

**In the
Supreme Court of the United States**

WENDY GISH, PATRICK SCALES, JAMES DEAN MOFFATT, AND BRENDA WOOD,
Applicants,

v.

GAVIN NEWSOM, in his official capacity as the Governor of California; XAVIER
BECERRA, in his official capacity as the Attorney General of California,
Respondents.

To the Honorable Elena Kagan, Associate Justice of the United States Supreme
Court and Circuit Justice for the Ninth Circuit

**Notice of Status of Church Discrimination in California with the Regional
Stay Home Order ending on January 25, 2021**

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On January 25, 2021, the State of California announced that it was ending its Regional Stay Home Order “because 4-week ICU capacity projections in the three remaining regions under the order had reached 15% or higher. The limited Stay at Home Order (curfew) has also ended. Counties will now return to restrictions according to their tier in the Blueprint for a Safer Economy.” (See <https://covid19.ca.gov/stay-home-except-for-essential-needs/>). The Blueprint for Success was introduced in the State of California on August 28, 2020, by order of the Statewide Public Health Officer (Appendix 13). This Public Health Officer Order in turn cites as its authority California Governor Gavin Newsom’s Executive Orders N-25-20 and N-60-20 (Appendix 5 & 6).

Applicants had previously submitted, in support of their application, Appendix 16, containing a summary of the Blueprint for a Safer Economy. This chart shows that an individual can receive “Personal Care Services” indoors but “Places of Worship” can only be located, and hence congregate worship is only permitted, outdoors. Appendix 16 also shows that Retail and Shopping Centers are allowed to be open indoors while church doors remain shuttered.

It is Applicants’ position that, regardless of whether the State of California couches its restrictions on congregate worship as the “Regional Stay Home Order” or the “Blueprint for Safer Economy,” religious worshippers are being deprived of their constitutional rights to freely exercise their faith. Because both the Regional Stay Home Order and the Blueprint for Safer Economy are based on the Governor’s Executive Orders, which is the core regulation being challenged in the matter, Applicants renew their request that this Court enter an injunction prohibiting the enforcement of Executive Orders N-33-20 (March 19, 2020) and N-60-20 (May 4, 2020) against them pending final resolution in this case, including the filing and disposition of any Writ of Certiorari.

Respectfully submitted this 25th day of January, 2021.

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