

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

American Humanist Association,
Lauren Graybill, Bruce A. Hake,
Cornelius M. Ridgely, and Judy Smith

Plaintiffs,

v.

Carroll County, Maryland, by its Board of
County Commissioners, consisting of its chair,
Doug Howard, and Robin B. Frazier, Richard S.
Rothschild, David H. Roush, and Haven N.
Shoemaker, Jr.,

Defendants.

Case No. 13CV1312

NOTICE OF MOTION AND MOTION FOR CONTEMPT

OR ALTERNATIVELY, ORDER TO SHOW CAUSE FOR CONTEMPT

Notice of Motion

Please take notice that the above-captioned Plaintiffs move the Court for an order punishing the Defendants for contempt in that they violated the Court's injunction order, as more fully appears by the declarations of the Plaintiffs, copies of which are attached hereto and incorporated by reference.

Dated April 1, 2014

s/ Monica L. Miller

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Attorneys for Plaintiffs

Motion / Order to Show Cause

The above-captioned Plaintiffs hereby move the Court for an order against the above-captioned Defendants for contempt of this Court upon the grounds set forth in the attached declarations. The Court has authority to issue this order of contempt pursuant to 18 U.S.C.A. § 401(3); Fed. R. Civ. P. 70. This motion is based on this Notice of Motion, the attached Memorandum of Law, the accompanying declarations, exhibits, all pleadings, papers, and records on file in this action, all testimony and other evidence offered at trial, and on such other matters as may be presented prior to or at a hearing.

As grounds for this motion, the Plaintiffs show the Court:

1. On March 25, 2014, a preliminary injunction order was entered by the Honorable William D. Quarles, Jr., Judge of the United States Court for the District of Maryland, temporarily enjoining (the “Injunction Order”) the Defendants as follows: “The County will be preliminarily enjoined from continuing its current practice of frequently opening its Board meetings with sectarian prayers. In accord with the injunction approved by the Fourth Circuit in *Wynne*, the County will be enjoined, during the pendency of this case, ‘from invoking the name of a specific deity associated with any specific faith or belief in prayers given at [Board] meetings.’ *Wynne*, 376 F.3d at 302.”
2. Notwithstanding the entry of the Injunction Order, the Defendants, contrary to the terms of the order and in violation of it, have continued and are continuing to deliver sectarian prayers referencing “Jesus” at official Carroll County Board meetings. In particular, after receiving notice of the injunction, Commissioner Robin Frazier delivered a sectarian invocation at the March 27, 2014 meeting, making frequent references to “Jesus” throughout, in express defiance of this Court’s order. Prior to delivering the prayer, Commissioner Frazier expressly mentioned this Court’s order and her disappointment with it. (Hake Decl. at ¶¶3-4) (Smith Decl. at ¶¶3-4) (Ridgely Decl. at ¶¶3-4) (Graybill Decl. at ¶¶3-4). Then on

April 1, 2014, the Defendants authorized another sectarian Christian prayer at its Board meeting in violation of this Court's Injunction Order. (Hake Decl. at ¶¶5-7) (Smith Decl. at ¶¶5-7) (Ridgely Decl. at ¶¶5-7) (Graybill Decl. at ¶¶5-7)

3. This Court has the power to punish by fine, imprisonment, or both, at its discretion, contempt of its authority, including the "[d]isobedience or resistance to its lawful writ, process, order, rule, decree, or command." 18 U.S.C. § 401.

THEREFORE, the Plaintiffs respectfully request that a contempt order be issued against the Defendants, requiring them to pay a fine to the Plaintiff, American Humanist Association in the amount of \$30,000. The Plaintiffs further request that the Court order the Defendants to pay the American Humanist Association \$10,000 for each additional violation of this Court's Injunction Order going forward.

Dated: April 1, 2014

s/ Monica L. Miller

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Attorneys for Plaintiffs

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Case No. 13CV1312

Proposed Order Granting Plaintiffs' Motion for Contempt / Order to Show Cause

Pursuant to 18 U.S.C. § 401 the Court adjudges Defendants, Doug Howard, Robin B. Frazier, Richard S. Rothschild, David H. Roush, and Haven N. Shoemaker, Jr., in their individual and official capacities, in contempt of this Court for their neglect, failure and willful refusal to comply with and obey the Injunction Order issued by this Court on March 25, 2014, granting equitable relief to Plaintiffs, and awarding reasonable attorney fees, and such other and further penalties and sanctions as to the Court may seem just and proper additionally and alternatively, imposing a fine on the Defendants in the amount of \$30,000 to be paid immediately to the Plaintiff American Humanist Association. The Court further orders the Defendants to pay the American Humanist Association \$10,000 for each additional violation of this Court's Injunction Order in the future.

And Plaintiffs having fully set forth in their attached declarations and memorandum of law, the grounds for their motion, which are that the Defendants continue to deliver sectarian Christian prayers contrary to this Court's Injunction Order, it is hereby

ORDERED, that the Defendants individually and as in their official capacities, show cause at a hearing of this Court, to be held at [address] on [date], at [time], or as soon thereafter as counsel can be heard, why an order should not be made granting Plaintiffs' motion.

Dated:

Board of County Commissioners

David H. Roush, *President*
Richard S. Rothschild, *Vice President*
Robin Bartlett Frazier, *Secretary*
Doug Howard
Haven N. Shoemaker, Jr.



Carroll County Government

225 North Center Street
Westminster, Maryland 21157
410-386-2043; 1-888-302-8978
fax 410-386-2485
MD Relay 711/800-735-2258

FOR IMMEDIATE RELEASE

Contact: Roberta Windham
410-386-2043

Temporary Injunction Issued by Federal District Court on Legislative Prayer Litigation

Westminster, Thursday, March 27, 2014 – The Board of County Commissioners received a temporary injunction issued by the United States federal court judge ordering the Board to refrain from invoking “the name of a specific deity associated with any one specific faith or belief in prayers given at Board meetings.” This temporary Order is in the normal course of litigation and the Board will vigorously pursue the matter to its end. In laymen’s terms the court is ordering the Board to stop offering any prayers in the name of Jesus, as Americans and their government officials have freely done for hundreds of years. For the moment at least, this court Order has the force of law.

Within the next few months, the United States Supreme Court will be issuing a ruling on legislative prayer that the Board believes will supersede and overturn this temporary injunction. If the Supreme Court rules as the Board and its legal counsel believes it will, this lawsuit will soon be over in favor of our county. In legislative prayer cases similar to this case, other federal court judges have made very different decisions. The only legislative prayer case ever decided by the United States Supreme Court, in 1983, allowed prayers in Jesus’ name at legislative meetings.

As constitutional officers of this county, while we disagree with the current Fourth Circuit case law, we do respect the judge’s position in our American legal system. As Commissioners who represent every citizen of Carroll County, we continue to respect the various faiths or non-faiths of all Carroll residents. We are careful with taxpayer dollars as we defend against this lawsuit and will await the Supreme Court’s prayer decision. We are grateful that our attorneys at the National Center for Life and Liberty are providing their legal services to us free of charge.

The Fourth Circuit has permitted the Board to continue using the following court-approved words in our prayers:

“Lord God, our creator,” “giver and sustainer of life,” “the God of Abraham, Isaac and Jacob,” “Heavenly Father,” “Lord our Governor,” “mighty God,” “Lord of Lords, King of Kings, creator of planet Earth and the universe and our own creator.”

The Board of Commissioners does not discriminate against anyone based on their religious beliefs or non-beliefs.

For any further information or comment please contact, Mr. David Gibbs, Esq. 727-362-3700.

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CARROLL COUNTY

ACCESSIBILITY NOTICE: The Americans with Disabilities Act applies to the Carroll County Government and its programs, services, activities, and facilities. Anyone requiring an auxiliary aid or service for effective communication or who has a complaint should contact Madeline M. Morey, The Americans with Disabilities Act Coordinator, 410.386.3800, 1.888.302.8978, MD Relay 7-1-1/1.800.735.2258 or email mmorey@ccg.carr.org as soon as possible but no later than 72 hours before the scheduled event.

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Defendants.

Case No. 13CV1312

DECLARATION OF BRUCE A. HAKE

I, Bruce A. Hake, declare, certify, and state under penalty of perjury under the laws of the United States of America, as follows:

1. I am a plaintiff in the captioned matter, which is a lawsuit brought under the First Amendment of the United States Constitution in response to sectarian prayers that have been included as part of public meetings of the Carroll County Board of Commissioners.
2. On or about March 25, 2014, this Court signed a preliminary injunction order prohibiting sectarian prayers at meetings of the Board of Commissioners.
3. On March 27, 2014, I attended the first Board of Commissioners meeting since the injunction was ordered. Commissioner Robin Frazier began the meeting that morning by objecting to the aforementioned court order and then proceeding with a sectarian prayer in defiance of the court

order. A video of her statement and prayer is available at the official web site of the Board of Commissioners. The web site address is:

<http://carrollcountymd.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1949&AgendaID=1792&FileFormat=pdf&Format=Agenda&MediaFileFormat=wmv>

4. In person I saw Commissioner Frazier recite the following prayer:

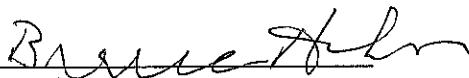
"Oh Lord our God, most mighty and merciful Father, I, thine unworthy creature and servant, do once more approach thy presence. Though not worthy to appear before thee, because of my natural corruptions and the many sins and transgressions which I have committed against thy divine majesty; yet I beseech thee, for the sake of him in whom thou art well pleased, the Lord Jesus Christ, to admit me to render thee deserved thanks and praises for thy manifold mercies extended toward me: for the quiet rest and repose of the past night; for food, raiment, health, peace, liberty, and the hopes of a better life through the merits of thy dear son's bitter passion. And, oh kind Father, continue thy mercy and favor to me this day, and ever hereafter; propose all my lawful undertakings; let me have all my directions from thy Holy Spirit and success from thy bountiful hand. Let the bright beams of thy light so shine into my heart, and enlighten my mind in understanding thy blessed word, that I may be enabled to perform thy will in all things, and effectually resist all temptations of the world, the flesh and the devil. Preserve and defend our rulers in church and state. Bless the people of this land, be a father to the fatherless, a comforter to the comfortless, a deliverer to the captives and a physician to the sick. Let thy blessings guide this day and forever through Jesus Christ in whose blessed form of prayer I conclude my weak petitions. Our Father."

5. On April 1, 2014, I was made aware that the Board of Commissioners began their meeting first with a nonsectarian prayer, but then invited another speaker, whom I understand to be Bruce Holstein (the campaign manager of one of the commissioners), to speak. Mr. Holstein then stood and read aloud a long written statement that ended with a sectarian prayer. Mr. Holstein spoke for over two minutes, with the prayer portion of the statement comprising the last 50 seconds of his speech. He was not interrupted at any time by the commissioners.
6. Mr. Holstein's statement, including the prayer portion, harshly criticized this court's ruling granting an injunction. The prayer portion of the statement began with the words, "Heavenly father. . ." and then proceeded to twice expressly mention Jesus Christ. The prayer ended by asking for "blessings in Jesus' name. Amen." The prayer itself also expressly mentioned this court (calling it "misguided"). The video of this prayer can be found at the web address below, and Mr. Holstein's remarks run from 2:53 to 5:01:

<http://carrollcountymd.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1955&AgendaID=1795&FileFormat=pdf&Format=Agenda&MediaFileFormat=wmv> . The political statement preceding the prayer implicitly accuses Judge William D. Quarles, Jr. of being a liberal activist whose policies have led to evils like abortion.
7. At no time did any of the commissioners attempt to stop the prayer, nor did any of them subsequently say or do anything to suggest that the prayer was inappropriate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 1, 2014



Bruce A. Hake

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Defendants.

Case No. 13CV1312

DECLARATION OF LAUREN GRAYBILL

I, Lauren Graybill, declare, certify, and state under penalty of perjury under the laws of the United States of America, as follows:

1. I am a plaintiff in the captioned matter, which is a lawsuit brought under the First Amendment of the United States Constitution in response to sectarian prayers that have been included as part of public meetings of the Carroll County Board of Commissioners.
2. On or about March 25, 2014, this Court signed a preliminary injunction order prohibiting sectarian prayers at meetings of the Board of Commissioners.
3. On March 27, 2014, I was made aware that Commissioner Robin Frazier began the Board of Commissioners meeting that morning by objecting to the aforementioned court order and then proceeding with a sectarian prayer in defiance of the court order. I subsequently viewed a video of the meeting at the official web site of the Board of Commissioners. The web site address is:
<http://carrollcountymd.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1949&AgendaID=1792&FileFormat=pdf&Format=Agenda&MediaFileFormat=wmv>

4. Upon viewing the video, I saw Commissioner Frazier convey the following prayer:

"Oh Lord our God, most mighty and merciful Father, I, thine unworthy creature and servant, do once more approach thy presence. Though not worthy to appear before thee, because of my natural corruptions and the many sins and transgressions which I have committed against thy divine majesty; yet I beseech thee, for the sake of him in whom thou art well pleased, the Lord Jesus Christ, to admit me to render thee deserved thanks and praises for thy manifold mercies extended toward me: for the quiet rest and repose of the past night; for food, raiment, health, peace, liberty, and the hopes of a better life through the merits of thy dear son's bitter passion. And, oh kind Father, continue thy mercy and favor to me this day, and ever hereafter; propose

all my lawful undertakings; let me have all my directions from thy Holy Spirit and success from thy bountiful hand. Let the bright beams of thy light so shine into my heart, and enlighten my mind in understanding thy blessed word, that I may be enabled to perform thy will in all things, and effectually resist all temptations of the world, the flesh and the devil. Preserve and defend our rulers in church and state. Bless the people of this land, be a father to the fatherless, a comforter to the comfortless, a deliverer to the captives and a physician to the sick. Let thy blessings guide this day and forever through Jesus Christ in whose blessed form of prayer I conclude my weak petitions. Our Father.”

5. On April 1, 2014, I was made aware that the Board of Commissioners began their meeting first with a nonsectarian prayer, but then invited another speaker, whom I understand to be Bruce Holstein (the campaign manager of one of the commissioners), to speak. Mr. Holstein then stood and read aloud a long written statement that ended with a sectarian prayer. Mr. Holstein spoke for over two minutes, with the prayer portion of the statement comprising the last 50 seconds of his speech. He was not interrupted at any time by the commissioners.
6. Mr. Holstein’s statement, including the prayer portion, harshly criticized this court’s ruling granting an injunction. The prayer portion of the statement began with the words, “Heavenly father. . .” and then proceeded to twice expressly mention Jesus Christ. The prayer ended by asking for “blessings in Jesus’ name. Amen.” The prayer itself also expressly mentioned this court (calling it “misguided”). The video of this prayer can be found at the web address below, and Mr. Holstein’s remarks run from 2:53 to 5:01:

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7. At no time did any of the commissioners attempt to stop the prayer, nor did any of them subsequently say or do anything to suggest that the prayer was inappropriate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 1, 2014



Lauren Graybill

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DECLARATION OF CORNELIUS M. RIDGELY

I, Cornelius M. Ridgely, declare, certify, and state under penalty of perjury under the laws of the United States of America, as follows:

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all my lawful undertakings; let me have all my directions from thy Holy Spirit and success from thy bountiful hand. Let the bright beams of thy light so shine into my heart, and enlighten my mind in understanding thy blessed word, that I may be enabled to perform thy will in all things, and effectually resist all temptations of the world, the flesh and the devil. Preserve and defend our rulers in church and state. Bless the people of this land, be a father to the fatherless, a comforter to the comfortless, a deliverer to the captives and a physician to the sick. Let thy blessings guide this day and forever through Jesus Christ in whose blessed form of prayer I conclude my weak petitions. Our Father.”

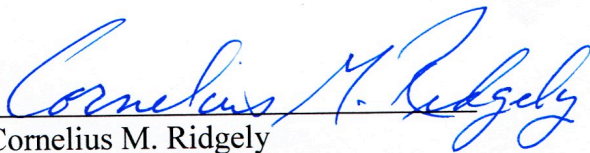
5. On April 1, 2014, I was made aware that the Board of Commissioners began their meeting first with a nonsectarian prayer, but then invited another speaker, whom I understand to be Bruce Holstein (the campaign manager of one of the commissioners), to speak. Mr. Holstein then stood and read aloud a long written statement that ended with a sectarian prayer. Mr. Holstein spoke for over two minutes, with the prayer portion of the statement comprising the last 50 seconds of his speech. He was not interrupted at any time by the commissioners.
6. Mr. Holstein’s statement, including the prayer portion, harshly criticized this court’s ruling granting an injunction. The prayer portion of the statement began with the words, “Heavenly father. . .” and then proceeded to twice expressly mention Jesus Christ. The prayer ended by asking for “blessings in Jesus’ name. Amen.” The prayer itself also expressly mentioned this court (calling it “misguided”). The video of this prayer can be found at the web address below, and Mr. Holstein’s remarks run from 2:53 to 5:01:

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7. At no time did any of the commissioners attempt to stop the prayer, nor did any of them subsequently say or do anything to suggest that the prayer was inappropriate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 1, 2014



Cornelius M. Ridgely

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DECLARATION OF JUDY SMITH

I, Judy Smith, declare, certify, and state under penalty of perjury under the laws of the United States of America, as follows:

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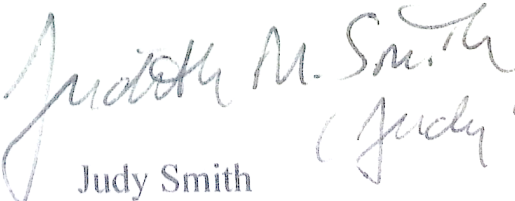
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7. At no time did any of the commissioners attempt to stop the prayer, nor did any of them subsequently say or do anything to suggest that the prayer was inappropriate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 1, 2014


(Judy Smith)
Judy Smith