95. Even if the GATHERING ORDERS' restriction on religious gatherings were supported by a compelling interest, which it is not, they are not the least restrictive means to accomplish the government's purported interest.

96. The GATHERING ORDERS, on their face and as applied, fail to accommodate Lighthouse's sincerely held religious beliefs.

97. The GATHERING ORDERS, on their face and as applied, specifically target Lighthouse's sincerely held religious beliefs and set up a system of individualized exemptions that permits certain other similarly situated businesses or non-religious entities to continue operations under certain guidelines while prohibiting religious gatherings, such as Lighthouse's church and worship services, from operating with similar guidelines.

98. The GATHERING ORDERS, on their face and as applied, constitute an express and overt religious gerrymander.

99. The GATHERING ORDERS, on their face and as applied, have caused, are causing, and will continue to cause Lighthouse immediate and irreparable harm, and actual and undue hardship.

100. Lighthouse has no adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for relief against the Commonwealth as hereinafter set forth in its prayer for relief.

**COUNT II—THE GATHERING ORDERS VIOLATE
PLAINTIFF’S RIGHT TO PEACEABLE ASSEMBLY
UNDER THE FIRST AMENDMENT**

101. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

102. The First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, prohibits the Commonwealth from abridging the right of the people peaceably to assemble.

103. The GATHERING ORDERS, on their face and as applied, are an unconstitutional prior restraint on Lighthouse’s right to assemble.

104. The GATHERING ORDERS, on their face and as applied, unconstitutionally discriminate on the basis of viewpoint.

105. The GATHERING ORDERS, on their face and as applied, unconstitutionally discriminate on the basis of content.

106. The Commonwealth lacks a compelling, legitimate, or rational interest in the GATHERING ORDERS' application of differential standards for churches and religious gatherings than those applicable to exempted businesses or non-religious entities.

107. The GATHERING ORDERS, on their face and as applied, are not the least restrictive means to accomplish any permissible government purpose sought to be served by the orders.

108. The GATHERING ORDERS, on their face and as applied, are not narrowly tailored to serve the government's purported interest.

109. The GATHERING ORDERS, on their face and as applied, do not leave open ample alternative channels of communication for Lighthouse.

110. The GATHERING ORDERS, on their face and as applied, are irrational and unreasonable and impose unjustifiable and unreasonable restrictions on Lighthouse's constitutionally protected right to assemble.

111. The GATHERING ORDERS, on their face and as applied, impermissibly vest unbridled discretion in the hands of government officials, including Governor Northam and his designees, to apply or not apply the GATHERING ORDERS in a manner to restrict free assembly.

112. The GATHERING ORDERS, on their face and as applied, are underinclusive by limiting their gathering prohibitions to only certain businesses or organizations deemed "non-essential."

113. The GATHERING ORDERS, on their face and as applied, are unconstitutionally vague and overbroad as they chill and abridge the free assembly rights of Lighthouse.

114. On their face and as applied, the GATHERING ORDERS' violation of Lighthouse's right to free assembly have caused, are causing, and will continue to cause Lighthouse to suffer immediate and irreparable injury and undue and actual hardship.

115. Lighthouse has no other adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for the relief against the Commonwealth as hereinafter set forth in its prayer for relief.

**COUNT III - THE GATHERING ORDERS VIOLATE
PLAINTIFF'S RIGHTS TO FREEDOM OF SPEECH
UNDER THE FIRST AMENDMENT**

116. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

117. The Free Speech Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, prohibits the Commonwealth from abridging Lighthouse's freedom of speech.

118. The GATHERING ORDERS, on their face and as applied, are an unconstitutional prior restraint on Lighthouse's speech.

119. The GATHERING ORDERS, on their face and as applied, unconstitutionally discriminate on the basis of viewpoint.

120. The GATHERING ORDERS, on their face and as applied, unconstitutionally discriminate on the basis of content.

121. The Commonwealth lacks a compelling, legitimate, or rational interest in the GATHERING ORDERS' application of different standards for churches and religious gatherings than those applicable to exempted businesses and non-religious entities.

122. The GATHERING ORDERS, on their face and as applied, are not the least restrictive means to accomplish any permissible government purpose sought to be served by the orders.

123. The GATHERING ORDERS, on their face and as applied, are not narrowly tailored to serve the government's purported interest.

124. The GATHERING ORDERS, on their face and as applied, do not leave open ample alternative channels of communication for Lighthouse.

125. The GATHERING ORDERS, on their face and as applied, are irrational and unreasonable and impose unjustifiable and unreasonable restrictions on Lighthouse's constitutionally protected speech.

126. The GATHERING ORDERS, on their face and as applied, impermissibly vest unbridled discretion in the hands of government officials, including Governor Northam and his designees, to apply or not apply the GATHERING ORDERS in a manner to restrict free speech.

127. The GATHERING ORDERS, on their face and as applied, are underinclusive by limiting their prohibitions to only certain entities, organizations, or businesses deemed "non-essential."

128. The GATHERING ORDERS, on their face and as applied, are unconstitutionally overbroad as they chill and abridge the free speech rights of Lighthouse.

129. On their face and as applied, the GATHERING ORDERS' violation of Lighthouse's rights to free speech have caused, are causing, and will continue to cause Lighthouse to suffer immediate and irreparable injury and undue and actual hardship.

130. Lighthouse has no other adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for the relief against the Commonwealth as hereinafter set forth in its prayer for relief.

**COUNT IV—THE GATHERING ORDERS VIOLATE
THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT**

131. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

132. The Establishment Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, prohibits the government from establishing a religion.

133. The Establishment Clause also prohibits excessive government entanglement with religion.

134. The Establishment Clause also prohibits the government from showing hostility towards religion and prohibits showing favoritism towards one religious sect over another or between non-religion and religion.

135. The 10-person government mandated limit in the GATHERING ORDERS imposed on religious gatherings in churches violates the Establishment Clause because the Commonwealth of Virginia thereby dictates the manner in which Christians and churches must worship with no more than 10 people or worship online, even when Lighthouse has no ability to broadcast worship online.

136. The Establishment Clause does not permit the Commonwealth of Virginia to dictate under penalty of criminal sanctions the manner, style, form, practices, or sacraments of religious worship and thereby impose its own version of religious worship on every church and citizen of the Commonwealth.

137. In fact, as the Supreme Court has unequivocally stated, “[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, **religion**, or other matters of opinion or force citizens to confess

by word or act their faith therein.” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) (emphasis added).

138. The Commonwealth, through Governor Northam’s GATHERING ORDERS, is purporting to prescribe what shall be orthodox in matters of religious worship, and is thus running roughshod over the Establishment Clause.

139. The GATHERING ORDERS, on their face and as applied, permit the Commonwealth to display impermissible hostility towards religious gatherings.

140. The GATHERING ORDERS, on their face and as applied, impermissibly show favoritism towards certain non-religious gatherings over religious gatherings.

141. The GATHERING ORDERS, on their face and as applied, violate the Establishment Clause because they excessively entangle the government with religion.

142. The GATHERING ORDERS, on their face and as applied, purport to inform religious adherents and believers how they may choose to worship, assemble together, or engage in their religious freedoms.

143. The GATHERING ORDERS, on their face and as applied, purport to establish an acceptable method of religious practice and worship, place a numerical limitation on the scope of how such religious practice and worship may occur, and provide a government imprimatur for only certain forms of “permissible” worship.

144. The GATHERING ORDERS, on their face and as applied, demonstrate overt hostility to religious practice and worship that does not conform to government sanctioned religious exercises.

145. The GATHERING ORDERS, on their face and as applied, have caused, are causing, and will continue to cause Lighthouse immediate and irreparable harm, and actual and undue hardship.

146. Lighthouse has no adequate remedy at law to correct the continuing deprivation of its most cherished constitutional liberties.

WHEREFORE, Lighthouse respectfully prays for the relief against the Commonwealth as hereinafter set forth in their prayer for relief.

**COUNT V—THE GATHERING ORDERS VIOLATE
PLAINTIFF’S RIGHT TO EQUAL PROTECTION
UNDER THE FOURTEENTH AMENDMENT**

147. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

148. The Fourteenth Amendment to the United States Constitution guarantees Lighthouse the right to equal protection under the law.

149. The GATHERING ORDERS, on their face and as applied, are an unconstitutional abridgement of Lighthouse’s right to equal protection under the law, are not neutral, and specifically target Lighthouse’s and other religious gatherings for unequal treatment.

150. The GATHERING ORDERS, on their face and as applied, are an unconstitutional abridgment of Lighthouse’s right to equal protection because they permit the Commonwealth to treat Lighthouse differently from other similarly situated businesses and non-religious entities on the basis of the content and viewpoint of Lighthouse’s gatherings.

151. The GATHERING ORDERS, on their face and as applied, impermissibly discriminate between certain non-religious gatherings and religious gatherings.

152. The Commonwealth lacks a compelling, legitimate, or rational interest in the GATHERING ORDERS’ application of different standards for churches and religious gatherings than those applicable to exempted businesses or non-religious entities.

153. The GATHERING ORDERS, on their face and as applied, are not the least restrictive means to accomplish any permissible government purpose sought to be served.

154. The GATHERING ORDERS, on their face and as applied, do not have a rational basis.

155. The GATHERING ORDERS, on their face and as applied, are irrational and unjustifiable and impose irrational and unjustifiable restrictions on Lighthouse's religious gatherings.

156. The GATHERING ORDERS, on their face and as applied, have caused, are causing, and will continue to cause Lighthouse immediate and irreparable harm, and actual and undue hardship.

157. Lighthouse has no adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for relief against the Commonwealth as hereinafter set forth in its prayer for relief.

**COUNT VI—THE GATHERING ORDERS VIOLATE
PLAINTIFF'S RIGHT TO A REPUBLICAN FORM OF GOVERNMENT
UNDER THE GUARANTEE CLAUSE OF ARTICLE IV, § 4 OF
THE UNITED STATES CONSTITUTION**

158. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

159. Article IV, § 4 of the United States Constitution requires the United States to guarantee to every citizen in the nation a republican form of government.

160. The Guarantee Clause's distinguishing feature is that the republican form of government it guarantees is the right of the people to choose their own governmental administration and pass their own laws.

161. As interpreted by the federal judiciary and prominent scholars, the Guarantee Clause mandates that the federal government guarantee a form of government for all citizens in

which supreme power resides in a body of citizens entitled to vote and exercised by elected officers responsible to such citizens.

162. The GATHERING ORDERS' express, unilateral, and unequivocal exercises of purported executive authority over the constitutional rights of Lighthouse deprive Lighthouse of the right to select its own government administration, pass its own laws, and maintain a government administration directly responsible to the people, including by laws that are enacted by the legislature in constitutional recognition of the separation of powers.

163. The impermissible exercise of exclusive and unaccountable executive authority violates the Guarantee Clause of the United States Constitution.

164. The GATHERING ORDERS, on their face and as applied, have caused, are causing, and will continue to cause Lighthouse immediate and irreparable harm, and actual and undue hardship.

165. Lighthouse has no adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for the relief against the Commonwealth as hereinafter set forth in its prayer for relief.

**COUNT VII—THE GATHERING ORDERS VIOLATE
PLAINTIFF'S RIGHT TO FREE EXERCISE OF RELIGION
UNDER ARTICLE I, SECTION 16 OF THE CONSTITUTION OF VIRGINIA**

166. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

167. Article I, § 16 of the Constitution of Virginia states:

That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other. No man shall be compelled to frequent or support any religious

worship, place, or ministry whatsoever, **nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief**; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in nowise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

(Emphasis added).

168. Lighthouse has sincerely held religious beliefs that Scripture is the infallible, inerrant word of the Lord Jesus Christ, and that it is to follow its teachings.

169. Lighthouse has sincerely held religious beliefs, rooted in Scripture's commands (*e.g.*, Hebrews 10:25), that followers of Jesus Christ are not to forsake the assembling of themselves together, and that they are to do so even more in times of peril and crisis. Indeed, the entire purpose of the Church (in Greek "ekklesia," meaning "assembly") is to assemble together Christians to worship Almighty God.

170. The GATHERING ORDERS, on their face and as applied, target Lighthouse's sincerely held religious beliefs by prohibiting religious gatherings.

171. The GATHERING ORDERS, on their face and as applied, impermissibly burden Lighthouse's sincerely held religious beliefs, compel Lighthouse to either change those beliefs or to act in contradiction to them, and force Lighthouse to choose between the teachings and requirements of its sincerely held religious beliefs in the commands of Scripture and the Commonwealth's imposed value system.

172. The GATHERING ORDERS, on their face and as applied, place Lighthouse in an irresolvable conflict between compliance with the GATHERING ORDERS and its sincerely held religious beliefs.

173. The GATHERING ORDERS, on their face and as applied, put substantial pressure on Lighthouse to violate its sincerely held religious beliefs by ignoring the fundamental teachings and tenets of Scripture concerning the assembling of Believers.

174. The GATHERING ORDERS, on their face and as applied, are neither neutral nor generally applicable, but rather specifically and discriminatorily target the religious beliefs, speech, assembly, and viewpoint of Lighthouse.

175. The GATHERING ORDERS, on their face and as applied, constitute a substantial burden on Lighthouse's sincerely held religious beliefs.

176. The Commonwealth lacks a compelling, legitimate, or rational interest in the GATHERING ORDERS' application of different standards for churches and religious gatherings than those applicable to exempted businesses or non-religious entities.

177. Even if the GATHERING ORDERS' restriction on religious gatherings were supported by a compelling interest, which it is not, they are not the least restrictive means to accomplish the government's purported interest.

178. The GATHERING ORDERS, on their face and as applied, fail to accommodate Lighthouse's sincerely held religious beliefs.

179. The GATHERING ORDERS, on their face and as applied, specifically target Lighthouse's sincerely held religious beliefs and set up a system of individualized exemptions that permits certain other similarly situated businesses or non-religious entities to continue operations under certain guidelines while prohibiting religious gatherings, such as Lighthouse's church and religious gatherings, from operating with similar guidelines.

180. The GATHERING ORDERS, on their face and as applied, constitute an express and overt religious gerrymander.

181. The GATHERING ORDERS, on their face and as applied, have caused, are causing, and will continue to cause Lighthouse immediate and irreparable harm, and actual and undue hardship.

182. Lighthouse has no adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for relief against the Commonwealth as hereinafter set forth in its prayer for relief.

**COUNT VIII—THE GATHERING ORDERS VIOLATE
PLAINTIFF’S RIGHT TO FREEDOM OF SPEECH AND ASSEMBLY
UNDER ARTICLE I, SECTION 12 OF THE CONSTITUTION OF VIRGINIA**

183. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

184. Article I, Section 12 of the Constitution of Virginia states:

That the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; that the General Assembly shall not pass any law abridging the freedom of speech or of the press, nor the right of the people peaceably to assemble, and to petition the government for the redress of grievances.

(Emphasis added).

185. The GATHERING ORDERS, on their face and as applied, are an unconstitutional prior restraint on Lighthouse’s speech and right to assembly.

186. The GATHERING ORDERS, on their face and as applied, unconstitutionally discriminate on the basis of viewpoint.

187. The GATHERING ORDERS, on their face and as applied, unconstitutionally discriminate on the basis of content.

188. The Commonwealth lacks a compelling, legitimate, or rational interest in the GATHERING ORDERS' application of different standards for churches and religious gatherings than those applicable to exempted businesses and non-religious entities.

189. The GATHERING ORDERS, on their face and as applied, are not the least restrictive means to accomplish any permissible government purpose sought to be served by the orders.

190. The GATHERING ORDERS, on their face and as applied, are not narrowly tailored to serve the government's purported interest.

191. The GATHERING ORDERS, on their face and as applied, do not leave open ample alternative channels of communication for Lighthouse.

192. The GATHERING ORDERS, on their face and as applied, are irrational and unreasonable and impose unjustifiable and unreasonable restrictions on Lighthouse's constitutionally protected speech and right to assemble.

193. The GATHERING ORDERS, on their face and as applied, impermissibly vest unbridled discretion in the hands of government officials, including Governor Northam and his designees, to apply or not apply the GATHERING ORDERS in a manner to restrict free speech and assembly.

194. The GATHERING ORDERS, on their face and as applied, are underinclusive by limiting their prohibitions to only certain entities, organizations, or businesses deemed "non-essential."

195. The GATHERING ORDERS, on their face and as applied, are unconstitutionally overbroad as they chill and abridge the free speech and assembly rights of Lighthouse.

196. On their face and as applied, the GATHERING ORDERS' violation of Lighthouse's rights to free speech and assembly have caused, are causing, and will continue to cause Lighthouse to suffer immediate and irreparable injury and undue and actual hardship.

197. Lighthouse has no other adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for the relief against the Commonwealth as hereinafter set forth in its prayer for relief.

**COUNT IX—THE GATHERING ORDERS VIOLATE
PLAINTIFF'S RIGHT TO HAVE LAWS SUSPENDED
ONLY BY THE VIRGINIA GENERAL ASSEMBLY**

198. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

199. Article I, Section 7 of the Constitution of Virginia states “[t]hat all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.”

200. The GATHERING ORDERS' express, unilateral, and unequivocal exercise of purported executive authority over the constitutional rights of Lighthouse deprive Lighthouse of the right to select its own government administration, pass its own laws, and maintain a government administration directly responsible to the people, including by laws that are enacted by the legislature.

201. The impermissible exercise of such executive authority violated the Constitution of Virginia by purporting to suspend constitutional rights and laws of the Commonwealth without legislative exercise of such suspension.

202. The GATHERING ORDERS, on their face and as applied, have caused, are causing, and will continue to cause Lighthouse immediate and irreparable harm, and actual and undue hardship.

203. Lighthouse has no adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for the relief against the Commonwealth as hereinafter set forth in its prayer for relief.

STATUTORY CLAIMS

COUNT X—THE GATHERING ORDERS VIOLATE PLAINTIFF’S RIGHTS UNDER THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT

204. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

205. The Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc–2000cc-5 (“RLUIPA”), states that “[n]o government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution.” 42 U.S.C. § 2000cc(a)(1). If the government does impose such a restriction, it must then demonstrate that such a burden on the religious assembly is supported by a compelling interest and is the least restrictive means to further that alleged interest.

206. RLUIPA further mandates that no government “impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 U.S.C. § 2000cc(b)(1).

207. RLUIPA further states that “[n]o government shall impose or implement a land use regulation that (A) totally excludes religious assemblies from a jurisdiction; or (B) unreasonably

limits religious assemblies, institutions, or structures within a jurisdiction.” 42 U.S.C. § 2000cc(b)(3).

208. Lighthouse has sincerely held religious beliefs that Scripture is the infallible, inerrant word of the Lord Jesus Christ, and that Lighthouse is to follow its teachings.

209. Lighthouse has sincerely held religious beliefs, rooted in Scripture’s commands (*e.g.*, Hebrews 10:25), that followers of Jesus Christ are not to forsake the assembling of themselves together, and that they are to do so even more in times of peril and crisis. Indeed, the entire purpose of the Church (in Greek “ekklesia,” meaning “assembly”) is to assemble together Christians to worship Almighty God.

210. The GATHERING ORDERS, on their face and as applied, target Lighthouse’s sincerely held religious beliefs by prohibiting religious gatherings.

211. The GATHERING ORDERS, on their face and as applied, impermissibly and substantially burden Lighthouse’s sincerely held religious beliefs, compel Lighthouse to either change those beliefs or to act in contradiction to them, and force Lighthouse to choose between the teachings and requirements of its sincerely held religious beliefs in the commands of Scripture and the Commonwealth’s imposed value system.

212. The GATHERING ORDERS, on their face and as applied, constitute a substantial burden on Lighthouse’s sincerely held religious beliefs.

213. The Commonwealth lacks a compelling interest in the GATHERING ORDERS’ application of different standards for churches and religious gatherings than those applicable to exempted businesses and non-religious entities.

214. Even if the GATHERING ORDERS’ restrictions on religious gatherings was supported by a compelling interest, which it is not, they are not the least restrictive means to accomplish the government’s purported interest.

215. The GATHERING ORDERS, on their face and as applied, have caused, are causing, and will continue to cause Lighthouse immediate and irreparable harm, and actual and undue hardship.

216. Lighthouse has no adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for relief against the Commonwealth as hereinafter set forth in its prayer for relief.

**COUNT XI—THE GATHERING ORDERS VIOLATE
PLAINTIFF’S RIGHTS UNDER
THE VIRGINIA ACT FOR RELIGIOUS FREEDOM**

217. Lighthouse hereby realleges and adopts each and every allegation in paragraphs 1–83 above.

218. The Virginia Act for Religious Freedom, Va. Code. § 57-1, *et seq.*, provides, in pertinent part:

Whereas, Almighty God hath created the mind free; that all attempts to influence it by temporal punishment, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, have established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical, and even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards which, proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labors, for the instruction of mankind; that our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying

upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing, with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it; that though, indeed, those are criminal who do not withstand such temptation, yet, neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he, being of course judge of that tendency, will make his opinions the rules of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere, when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail, if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them

Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, **nor shall be enforced, restrained, molested or burthened, in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion**, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies constituted with powers equal to our own, and that, therefore, to declare this act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind; and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.

Va. Code. § 57-1 (emphasis added) (internal quotation marks omitted).

219. Virginia's Act for Religious Freedom also states:

No government entity shall substantially burden a person's free exercise of religion even if the burden results from a rule of general applicability unless it demonstrates that application of the burden to the person is (i) essential to further a compelling governmental interest and (ii) the least restrictive means of furthering that compelling governmental interest.

Va. Code § 57-2.02(B).

220. Lighthouse has sincerely held religious beliefs that Scripture is the infallible, inerrant word of the Lord Jesus Christ, and that it is to follow its teachings.

221. Lighthouse has sincerely held religious beliefs, rooted in Scripture's commands (*e.g.*, Hebrews 10:25), that followers of Jesus Christ are not to forsake the assembling of themselves together, and that they are to do so even more in times of peril and crisis. Indeed, the entire purpose of the Church (in Greek "ekklesia," meaning "assembly") is to assemble together Christians to worship Almighty God.

222. The GATHERING ORDERS, on their face and as applied, target Lighthouse's sincerely held religious beliefs by prohibiting religious gatherings.

223. The GATHERING ORDERS, on their face and as applied, impermissibly burden Lighthouse's sincerely held religious beliefs, compel Lighthouse to either change those beliefs or to act in contradiction to them, and force Lighthouse to choose between the teachings and requirements of its sincerely held religious beliefs in the commands of Scripture and the Commonwealth's imposed value system.

224. The GATHERING ORDERS, on their face and as applied, place Lighthouse in an irresolvable conflict between compliance with the GATHERING ORDERS and its sincerely held religious beliefs.

225. The GATHERING ORDERS, on their face and as applied, put substantial pressure on Lighthouse to violate its sincerely held religious beliefs by ignoring the fundamental teachings and tenets of Scripture concerning the assembling of Believers.

226. The GATHERING ORDERS, on their face and as applied, are neither neutral nor generally applicable, but rather specifically and discriminatorily target the religious beliefs, speech, assembly, and viewpoint of Lighthouse.

227. The GATHERING ORDERS, on their face and as applied, constitute a substantial burden on Lighthouse's sincerely held religious beliefs.

228. The Commonwealth lacks a compelling, legitimate, or rational interest in the GATHERING ORDERS' application of different standards for churches and religious gatherings than those applicable to exempted businesses or non-religious entities.

229. Even if the GATHERING ORDERS' restriction on religious gatherings were supported by a compelling interest, which it is not, they are not the least restrictive means to accomplish the government's purported interest.

230. The GATHERING ORDERS, on their face and as applied, fail to accommodate Lighthouse's sincerely held religious beliefs.

231. The GATHERING ORDERS, on their face and as applied, specifically target Lighthouse's sincerely held religious beliefs and set up a system of individualized exemptions that permits certain other similarly situated businesses or non-religious entities to continue operations under certain guidelines while prohibiting religious gatherings, such as Lighthouse's church and religious gatherings, from operating with similar guidelines.

232. The GATHERING ORDERS, on their face and as applied, constitute an express and overt religious gerrymander.

233. The GATHERING ORDERS, on their face and as applied, have caused, are causing, and will continue to cause Lighthouse immediate and irreparable harm, and actual and undue hardship.

234. Lighthouse has no adequate remedy at law to correct the continuing deprivation of its most cherished liberties.

WHEREFORE, Lighthouse respectfully prays for relief against the Commonwealth as hereinafter set forth in its prayer for relief.

PRAYER FOR RELIEF

WHEREFORE, Lighthouse prays for relief as follows:

A. That the Court issue a Temporary Restraining Order restraining and enjoining Governor Northam, all Commonwealth officers, agents, employees, and attorneys, and all other persons in active concert or participation with them, from enforcing, attempting to enforce, threatening to enforce, or otherwise requiring compliance with the GATHERING ORDERS or any other order to the extent any such order prohibits religious worship services at Lighthouse, or in-person church services at Lighthouse if Lighthouse meets the social distancing, enhanced sanitization, and personal hygiene guidelines pursuant to which the Commonwealth allows so-called “essential” commercial and non-religious entities (*e.g.*, beer, wine, and liquor stores, warehouse clubs, ‘big box’ and ‘supercenter’ stores) to accommodate gatherings of persons without numerical limit. **To be clear, Lighthouse merely seeks a TRO preventing Lighthouse, its pastor, and its members from being subject to criminal sanctions for having more than 10 people at its worship service on Sunday.** In making such a request, Lighthouse merely seeks to be treated equally with other businesses, and seeks only to be permitted to meet without the 10-person limit so long as they abide by social distancing, enhanced sanitizing, and personal hygiene recommendations that other businesses are allowed to follow and remain open.

B. That the Court issue a Preliminary Injunction pending trial, and a Permanent Injunction upon judgment, restraining and enjoining Governor Northam, all Commonwealth officers, agents, employees, and attorneys, and all other persons in active concert or participation with them, from enforcing the GATHERING ORDERS so that:

- i. The Commonwealth will not apply the GATHERING ORDERS in any manner as to infringe Lighthouse’s constitutional and statutory rights by discriminating against their right to assembly, speech, free exercise of

religion, equal protection, and all other constitutional and statutory rights outlined herein;

- ii. The Commonwealth will apply the GATHERING ORDERS in a manner that treats Lighthouse's religious gatherings on equal terms as gatherings for or in so-called "essential" businesses and non-religious entities;
- iii. The Commonwealth will permit religious gatherings so long as they comply with the same social distancing and personal hygiene recommendations pursuant to which the Commonwealth allows so-called "essential" commercial and non-religious entities (*e.g.*, beer, wine, and liquor stores, warehouse clubs, and supercenters) to accommodate gatherings of persons without numerical limit under the GATHERING ORDERS;
- iv. The Commonwealth will permit Lighthouse the opportunity to comport their behavior to any further limitations or restrictions that the Commonwealth may impose in any future modification, revision, or amendment of the GATHERING ORDERS or similar legal directive;
- v. The Commonwealth will cease issuing notices of criminal violation to Lighthouse's Pastor, members, and/or attendees; and
- vii. The Commonwealth will not bring any further enforcement, criminal, or other public health actions against Lighthouse as threatened in Governor Northam's public statements and citations issued to Pastor Wilson.

C. That the Court render a Declaratory Judgment declaring that the GATHERING ORDERS both on their face and as applied by the Commonwealth are unconstitutional under the United States Constitution and Constitution of Virginia, and further declaring that:

- i. The Commonwealth has violated Lighthouse's rights to freedom of assembly by impermissibly prohibiting religious gatherings;
- ii. The Commonwealth has violated Lighthouse's rights to freedom of speech by impermissibly prohibiting religious gatherings;
- iii. The Commonwealth has violated Lighthouse's rights to free exercise of religion by impermissibly prohibiting religious gatherings, substantially burdening their sincerely held religious beliefs, applying criteria that are neither neutral nor generally applicable to religious and non-religious gatherings, by establishing a religious gerrymander against religious gatherings, and by establishing a system of individualized exemptions that exclude similarly situated non-religious gatherings from the prohibitions applicable to Lighthouse's religious gatherings;
- iv. The Commonwealth has violated Lighthouses' rights to equal protection of the laws by impermissibly prohibiting religious gatherings, and by applying criteria that treats religious gatherings in a discriminatory and dissimilar manner as that applied to various non-religious gatherings;
- v. The Commonwealth has violated the Establishment Clause by impermissibly demonstrating hostility towards religious gatherings and by impermissibly showing favoritism to certain non-religious gatherings;
- vi. The Commonwealth has violated the Guarantee Clause by impermissibly exercising executive authority in an unconstitutional manner;
- vii. The Commonwealth has violated the Religious Land Use and Institutionalized Persons Act by substantially and impermissibly burdening Lighthouse's sincerely held religious beliefs and treating unequally as

compared to other non-religious assemblies or institutions, by imposing draconian prohibitions on Lighthouse's sincerely held religious beliefs without a compelling government interest, and without deploying the least restrictive means to achieve any permissible government interest; and

- viii. The Commonwealth has violated the Virginia Act for Religious Freedom by substantially and impermissibly burdening Lighthouse's sincerely held religious beliefs and treating them unequally as compared to other non-religious assemblies or institutions, by imposing draconian prohibitions on Lighthouse's sincerely held religious beliefs without a compelling government interest, without deploying the least restrictive means to achieve any permissible government interest, and without providing clear and convincing evidence that its GATHERING ORDERS are supported by a compelling government interest and deploy the least restrictive means.

D. That the Court award Lighthouse nominal damages for the violation of Lighthouse's constitutional rights.

E. That the Court adjudge, decree, and declare the rights and other legal relations within the subject matter here in controversy so that such declaration shall have the full force and effect of final judgment.

F. That the Court retain jurisdiction over the matter for the purposes of enforcing the Court's order.

G. That the Court declare Lighthouse is prevailing parties and award Lighthouse the reasonable costs and expenses of this action, including a reasonable attorney's fee, in accordance with 42 U.S.C. § 1988 and Va. Code § 57-2.02(D).

H. That the Court grant such other and further relief as the Court deems equitable and just under the circumstances.

Respectfully submitted,

/s/ Daniel J. Schmid

Mathew D. Staver*

Horatio G. Mihet*

Roger K. Gannam*

Daniel J. Schmid

VA Bar No. 84415

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rgannam@lc.org

dschmid@lc.org

*Pro hac vice applications pending

VERIFICATION

I, Kevin Wilson, am over the age of eighteen years and the Pastor of Lighthouse Fellowship Church, the Plaintiff in this action. The statements and allegations that pertain to me and/or Plaintiff Lighthouse Fellowship Church or which I make in this VERIFIED COMPLAINT are true and correct, and based upon my personal knowledge (unless otherwise indicated). If called upon to testify to their truthfulness, I would and could do so competently. I declare under penalty of perjury, under the laws of the United States and the Commonwealth of Virginia, that the foregoing statements are true and correct to the best of my knowledge.

Dated: April 24, 2020

/s/ Kevin Wilson
Kevin Wilson

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Lighthouse Fellowship Church

(b) County of Residence of First Listed Plaintiff Accomack
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Daniel J. Schmid, Mathew D. Staver, Horatio G. Mihet, Roger K. Gannam, LIBERTY COUNSEL, P.O. Box 540774 Orlando, FL 32854, Phone: (407) 875-1776

DEFENDANTS

Hon. Ralph Northam, in his official capacity as Governor of the Commonwealth of Virginia

County of Residence of First Listed Defendant Henrico
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 U.S.C. 1983, First and Fourteenth Amendment to US Constitution

Brief description of cause:

Civil rights action seeking temporary restraining order against Governor Northam's COVID-19 orders

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/23/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Daniel J. Schmid

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FIFTY-ONE (2020)

DECLARATION OF A STATE OF EMERGENCY DUE TO NOVEL CORONAVIRUS (COVID-19)

Importance of the Issue

The Commonwealth of Virginia is monitoring an outbreak of a respiratory illness referred to as the coronavirus (COVID-19), which has spread from Wuhan, Hubei Province, China to more than 80 other locations internationally, including the Commonwealth. The Virginia Department of Health (VDH) has been working with local, state, and federal officials, healthcare and emergency management experts, and various state agencies to form a COVID-19 Taskforce to prepare for and respond to this threat. Given recent confirmed occurrences of COVID-19 within the Commonwealth and in neighboring states, as well as information from the Centers for Disease Control and Prevention, it is anticipated that the disease will spread.

Therefore, on this date, March 12, 2020, I declare that a state of emergency exists in the Commonwealth of Virginia to continue to prepare and coordinate our response to the potential spread of COVID-19, a communicable disease of public health threat. The anticipated effects of COVID-19 constitute a disaster as described in § 44-146.16 of the *Code of Virginia (Code)*. By virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, by §§ 44-146.17 and 44-75.1 of the *Code*, as Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth's armed forces, I proclaim a state of emergency. Accordingly, I direct state and local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible. Emergency services shall be conducted in accordance with § 44-146.13 *et seq.* of the *Code*.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures, I order the following actions:

- A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state plans.

- B. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to state, local, and tribal governments and to facilitate emergency services assignments to other agencies.
- C. Authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites.
- D. Activation of § 59.1-525 *et seq.* of the *Code* related to price gouging.
- E. Activation of the Virginia National Guard to State Active Duty.
- F. Authorization of a maximum of \$10,000,000 in state sum sufficient funds for state and local government mission assignments and state response and recovery operations authorized and coordinated through the Virginia Department of Emergency Management allowable by The Stafford Act, 42 U.S.C. § 5121 *et seq.* Included in this authorization is \$1,000,000 for the Department of Military Affairs, if it is called to State Active Duty.

Effective Date of this Executive Order

This Executive Order shall be effective March 12, 2020, and shall remain in full force and in effect until June 10, 2020 unless sooner amended or rescinded by further executive order. Termination of this Executive Order is not intended to terminate any federal type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 12th day of March, 2020.



A handwritten signature in black ink, reading "Ralph S. Northam", written over a horizontal line.

Ralph S. Northam, Governor

Attest:

A handwritten signature in black ink, reading "Kelly Thomasson", written over a horizontal line.

Kelly Thomasson, Secretary of the Commonwealth



Commonwealth of Virginia
Office of the Governor

Executive Order

AMENDED NUMBER FIFTY-THREE (2020)

EXTENSION OF TEMPORARY RESTRICTIONS ON RESTAURANTS, RECREATIONAL, ENTERTAINMENT, GATHERINGS, NON-ESSENTIAL RETAIL BUSINESSES, AND CLOSURE OF K-12 SCHOOLS DUE TO NOVEL CORONAVIRUS (COVID-19)

Importance of the Issue

Since issuing Executive Order 53 on March 23, 2020, the Commonwealth of Virginia has continued to implement aggressive measures to respond to and to mitigate the spread of the novel coronavirus (COVID-19) and its effects on Virginians. Data collected by the Virginia Department of Health, however, shows that the virus continues to spread across the state adversely affecting thousands of Virginians. Therefore, it is necessary to extend certain measures previously undertaken to ensure the safety and wellbeing of Virginians.

Directive

Therefore, by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, by § 44-146.17 of the *Code of Virginia* and in furtherance of Executive Order 51, I order the following:

1. Effective **11:59 p.m., Tuesday, March 24, 2020 until 11:59 p.m., Wednesday, June 10, 2020**, all public and private in person gatherings of more than 10 individuals are prohibited, as further clarified in Executive Order 55.
2. Cessation of all in-person instruction at K-12 schools, public and private, for the remainder of the 2019-2020 school year. Facilities providing child care services may remain open. On March 18, 2020, the Commissioner of the Virginia Department of Social Services, Duke Storen, issued [a letter](#) with guidance for daycare providers operating in the Commonwealth, including group size limits of 10 and stringent public health guidelines to prevent the spread of COVID-19. That guidance remains effective and I urge all Virginians with school-age children to review it. In addition, I urge child care providers to prioritize services

for children of essential personnel, while asking all families with the ability to keep their children home, to do so. To that end, the Virginia Department of Social Services and the Virginia Department of Education will issue guidance to communities about operationalizing emergency child care services for essential personnel.

3. Closure of all dining and congregation areas in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets effective **11:59 p.m., Tuesday, March 24, 2020 until 11:59 p.m., Thursday, May 7, 2020**. Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets may continue to offer delivery and take-out services.
4. Closure of all public access to recreational and entertainment businesses, effective **11:59 p.m., Tuesday, March 24, 2020 until 11:59 p.m., Thursday, May 7, 2020** as set forth below:
 - Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;
 - Fitness centers, gymnasiums, recreation centers, indoor sports facilities, and indoor exercise facilities;
 - Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with social distancing guidelines to remain six feet apart;
 - Racetracks and historic horse racing facilities; and
 - Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, indoor shooting ranges, public and private social clubs, and all other places of indoor public amusement.
5. Essential retail businesses may remain open during their normal business hours. Such businesses are:
 - Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;
 - Medical, laboratory, and vision supply retailers;
 - Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
 - Automotive parts, accessories, and tire retailers as well as automotive repair facilities;
 - Home improvement, hardware, building material, and building supply retailers;

- Lawn and garden equipment retailers;
 - Beer, wine, and liquor stores;
 - Retail functions of gas stations and convenience stores;
 - Retail located within healthcare facilities;
 - Banks and other financial institutions with retail functions;
 - Pet and feed stores;
 - Printing and office supply stores; and
 - Laundromats and dry cleaners.
6. Effective **11:59 p.m., Tuesday, March 24, 2020 until 11:59 p.m., Thursday, May 7, 2020**, any brick and mortar retail business not listed in paragraph 5 may continue to operate but must limit all in-person shopping to no more than 10 patrons per establishment. If any such business cannot adhere to the 10 patron limit with proper social distancing requirements, it must close.
 7. All businesses shall, to the extent possible, adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and other appropriate workplace guidance from state and federal authorities while in operation.
 8. Although business operations offering professional rather than retail services may remain open, they should utilize teleworking as much as possible. Where telework is not feasible, such business must adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and apply the relevant workplace guidance from state and federal authorities.
 9. Nothing in the Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government.
 10. The waiver of § 18.2-422 of the *Code of Virginia* so as to allow the wearing of a medical mask, respirator, or any other protective face covering for the purpose of facilitating the protection of one's personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020 and reflected in Executive Order 51 declaring a state of emergency in the Commonwealth. Executive Order 51 is so amended. This waiver is effective as of **March 12, 2020 until 11:59 p.m. on Wednesday, June 10, 2020**.
 11. Continued cancellation of all specially-scheduled state conferences and large events until **11:59 p.m. on Wednesday, June 10, 2020**.

12. Continued cessation of all official travel outside of Virginia by state employees, with increased flexibility for inter-state commuters and essential personnel until **11:59 p.m. on Wednesday, June 10, 2020.**

13. Nothing in this Order abrogates the provisions of Executive Orders 51 or 55, which are still in full force and effect.

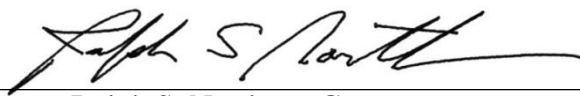
Violation of paragraphs 1, 3, 4, and 6 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the *Code of Virginia*.

Effective Date of this Executive Order

This Executive Order amends Amended Order of the Governor and State Health Commissioner Declaration of Public Health Emergency, Order of Public Health Emergency One, and Executive Order 55 and shall remain in full force and in effect according to the expiration dates included herein or amended or rescinded by further executive order.


Given under my hand and under the Seal of the Commonwealth of Virginia, this 15th day of April, 2020.





Ralph S. Northam, Governor

Attest:



Kelly Thomasson, Secretary of the Commonwealth



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FIFTY-FIVE (2020)

TEMPORARY STAY AT HOME ORDER DUE TO NOVEL CORONAVIRUS (COVID-19)

To reinforce the Commonwealth's response to COVID-19 and in furtherance of Executive Orders 51 (March 12, 2020) and 53 (March 23, 2020) and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, by § 44-146.17 of the *Code of Virginia*, I order the following:

1. All individuals in Virginia shall remain at their place of residence, except as provided below by this Order and Executive Order 53. To the extent individuals use shared or outdoor spaces, whether on land or on water, they must at all times maintain social distancing of at least six feet from any other person, with the exception of family or household members or caretakers. Individuals may leave their residences for the purpose of:
 - a. Obtaining food, beverages, goods, or services as permitted in Executive Order 53;
 - b. Seeking medical attention, essential social services, governmental services, assistance from law enforcement, or emergency services;
 - c. Taking care of other individuals, animals, or visiting the home of a family member;
 - d. Traveling required by court order or to facilitate child custody, visitation, or child care;
 - e. Engaging in outdoor activity, including exercise, provided individuals comply with social distancing requirements;
 - f. Traveling to and from one's residence, place of worship, or work;

- g. Traveling to and from an educational institution;
 - h. Volunteering with organizations that provide charitable or social services; and
 - i. Leaving one's residence due to a reasonable fear for health or safety, at the direction of law enforcement, or at the direction of another government agency.
- 2. All public and private in-person gatherings of more than ten individuals are prohibited. This includes parties, celebrations, religious, or other social events, whether they occur indoor or outdoor. This restriction does not apply:
 - a. To the operation of businesses not required to close to the public under Executive Order 53; or
 - b. To the gathering of family members living in the same residence.
- 3. Institutions of higher education shall cease all in-person classes and instruction, and cancel all gatherings of more than ten individuals. For purposes of facilitating remote learning, performing critical research, or performing essential functions, institutions of higher education may continue to operate, provided that social distancing requirements are maintained.
- 4. Effective April 1, 2020 at 11:59 p.m., cessation of all reservations for overnight stays of less than 14 nights at all privately-owned campgrounds, as defined in § 35.1-1 of the *Code of Virginia*.
- 5. Closure of all public beaches as defined in § 10.1-705 of the *Code of Virginia* for all activity, except exercising and fishing. Social distancing requirements must be followed.
- 6. All relevant state agencies shall continue to work with all housing partners to execute strategies to protect the health, safety, and well-being of Virginians experiencing homelessness during this pandemic and to assist Virginians in avoiding evictions or foreclosures.
- 7. As provided in Executive Order 53, nothing in this Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government.

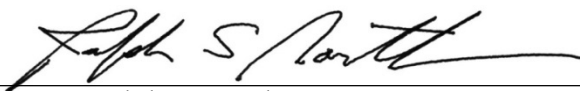
Violation of paragraphs 2, 3, 4, and 5 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the *Code of Virginia*.

Effective Date of this Executive Order


This Executive Order shall be effective March 30, 2020, amends Amended Order of the Governor and State Health Commissioner Declaration of Public Health Emergency, Order of Public Health Emergency One and Executive Order 53, and shall remain in full force and in effect until June 10, 2020, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of March, 2020.




Ralph S. Northam, Governor

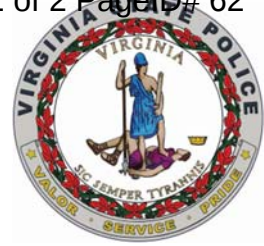
Attest:


Kelly Thomasson, Secretary of the Commonwealth

Virginia State Police

www.vsp.virginia.gov

Media Release



News Release No. 4

For Immediate Release: April 1, 2020

VIRGINIA STATE POLICE ENFORCEMENT PRACTICES OF GOVERNOR'S EXECUTIVE ORDERS AND DIRECTIVES

RICHMOND – The Virginia State Police encourages all Virginians to adhere to Virginia Governor Northam's directives and do their part by staying home in order to best mitigate the exposure and spread of COVID-19 within the Commonwealth. State troopers, for their personal protection and for the safety of the public, are minimizing their direct contact with the public. All Department recruitment events, public presentations, training, ceremonies, etc., have all been canceled or postponed through June 10, 2020.

Governor Northam has directed state and local law enforcement to initially address violations of the following [Executive Order 53](#) and [Executive Order 55](#) directives with education and warnings. Persistent violation of these Executive Order (EO) directives can result in an individual(s) or business being charged with a class one misdemeanor, which carries up to a year in jail and \$2,500 fine:

- Prohibition of all public and private in-person, indoor and outdoor gatherings of more than 10 individuals – *with the exception of the operation of businesses not required to close under EO 53 and the gathering of family members living in the same residence;*
- Closure of all dining and congregation areas in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms and farmers markets;
- Any brick and mortar retail business (not listed in paragraph 5 of EO 53) failing to limit all in-person shopping to no more than 10 patrons per establishment. If any such business cannot adhere to the 10-patron limit with proper social distancing requirements, it must close.
- Closure of all public access to recreational and entertainment businesses;
- Closure of [public beaches](#) for all activity, except for exercising and fishing;
- Cancellation of in-person classes and instruction at institutions of higher education;
- Cessation of all reservations for overnight stays of less than 14 nights at all [privately-owned campgrounds](#)

Virginia State Police have been and will continue to assess Virginia EO violations on a case-by-case basis.

State police is required to uphold the laws of the Commonwealth and will continue to have a visible presence within our communities and on the roads for the safety of those living, working and traveling in Virginia. The law still requires law enforcement to have reasonable suspicion to initiate a traffic stop on a

Regional Media Contacts

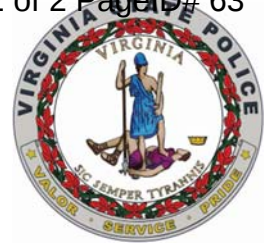
Statewide (804)674-2789	Richmond (804)553-3494	Culpeper (540)829-7713	Appomattox (434)352-7128	Wytheville (276)228-3131	Chesapeake (757)424-6827	Salem/Roanoke (540)375-9598	Fairfax (804)674-2789
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Find VSP on Facebook! <http://www.facebook.com/VirginiaStatePolice>

Virginia State Police

Media Release

www.vsp.virginia.gov



vehicle. Virginia State Police will not be making random traffic stops on vehicles nor conducting checkpoints to determine if a driver is traveling for a permissible reason, as granted by [EO 53](#) and [EO 55](#).

The current Governor's Executive Orders related to COVID-19:

- Do not require an individual to carry documentation related to one's purpose of travel;
- Do not close Virginia roads/interstates to Virginia residents;
- Do not restrict non-Virginia residents from traveling into and/or through Virginia;
- Do not prevent Virginians from traveling out of the state. State police does encourage any Virginian(s) traveling out-of-state to check, in advance, the other state(s) for any travel restrictions in effect for that state(s). Governor Northam has advised Virginians returning from out-of-state and/or international travel to self-quarantine for at least 14 days.

For any additional questions related to the statewide "Stay at Home" order, please go to www.virginia.gov/coronavirus/faq.

###

Regional Media Contacts

Statewide (804)674-2789	Richmond (804)553-3494	Culpeper (540)829-7713	Appomattox (434)352-7128	Wytheville (276)228-3131	Chesapeake (757)424-6827	Salem/Roanoke (540)375-9598	Fairfax (804)674-2789
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Find VSP on Facebook! <http://www.facebook.com/VirginiaStatePolice>



**Faith Communities Guidance Document
Office of Diversity, Equity, and Inclusion
Office of the Governor
VEST Health Equity Work Group**

April 7, 2020

This document provides general guidance for diverse faith communities across all major ideologies and belief systems. This document is intended to be inclusive with the understanding that as new information emerges or additional needs or circumstances are identified, this document will be revised. It was developed with information from existing sources, such as FAQs from the Virginia Department of Health, the National Funeral Directors Association, and the Center for Disease Control websites. Suggestions for alternatives to traditional forms of worship were collected from informal faith leader advisory groups to the Office of Diversity, Equity, and Inclusion. If you have an innovative suggestion for an alternative to traditional methods of worship, please email DEIDirector@governor.virginia.gov.

What about religious services? Can I still go to my church, synagogue, temple, or mosque?

Executive Order (EO) 55 mandates a stay-at-home order. The executive order will remain in place until June 10, 2020, unless amended or rescinded by a subsequent executive order. A press release about EO 55 can be [found here](#).

Travel to a place of worship is permitted under EO 55. Places of worship that conduct in-person services must limit gatherings to 10 people, to comply with the statewide 10-person ban. However, given the extreme risk to public health, Virginians are strongly encouraged to seek alternative means of attending religious services, such as virtually streaming from home or via “drive-in or drive-through” worship. The decision to allow “drive in,” “drive-through,” or “parking-lot” worship” is best determined by the leaders of various religious institutions, who know their congregants best. We support those leaders that want to use drive-in worship and we support those leaders that decide against drive-in worship in favor of streaming or some other virtual solution that provides acceptable social distancing. It must be noted that having a service in the parking lot of a place of worship while remaining in a vehicle only works when people stay in their vehicles and do not interact with others while on the property of the place of worship. In addition, faith leaders must consider all necessary preparations for this type of innovative worship to be safe for all participants.

Therefore, as a result of the risk involved to public health, faith communities are encouraged to conduct all services using electronic or virtual communication, to include incorporating on-line or mail-in donations, video streaming of faith leaders and congregants from home, weekly meetings held using video or telephone conferencing, and strict adherence to appropriate social distancing for those faith communities who are serving as sites for care of the public during the pandemic.



**Faith Communities Guidance Document
Office of Diversity, Equity, and Inclusion
Office of the Governor
VEST Health Equity Work Group**

What is drive-through worship? What about drive-in church?

Drive-in Worship service - people remaining in their cars in the parking lot of the place of worship to hear a religious message or some type of religious ceremony.

Drive-through Worship service - a religious official standing outside of a place of worship and offering confession, offering blessings or holy sacraments, or collecting financial donations etc. to people who remain their cars, in a procession of cars.

Additional Helpful Guidelines for Drive up Services - Attendees may travel to their place of worship, park in the parking lot and listen to the religious message while remaining in their vehicles. Participants must remain in their vehicle at all times, except as necessary to visit a restroom. Faith leaders are responsible for creating a plan for participants that must use the restroom, while maintaining the 10-person or less limit and social distancing. There must be no more than 10 individuals leading the religious ceremony or functioning outside of the place of worship in support of the religious ceremony. Any interaction by the faith leaders and those in the vehicles must be strictly limited, such as using social distancing methods when passing out palms, serving sealed or self-contained elements, and religious officials directing congregants to place ashes, oil, or water on their own forehead as opposed to religious officials applying those elements directly on the foreheads of the congregants. Any objects used for collecting monetary offerings should not be passed from attendee to attendee but may be offered to attendees in a vehicle as long as the object stays in the possession of the person assisting with collection. All appropriate measures should be taken for the safety of those functioning outside of the cars. Faith communities should also adhere to any noise ordinances.

Places of worship that conduct in-person services must limit gatherings to no more than 10 people, to comply with the statewide 10-person ban. Congregants sitting in their parked vehicles in the parking lot with adequate social distancing is allowed, as long as everyone remains in their vehicle. Windows may be rolled up or rolled down. Any gathering for a drive in/through worship service where faith leaders assemble on a stage or in the front of the parked vehicles must be limited to no more than 10 people.

Many religious holidays in the spring require community involvement or engagement. What about community celebrations? – While many upcoming holidays and rituals have been traditionally celebrated with in-person fellowships and prayer gatherings, the current conditions do not support these traditional observances. So, all community fellowships and gatherings must be held virtually or within the 10 or less person limit per EO 55. Faith leaders are permitted to go to the homes of their congregants but there must be appropriate hand washing, coughing and sneezing hygiene, social and physical distancing and the number of people in the home must not exceed 10.

I am very concerned about how the COVID-19 crisis will impact my community being able to perform funerals. What about funerals? – We acknowledge that this public health crisis creates great challenges for those families mourning the



**Faith Communities Guidance Document
Office of Diversity, Equity, and Inclusion
Office of the Governor
VEST Health Equity Work Group**

loss of a loved one and those who support those families, such as faith leaders and funeral homes. Given the wide variety in burial rituals across all the religious beliefs, we must underscore the need to protect public health. Therefore, consider alternatives for burial preparation that might include substitute ceremonial bathing rituals, funeral and graveside services that comply with the no more than 10 person mandate but include alternative forms of participation, such as online video streaming or participation where only 10 people at a time pay their respects in a rotating fashion.

Am I at risk if I go to a funeral of someone who died of COVID-19?

There is currently no known risk associated with being in the same room at a funeral or visitation service with the body of someone who died of COVID-19. People attending the funeral and/or visitation service should remain at least 6 feet apart from one another. Regardless of the number of people attending, everyone should also practice good hand, cough, and sneeze hygiene. Because we do not know all the ways the SARS-CoV-2 virus can be spread, older adults (≥65 years) and people who have immune compromising conditions are recommended not to attend. Consideration can be given to livestreaming the funeral or visitation service so that others may participate remotely or video recording the events.

Am I at risk if I touch someone who has died of COVID-19?

COVID-19 is a new disease and **we are still learning how it spreads**. People should consider not touching the body of someone who has died of COVID-19.

What do funeral home workers need to know about handling decedents from COVID-19?

A funeral or visitation service can be held for a person who has died of COVID-19. Funeral home workers should follow their routine infection prevention and control precautions when handling a decedent who died of COVID-19. If it is necessary to transfer a body to a bag, follow Standard Precautions, including additional personal protective equipment (PPE) if splashing of fluids is expected. For transporting a body after the body has been bagged, disinfect the outside of the bag with a product with EPA-approved emerging viral pathogens claims are expected to be effective against COVID-19 based on data for harder to kill viruses. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, etc.). Wear disposable nitrile gloves when handling the body bag. Decedents with COVID-19 can be buried or cremated, but check for any additional state and local requirements that may dictate the handling and disposition of the remains of individuals who have died of certain infectious diseases.

More information about funerals can be found at:

[The National Funeral Directors Association](#)
[CDC's website about COVID-19 and Funerals](#)



**Faith Communities Guidance Document
Office of Diversity, Equity, and Inclusion
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My place of worship employs several people who are out of a job because we have to close our doors. Are our staff eligible for unemployment benefits?

Because of the COVID-19 crisis, many people have suffered unexpected job loss. Governor Northam has asked that everyone apply for unemployment benefits, who have become unemployed due to this crisis. As of Monday April 6, 2020, those who have suffered job loss from a place of worship are now officially eligible for unemployment benefits.

My place of worship will not survive the economic crisis the COVID-19 crisis has created. What help is there for faith leaders?

There are mechanisms for help for faith communities. First, on March 20, 2020, the U.S. Small Business Administration (SBA) approved an SBA disaster declaration for the Commonwealth of Virginia. The disaster declaration allows SBA to provide assistance to Virginia businesses and nonprofits negatively impacted by COVID-19. For more information, you can visit- <https://www.sba.gov/funding-programs/disaster-assistance>

<https://www.sba.gov/funding-programs/loans/paycheck-protection-program>

Secondly, the Coronavirus Aid, Relief, and Economic Security (CARES) Act is a \$2 trillion relief bill. The 800-plus page document contains thousands of provisions covering virtually every part of the American economy, including faith and non-profit organizations. The CARES Act provides one-time cash payments to individual and families. The CARES Act also provides assistance to businesses and places of worship under certain circumstances. Virginia businesses and nonprofits impacted by COVID-19 can make applications to the SBA for the Economic Injury Disaster Loan program (EIDL) at <https://covid19relief.sba.gov/#/>

You can also contact the [Virginia Department of Small Business and Supplier Diversity](#) for specific questions.

This document was created with information from the Virginia Department of Health, the National Funeral Directors Association, and the Center for Disease Control. Financial information was summarized from the Virginia Department of Small Business and Supplier Diversity.

**WAIVER OF A TRIAL
(PLEA OF GUILTY)**

BY SIGNING BELOW, I CERTIFY THAT I HAVE READ THE NOTICE AND I AM ENTERING MY WRITTEN RATHER THAN PERSONAL APPEARANCE IN THE COURT CASE RESULTING FROM THE VIOLATION CHARGED ON THIS SUMMONS. I UNDERSTAND THAT I HAVE A RIGHT TO A TRIAL, WHICH I AM GIVING UP. I ALSO UNDERSTAND THAT MY PLEA OF GUILTY WILL HAVE THE SAME FORCE AND EFFECT AS A FINDING OF GUILTY BY A JUDGE AND THAT A RECORD OF MY GUILTY PLEA TO AN OFFENSE PERTAINING TO THE OPERATION OF A MOTOR VEHICLE WILL BE SENT TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (OR TO THE LICENSING AUTHORITY WHICH ISSUED MY LICENSE). I FURTHER UNDERSTAND THAT IF ANY OF THE BLOCKS TO THE RIGHT LABELED "COMMERCIAL MOTOR VEHICLE", "HAZARDOUS MATERIALS", "RESULTED IN FATALITY", "HIGHWAY SAFETY CORRIDOR" OR "CDL HOLDER" ARE CHECKED "YES", MY PLEA IS AN ADMISSION THAT, AT THE TIME OF THE VIOLATION CHARGED, I WAS OPERATING A COMMERCIAL MOTOR VEHICLE, CARRYING HAZARDOUS MATERIALS, DRIVING IN A HIGHWAY SAFETY CORRIDOR, WAS A CDL HOLDER, AND/OR THE VIOLATION RESULTED IN A FATALITY, AS INDICATED BY THE "YES" CHECK MARKS. UNDERSTANDING ALL THIS, I PLEAD GUILTY TO THE VIOLATION CHARGED, WAIVE MY RIGHT TO A TRIAL, AND ENCLOSE THE FINE, COSTS AND FEES PRESCRIBED.

YOU ARE SUMMONED TO APPEAR IN THE (CITY OF / COUNTY OF)

ACCOMACK COUNTY

- ☒ GENERAL DISTRICT COURT (TRAFFIC)
☐ GENERAL DISTRICT COURT (CRIMINAL)
☐ JUVENILE & DOMESTIC RELATIONS DISTRICT COURT

P.O. BOX 276

ACCOMACK, VA 23301

ON Jan 8, 2020 AT 2:00 ☒ A.M. ☐ P.M.
 FOR VIOLATION OF ☐ STATE ☐ COUNTY ☐ CITY ☒ TOWN

LAW SECTION 58-2 DESCRIBE CHARGE:

Driving while intoxicated

COMMERCIAL MOTOR VEHICLE ☐ YES ☒ NO
 HAZARDOUS MATERIALS ☐ YES ☒ NO
 RESULTED IN FATALITY ☐ YES ☒ NO
 HIGHWAY SAFETY CORRIDOR ☐ YES ☒ NO

I PROMISE TO APPEAR AT THE TIME AND PLACE SHOWN ABOVE. SIGNING THIS SUMMONS IS NOT AN ADMISSION OF GUILT. I CERTIFY THAT MY CURRENT MAILING ADDRESS IS AS SHOWN BELOW

SIGNATURE
 YOU MUST APPEAR AT TRIAL (JUVENILES MUST APPEAR WITH PARENT/LEGAL GUARDIAN).

☐ YOU MAY AVOID COMING TO COURT ONLY IF THIS BLOCK IS CHECKED AND ALL INSTRUCTIONS ON DEFENDANT'S COPY ARE FOLLOWED.

ONLY CALL (767) 787-0923 IF MORE HELP IS NEEDED.

MAILING ADDRESS: ☐ SAME AS ABOVE AT RIGHT
☐ CHANGE FROM D.L.

NAME LAST		FIRST		MIDDLE	
WILSON		KEVIN		GRAY	
RES. ADDRESS					
26927 10 State Rd.					
CITY/TOWN				STATE	ZIP
Chesapeake				MD	20877
RACE	SEX	DOB		HT	WGT.
W	M	NO.	DAY	YR.	FT. IN.
		7	24	76	5 0 35
EYES					HAIR
BROWN					BROWN
LIC. NO. (IF CRIMINAL OFFENSE OR NO LICENSE, USE SSN)					
465 271 582 MD					
CDL HOLDER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
YEAR	MAKE	TYPE	LICENSE NO.	YEAR	STATE
JURISDICTION OF OFFENSE		DATE OF OFFENSE		DAY OF WEEK	TIME
VA0010100		1/5/20		Sun	2:00 PM
DIRECTION	ACCIDENT	WEATHER	ROUTE NUMBER/STREET		
	YES NO				
LOCATION OF OFFENSE					
LIGHT HOUSE - FERRY 3512 PM					
ARREST DATE			ARREST LOCATION		
1/5/20			Care		
OFFICER				CODE/BADGE NO.	
PC CARMON				316	
P.O. BOX/STREET		CITY/TOWN		STATE	ZIP

IMPORTANT:
 READ NOTICE ON REVERSE SIDE.

IF ACCUSED IS A JUVENILE

IF ACCUSED IS UNDER 18 YEARS OF AGE, THE ACCUSED'S PARENT OR LEGAL GUARDIAN MUST ALSO SIGN, IN PERSON AT THE COURT, OR IF THE FORM IS MAILED TO THE COURT, PARENT'S OR LEGAL GUARDIAN'S SIGNATURE MUST BE NOTARIZED.

SIGNATURE OF PARENT/GUARDIAN DATE

SWORN AND SUBSCRIBED TO BEFORE ME THIS DATE.

☐ NOTARY PUBLIC ☐ CLERK ☐ MAGISTRATE DATE

CITY/COUNTY STATE

MY COMMISSION EXPIRES:

IF PREPAYMENT IS MADE, ATTACH PAYMENT HERE.

17- 14564

PRETRIAL WAIVER AND PREPAYMENT INSTRUCTIONS

1. CALCULATE THE AMOUNT OWED FROM PREPAYABLE OFFENSE INFORMATION SHEET IF GIVEN A COPY BY THE ARRESTING OFFICER, OTHERWISE:
 A. PROMPTLY CALL THE TELEPHONE NUMBER LISTED ABOVE.
 B. IF YOU HEAR A PRE-RECORDED MESSAGE, LISTEN TO THE ENTIRE MESSAGE, OTHERWISE, TELL THE PERSON ANSWERING THE TELEPHONE THAT YOU WISH TO WAIVE TRIAL AND "PREPAY" THE FINE, COSTS AND FEES. STATE THE EXACT CHARGE DESCRIPTION AND LAW SECTION NUMBER (IF ANY) WRITTEN ON THE SUMMONS. DISTRICT COURTS ACCEPT PERSONAL CHECKS AND CREDIT CARDS BUT, IF YOU WISH TO PAY BY CREDIT CARD, YOU SHOULD ASK THE COURT WHICH TYPE OF CREDIT CARD IT ACCEPTS.
 C. WRITE DOWN THE AMOUNT TO BE PAID AND ANY SPECIAL INSTRUCTIONS.
2. SIGN AND DATE THE WAIVER OF A TRIAL ON THIS SUMMONS. ALSO COMPLETE PROCEDURE "IF ACCUSED IS A JUVENILE" IF YOU ARE CHARGED WITH A MOTOR VEHICLE OFFENSE AND ARE UNDER AGE 18.
3. PROMPTLY MAIL OR DELIVER TO THE COURT THIS SUMMONS WITH PAYMENT ATTACHED. PAYMENT MUST BE RECEIVED BY THE COURT BEFORE THE TRIAL DATE. TIMELY DELIVERY BY MAIL IS AT THE SENDER'S RISK.

READ NOTICE ON REVERSE.

NOTICE

- THE FINAL OUTCOME OF YOUR CASE RESTS WITH THE COURT AND IS A MATTER OVER WHICH NEITHER THE ARRESTING OFFICER NOR HIS DEPARTMENT HAS ANY CONTROL.
- YOU ARE PRESUMED INNOCENT UNTIL PROVEN GUILTY BEYOND A REASONABLE DOUBT.
- YOU HAVE THE RIGHT TO HIRE A LAWYER.
- YOU HAVE THE RIGHT TO HAVE THE CLERK ISSUE SUBPOENAS TO REQUIRE WITNESSES TO APPEAR ON YOUR BEHALF IN VIRGINIA, IF A WRITTEN REQUEST IS FILED IN THE CLERK'S OFFICE AT LEAST TEN (10) DAYS BEFORE TRIAL.
- YOU HAVE THE RIGHT TO PLEAD GUILTY OR NOT GUILTY OR NOLO CONTENDERE TO ANY CHARGE PLACED AGAINST YOU.
- IF CONVICTED BY THE DISTRICT COURT YOU HAVE THE RIGHT TO APPEAL WITHIN TEN (10) DAYS AFTER TRIAL.
- BY SIGNING THIS SUMMONS, YOU HAVE CERTIFIED TO YOUR CURRENT MAILING ADDRESS. OFFICIAL NOTICES WILL BE MAILED TO THAT ADDRESS (UNLESS YOU HAVE NOTIFIED THE COURT OF A CHANGE OF ADDRESS) AND SUCH NOTICES ARE CONSIDERED ADEQUATE NOTICE EVEN IF YOU DO NOT ACTUALLY RECEIVE THEM. YOU MUST NOTIFY THE COURT OF ANY CHANGE OF ADDRESS TO ALLOW SUCH NOTICES TO REACH YOU. IF THE COURT HAS BEEN NOTIFIED OF A CHANGE OF ADDRESS, OFFICIAL NOTICES WILL BE MAILED TO THAT NEW ADDRESS, AND NOTICES SENT TO SUCH ADDRESS WILL BE CONSIDERED ADEQUATE NOTICE.
- IF YOU FAIL TO ENTER A WRITTEN OR COURT APPEARANCE, YOU MAY BE TRIED IN YOUR ABSENCE. IF FOUND GUILTY, THE COURT WILL IMPOSE SENTENCE. IN ADDITION, THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES OR THE LICENSING AUTHORITY WHICH ISSUED YOUR DRIVER'S LICENSE WILL BE NOTIFIED OF ALL CONVICTIONS PERTAINING TO THE OPERATION OF A MOTOR VEHICLE.
- YOUR FAILURE TO TIMELY PAY FINES, COSTS AND FEES IMPOSED UPON A FINDING OF GUILT WILL RESULT IN THE SUSPENSION OF YOUR DRIVER'S LICENSE AND VIRGINIA DRIVING PRIVILEGES.

○ IF THE OFFENSE INVOLVED THE OPERATION OF A COMMERCIAL MOTOR VEHICLE OR A VEHICLE CARRYING HAZARDOUS MATERIALS, THE CONVICTION MAY AFFECT YOUR RIGHT TO OPERATE SUCH A VEHICLE IN THE FUTURE PURSUANT TO THE VIRGINIA COMMERCIAL DRIVER'S LICENSE ACT OR SIMILAR LAWS IN OTHER STATES.

○ IF YOUR LICENSE IS SUSPENDED OR REVOKED, YOU WILL BE REQUIRED TO PAY A REINSTATEMENT FEE TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES AND COMPLY WITH THE APPLICABLE ADMINISTRATIVE REINSTATEMENT REQUIREMENTS OF THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES.

○ IN ADDITION TO THE PRETRIAL WAIVER AND PREPAYMENT INSTRUCTIONS ON THIS SUMMONS, YOU MAY ALSO BE ABLE TO PREPAY ON THE INTERNET BY GOING TO VIRGINIA'S JUDICIAL WEBSITE AT: <http://www.courts.state.va.us>.

TO COMMENT TO THE LAW ENFORCEMENT AGENCY REGARDING THE PROFESSIONAL BEHAVIOR OR Demeanor OF THE OFFICER ISSUING THIS SUMMONS PLEASE CALL _____, THIS NUMBER IS **NOT** FOR RESOLVING THE CHARGE INDICATED ON THE SUMMONS, WHICH CAN ONLY BE DONE THROUGH THE COURTS.

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

LIGHTHOUSE FELLOWSHIP CHURCH,)

Plaintiff,)

v.)

Case No. _____

HON. RALPH NORTHAM, in his)

official capacity of Governor of the)

Commonwealth of Virginia)

Defendants.)

DECLARATION OF RICHARD L. MAST

1. I am over the age of 18 years, I have personal knowledge of the matters set forth in this declaration, and I would testify competently as to such matters if called to do so.

2. I am a resident of Lynchburg, Virginia and a member of the Virginia State Bar.

3. I am Senior Litigation Counsel with Liberty Counsel, Inc.

4. On April 23, I visited the WalMart Supercenter, Lowe's Home Improvement Store, and Target Stores in Lynchburg, Virginia.

5. During my visits, I witnessed hundreds of cars parked in the various parking lots, representing hundreds of individuals.

6. At the time I visited these so-called "essential" stores, the vehicles in the parking lot were not abiding by the same social-distancing requirements Governor Northam's GATHERING ORDERS impose on religious gatherings, such as those that take place at Lighthouse.

7. At approximately 12:15 p.m. on Thursday April 23, 2020, I visited the parking lot at Lowe's in Lynchburg. Below is a true and correct photograph I took accurately depicting the parking lot at Lowe's, which at the time included 162 cars.



8. At approximately 12:45 p.m. on Thursday April 23, 2020, I visited the parking lot at WalMart in Lynchburg. Below is a true and correct photograph I took accurately depicting the parking lot at WalMart, which at the time included 268 cars:



9. At approximately 12:56 p.m. on Thursday April 23, 2020, I visited the Target Stores parking lot in Lynchburg. Below is a true and correct photograph I took accurately depicting the parking lot at Target Stores, which at the time included 156 cars:



I declare under penalty of perjury under the laws of the United States and the Commonwealth of Virginia that the foregoing statements are true and correct.

Executed this 23d day of April, 2020

/s/ Richard L. Mast
Richard L. Mast

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-91

(Essential Services and Activities During COVID-19 Emergency)

WHEREAS, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

WHEREAS, on March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; and

WHEREAS, on March 31, 2020, the President updated the guidance, renaming it "30 Days to Slow the Spread", and along with the White House Coronavirus Task Force urged Americans to continue to adhere to the guidelines and expand community mitigation efforts; and

WHEREAS, the majority of individuals in Florida that have tested positive for COVID-19 have been concentrated in its southeastern counties and other urban cores; and

WHEREAS, positive cases of COVID-19 have continued to rise in other states in close proximity to Florida, resulting in increased risk to counties in northern Florida; and

WHEREAS, many thousands of people fled the New York City region to Florida following New York State issuing a “shelter-in-place” order, thereby jeopardizing the health and safety of Floridians; and

WHEREAS, on March 23, 2020, I issued Executive Order 20-80, requiring all individuals that fly into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

WHEREAS, on March 27, 2020, I issued Executive Order 20-86, requiring all individuals that drive into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

WHEREAS, persistent interstate travel continues to pose a risk to the entire state of Florida; and

WHEREAS, on March 24, 2020, I issued Executive Order 20-83, directing the State Surgeon General and State Health Officer to issue a public health advisory urging the public to avoid all social or recreational gatherings of 10 or more people and urging those who can work remotely to do so; and

WHEREAS, it is necessary and appropriate to take action to ensure that the spread of COVID-19 is slowed, and that residents and visitors in Florida remain safe and secure.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution Chapter

252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Safer At Home

A. Senior citizens and individuals with a significant underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure and liver disease) shall stay at home and take all measures to limit the risk of exposure to COVID-19.

B. In concert with the efforts of President Trump and the White House Coronavirus Task Force to fight COVID-19, and based on guidance provided by Florida Surgeon General and State Health Officer, Dr. Scott Rivkees, all persons in Florida shall limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities.

Section 2. Essential Services

A. For purposes of this Order and the conduct it limits, “essential services” means and encompasses the list detailed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, v. 2 (March 28, 2020) (attached) and any subsequent lists published.

B. Essential services also include those businesses and activities designated by Executive Order 20-89 and its attachment which consists of a list propounded by Miami-Dade County in multiple orders.

C. Other essential services may be added under this Order with the approval of the State Coordinating Officer, in close coordination with the State Health Officer. The State Coordinating Officer shall maintain an online list of essential services, as specified in this Order along with any approved additions. The online list shall be available on the Division of

Emergency Management's website at www.floridadisaster.org and the Florida Department of Health's website at www.floridahealth.gov.

D. Nothing in this order prohibits individuals from working from home; indeed, this Order encourages individuals to work from home.

E. All businesses or organizations are encouraged to provide delivery, carry-out or curbside service outside of the business or organization, of orders placed online or via telephone, to the greatest extent practicable.

Section 3. Essential Activities

A. For purposes of this Order and the conduct it limits, "essential activities" means and encompasses the following:

- i. Attending religious services conducted in churches, synagogues and houses of worship; and
- ii. Participating in recreational activities (consistent with social distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming; and
- iii. Taking care of pets; and
- iv. Caring for or otherwise assisting a loved one or friend.

B. Other essential activities may be added to this list with the approval of the State Coordinating Officer, in close coordination with the State Health Officer. The State Coordinating Officer shall maintain an online list of essential activities, as specified in this Order along with any approved additions.

C. A social gathering in a public space is not an essential activity. Local jurisdictions shall ensure that groups of people greater than ten are not permitted to congregate in any public space.

Section 4. Local Orders in Response to COVID-19

This Order shall supersede any conflicting official action or order issued by local officials in response to COVID-19 but only to the extent that such action or order allows essential services or essential activities prohibited by this Executive Order.

Section 5. Previous Executive Orders

This Executive Order does not supersede any Executive Order related to COVID-19.

Section 6. Effective Date and Expiration Date

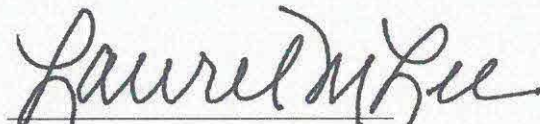
This Order is effective 12:01 am on April 3, 2020. This Order shall expire on April 30, 2020 unless extended by subsequent order. Executive Order 20-68 (bars, restaurants) and Executive Order 20-71 (alcohol sales, restaurants) shall remain in effect through the duration of Executive Order 20-52, including any extensions.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 1st day of April, 2020


RON DESANTIS, GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
2020 APR - 1 PM 1:15
TALLAHASSEE, FLORIDA

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 20-08

FOR: DIRECTIVE FOR HOOSIERS TO STAY AT HOME

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02, which declared that a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 ("COVID-19") outbreak in the United States and a confirmed report that a single Hoosier, living in one county, had contracted the virus;

WHEREAS, since then, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, as of the date of this Executive Order, the virus has now spread to more than forty (40) counties throughout Indiana and caused several deaths, with these numbers expected to increase in the days ahead;

WHEREAS, on March 16, 2020, I issued Executive Order 20-04 which, among other things: (a) established that Indiana would adhere to the guidance of the Centers for Disease Control & Prevention ("CDC") for large events and gatherings; (b) encouraged all Indiana residents to heed the advice of the CDC, the Indiana State Department of Health ("ISDH"), the Indiana Department of Homeland Security ("IDHS"), as well as other healthcare and emergency officials in connection with this public health emergency; and (c) proclaimed it to be the duty of every person in our State and every entity doing business in Indiana, including all governmental bodies, agencies, authorities and officials of any nature, to cooperate fully with the Commissioner of the ISDH and the Executive Director of IDHS on all matters concerning this public health emergency;

WHEREAS, despite significant steps being taken in our State, this virus remains a serious threat to the health, safety, and welfare of all residents of Indiana, and further efforts are needed to address, control, and reduce the evolving threat posed by COVID-19;

WHEREAS, as Governor, I have broad authority and powers under Indiana law to declare and respond to public health emergencies on behalf of our State, including, but not limited to: (a) making, amending, and rescinding the necessary orders, rules, and regulations to carry out Indiana's Emergency Management & Disaster Law and its purposes, Ind. Code ch. 10-14-3 (the "Emergency Disaster Law"); (b) employing any measure and giving any direction to the ISDH and local boards of health as is reasonably necessary for securing compliance with the Emergency Disaster Law or with the findings or recommendations of the ISDH or local boards of health because of conditions arising from the actual or threatened emergency; and (c) controlling ingress to and egress from a disaster area (here, the entire State of Indiana), the movement of persons within said area, and the occupancy of premises in said area;

WHEREAS, the ISDH, which reports to me as the Governor, also has broad legal authority and powers in connection with public health emergencies (Ind. Code ch. 16-19-3), including, for example, the powers to do what is reasonable and necessary for the prevention and suppression of disease, to forbid public gatherings when necessary to prevent and stop epidemics, to bring actions in the courts for the enforcement of health laws, and all powers necessary to fulfill the duties prescribed by law; and

WHEREAS, in light of the above, and after consultation with and the concurrence of the ISDH and its Commissioner, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed by COVID-19, as more particularly described herein;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order:

1. Defined Terms and Phrases

In order to properly understand the full, complete and proper meaning of this Executive Order, please read and consult the definitions of the terms and phrases which are shown by underlining and found throughout this Executive Order, as follows:

- a. Essential Activities: Page 3
- b. Essential Businesses and Operations: Pages 5-8
- c. Essential Governmental Functions: Page 5
- d. Essential Infrastructure: Pages 4-5
- e. Essential Travel: Page 8
- f. Healthcare & Public Health Operations: Page 4
- g. Human Services Operations: Page 4
- h. Minimum Basic Operations: Page 8
- i. Social Distancing Requirements: Page 9

2. Duration

This Executive Order shall be effective at 11:59 p.m. on March 24, 2020, and remain in full force and effect until 11:59 p.m. on April 6, 2020, unless the I rescind, modifies, or extend this Executive Order.

3. Stay at Home or Place of Residence

With exceptions as outlined below, all individuals currently living in the State of Indiana are ordered to stay at home or their place of residence, except as allowed in this Executive Order.

To the extent that individuals are using shared or outdoor spaces when outside of their homes or residences, they must at all times, and as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person, with the exception of family or household members, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or residences only for Essential Activities, Essential Governmental Functions, or to participate in Essential Businesses and Operations, all as defined below.

Individuals experiencing homelessness are exempt from this provision, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as reasonably possible and to the maximum extent practicable (and to use, in their operation, COVID-19 risk mitigation practices recommended by the CDC and the ISDH).

With respect to individuals whose residences are unsafe or become unsafe, such as, by way of example, victims of domestic violence, they are expressly permitted and urged to leave their home and stay at a safe alternative location.

For purposes of this Executive Order, the terms "homes" and "residences" include hotels, motels, shared rental units, shelters, and similar facilities.

4. Non-Essential Business and Operations Must Cease

All businesses and operations in the State of Indiana, except for Essential Businesses and Operations (as defined below), are hereby required to cease all activities within the State, except, however, for Minimum Basic Operations (as defined below). For purposes of clarity, businesses (which includes home-based businesses) may also continue operations consisting exclusively of employees or contractors performing activities at their own homes or residences (i.e., working from home).

All Essential Businesses and Operations are hereby encouraged to remain open. Further, Essential Businesses and Operations shall comply with the Social Distancing Requirements defined in this Executive Order, including by maintaining six-foot social distancing for both employees and members of the general public at all times, including, but not limited to, when any customers are standing in line.

5. Prohibited Activities

All public and private gatherings of any number of people that occur outside of a single household or living unit, are hereby prohibited, except, however, for the limited purposes permitted by this Executive Order. Any gathering of more than ten (10) people is hereby prohibited, unless exempted by this Executive Order. This is in accordance with the President's coronavirus guidelines issued on March 16, 2020. Nothing in this Executive Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including, but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs, shall be closed.

6. Prohibited and Permitted Travel

Only Essential Travel and Essential Activities (as defined herein) are permitted. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into, or out of, the State of Indiana in order to maintain Essential Businesses and Operations and Minimum Basic Operations.

7. Leaving the Home for Essential Activities is Permitted

For purposes of this Executive Order, individuals may leave their homes or residences only to perform any of the following, which are deemed to be "Essential Activities" hereunder:

a. For Health and Safety

To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including, but not limited to, pets), such as, by way of example and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

b. For Necessary Supplies and Services

To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others, such as, by way of example and without limitation, groceries and food, household consumer products, supplies they need in order to work from home, automobile supplies (including dealers, parts, supplies, repair and maintenance), and products necessary to maintain the safety, sanitation, and/or essential operation of homes or residences.

c. For Outdoor Activity

To engage in outdoor activity, provided that they comply with the Social Distancing Requirements (as defined below), such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas. However, public access playgrounds may increase spread of COVID-19, and therefore shall be closed.

d. For Certain Types of Work

To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Essential Governmental Functions, Healthcare and Public Health Operations, Human Services Operations, and Essential Infrastructure) or to otherwise carry out activities specifically permitted or allowed by this Executive Order, including Minimum Basic Operations.

e. To Take Care of Others

To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order.

8. Elderly People & Those Vulnerable as a Result of Illness Should Take Additional Precautions

People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the extent possible, except as necessary to seek medical care. Nothing in this Executive Order prevents the ISDH or local health departments from issuing and enforcing isolation and quarantine orders.

9. Healthcare and Public Health Operations

For purposes of this Executive Order, individuals may leave their residences to work for, or to obtain services through, Healthcare and Public Health Operations.

The phrase “Healthcare and Public Health Operations” includes, but is not limited to, the following: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; entities that transport and dispose of medical materials and remains; and veterinary care and all healthcare services provided to animals.

Also included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (“PPE”), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities are not included in Healthcare and Public Health Operations.

Further, the phrase “Healthcare and Public Health Operations” shall be construed broadly in order to avoid any impacts to the delivery of healthcare, broadly defined.

10. Human Services Operations

For purposes of this Executive Order, individuals may leave their homes and residences to work for or obtain services at any Human Services Operations, including any provider funded by the ISDH, Indiana Family and Social Services Administration, Indiana Medicaid, Indiana Division of Mental Health and Addiction, Indiana Department of Child Services, Indiana Department of Veterans Affairs and other similar governmental entities, that are providing services to the general public and including state-operated, institutional, or community-based settings providing human services to the public.

The phrase “Human Services Operations” includes, but is not limited to, the following: long-term care facilities; day care centers, day care homes, group day care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Further, the phrase “Human Services Operations” shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

11. Essential Infrastructure

For purposes of this Executive Order, individuals may leave their homes and residences in order to provide any services or to perform any work necessary to offer, provision, operate, maintain, and repair Essential Infrastructure.

The phrase “Essential Infrastructure” includes, but is not limited to, the following: food production, distribution, fulfillment centers, storage facilities, marinas, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including, for example, water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Further, the phrase “Essential Infrastructure” shall be construed broadly in order to avoid any impacts to essential infrastructure, broadly defined.

12. Essential Governmental Functions

For purposes of this Executive Order, all first responders, law enforcement, emergency dispatchers and management personnel, legislators, judges, court personnel, jurors and grand jurors, corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for, or to support, Essential Businesses and Operations, are hereby categorically exempt from this Executive Order.

The phrase “Essential Governmental Functions” means all services provided by the State of Indiana or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Functions. Each governmental body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions.

This Executive Order does not apply to the United States government.

13. Businesses Covered by this Order

For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

14. Essential Businesses and Operations

For the purposes of this Executive Order, the phrase “Essential Businesses and Operations” means Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, as well as the following:

a. CISA List

On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (“CISA”), issued a Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response. The definition of Essential Businesses and Operations in this Executive Order includes all of the workers identified in that Memorandum, which may be found or accessed at the following link: <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>.

b. Stores That Sell Groceries and Medicine

Grocery stores, pharmacies, certified farmer’s markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and non-alcoholic beverages, any other household consumer products (such as cleaning and personal care products), and specifically includes their supply chain and administrative support operations. This includes stores that sell groceries, medicine (including medication not requiring a medical prescription), and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations.

c. Food, Beverage, and Agriculture

Food and beverage manufacturing, production, processing, cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.

d. Organizations That Provide Charitable and Social Services

Businesses and religious and secular non-profit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

e. Religious Entities

Religious facilities, entities and groups, and religious gatherings, provided they adhere to the CDC's guidance on social gatherings.

f. Media

Newspapers, television, radio, and other media services.

g. Gas Stations and Businesses Needed for Transportation

Gas stations and auto supply, auto-repair, farm equipment, construction equipment, boat repair, and related facilities, and bicycle shops and related facilities.

h. Financial and Insurance Institutions

Banks, currency exchanges, consumer lenders, including, but not limited to, credit unions, pawnbrokers, consumer installment lenders and sales finance lenders, title companies, appraisers, financial markets, trading and futures exchanges, payday lenders, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products. Also, insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.

i. Hardware and Supply Stores

Hardware stores and businesses that sell electrical, plumbing, and heating material.

j. Critical Trades

Building, construction, and other trades, including, but not limited to, plumbers, electricians, exterminators, operating engineers, cleaning and janitorial staff for commercial and governmental properties, security staff, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations.

k. Mail, Post, Shipping, Logistics, Delivery, and Pick-Up Services

Post offices and other businesses that provide shipping and delivery services, as well as businesses that ship or deliver groceries, food, goods, vehicles, alcoholic and non-alcoholic beverages, or services to end users or through commercial channels.

l. Educational Institutions

Educational institutions (including public and private pre-K-12 schools, colleges, and universities) for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible.

This Executive Order is consistent with, and does not amend or supersede, any prior Executive Order regarding the closure of schools.

m. Laundry Services

Laundromats, dry cleaners, industrial laundry services, as well as laundry service providers.

n. Restaurants for Consumption Off-Premises

Restaurants, bars, taverns, and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carryout. The foregoing is addressed in Executive Orders 20-04 and 20-10. The in-person dining prohibition shall be enforced under and pursuant to the process described in Executive Order 20-10.

Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Executive Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property. This Executive Order is consistent with, and does not amend or supersede, prior Executive Orders regarding the closure of restaurants.

o. Supplies to Work from Home

Businesses that sell, manufacture, or supply products needed for people to work from home.

p. Supplies for Essential Businesses and Operations

Businesses that sell, manufacture, and/or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security.

q. Transportation

Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers necessary for the Essential Activities and other purposes expressly authorized in this Executive Order.

r. Home-Based Care and Services

Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

s. Residential Facilities and Shelters

Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness.

t. Professional Services

Professional services, such as legal services, accounting services, insurance services, and real estate services (including appraisal and title services).

u. Manufacture, Distribution, and Supply Chain for Critical Products and Industries

Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries, such as healthcare, pharmaceutical, technology, biotechnology, chemicals and sanitization, agriculture, waste pickup and disposal, food and beverage, transportation, energy, steel and steel products, petroleum, fuel, mining, construction, national defense, communications, and products used by other Essential Businesses and Operations.

v. Critical Labor Union Functions

Labor union essential activities, including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses and Operations, provided that these checks should be done by telephone or remotely where possible.

w. Hotels and Motels

Hotels and motels, to the extent they are used for lodging and delivery or carryout food services.

x. Funeral Services

Funeral, mortuary, cremation, burial, cemetery, and related services.

15. Minimum Basic Operations

For the purposes of this Executive Order, the term “Minimum Basic Operations” includes the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of its physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

16. Essential Travel

For the purposes of this Executive Order, the phrase “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements (as defined herein).

- a. Any travel that is related to the provision of, or access to, Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel in order to return to a place of residence from outside the jurisdiction.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside of the State of Indiana. However, individuals are strongly encouraged to verify that their transportation out of Indiana remains available and functional prior to commencing such travel.

17. Social Distancing Requirements

For purposes of this Executive Order, the phrase “Social Distancing Requirements” shall include maintaining at least six-feet of social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. With respect to Essential Businesses and Operations as well as businesses engaged in Minimum Basic Operations, they must take proactive measures to ensure compliance with the Social Distancing Requirements, including, where possible, the following:

a. Designate Six-Foot Distances

Designating with signage, tape or by other means, six-feet of spacing for employees and customers in line to maintain appropriate distance.

b. Hand Sanitizer and Sanitizing Products

Having hand sanitizer, and sanitizing products, readily available for employees and customers.

c. Separate Operating Hours for Vulnerable Populations

Implementing separate operating hours for the elderly and vulnerable customers.

d. Online and Remote Access

Posting online whether a facility is open and how best to reach the facility and to continue services by phone or remotely.

18. Intent of this Executive Order

The intent of this Executive Order is to ensure that the maximum number of people self-isolate in their homes or residences to the maximum extent feasible, while also enabling essential services to continue, in order to slow the spread of COVID-19 to the greatest extent possible. When individuals need to leave their homes or residences, whether to perform Essential Activities or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times, and as much as reasonably possible, comply with the Social Distancing Requirements. All provisions of this Executive Order should be interpreted to effectuate this intent.

19. Enforcement

This Executive Order may be enforced by State and local law enforcement, as well as other governmental entities (such as state and local departments of health), to the extent set forth in Indiana law, including, but not limited to, the Emergency Disaster Law.

However, with respect to the in-person dining prohibition that was set forth in Executive Order 20-04, it shall be enforced pursuant to the process described in Executive Order 20-10.

20. COVID-19 Information and Checklist for All Businesses/Employers

All businesses and employers, whether or not they are deemed to be essential under this Executive Order, are hereby ordered to take the following actions:

- a. Allow as many employees as possible to work from home by implementing policies in areas such as teleworking and video conferencing.
- b. Actively encourage sick employees to stay home until they are free of fever (without the use of medication) for at least 72 hours (three full days) AND symptoms have improved for at least 72 hours AND at least seven days have passed since symptoms first began. Do not require a healthcare provider's note to validate the illness or return to work of employees sick with acute respiratory illness; healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.
- c. Ensure that your sick leave policies are up to date, flexible, and non-punitive in order to allow sick employees to stay home to care for themselves, children, or other family members. Consider encouraging employees to do a self-assessment each day in order to check if they have any COVID-19 type symptoms (fever, cough, or shortness of breath).

- d. Separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately. Restrict their access to the business until they have recovered.
- e. Reinforce key messages to all employees (including stay home when sick, use cough and sneeze etiquette, and practice hand hygiene), and place posters in areas where they are most likely to be seen. Provide protection supplies such as soap and water, hand sanitizer, tissues, and no-touch disposal receptacles for use by employees.
- f. Frequently perform enhanced environmental cleaning of commonly-touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label. Provide disposable wipes so that commonly used surfaces can be wiped down by employees before each use.
- g. Be prepared to change business practices, if needed, in order to maintain critical operations (e.g., identify alternative suppliers, prioritize customers, or temporarily suspend some of your operations).

21. No Limitation on Authority

Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State, any local health department, or any other proper entity from ordering: (a) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency; or (b) any closure of a specific location for a limited period of time, including the duration of this public health emergency.

22. Savings Clause

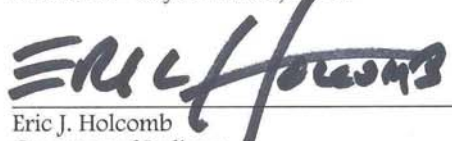
If any provision of this Executive Order, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order are hereby declared to be severable.

This Executive Order is a supplement to, and deemed to be part of, Executive Order 20-02.

IT IS SO ORDERED.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 23rd day of March, 2020.


Eric J. Holcomb
Governor of Indiana



ATTEST: Connie Lawson
Secretary of State

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-18

Stay Home, Stay Healthy, Stay Connected
Physical Distancing to Mitigate COVID-19 Transmission

WHEREAS, Arizona is committed to combating COVID-19, which represents a serious threat to public health; and

WHEREAS, the State of Arizona has taken proactive actions to mitigate the risk of COVID-19 to public health and address the economic impact of the COVID-19 pandemic; and

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 15, 2020, a statewide school closure was issued in coordination with Superintendent of Public Instruction Kathy Hoffman, later extended on March 30, 2020, through the end of the school year; and

WHEREAS, many businesses have greatly reduced their hours and operations as directed by health officials and in an effort to protect the public health and slow the spread of COVID-19; and

WHEREAS, on March 17, 2020, following updated guidance from the Centers for Disease Control and Prevention (CDC), the Arizona Department of Health Services (ADHS) issued updated guidance that included canceling or postponing gatherings of 10 or more people, recommending telework and other alternatives, restricting access to nursing homes, retirement homes and long-term care facilities to provide critical assistance, and providing recommendations to restaurants and eating establishments to mitigate the risk of COVID-19 transmission; and

WHEREAS, on March 19, 2020, Executive Order 2020-09 was issued requiring restaurants in Arizona counties with confirmed COVID-19 cases to provide dine-out options only and required all bars, gyms and movie theaters in those counties to close; and

WHEREAS, on March 19, 2020, Executive Order 2020-10 halted all elective surgeries in the State of Arizona to free up medical resources and maintain the capacity for hospitals and providers to continue offering vital services; and

WHEREAS, essential services were identified in Executive Order 2020-12 as those specifically necessary to promote the public health, safety and welfare of the state or assist others in fulfilling such functions; and

WHEREAS, to combat COVID-19, and at the recommendation of the state's health officials, the State of Arizona must continue its efforts by further limiting potential exposure through a policy of physical distancing while maintaining social connectedness; and

WHEREAS, pursuant to A.R.S. §§ 26-303(E), the Governor of Arizona, after a Declaration is issued, has "the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state"; and

WHEREAS, pursuant to A.R.S. § 36-787(A), during a State of Emergency declared by the Governor, the Arizona Department of Health Services has primary jurisdiction, responsibility and authority for:

- (1) Planning and executing public health emergency assessment, mitigation, preparedness response and recovery of the State;
- (2) Coordinating public health emergency response among State, local and tribal authorities;
- (3) Collaborating with relevant federal government authorities, elected officials or other states, private organizations and private sector companies; and
- (4) Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services, based on an epidemiological assessment of Arizona specific data and in alignment with CDC guidance, recommended the state implement enhanced mitigation strategies.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, including but not limited to A.R.S. § 26-303 and after consultation with the Director of the Arizona Department of Health Services, do hereby order, effective at 5:00 p.m. on March 31, 2020:

1. Arizona shall institute a "Stay home, Stay healthy, Stay connected" policy that promotes physical distancing, while also encouraging social connectedness. This builds on actions the state has already taken, and further memorializes some already in effect, to slow the spread of COVID-19 and protect our citizens.
2. Under this policy, all individuals in the State of Arizona shall limit their time away from their place of residence or property, except:
 - a. To conduct or participate in Essential Activities.
 - b. For employment, to volunteer or participate in Essential Functions.
 - c. To utilize any services or products provided by Essential Businesses.
 - d. Employment, if as a sole proprietor or family owned business, work is conducted in a separate office space from your home and the business is not open to serve the public.
 - e. No person shall be required to provide documentation or proof of their activities to justify their activities under this order.
3. Arizonans are encouraged to improve social connectedness, resiliency, and help-seeking behavior by:

- a. Maintaining ongoing connections and communication with current social supports and structures such as family, friends, neighbors and other social groups;
 - b. Educating fellow Arizonans on the negative health impacts of social isolation;
 - c. Developing habits and activities that increase resilience, such as physical activity, virtual social gatherings, assisting neighbors, implementing or participating in connection campaigns for at-risk populations, and participating in volunteer activities;
 - d. Sharing information and awareness of newly available social services and resources to improve the stability of families and reduce financial stressors; and
 - e. Sharing information and awareness of resources in the community by providing information on where and how high risk populations can access suicide prevention services throughout Arizona, including specific resources that are targeted to high risk populations.
4. Under this policy, Essential Activities include:
- a. Obtaining necessary supplies and services for family, household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, assignments for completion of distance learning and products necessary to maintain safety, sanitation and essential maintenance of the home and residence.
 - b. Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical, behavioral health or emergency services and obtaining medical supplies or medication.
 - c. Caring for a family member, friend, or pet in another household or residence, which includes but is not limited to transportation of a family member, friend or their pet for essential health and safety activities and to obtain necessary supplies and services for the other household.
 - d. Engaging in outdoor exercise activities, such as walking, hiking, running, biking or golfing, but only if appropriate physical distancing practices are used.
 - e. Attending or conducting work or volunteering in Essential Functions which includes but is not limited to transporting children to child care services for attending work in an essential service.
 - f. Engaging in constitutionally protected activities such as speech and religion, and any legal or court process provided that such is conducted in a manner that provides appropriate physical distancing to the extent feasible.
5. To the extent individuals are using shared or outdoor spaces when outside their residence or property for Essential Activities, they shall to the extent possible maintain physical distancing of at least six feet from any other person, consistent with guidance from the CDC.
6. All persons may leave their place of residence only for Essential Activities, to participate in or receive Essential Governmental Functions, or to participate in or fulfill Essential Functions outlined in Executive Order 2020-12.
7. Individuals shall limit use of public transportation to when absolutely necessary to obtain or conduct Essential Activities or attend work in an Essential Function. While using public transportation, riders shall maintain to the extent possible recommended physical distancing of at least six feet from other riders and the operator.

8. Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter as soon as possible and to the maximum extent practicable.
9. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.
10. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
11. Businesses and entities that remain open shall implement rules and procedures that facilitate physical distancing and spacing of individuals of at least six feet.
 - a. All businesses that are classified as Essential Functions may remain open and maintain operations, but shall establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Arizona Department of Health Services.
 - b. Essential Functions conducted by governmental entities shall remain open. Government leaders may adjust operations to promote physical distancing, including but not limited to offering on-line services as feasible, limiting the number of persons in a physical space or limiting access to specific facilities or areas to protect from the spread of COVID-19.
 - c. Employment in Essential Businesses and Operations means an essential employee performing work for an Essential Function as identified in the "Prohibiting the Closure of Essential Services" Executive Order list.
12. Non-essential businesses may continue to operate those activities that do not require in-person, on-site transactions and are encouraged to maintain at least minimum basic operations that maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions to include mail pickup.
13. This Executive Order shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper physical distancing and sanitation measures are established and implemented.
14. Arizonans are already acting responsibly during this public health emergency. The intent of this Executive Order is to ensure that people maintain physical distance to the maximum extent feasible, while enabling essential services to continue, protecting people's rights and slowing the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with physical distancing recommendations. All provisions of this Executive Order shall be interpreted to effectuate this intent. Prior to any enforcement action being taken to enforce this order in accordance with A.R.S. § 26-317, a person shall be notified and given an opportunity to comply.

15. Pursuant to A.R.S. § 26-307, no county, city or town may make or issue any order, rule or regulation that conflicts with the policy, directives or intent of this Executive Order, including any order, rule or regulation that limits an individual from conducting, participating in or receiving Essential Services, Essential Activities or Non-essential Services as outlined in this order and prior executive orders.
16. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.
17. This Executive Order shall be in effect until April 30, 2020, unless extended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



Douglas R. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this Thirtieth Day of March in the Year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

[Signature]

Secretary of State

**ORDER OF THE STATE HEALTH OFFICER
SUSPENDING CERTAIN PUBLIC GATHERINGS
DUE TO RISK OF INFECTION BY COVID-19**

(APPLICABLE STATEWIDE)

AMENDED APRIL 3, 2020

WHEREAS Coronavirus Disease 2019 (COVID-19) has been detected in Alabama; and

WHEREAS the appearance of COVID-19 in the State poses the potential of widespread exposure to an infectious agent that poses significant risk of substantial harm to a large number of people; and

WHEREAS the State Board of Health has designated COVID-19 to be a disease of epidemic potential, a threat to the health and welfare of the public, or otherwise of public health importance; and

WHEREAS, on March 13, 2020, on recommendation of the State Health Officer, Kay Ivey, Governor of the State of Alabama, declared a state public health emergency exists in the State of Alabama; and

WHEREAS, on March 16, 2020, the Jefferson County Health Officer, in response to a rapidly growing number of cases of COVID-19 being detected in Jefferson County, issued an order suspending certain public gatherings in that county; and

WHEREAS, on March 17, 2020, the State Health Officer issued a similar order for counties surrounding Jefferson, including Blount, St. Clair, Shelby, Tuscaloosa, and Walker Counties, and

WHEREAS, on March 19, 2020, the State Health Officer issued an order, and on March 20, 2020, and March 27, 2020, amended orders, of statewide application suspending certain public gatherings; and

WHEREAS further social distancing measures are necessary to be implemented on a statewide basis to prevent the spread of COVID-19; and

WHEREAS Ala. Code § 22-2-2(4) authorizes the State Health Officer, on behalf of the State Board of Health, to direct that conditions prejudicial to health in public places within the State be abated;

NOW THEREFORE, THESE PREMISES CONSIDERED, it is ordered that the following Stay at Home order be implemented statewide:

1. Effective Saturday, April 4, 2020, at 5:00 P.M., every person is ordered to stay at his or her place of residence except as necessary to perform any of the following “essential activities”:

- a. **To obtain necessary supplies.** A person may leave his or her place of residence to obtain the following supplies for himself or herself, for other household members, including pets, or for a loved one or friend who cannot or should not leave home or cannot care for himself or herself:
 - (i) Food and other consumer goods necessary to maintain a person's daily routine or to maintain the safety, sanitation, and routine operation of a home or residence;
 - (ii) Supplies needed to work from home;
 - (iii) Pharmaceutical prescriptions or other medical supplies;
 - (iv) Fuel for automobiles or other vehicles or other vehicle supplies;
 - (v) Materials for distance learning or other education-related purposes; and
 - (vi) Any other supplies necessary to maintain a person's or pet's daily routine or to maintain the safety, sanitation, and routine operation of a home or residence.
- b. **To obtain or provide necessary services.** A person may leave his or her place of residence to obtain or provide the following services for himself or herself, for other household members, including pets, or for a loved one or friend who cannot or should not leave home or cannot care for himself or herself:
 - (i) Dental, medical, or surgical procedures allowed under paragraph 14 of this Order;
 - (ii) Government-funded services or benefits;
 - (iii) Automobile repair services;
 - (iv) Services vital to the treatment or care of people with physical, intellectual, or developmental disabilities, or people with substance-use disorders;
 - (v) Services related to any public or private distance learning activities and education continuity, including all services under education continuity plans approved by the State Superintendent of Education; and
 - (vi) Any other services necessary to maintain a person's or pet's health and safety or to preserve the person's ability to perform an essential activity as defined in this paragraph.
- c. **To attend religious services.** A person may leave his or her place of residence to attend an event that is a religious worship service, wedding, or funeral in either of the following circumstances:
 - (i) The event involves fewer than 10 people and the people maintain a consistent six-foot distance from one another; or

- (ii) The event is a “drive-in” worship service that adheres to the following rules:
 - 1. All participants shall remain in their vehicles for the entirety of the service;
 - 2. The participants in each vehicle all share the same place of residence; and
 - 3. Participants do not come within six feet of participants in other vehicles.
- d. **To take care of others.** A person may leave his or her place of residence to care for a family member, friend, or pet in another household, or to donate blood, or to transport family members, friends, or pets as allowed by this Order.
- e. **To work.** A person may leave his or her place of residence to perform work at “essential businesses and operations” as defined in paragraph 2 below or to perform essential work-related activities as follows:
 - (i) Work-related activities to maintain the value of a business, establishment, corporation or other organization, such as managing inventory, ensuring security, and processing payroll and employee benefits;
 - (ii) Work-related activities to enable people to work or shop remotely from their residences or to allow people to buy products through drive-by, curbside, or door-to-door delivery; or
 - (iii) Work-related activities that do not require any regular interaction within six feet of another person.
- f. **To engage in outdoor activity.** A person may leave his or her place of residence to participate in outdoor activity that involves fewer than 10 people so long as the person maintains a consistent six-foot distance from other persons.
- g. **To seek shelter.** A person may leave his or her place of residence to seek shelter if required by his or her employment by an “essential service of business” or if his or her residence is unsafe or at imminent risk of becoming unsafe. A person may also leave his or her place of residence to seek help from providers of basic necessities to economically disadvantaged people, such as food pantries.
- h. **To travel as required by law.** A person may leave his or her place of residence to travel as required by law enforcement or court order, including the transportation of children required by a custody agreement.
- i. **To see family members.** A person may leave his or her place of residence to visit the residence of other persons who are related to him or her.

Anyone leaving his or her home or place of residence as authorized in this order shall take reasonable steps to maintain six feet of separation from other persons.

2. For the purposes of this Order, “essential businesses and operations” means and includes:

- a. **Government operations**, including public safety and first responders, law enforcement, fire prevention and response, courts and court personnel, military, emergency management personnel, corrections, probation and parole, child protection, child welfare, EMTs, 911 call-center employees, all workers and vendors that support law enforcement and emergency management operations and services, and other federal, state, tribal, or local officials or employees;
- b. **Health-care providers and caregivers**, including physicians, dentists, mental health workers, nurses, chiropractors, physical therapists, veterinarians, hospitals/clinics, medical practices, research and laboratory operations, hospice, health care facilities, clinical staff, nursing homes, residential health care facilities, adult day care centers, blood banks, congregate-care facilities, assisted living facilities, elder care, medical wholesale and distribution, home health workers and aides, medical supply and equipment manufacturers and providers, medical waste disposal, hazardous waste disposal, other ancillary healthcare services;
- c. **Infrastructure Operations**, including electric, natural gas, and water utilities, nuclear facilities and other generating facilities, utility poles and components, fuel pipelines and transmission systems, petroleum producers, telecommunications, electronic security and life safety services, wireless communication companies, communications sales and customer support, telecommunication and data centers, cybersecurity operations; businesses and other operations concerned with flood control, aviation, and the maintenance, operation, or construction of dams, airports, ports, roads and highways, and mass transit; automotive sales and repair, vehicle rental and taxi services, network providers (such as Uber and Lyft), freight and passenger rail, motor carriers, pipelines, and other transportation infrastructure and businesses, water and waste water systems, transportation companies such as airlines and bus lines, hazardous waste disposal, hotels and commercial lodging services, and RV parks;
- d. **Manufacturing facilities**, including food processing and production; companies that produce pharmaceuticals, food additives, medical equipment, medical devices and supplies, technology, biotechnology, chemical products, telecommunications products; automotive production and suppliers, airplane, ship, and space vehicle or rocket manufacturers; companies involved in healthcare, energy, steel and steel products, fuel and petroleum exploration and production, lubricants, greases and engine oils, mining, national defense, sanitary and cleaning products, household products, personal care products, products used by any other Essential Business or Operation;
- e. **Agricultural operations and farms**, including food cultivation, livestock, cattle, poultry and seafood operations, transportation of agricultural products, livestock auctions, feedlots, dealers and brokers of livestock, farmer’s markets, feed stores, repairers and suppliers of agricultural equipment, gas, diesel and petroleum suppliers, companies involved with aquaculture, horticulture, and chemicals, including pesticide, herbicide,

and fertilizer producers and distributors, forest products businesses, including those involved in forestry operations, logging, manufacture of lumber and paper products; meat processing facilities, rendering facilities and transporters, feed processing facilities, veterinary services;

- f. **Essential retailers**, defined as all supermarkets, food and beverage stores, including liquor stores and warehouse clubs, food providers, convenience stores, office-supply stores, bookstores, computer stores, pharmacies, health care supply stores, hardware stores, home improvement stores, building materials stores, stores that sell electrical, plumbing, and heating materials, gun stores, gas stations; auto, farm equipment, bicycle, motorcycle, and boat supply and repair stores, and businesses that ship or deliver groceries, food, and goods directly to residences;
- g. **Restaurants and bars**;
- h. **Essential personal services**, defined as trash collection, mail and shipping services, home repair, automotive sales and repair; warehouse, distribution and fulfillment centers, kennels, animal shelters, laundromats/laundry service, drycleaners, childcare facilities, public transportation, and providers of business services including security and payroll; funeral, cemetery, and related services;
- i. **Media operations**, including newspapers, digital news sites, television, radio and other media services;
- j. **Education operations**, including educators supporting public and private K-12 schools, colleges and universities or other educational institutions, for purposes of facilitating distance learning and education continuity plans approved by the State Superintendent of Education, performing critical research or other essential functions, including public schools preparing and transporting distance-learning materials and meals to eligible students and colleges providing lodging for students (all in compliance with paragraph 12 below);
- k. **Financial services**, including banks and related financial institutions, credit unions, payday lenders, businesses that process credit card and other financial transactions, and other services related to financial markets;
- l. **Professional Services**, including legal services, accounting services, insurance services, real estate services (including appraisal and title services);
- m. **Providers of basic necessities to economically disadvantaged populations** including businesses, religious and secular non-profit organizations, food banks, homeless shelters and congregate-care facilities;
- n. **Construction and construction-related services**, including building and construction, lumber, building materials and hardware businesses, electricians, plumbers, other construction tradesmen and tradeswomen, exterminators; cleaning and janitorial, HVACR and water heating businesses; painting, moving and relocating services, other

skilled trades, and other related construction firms and professionals for maintaining essential infrastructure;

- o. **Essential public services**, defined as services necessary to maintain the safety, sanitation and essential operations of residences and essential businesses and essential business operations, including law enforcement, fire prevention and response, firearm and ammunition manufacturers and retailers, building code enforcement, security, emergency management and response, building cleaning including disinfection, automotive sales and repair, mortuaries and cemeteries;
- p. **Military or defense operations**, including employers and personnel who support the essential products and services required to meet national security commitments, including personnel working for companies and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense and government-owned/contractor-operated and government-owned/government-operated facilities.
- q. **Essential services or product providers**, defined as vendors that provide services or products, including logistics, transportation, and technology support, child care programs and services, medical waste disposal, hazardous waste disposal, services needed to ensure the continuing operation of an essential business or operation, operation of government agencies, and to provide for the health, safety and welfare of the public;
- r. **Religious entities**, including religious and faith-based facilities, entities and groups;
- s. **Federally-designated critical infrastructure**, defined as workers and related industries identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) in its “Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response,” <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>, as may be amended;
- t. **Other state-designated essential businesses and operations**, defined as businesses and operations deemed essential by the Alabama Department of Public Health or the Alabama Emergency Management Agency; and
- u. **Support operations for essential businesses and operations**, defined as employees, contractors, agents, suppliers, or vendors of an essential business or operation as defined in this paragraph.

3. Operators of “essential businesses and operations” as defined in paragraph 2 may, but need not, issue credentials to their employees verifying their status as an employee of an essential business or operation. The decision to provide any such credentials is left to the discretion of the essential business or operation.

4. “Essential businesses and operations” as defined in paragraph 2 shall take all reasonable steps, for employees and customers, to (a) avoid gatherings of 10 persons or more and (b) maintain a consistent six-foot distance between persons.

5. Effective March 28, 2020, at 5:00 P.M., the following businesses, venues, and activities shall be closed to non-employees or not take place:

a. **Entertainment venues** as follows:

- (i) Night clubs
- (ii) Bowling alleys
- (iii) Arcades
- (iv) Concert venues
- (v) Theaters, auditoriums, and performing arts centers
- (vi) Tourist attractions (including museums and planetariums)
- (vii) Racetracks
- (viii) Indoor children’s play areas
- (ix) Adult entertainment venues
- (x) Adult novelty stores
- (xi) Casinos
- (xii) Bingo halls
- (xiii) Venues operated by social clubs

b. **Athletic facilities** and activities as follows:

- (i) Fitness centers and commercial gyms
- (ii) Spas and public or commercial swimming pools
- (iii) Yoga, barre, and spin facilities
- (iv) Spectator sports
- (v) Sports that involve interaction with another person of closer than 6 feet
- (vi) Activities that require use of shared sporting apparatus and equipment

(vii) Activities on commercial or public playground equipment

c. **Close-contact service providers** as follows:

- (i) Barber shops
- (ii) Hair salons
- (iii) Waxing salons
- (iv) Threading salons
- (v) Nail salons and spas
- (vi) Body art facilities and tattoo services
- (vii) Tanning salons
- (viii) Massage therapy establishments and services

6. Effective Saturday, April 4, 2020, at 5:00 P.M., all “essential retailers” as defined in paragraph 2, including grocery stores, pharmacies, and “big box” stores, shall comply with the following rules in addition to any other applicable provisions of this Order:

- a. **Emergency maximum occupancy rate.** Occupancy shall be limited to no more than 50 percent of the normal occupancy load as determined by the fire marshal. This “emergency maximum occupancy rate” shall be posted in a conspicuous place, and enough staff shall be posted at the store entrances and exits to enforce this requirement.
- b. **Social distancing.** An employee of the essential retailer place may not knowingly allow customers or patrons to congregate within six feet of one another.
- c. **Sanitation.** The essential retailer shall take reasonable steps to comply with guidelines on sanitation from the Centers for Disease Control and Prevention and the Alabama Department of Public Health.

7. Notwithstanding any other provision of this Order, a business may continue to operate through curbside pickup, delivery, remotely, or any other method that does not involve a customer entering its building, provided that the business takes all reasonable steps to ensure a consistent six-foot distance between persons.

8. Effective March 28, 2020, at 5:00 P.M., all non-work related gatherings of 10 persons or more, or non-work related gatherings of any size that cannot maintain a consistent six-foot distance between persons, are prohibited.

9. Effective immediately, any person who has tested positive for COVID-19—other than institutionalized persons—shall be quarantined to their place of residence for a period of 14 days

after receiving positive test results. Any person quarantined pursuant to this provision shall not leave their place of residence for any reason other than to seek necessary medical treatment. Any person requiring assistance while under quarantine may contact Alabama Voluntary Organizations Active in Disaster (VOAD), <http://alvoad.communityos.org/cms/>. While under quarantine, the person must shall take precautions as directed by his or her health care provider or the Department of Public Health to prevent the spread of the disease to others.

10. Effective March 28, 2020, at 5:00 P.M., all beaches shall be closed. For purposes of this section, the term “beach” means the sandy shoreline area abutting the Gulf of Mexico, whether privately or publicly owned, including beach access points.

11. Effective, March 20, 2020, all regular programs at Senior Citizen Centers shall be ended except that Senior Citizen Centers and their partners are urged to assure that their clients continue to receive needed meals via curbside pick-up or delivery.

12. Effective March 20, 2020, the following shall be closed:

a. In-person instruction or classes at all schools, public and private, including but not limited to: elementary, secondary, postsecondary, technical, or specialty schools, and colleges and universities.

(i) This order is not intended to prevent any employers from making continued necessary staffing decisions. Employers are authorized to advise employees to work from home or maintain flexible work schedules. If working from home is not feasible, the employee should practice social distancing, maintaining consistent six-foot distance between persons, for the duration of this order and follow public health guidelines.

(ii) This order shall not apply to-daytime special activities programs provided by local boards of education for children, ages 6 through 12 as of March 13, 2020, of first responders (including EMS and fire services) and licensed health-care providers and their essential employees; and essential employees of the following categories of employers: state and local governments, law enforcement, hospitals, nursing home/long-term care facilities, (including assisted living and specialty-care assisted living facilities), end-stage renal disease treatment centers, pharmacies, and grocery stores. In these special activities programs, 12 or more children shall not be allowed in any one room at the same time, and operators of these programs are encouraged to use enhanced sanitation practices consistent with guidance from the CDC and the Alabama Department of Public Health.

b. Facilities providing child day care, including any child day care facility described in Ala. Code § 38-7-2, at which 12 or more children are in a room or other enclosed space at the same time. Center employees are encouraged to use enhanced sanitation and social-distancing practices consistent with guidance from the Centers for Disease Control and Prevention and the Alabama Department of Public Health. This Order does not change the Minimum Standards for Day Care promulgated by the Alabama Department of Human Resources, except that 12 or more children shall not be allowed in a room or other enclosed space at the same time.

13. Effective March 20, 2020, all Hospitals and Nursing Home/Long Term Care Facilities (including Assisted Living and Specialty Care Assisted Living Facilities) shall prohibit visitation of all visitors, as defined by the facility, and non-essential health care personnel, except for certain compassionate care situations such as maternity and end-of-life.

14. Effective March 28, 2020 at 5:00 P.M., all dental, medical, or surgical procedures shall be postponed until further notice, subject to the following exceptions:

a. Dental, medical, or surgical procedures necessary to treat an emergency medical condition. For purposes of this order, “emergency medical condition” is defined as a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain, psychiatric disturbances, and/or symptoms of substance abuse) such that the absence of immediate medical attention could reasonably be expected by a person’s licensed medical provider to result in placing the health of the person in serious jeopardy or causing serious impairment to bodily functions or serious dysfunction of bodily organs.

b. Dental, medical, or surgical procedures necessary to avoid serious harm from an underlying condition or disease, or necessary as part of a patient’s ongoing and active treatment.

15. Effective March 19, 2020, at 5:00 P.M., all restaurants, bars, breweries, or similar establishments shall not permit on-premises consumption of food or drink.

a. Such establishments may continue to offer food for take-out or delivery provided the social distancing protocols, including maintaining a consistent six-foot distance between persons, are followed.

b. Such establishments are strongly encouraged to offer online ordering and curbside pick-up of food.

c. Hospital food service areas are excluded from this order provided they have their own social distancing plan.

16. This Order shall remain in full force and effect until 5:00 P.M. on April 30, 2020. Prior to 5:00 P.M. on April 30, 2020, a determination shall be made whether to extend this Order—or, if circumstances permit, to relax this Order.

17. This Order supersedes and preempts all orders previously issued by the State Health Officer and Jefferson and Mobile County Health Officers concerning COVID-19 mitigation measures, and this Order shall remain in full force and effect until rescinded by order of the State Health Officer or its expiration. After the date this order is issued, the Jefferson and Mobile County Health Officers are authorized, after approval by the State Health Officer, to implement more stringent measures as local circumstances require.

This Order also supersedes and preempts any county and municipal orders or ordinances, whenever adopted, that purport to impose less stringent COVID-19-related curfew or quarantine measures.

Done on this 3rd day of April, 2020.

A handwritten signature in blue ink, appearing to read "Scott Harris", written over a horizontal line.

Scott Harris, M.D., M.P.H.
State Health Officer



PROCLAMATION

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS:

EO 20 - 13

EXECUTIVE ORDER TO AMEND EXECUTIVE ORDER 20-03 REGARDING THE PUBLIC HEALTH EMERGENCY CONCERNING COVID-19 FOR THE PURPOSE OF IMPOSING FURTHER RESTRICTIONS TO PREVENT THE SPREAD OF COVID-19

WHEREAS: An outbreak of coronavirus disease 2019 (COVID-19) has spread throughout the world resulting in a global pandemic; and

WHEREAS: On March 11, 2020, by Executive Order 20-03, an emergency was declared in the state as a result of COVID-19, and that emergency is on-going; and

WHEREAS: COVID-19 continues to spread throughout the United States and Arkansas; and

WHEREAS: In response to COVID-19, significant measures have been taken by Executive Order and Directives by the Secretary of Health to limit person-to-person contact, restrict gatherings, and suspend businesses that require significant person-to-person interaction; and

WHEREAS: On March 26, 2020, by Executive Order 20-10, amending Executive Order 20-03, I declared the entire State of Arkansas a disaster area in which ingress and egress to and from, the movement of persons within, and the occupancy of premises therein, may be controlled, pursuant to Ark. Code Ann. § 12-75-114(e)(7); and

WHEREAS: Pursuant to Act 96 of 1913, Ark. Code Ann. §§ 20-7-101 et seq., and the rules promulgated therefore, the Secretary of Health has the authority to impose such quarantine restrictions and regulations upon commerce and travel by railway, common carriers or any other means, and upon all individuals as in his judgment may be necessary to prevent the introduction of communicable disease into the State, or from one place to another within the State; and

WHEREAS: On March 26, 2020, in conjunction with a directive issued by the Secretary of Health, Executive Order 20-10, amending Executive Order 20-03, imposed restrictions on gatherings of ten (10) or more people to limit the spread of COVID-19; and

WHEREAS: Executive Order 20-10 exempted certain entities from the restrictions on gathering; and

WHEREAS: I, as Governor, in consultation with the Secretary of Health, have determined that more actions must be taken to protect the people of the State of Arkansas from COVID-19; and

WHEREAS: All Arkansas citizens must observe proper social distancing, and the Department of Health has issued a directive on proper social distancing protocols for businesses, manufacturers, construction companies, and places of worship; and

WHEREAS: The State of Arkansas prides itself on being a destination for out-of-state guests who travel here to enjoy all that our state has to offer; however, during this health emergency, all resources must be maintained and

preserved to the greatest extent possible for the health and safety of Arkansas citizens; and

WHEREAS: The Secretary of Health has directed that occupancy of commercial lodgings and short-term rentals shall be limited to authorized guests as set forth in the Secretary's directive; and

WHEREAS: Executive Order 20-03 established that no quarantine regulations of commerce or travel shall be instituted or operated by any place, city, town or county against another place, city, town, or county in this or in any other state except by authority of the Secretary of Health; and

WHEREAS: Reasonable city or county curfews and closures of city or county owned parks and facilities, to prevent the spread of COVID-19, shall not be interpreted as a quarantine regulation of commerce or travel, as long as, they are consistent with this order; and

NOW, THEREFORE, I, Asa Hutchinson, Governor of the State of Arkansas, acting under the authority vested in me by Ark. Code Ann. §§ 12-75-101, *et seq.*, do hereby amend Executive Order 20-03 declaring an emergency in the State of Arkansas. The entire state is impacted by COVID-19, and I am declaring the entire state an emergency disaster area. In conjunction with the Directive of the Secretary of Health, I am ordering the following, effective as of 12:01 a.m. on April 6, 2020 until further notice:

- (1) The Directives of this order shall supersede the directives of Executive Order 20-10; and
- (2) All public and private gatherings of any number of people occurring outside a single household or living unit are subject to the following directives and exceptions:
 - a. Due to the high risk of community spread of COVID-19, gatherings of more than ten (10) people in any confined indoor or outdoor space are prohibited until further notice. Gatherings subject to this directive include, without limitation, community, civic, public, leisure, commercial, or sporting events, concerts, conferences, conventions, fundraisers, parades, fairs, and festivals; and
 - b. This directive does not apply to gatherings of ten (10) or more people in unenclosed, outdoor spaces such as parks, trails, athletic fields and courts, parking lots, golf courses, and driving ranges where social distancing of at least six (6) feet can be easily maintained; and
 - c. This directive does not apply to businesses, manufacturers, construction companies, places of worship, the Arkansas General Assembly, municipal or county governing bodies, or the judiciary; however, these entities are advised to limit person-to-person contact, maintain appropriate social distancing of at least six (6) feet, and adhere to the social distancing protocols mandated by this order; and
 - d. The Secretary of Health reserves the right to exercise his authority to prevent the spread of disease in this State if, in his judgment, any of the excluded entities are operating in a manner that is a risk to public health;

- (3) All businesses, manufacturers, construction companies, and places of worship shall implement the following social distancing protocols:
 - a. Limit the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another;
 - b. If lines form at a facility (inside or outside), facilities shall mark off six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
 - c. Provide hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public;
 - d. Retail businesses shall provide contactless payment systems or provide for disinfecting all payment portals, pens, and styluses after each use;
 - e. Regularly disinfect any high-touch surfaces;
 - f. Post a sign at the entrance of the facility informing all employees, customers, and congregants that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact;
- (4) Commercial lodgings and short-term rentals, including, but not limited to, hotels, motels, and vacation rentals, shall only permit occupancy for the following authorized guests:
 - a. Healthcare professionals;
 - b. First responders;
 - c. Law enforcement;
 - d. State or Federal employees on official business;
 - e. National Guard Members on active duty;
 - f. Airline crew members;
 - g. Patients of hospitals and their families;
 - h. Journalists;
 - i. Persons unable to return to their home due to COVID-19 travel restrictions;
 - j. Arkansas citizens unable to return to their home due to exigent circumstances, such as fire, flood, tornado, or other disaster;
 - k. Persons in need of shelter due to domestic violence or homelessness;
 - l. Employees of hotels, motels, or other service providers/contractors of a hotel or motel; and
 - m. Persons away from their home due to work or work-related travel;
- (5) K-12 schools and extracurricular activities, including athletic events and practices, will remain closed for on-site instruction until such time as the Governor and Secretary of Education deem appropriate;
- (6) State government employees will continue to conduct business through both remote work and on-site work. On-site government work will be limited to employees that are critical to the necessary function of government during a public health emergency and are required to report to work on site;
- (7) Bars, Clubs, and Restaurants shall remain closed for dine-in purposes and remain open for takeaway and delivery only;
- (8) Gyms (including fitness centers/clubs, fitness classes, and group fitness studios) and indoor entertainment venues, such as bowling alleys, trampoline parks, and indoor amusement centers, shall remain closed to nonessential functions;
- (9) Casinos shall remain closed;

- (10) Barbers, Body Art Establishments, Body Art Schools, Cosmetology Establishments and Massage Therapy Clinics/Spas, and Medical Spas shall remain closed;
- (11) The directives of the Arkansas Department of Health issued on March 13, 2020, regarding long term health facilities shall remain in effect for the duration of this order;
- (12) Cities and counties taking reasonable measures to prevent the spread of COVID-19 by imposing curfews and closing city or county owned parks and facilities shall not be interpreted as a quarantine regulation of commerce or travel. Curfews should not prevent citizens of any age from traveling to and from work, acquiring food or essential goods and services, walking pets, or acquiring exercise outdoors while maintaining social distance of at least six (6) feet;
- (13) Executive Orders of the Governor issued pursuant Ark. Code Ann. §§ 12-75-101, *et seq.*, have the force and effect of law. Additionally, pursuant to Ark. Code Ann. § 20-7-101, violation of a directive from the Secretary of Health during this public health emergency is a misdemeanor offense, and upon conviction thereof is punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one (1) month, or both. All law enforcement officers within this state shall enforce the directives of this order and those of the Secretary of Health to preserve the health and safety of all Arkansans during this emergency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 4th day of April, in the year of our Lord 2020.




Asa Hutchinson, Governor

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7N

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – INCREASED DISTANCING, EXPANDED FAMILY ASSISTANCE,
AND ACADEMIC ASSESSMENT SUSPENSION**

WHEREAS, on March 10, 2020, I issued declarations of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, my Executive Order No. 7, dated March 12, 2020, among other things, prohibited gatherings of 250 people or more for social and recreational activities, including but not limited to, community, civic, leisure, and sporting events; parades; concerts; festivals; movie screenings; plays or performances; conventions; and similar activities, and suspended various statutes and regulations to protect public health and safety; and

WHEREAS, my Executive Order No. 7A, dated March 13, 2020, authorized the Commissioner of Public Health to restrict entrance into nursing homes and similar facilities to protect people who are most vulnerable to COVID-19; and

WHEREAS, my Executive Order No. 7B, dated March 14, 2020, among other things, modified in-person open meetings requirements, waived certain rules to mitigate the critical shortage of hand sanitizer and personal protective equipment (PPE), maintain and increase the availability of childcare, and provide for increased healthcare resources and facilities; and

WHEREAS, my Executive Order No. 7C, dated March 15, 2020, among other things, cancelled classes in public schools for at least two weeks, provided for closure and remote conduct of business at Department of Motor Vehicle branches, extended deadlines for municipal budget preparations, and suspended or modified laws and regulations governing health care data and visitation at certain health care and congregate care settings; and

WHEREAS, my Executive Order No. 7D, dated March 16, 2020, restricted social and recreational gatherings of all types to fewer than 50 people, closed bars and restaurants to all service except food and non-alcoholic beverage takeout and delivery, closed gyms, fitness centers and movie theaters, and prohibited on-site operations at off-track betting facilities; and

WHEREAS, my Executive Order No. 7E, dated March 17, 2020, among other things, waived the requirement for an 180-day school year, limited fingerprinting availability to that for critical

requirements, extended the duration of various licenses and permits under the authority of the Commissioner of Emergency Services and public protection, and suspended certain requirements for recoupment of overpayment and hearings conducted by the Department of Social Services; and

WHEREAS, my Executive Order No. 7F, dated March 18, 2020, ordered the closure of Large Shopping Malls, the closure of places of public amusement except public parks and open recreation areas, expanded Medicaid telehealth coverage, waived in-person service, hearing, and screening requirements for certain Probate Court proceedings in vulnerable group care settings, and clarified my order cancelling school classes; and

WHEREAS, my Executive Order No. 7G, dated March 19, 2020, ordered the postponement of the presidential primary, suspended non-critical court operations, expanded the availability of telehealth services, and enacted additional public health measures; and

WHEREAS, my Executive Order No. 7H, dated March 20, 2020, limited the workplace operations of non-essential businesses, and on-profit, created a process to designate those that are essential, and provided for consistency across the state in governmental response to the COVID-19 pandemic; and

WHEREAS, my Executive Order No. 7I, dated March 21, 2020, among other things, granted various forms of financial relief to recipients of public health and economic assistance, enacted measures to protect the health of children in the care of the Department of Children and Families, and enacted a series of measures to allow municipalities and their administrative bodies to conduct essential business while reducing the risk of COVID-19 transmission; and

WHEREAS, my Executive Order No. 7J, dated March 22, 2020, among other things, expanded the availability of temporary retired workers to fill critical staffing needs, provided authority to expedite acquisition and leasing of property to meet emergency response needs, and clarified restrictions on the operations of non-essential businesses; and

WHEREAS, my Executive Order No. 7K, dated March 23, 2020, among other things, suspended non-critical operations of the Probate Court and the Workers' Compensation Commission, authorized remote notarization, and provided the Commissioner of Public Health with additional authority to expedite the public health response to the COVID-19 pandemic; and

WHEREAS, my Executive Order No. 7L, dated March 24, 2020, among other things, extended the cancellation of public school classes through April 20, 2020, opened fishing season early to provide a safe recreational activity during this period of limited availability of other options, provided for continued availability of medical marijuana for patients with debilitating conditions, eased the ability for certain patients to transfer between nursing homes, and provided for increased availability of vital records services; and

WHEREAS, my Executive Order No. 7M, dated March 25, 2020, preserved the rights of the public in certain proceedings under the Connecticut Freedom of Information Act and authorized commissioners of state agencies to suspend or modify administrative deadlines and other requirements of Chapter 54 of the Connecticut General Statutes and other agency-specific administrative requirements; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, confirmed COVID-19 infections and resulting hospitalizations have increased significantly in recent days, at the same time that residents of areas with high infection rates have arrived in Connecticut, creating a need to enact further mandatory distancing measures to limit the rate of spread of the disease; and

WHEREAS, Public Act 19-117, codified as Section 22a-246a of the 2020 Supplement to the Connecticut General Statutes, in order to reduce waste and litter and their resulting harm to the quality of the environment and waters of the State of Connecticut and associated environmental costs, imposed a 10-cent-per-bag tax on single-use plastic checkout bags at various retail and other establishments; and

WHEREAS, while the Connecticut Department of Public Health has examined this issue and found that existing precautions, including frequent handwashing for at least 20 seconds or use of alcohol based sanitizer, avoiding touching the face with unwashed hands, and routine cleaning of public spaces and frequently handled items will greatly reduce the risk of COVID-19 transmission for workers in high volume retail settings, many employees of retail establishments have expressed concern about the handling of such bags; and

WHEREAS, retail and especially grocery and restaurant workers are making a critical contribution to keeping food readily available to the public during this public health and civil preparedness emergency, their continued contribution is essential to the state's ability to enact appropriate distancing measures, and their concerns are respected; and

WHEREAS, Connecticut law mandates annual statewide assessments to measure student achievement and to determine school accountability, in addition to the federal testing requirements which were waived by the U.S. Department of Education on March 20, 2020 for the full state; and

WHEREAS, in light of the major disruption caused by the cancellation of classes statewide in Connecticut, on March 20, 2020, the Connecticut State Department of Education secured a federal waiver for the 2019-20 school year from (i) all state-mandated assessments in all grades and subjects; and (ii) district/school accountability measures under the Every Student Succeeds Act; and

WHEREAS, demand for firearms and ammunition since the declaration of this public health and civil preparedness emergency has increased dramatically, for example with 19,943 firearms purchase or transfer authorizations completed in March 2020 so far compared to 12,572 in all of March 2019, resulting in difficulty for dealers in transmitting authorization requests, larger than normal lines and crowds, and significant burdens on the staff and systems who process such requests, compromising their ability to process the requests and perform other critical emergency services and public safety duties; and

WHEREAS, upon a proclamation that a civil preparedness emergency exists, section 28-9(b) of the Connecticut General Statutes authorizes the modification or suspension in whole or in part by executive order of any statute or regulation or requirement or part thereof that conflicts with the efficient and expeditious execution of civil preparedness functions or the protection of public health;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Restriction of Social and Recreational Gatherings to No More Than 5 People.** Effective immediately, and through April 30, 2020, unless earlier modified, extended, or terminated by me, the prior order set forth in Executive Order No. 7D, prohibiting social and recreational gatherings of 50 people or more, is hereby amended and modified to require that all such gatherings of six (6) or more people, including but not limited to, community, civic, leisure, or sporting events; parades; concerts; festivals; plays or live performances; conventions; and similar activities, are prohibited throughout the State of Connecticut, except that religious, spiritual or worship gatherings shall not be subject to such increased restrictions, and shall instead remain subject to the prohibition on gatherings of 50 or more people, provided that they employ reasonable and appropriate distancing measures. To further clarify this order, it does not apply to government operations, private workplaces, retail establishments, or other activities that are not social or recreational gatherings.
2. **Restrictions on Restaurant Payment and Pickup Operations.** Where reasonably practicable, restaurants, eating establishments, and any bars that remain open for sales of food for off-premise consumption, shall limit entrance of customers into their locations to the minimum extent necessary to pick up and/or pay for orders, use touchless payment systems, and require remote ordering and payment, whether by telephone, computer, mobile application, or other technology. Nothing in this order shall require any such business to acquire or use ordering or payment technology that they do not already possess, prohibit drive-through ordering and pickup, or prohibit in-person payment or cash payment where there is no reasonable alternative. Previously issued guidance for hospital and business cafeterias remains in effect.

3. **Further Restrictions on Retail Operations.** Any retail establishment that has been allowed to remain open and permit customers inside such establishment during this public health and civil preparedness emergency shall take appropriate and reasonable measures to ensure customers maintain six feet of distance between each other, and to manage any resulting lines to maintain such distance while people are waiting to enter, and where reasonably practical, employ touchless payment technology if they already have such technology available.
 - a. **Firearms Transactions by Appointment Only.** Effective immediately and through May 15, 2020, unless earlier modified, extended, or terminated by me, because the nature of certain regulated retail transactions, including purchase, sale, and transfer of firearms, ammunition, and their components or supplies, requires the customer's presence inside the business to accommodate certain parts of those transactions or associated background check processes, and in order to limit person-to-person contact as much as possible and manage the large increase in requests for authorizations for such transactions and the resulting burdens on the communications technology and public safety staff responsible for reviewing and providing such authorizations, any firearms dealer shall conduct all such transactions by appointment only, shall limit such appointments to a number that will maintain a distance of six feet between any customers and/or staff in a store, including customers and staff conducting such transactions, and shall allow entrance into their establishments only to those customers conducting such transactions.
4. **Temporary Suspension of Tax on Single-Use Checkout Bags.** All provisions of Section 355 of Public Act 19-117, as codified in Section 22a-246a of the 2020 Supplement to the Connecticut General Statutes, regarding single-use plastic checkout bags, are temporarily suspended through May 15, 2020, unless earlier modified, extended, or terminated by me. The Commissioner of Revenue Services shall issue any implementing order he deems necessary, and any guidance for businesses on accounting or other necessary measures during this temporary suspension.
5. **Employees Not Required to Bag Items in Reusable Bags.** Effective immediately and through May 15, 2020, unless earlier modified, extended, or terminated by me, no employer in a retail establishment shall require any employee to bag any item in a customer-provided reusable bag, provided that nothing in this order shall prohibit customers who wish to use such reusable

bags from doing so; such customers shall bag their own items where the employee of the retail establishment declines to do so.

6. **Suspension of 21-month Limit on Temporary Family Assistance.** Section 17b-112 of the Connecticut General Statutes and any implementing regulations are modified to exclude from the statutory 21-month time limit on receipt of Temporary Family Assistance all months of such assistance received during the public health and civil preparedness emergency.
7. **Suspension of School Testing Assessments for 2019-20 School Year.** The provisions of Section 10-14n of the Connecticut General Statutes related to the administration of all state summative and alternate assessments; Section 10-14t, related to the administration of universal screening reading assessment for students in Grades K-3; and Section 10-265g, related to the administration of reading assessments in priority districts at the end of the school year, are hereby suspended for the 2019-20 school year. Any associated regulations, rules, and policies regarding statewide assessments are modified to authorize the Commissioner of Education to temporarily waive any requirements contained therein as he deems necessary to respond to the effects of the COVID-19 pandemic.

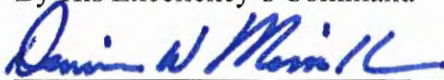
Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 26th day of March, 2020.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State





Guidance for Houses of Worship During the COVID-19 Crisis

During these challenging times, government and faith communities throughout Texas need to work together to love our neighbors and slow the spread of Coronavirus. To facilitate this collaboration, State and local governments must clearly articulate their directives aimed at mitigating spread of the virus. This updated joint guidance from the Office of the Attorney General and the Office of the Governor is the official guidance regarding the effect of Executive Order GA 16 on religious services conducted in churches, congregations, and houses of worship.

The government must give special consideration to houses of worship when issuing orders related to the COVID-19 crisis.

The First Amendment to the United States Constitution and Article I of the Texas Constitution protect the right of Texans to worship and freely exercise their religion according to the dictates of their own consciences. In addition, the Texas Religious Freedom Restoration Act ("RFRA") provides additional protections to faith communities, and government must ensure that it complies with RFRA when it acts, even during a disaster. Thus, when state or local governments issue orders prohibiting people from providing or obtaining certain services, they must ensure that these orders do not violate these constitutional and statutory rights.

Houses of worship provide "essential services."

By executive order, Governor Abbott has defined essential services to include "religious services conducted in churches, congregations, and houses of worship."¹ Institutions providing these essential services can provide them under certain conditions described in Executive Order GA 16 and local orders by counties or municipalities that are consistent with GA 16. To the extent there is conflict between the Governor's Executive Order GA 16 and local orders, GA 16 controls. Local governments may not order houses of worship to close.

Houses of worship should conduct as many activities as possible remotely, and should follow federal guidelines when providing services in person.

Houses of worship should conduct as many of their activities as possible remotely. Services that houses of worship cannot conduct remotely should be conducted in accordance with guidance from the White House and the Centers for Disease Control and Prevention ("CDC").² For example:

¹ Exec. Order No. GA 16 at 3 (Apr. 17, 2020); *see also* Exec. Order No. GA 14 at 2 (Mar. 31, 2020) (superseded by GA 16).

² Ctr. for Disease Control, Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (Apr. 9, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/>

- Instruct sick employees, volunteers, and guests to stay home;
- Practice social distancing by maintaining appropriate distance between people;
- Maintain good hygiene by washing your hands frequently, using hand sanitizer, using your elbow to cover coughs, and not touching your face;
- Implement environmental cleanliness and sanitization practices; and
- Clean and disinfect work areas frequently.

Houses of worship, like providers of other essential services, are to follow additional guidance from the White House and CDC whenever possible.³

Houses of worship should help slow the spread of the virus.

Texas is a big state and the transmission rate of COVID-19 varies in different communities. Texans also have big hearts and should love their neighbors by evaluating the rate of local community spread to determine the appropriate level of mitigation strategies to implement.⁴ Houses of worship play an important role in this effort, and can use their creativity to help slow the spread of the virus. For example, a church could hold “drive-in” style services. Or because Executive Order GA 16 permits drive-thrus to provide goods and services, a house of worship may, according to their faith practices, provide communion or a blessing through a similar drive-up service.

When conducting services, houses of worship may consider implementing the following practices:

- Encourage all attendees who are 65 and above to stay home and watch the services online, or provide a “senior service” exclusively for attendees 65 and above to attend in person.
- Ask all attendees who have an underlying at-risk health condition to stay home and watch the services online.
- Equip ushers and greeters with gloves and masks.
- Consider keeping child care closed, unless the house of worship can comply with CDC guidelines for child care facilities.⁵

[community/guidance-business-response.html](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html); Tex. Dep’t of State Health Servs., Prevention of COVID-19 (Apr. 17, 2020), <https://www.dshs.texas.gov/coronavirus/#prevent>; The President’s Coronavirus Guidelines for America, 30 Days to Slow the Spread (Mar. 31, 2020), https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf.

³ CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

Texas DSHS: <https://www.dshs.texas.gov/coronavirus/#prevent>.

⁴ CDC, People Who Are at Higher Risk for Severe Illness (Apr. 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>; see also CDC, Interim Guidance for Administrators and Leaders of Community- and Faith-Based Organizations to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-19) (Mar. 23, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>.

⁵ CDC, Guidance for Childcare Programs that Remain Open (Apr. 12, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>.

- Ensure all attendees sanitize their hands and put on a mask before entering the building.
- Ensure attendees sit with their family unit, use social distancing between each unit, and, if necessary, add more service times to facilitate distancing.
- Clergy should dismiss attendees by family unit, maintaining social distancing.
- Staff should sanitize seats and frequently touched surfaces between services.
- Consider refraining from passing collection plates and instead provide a central collection box in the building or encourage online giving.
- Consider how the sacraments can be administered without attendees having to touch the same surfaces and objects.

These guidelines do not violate the religious liberty of houses of worship.

Under the extraordinary circumstances in which we temporarily live, these guidelines provide that houses of worship may remain open. The guidelines make only recommendations to houses of worship. They do not violate the religious liberty of houses of worship because the government has a compelling interest in recommending this guidance (stopping contagion) and the guidance is the least restrictive means of serving that compelling interest (allowing houses of worship to stay open for ministry, but suggesting ways that help slow the spread of COVID-19).



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REPLY TO FLORIDA

April 22, 2020

Via E-Mail and Facsimile:

The Honorable Ralph Northam
Governor of Virginia
State Capitol, Third Floor
Richmond, VA 23219
Phone: 804-786-2211
Fax: 804-371-6351
ralph.northam@governor.virginia.gov

RE: Church Meeting Ban Enforcement

Dear Governor Northam:

Liberty Counsel is a national non-profit litigation, education, and public policy organization with an emphasis on First Amendment liberties.

Liberty Counsel represents Lighthouse Fellowship ("the Church"), which is located in the Town of Chincoteague, Virginia. I write on behalf of the Church, its pastor, Kevin Wilson, and its members. The Church meets in its sanctuary practicing social distancing guidelines and sanitary measures recommended by the Centers for Disease Control ("CDC").

Your Executive Orders relating to COVID-19, including "gathering orders" limiting churches to attendance by no more than ten persons, have been enforced against Pastor Wilson. Police officers in the Commonwealth of Virginia have visited Virginia churches, such as Lighthouse, threatened to impose, and in the case of Lighthouse, actually imposed criminal sanctions against religious gatherings that include more than ten individuals, regardless of whether appropriate and government-recommended social distancing and personal hygiene recommendations are practiced.

Executive Order 53 of March 23, 2020 prohibits "all public and private gatherings of more than 10 individuals." Executive Order 53 was subsequently amended on April 15, 2020. Executive Order 53, though purporting to prohibit "all public and private gatherings of more than 10 individuals," permitted such gatherings at certain businesses deemed "essential," including "beer, wine, and liquor stores," "department stores," "home improvement, hardware, and building material" stores, and other certain "essential businesses."

Those businesses that Executive Order 53 deemed “essential” were permitted to continue operations provided they could “to the extent possible, adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces,” and other measures recommended by various government agencies. Executive Order 55 of March 30, 2020 further expanded on the restrictions imposed in Executive Order 53, and purported to require all individuals in the Commonwealth to stay at home.

Executive Order 55 states that “[a]ll individuals in Virginia shall remain at their place of residence” except in the circumstances specifically permitted in the order. This order reiterated that “[a]ll public and private in-person gatherings of more than ten individuals are prohibited. This includes parties, celebrations, **religious**, or social events.” (Emphasis added).

Despite its prohibitions on “religious” gatherings, Executive Order 55 permits all “non-essential” retail businesses to continue to operate so long as social distancing and personal hygiene practices are followed. Executive Order 55 states that any violation of the Executive Orders constitutes a criminal offense subject to criminal penalties under the Code of Virginia.

On the morning of April 5, 2020, the “religious” gathering Executive Orders were enforced against Lighthouse Fellowship’s Pastor Wilson. Sixteen (16) persons were present at the worship services of Lighthouse Fellowship this morning. This attendance at the Church represented approximately five percent (5%) of its overall capacity of up to 293 seats, but exceeded by six persons the ten-person “religious” gathering order.

An officer from the Town of Chincoteague Police Department visited the church 45 minutes before the service, and officers from the Town visited after the service. Pastor Wilson was served by the officers with a criminal citation and summons after the service.

The criminal citation and summons for Pastor Wilson charged him with violating Va. Code §44-146.17, as violating the Executive Order prohibiting religious gatherings. Va. Code §44-146.17 makes it a Class 1 misdemeanor to violate an Executive Order that declares it has the full force and effect of law.

The Chincoteague Police Department and other law enforcement agencies, including the Virginia State Police, acting at the direction of the Office of the Governor, are each acting under color of state law, and are depriving our clients and other similarly situated Virginians of rights secured by the United States Constitution, including the First and Fourteenth Amendments to the United States Constitution, in violation of 42 U.S.C. § 1983.

In times of national crisis, such as the current uncertainty arising from COVID-19, “the fog of public excitement obscures the ancient landmarks set up in our Bill of Rights.” *American Communist Ass’n, C.I.O. v. Douds*, 339 U.S. 382, 453 (1950) (Black, J., dissenting). But, where the fog of public excitement is at its apex, “the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly.” *De Jonge v. Oregon*, 299 U.S. 353, 365 (1937). Without doubt, “[t]herein lies the security of the Republic, the very foundation of constitutional government.” *Id.*

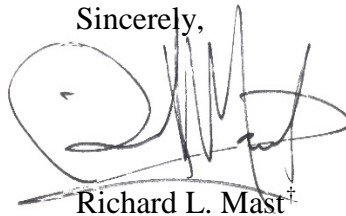
Demand is hereby made for a response by 5:00 P.M. on April 23, 2020, for written confirmation that the ban on religious gatherings over 10 people embodied in the Covid-19 Executive Orders has been rescinded, and that

1. individuals will be permitted to attend church services at Lighthouse in an equal manner with other essential and non-essential business permitted to exceed 10-person gathering limitations, provided certain social distancing and personal hygiene practices are followed, and
2. there will be no further enforcement of any church gathering bans against members and/or attendees of Lighthouse church services.

If I do not receive these respective confirmations by the time requested, Liberty Counsel will take additional action to prevent irreparable harm to the rights of our clients.

Thank you for your attention to this matter.

Sincerely,



Richard L. Mast[†]

CC:

Via Email:

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