

## Trump Judicial Nominees Maintained Close Communication With Alliance Defending Freedom Associates Who Could Bring Cases Before Their Courts, Potentially Creating Conflicts Of Interest

**SUMMARY:** Four of President Trump's recent judicial nominees have disclosed concerning connections to the Alliance Defending Freedom (ADF), a [Southern Poverty Law Center-designated hate group](#) that pushes [extreme anti-LGBTQ+ and anti-abortion](#) agendas through strategic litigation. Emil Bove, [confirmed](#) to the Third Circuit Court of Appeals, and Anne-Leigh Gaylord Moe, [nominated](#) to the Middle District of Florida, both admitted in Senate Judiciary Committee disclosures that they spoke with ADF's government affairs director, [Kellie Fiedorek](#), following their nominations. This direct communication could raise ethical questions and potential conflict of interests given that ADF files cases in the very courts these nominees would likely serve in. ADF has significantly expanded its influence in recent years, particularly through its [involvement in overturning Roe v. Wade](#) and its advocacy in the *Skrmetti* decision that upheld Tennessee's ban on gender-affirming care for minors.

The potential for conflict of interest becomes immediate considering ADF's active litigation in these courts. For example, Bove could hear an appeal of [Heaps v. Delaware Valley Regional High School Board of Education](#), where ADF attorneys are representing a father challenging a school district's handling of a student's social transition.

Additional nominees revealed even deeper ties to the organization. Jordan Pratt, [nominated](#) to the Middle District of Florida, disclosed that he has friends working at ADF and kept them "[apprised of significant developments](#)" throughout his selection process. Meanwhile, Joshua Devine, nominated to serve in Missouri's Eastern and Western Districts, admitted to having "[regular discussions](#)" with ADF associates, [attending ADF-hosted events](#), and [coaching law students participating in ADF fellowships](#). These extensive relationships go beyond casual professional contacts and could suggest ongoing collaboration with an organization that will likely appear before their courts.

The Alliance Defending Freedom's strategic approach to judicial influence becomes clear when examining its track record and the scope of its litigation. The organization has [won 16 Supreme Court victories](#) since 2011, including [overturning Roe v. Wade](#), and maintains active cases in other federal courts. ADF has already filed lawsuits in the [Middle District of Florida](#) and [Missouri's Eastern District](#)—the exact courts where Pratt and Divine would serve if confirmed. This pattern of judicial influence is not new for the Trump administration and its allies, as his first term saw multiple judicial appointments with ADF ties. These nominations include [Allison Jones Rushing](#), who interned at ADF and spoke at their events, as well as [Kyle Duncan](#), [Michael Joseph](#), [Jeremy Kernodle](#), and [Joseph Toth](#), who were all ADF allied attorneys. This pattern could suggest a coordinated effort to place sympathetic judges in positions where they could rule favorably on ADF's cases.

### Dating Back To His First Term, President Trump Has Appointed Multiple Judicial Nominees With Ties To The Alliance Defending Freedom

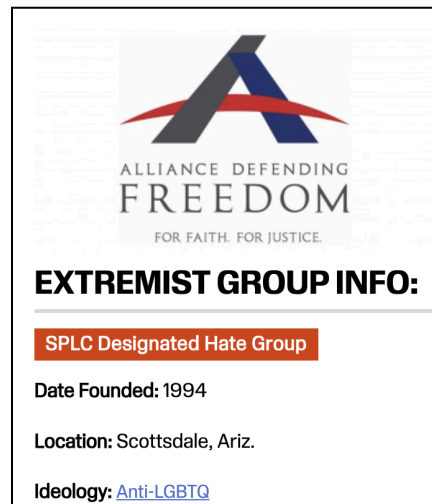
**Alliance Defending Freedom Is A Southern Poverty Law Center-Designated Hate Group That Pushes An Extreme Anti-LGBTQ+ And Anti-Abortion Agenda**

**Alliance Defending Freedom (ADF) Is A Conservative Christian Organization That Wages Legal Battles Championing The Causes Of America's Religious Far-Right.** “Founded three decades ago as a legal-defense fund for conservative Christian causes, A.D.F. had become that movement’s most influential arm. In the past dozen years, its lawyers had won fourteen Supreme Court victories, including overturning Roe v. Wade; allowing employer-sponsored health insurance to exclude birth control; rolling back limits on government support for religious organizations; protecting the anonymity of donors to advocacy groups; blocking pandemic-related public-health rules; and establishing the right of a baker to refuse to make a cake for a same-sex wedding.” [The New Yorker, [10/2/23](#)]

- **ADF Was Formerly Known As “Alliance Defense Fund.”** “Formerly known as the Alliance Defense Fund, it runs Legal Fellowship programmes to train new generations of Christian lawyers to fight for the conservative Christian agenda (against sexual and reproductive health and rights, against euthanasia, against LGBTI rights).” [European Humanist Federation, accessed [6/4/24](#)]

**ADF’s “Foundational Narrative” Is That Conservative Christians “Face Persecution In The United States,” With Which It Has Justified Waging Culture War Legal Battles Affecting Americans’ Civil Rights.** “This burgeoning ‘legal army’ has helped ADF advance its foundational narrative: that conservative Christians, in particular, face persecution in the United States [...] But no organization has played a more pivotal role than ADF in shaping and testing ‘religious freedom’ as the Christian right’s latest legal strategy in the culture wars. And while the Federalist Society has positioned itself as the right’s screening agency for the federal judiciary, no other conservative Christian legal organization has propelled so many attorneys into state and federal government, where they are now in positions to oversee the restructuring of civil-rights and First Amendment law in ADF’s mold.” [The Nation, [11/28/17](#)]

**The Southern Poverty Law Center (SPLC) Has Designated ADF As Extremist And An Anti-LGBTQ+ Hate Group.**



[Southern Poverty Law Center, accessed [2/23/24](#)]

**According To SPLC, ADF Aims To “Outlaw Abortion,” Dismantle The Rights Of “LGBTQ People Worldwide,” And Legislate According To A “Hard-Right Christian Theocratic Worldview.”** “Under Sears’ leadership, ADF expanded its training, funding and outreach not only domestically but internationally. Using its international platforms, ADF works with policymakers and other organizations to outlaw abortion, deny equality and marriage to LGBTQ people worldwide, and continue to push for a hard-right Christian theocratic worldview that is reflected in legislation and policies.” [Southern Poverty Law Center, accessed [6/13/23](#)]

*ADF Host The Blackstone Legal Fellowship, Which Is A Summer Leadership Training Program That Recruits Christian Law Students And Prepares Them To Begin*

**The Blackstone Legal Fellowship Is A Leadership Training Program For Christian Law Students And Is Organized By ADF.** “Blackstone Legal Fellowship is a leadership training program that brings together exceptional Christian law students and prepares them for careers marked by integrity, excellence, and leadership. Since 2000, Alliance Defending Freedom has trained more than 2,600 law students from more than 230 law schools in 30 different countries.” [Alliance Defending Freedom, accessed [7/23/25](#)]

- **The Fellowship Is A Summer-Long Leadership Training Program That Includes Seminars Of Legal Philosophy And Constitutional Law.** “The Fellowship begins with a summer-long leadership training program, which includes three weeks of seminars on topics such as legal philosophy, constitutional law, practicing with integrity and excellence within the legal profession, and career development and cultural engagement. Interns also spend the summer engaged in legal internships across the world, working with nonprofits, governmental entities, and boutique law firms, among others.” [Alliance Defending Freedom, accessed [7/23/25](#)]

## **During His First Term As President, Donald Trump Made Multiple Judicial Appointments Who Had Ties To ADF**

**Allison Jones Rushing, Who Was Confirmed To The Fourth Circuit U.S. Appeals, Interned At ADF And Spoke At Events Hosted By The Organization.** “Allison Jones Rushing was confirmed to the 4th Circuit U.S. Court of Appeals in March 2019 even after LGBTQ and civil rights groups highlighted her previous internship with ADF. In her Senate Judiciary Committee nomination questionnaire, Rushing also noted her participation in speaking engagements for ADF as recently as 2017.” [Media Matters, [5/20/19](#)]

**Kyle Duncan, Who Was Confirmed For The U.S. Court Of Appeals For The Fifth Circuit, Was An Allied Attorney For The ADF And Was Involved In Anti-LGBTQ Legal Cases.** “Allied attorney Kyle Duncan on the U.S. Court of Appeals for the 5th Circuit. Prior to his judicial appointment, Duncan was involved in several LGBTQ-related cases, including ‘defending Louisiana’s ban on same-sex marriage’ and representing a Virginia school board in its case against a transgender high school student who wanted access to facilities that aligned with his gender identity.” [Media Matters, [5/20/19](#)]

**Joseph Toth, Who Served On The U.S. Court Of Appeals For Veterans Claims, Was An ADF Blackstone Fellow.** “Former Blackstone fellow Joseph Toth serves on the U.S. Court of Appeals for Veterans Claims. His presence could impact LGBTQ veterans -- particularly transgender veterans who already face difficulty accessing necessary medical benefits -- now that the Trump-Pence administration has recently implemented its ban on transgender service members.” [Media Matters, [5/20/19](#)]

*Multiple Trump Judicial Appointments Served As Allied Attorneys For ADF.*

**ADF Allied Attorneys Are Christians Committed To “Using Their God-Given Legal Skills To Keep The Doors Open For The Gospel.”** “Allied Attorneys are Christians committed to using their God-given legal skills to keep the doors open for the Gospel. They are essential to Alliance Defending Freedom’s ability to respond to requests for legal help, litigate critical cases, and take on strategic projects.” [Alliance Defending Freedom, accessed [7/23/25](#)]

**Michael Joseph, Who Was Confirmed For The District Court For The Western District Of Louisiana, Was An Allied ADF Attorney.** “Allied attorney Michael Joseph Juneau serves on the U.S. District Court for the Western District of Louisiana after being confirmed in 2018.” [Media Matters, [5/20/19](#)]

**Jeremy Kernodle, Who Was Confirmed To For The U.S. District Court For The Eastern District In Texas, Identified Himself As An ADF Allied Attorney.** “Jeremy Kernodle serves as a federal judge for the U.S. District Court for the Eastern District of Texas after he was confirmed in 2018. Kernodle identified himself as an ADF allied attorney during the confirmation process but later asserted that he was not aware of his listing as an allied attorney until he began preparing for his nomination.” [Media Matters, [5/20/19](#)]

## **Since Trump's First Term, ADF Has Gained More Prominence And Influence Through Its Involvement In Overturning *Roe v. Wade*, The Recent Decision In *United States v. Skrametti*, And *303 Creative v. Elenis***

*ADF Bragged About Its Involvement In Successfully Overturning *Roe v. Wade*.*

**June 2022: The Supreme Court Overturned *Roe v. Wade*, Which Had Established A Constitutional Right To Abortion.** “In a historic and far-reaching decision, the U.S. Supreme Court officially reversed *Roe v. Wade* on Friday, declaring that the constitutional right to abortion, upheld for nearly a half century, no longer exists.” [NPR, [6/24/22](#)]

**ADF Stated On Its Website That It Was Involved “From The Very Beginning” In Overturning *Roe v. Wade*.** “Alliance Defending Freedom attorneys and staff were proud to be involved from the very beginning, all the way back in 2017.” [Alliance Defending Freedom, [1/10/24](#)]

- **ADF Is Most Well Known For Drafting And Arguing For Mississippi's Gestational Age Act.** “The Alliance Defending Freedom is a conservative, Christian-based legal organization at the forefront of some of the most controversial legal cases of this generation. They're most well-known for helping to draft and argue the "Gestational Age Act," a Mississippi law outlawing abortions after 15 weeks of pregnancy.” [The Enterprise, [4/30/24](#)]
- **In The *Dobbs* Decision, The Supreme Court Reviewed The Constitutionality Of Mississippi's Gestational Age Act—A Law Banning Most Abortions After 15 Weeks.** “*Dobbs v. Jackson Women's Health Organization* was a landmark decision addressing whether the Constitution protects the right to an abortion. In *Dobbs*, the Supreme Court reviewed the constitutionality of Mississippi's Gestational Age Act—a law banning most abortions after 15 weeks of pregnancy with exceptions for medical emergencies and fetal abnormalities.” [National Constitution Center, accessed [7/23/25](#)]

*ADF Was Also Involved In The *Skrametti* Decision That Upheld Tennessee's State Law That Banned Gender-Affirming Care.*

**ADF Has Pushed States To Enact Anti-Trans Policies, Including Barring Transgender Minors From Receiving Gender-Affirming Care.** “The Alliance Defending Freedom, a conservative advocacy group pushing states to adopt anti-trans policies, said it's prioritizing measures that would bar minors from receiving gender-affirming care. Once they reach adulthood, they can make their own decisions about this,” said Matthew Sharp, senior counsel and director of ADF's Center for Legislative Advocacy. The American Principles Project, another conservative group, also said it's focused on policies regarding youth. ‘That being said, it's also clear that these drugs and surgeries are extremely damaging even to adults, and so we also certainly support any efforts to protect them as well as policies making it easier for them to sue in the case they were harmed,’ said communications director Paul Dupont.” [Axios, [1/10/24](#)]

**Tennessee Enacted SB1 Prohibiting Minors From Accessing Gender-Affirming Health Care On March 22, 2022, And The Law Took Effect On July 1, 2023.** “Tennessee law SB1 is the law prohibiting minor access to gender affirming care in the state that is being challenged at the Supreme Court. It was enacted on March 22, 2022, became effective July 1, 2023.” [Kaiser Family Foundation, [11/26/24](#)]

- **Tennessee's Law Restricted Medical Treatments For Transgender Minors And Prohibited Healthcare Providers From Administering Puberty Blockers, Hormone Therapy, And Sex-Transitioning Surgeries.** “In 2023, Tennessee and Kentucky passed laws restricting certain medical treatments for transgender minors. These laws prohibited healthcare providers from administering puberty blockers, hormone therapy, and sex-transition surgeries to minors for the purpose

of altering their appearance or validating their gender identity when inconsistent with their biological sex.” [Oyez, accessed [6/20/25](#)]

**Before The Law Officially Went Into Effect, Three Families And A Healthcare Provider Challenged Tennessee’s SB1 Law In Federal Court, Citing That It Violated The 14th Amendment’s Equal Protection Clause.** “In the Spring of 2023, prior to the law’s effective date, three families and a provider challenged SB1 in federal court (U.S. District Court for the Middle District of Tennessee) on multiple grounds, including for violating the 14<sup>th</sup> Amendment Equal Protection Clause. The U.S. Department of Justice (DOJ) intervened in the case in support of the plaintiffs.” [Kaiser Family Foundation, [11/26/24](#)]

**June 2024: The Supreme Court Agreed To Hear A Case Involving The Tennessee Law Banning Certain Medical Treatments For Transgender Minors.** “The Supreme Court agreed on Monday to consider a Tennessee law that bans certain medical treatments for transgender minors, the first time the justices will decide on the constitutionality of such statewide bans.” [New York Times, [6/24/24](#)]

- **The U.S. v. Skremetti Case Was The First Time The Supreme Court Directly Considered How The Equal Protection Clause Applies To Gender-Affirming Care For Minors.** “U.S. v. Skremetti is the first time the Supreme Court has directly considered how the Equal Protection Clause applies to gender-affirming care for minors.” [UCLA School of Law Williams Institute, accessed [6/20/25](#)]

**October 15, 2024: Alliance Defending Freedom Filed An Amicus Brief Supporting The Respondents In The Skremetti Case.** [Supreme Court, US v. Skremetti, Amicus Brief, filed [10/15/24](#)]

*The Supreme Court Upheld Tennessee’s State Law That Banned Gender-Affirming Care For Minors.*

**United States v. Skremetti Is A Legal Challenge Before The Supreme Court Concerning Bans On Gender-Affirming Care For Minors And Focuses On Bans Like Tennessee’s SB1 Law Violated The Equal Protection Clause of The Fourteenth Amendment.** “The Skremetti case, officially United States v. Skremetti, is a legal challenge before the U.S. Supreme Court concerning bans on gender-affirming care for minors. The case focuses on whether such bans, like Tennessee Senate Bill 1, violate the Equal Protection Clause of the Fourteenth Amendment.” [Howard Brown Health, [6/9/15](#)]

**June 2025: The Supreme Court Upheld Tennessee’s Law That Banned Gender-Affirming Care For Trans Minor.** “The Supreme Court on Wednesday upheld Tennessee’s ban on gender-affirming care for trans minors in a blockbuster ruling that will bolster efforts by conservative state lawmakers to pass and preserve other divisive laws targeting transgender Americans.” [CNN, [6/18/25](#)]

- **The 6-3 Decision Was A Major Setback For The Transgender Community And Since 2020, Republican-Led States Across The Country Have Passed Laws Regulating The Lives Of Those Who Identify As Transgender.** “The 6-3 decision by a conservative majority is a major blow to the transgender community and its advocates at a critical time. Since 2020, Republican-led states around the country have passed a wave of laws regulating the lives of trans Americans, with a particular focus on minors.” [CNN, [6/18/25](#)]

*ADF Was Also Involved In 303 Creative v. Elenis—A Case That Challenged An Anti-Discrimination Law In Colorado And Whether Businesses Could Discriminate Against LGBTQ Individuals Based On Religion*

**303 Creative v. Elenis Challenged Colorado’s Anti-Discrimination Law And Would Decide If Businesses Could Discriminate Against Individuals On Religious Grounds.** “On one side are people who say the government should not force them to violate their principles to make a living. On the other are same-sex couples and others who say they are entitled to equal treatment from businesses open to the public.” [New York Times, [12/4/22](#)]



- **303 Creative LLC V. Elenis Was Brought By An Owner Of A Graphic Design Firm Who Did “Not Want To Design Websites For Same-Sex Weddings.”** “Lorie Smith is the owner and founder of a graphic design firm, 303 Creative LLC. She wants to expand her business to include wedding websites. However, she opposes same-sex marriage on religious grounds so does not want to design websites for same-sex weddings.” [Oyez, [12/05/22](#)]
- **June 30, 2023: In 303 Creative v. Elenis, The Supreme Court Held That The First Amendment “Prohibits Colorado From Forcing A Website Designer To Create Expressive Designs Speaking Messages With Which The Designer Disagrees.”** “Holding: The First Amendment prohibits Colorado from forcing a website designer to create expressive designs speaking messages with which the designer disagrees. [...] Judgment: Reversed, 6-3, in an opinion by Justice Gorsuch on June 30, 2023. Justice Sotomayor filed a dissenting opinion, in which Justices Kagan and Jackson joined.” [SCOTUSblog, [12/05/22](#)]

The Attorneys Arguing On Behalf Of 303 Creative Included Alliance Defending Freedom Attorneys Jonathan A. Scruggs, Katherine L. Anderson, Bryan D. Neihart, Kristen K. Waggoner, John J. Bursch, And Erin M. Hawley.

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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303 CREATIVE LLC, A LIMITED LIABILITY COMPANY;  
LORIE SMITH,  
*Petitioners,*

v.

AUBREY ELENIS; CHARLES GARCIA; AJAY MENON;  
MIGUEL RENE ELIAS; RICHARD LEWIS; KENDRA  
ANDERSON; SERGIO CORDOVA; JESSICA POCOCK; PHIL  
WEISER,  
*Respondents.*

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*On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Tenth Circuit*

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**PETITION FOR A WRIT OF CERTIORARI**

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JONATHAN A. SCRUGGS KATHERINE L. ANDERSON BRYAN D. NEIHART ALLIANCE DEFENDING FREEDOM 15100 N. 90th Street Scottsdale, AZ 85260 (480) 444-0020	KRISTEN K. WAGGONER <i>Counsel of Record</i> JOHN J. BURSCH ERIN M. HAWLEY ALLIANCE DEFENDING FREEDOM 440 First Street NW Suite 600 Washington, DC 20001 (571) 707-4655 kwaggoner@ADFlegal.org
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*Counsel for Petitioners*

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[Petition for a writ of certiorari, SCOTUS Blog, [9/24/21](#)]

**So Far During Trump's Second Term, Two Of President Trump's Judicial Nominees Have Revealed In Disclosures To The Senate Judiciary Committee That They Had Conversations With An Director And Senior Counsel From The Alliance Defending Freedom, Kellie Fiedorek, And Could Potentially Hear Cases That The ADF Files In Jurisdictions They Are Likely To Serve In**

## **May 28, 2025: Trump Nominated Emil Bove To The Third Circuit Court Of Appeals**

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Donald J. Trump  
@realDonaldTrump

It is my great honor to nominate Emil Bove to serve as a Judge on the United States Court of Appeals for the Third Circuit. Emil is a distinguished graduate of Georgetown Law, and served as Assistant U.S. Attorney in the Southern District of New York for nearly a decade, where he was the Co-Chief of the Terrorism and International Narcotics Unit. Emil is SMART, TOUGH, and respected by everyone. He will end the Weaponization of Justice, restore the Rule of Law, and do anything else that is necessary to, MAKE AMERICA GREAT AGAIN. Emil Bove will never let you down!

544 ReTruths 2.38k Likes

May 28, 2025, 3:03 PM

[Truth Social, @realDonaldTrump, [5/28/25](#)]

*Bove Has Worked As A Top Justice Department Official, Former Criminal Defense Attorney For Trump, Federal Prosecutor, And In Private Practice*

**Bove Is A Top Justice Department Official, Former Criminal Defense Attorney For Trump, And A Longtime Federal Prosecutor In New York.** "President Trump is considering nominating Emil Bove III, a top Justice Department official responsible for enacting his immigration agenda and ordering the purge of career prosecutors, to be a federal appeals judge, according to people familiar with the matter. Mr. Bove, 44, is a former criminal defense lawyer for Mr. Trump and a longtime federal prosecutor in New York. He was the Justice Department official at the center of the Trump administration's request earlier this year to dismiss a corruption case against the mayor of New York, Eric Adams." [New York Times, [5/19/25](#)]

**Bove Previously Moved To Chiesa Shahinian & Giantomasi PC In 2022 And Then To A New Firm, Todd Blanche, In 2023.** "By early 2022, Bove had left the office, moving to a New Jersey-based firm, Chiesa Shahinian & Giantomasi PC. But he didn't stay there long. In the fall of 2023, he went to work at the newly conceived firm of another former prosecutor in the Southern District of New York: Todd Blanche." [Politico, [2/23/25](#)]

*Bove Worked As Trump's Defense Attorney, Including For His Hush Money Case Resulting In 34 Felony Charges, Where His Work Included Making Longshot Arguments That At One Point Drew Rebuke From A Judge*

**September 2023: Trump Added Emil Bove To His Defense Team.** "Donald Trump has added two new attorneys, including a former federal prosecutor from New York, to his legal team, a source familiar with the decision told CNN. Emil Bove, was the co-chief of the national security unit at the US attorney's office for the Southern District of New York." [CNN, [9/27/23](#)]

**May 2024: Trump's Ongoing Case Resulted In 34 Felony Charges In A Scheme To Illegally Influence The 2016 Election Through A Hush Money Payment To A Porn Actor Who Said The Two Had Sex.** "Donald Trump became the first former American president to be convicted of felony crimes Thursday as a

New York jury found him guilty of all 34 charges in a scheme to illegally influence the 2016 election through a hush money payment to a porn actor who said the two had sex. Trump sat stone-faced while the verdict was read as cheering from the street below could be heard in the hallway on the courthouse's 15th floor where the decision was revealed after more than nine hours of deliberations." [Associated Press, [5/31/24](#)]

**During The Trial, Bove Was Rebuked By A Judge For Concocting The "Involvement Of Counsel" Term To Circumvent Discovery Requirements.** "Justice Juan Merchan rebuked Trump lawyer Emil Bove for seeking to include an instruction to the jury about the 'involvement of counsel' in connection with Donald Trump's intent regarding the Karen McDougal hush money deal. Bove argued that David Pecker's testimony in which he said he believed the McDougal deal was 'bulletproof' — and used that term in a conversation with Trump — meant there was a 'fair inference' to be made that Trump understood the contract had been vetted by lawyers. But Merchan accused Bove of concocting the 'involvement of counsel' term to try to circumvent discovery requirements that would have arisen if Trump's team had raised an 'advice of counsel' defense." [Politico, [5/21/24](#)]

*Bove Represented Trump In The Classified Documents Case Which Was Ultimately Dismissed*

**June 2024: Trump's Lawyers Made A "Longshot" Argument That The Justice Department Prosecutor Who Charged Trump With Hoarding Classified Documents Was Illegally Appointed And Therefore The Case Should Be Dismissed.** "Lawyers for Donald Trump made a longshot argument Friday that the Justice Department prosecutor who charged the former president with hoarding classified documents at his Florida estate was illegally appointed and that the case should therefore be dismissed." [Associated Press, [6/21/24](#)]

- **Bove Claimed That The Justice Department Could Create A "Shadow Government" Through Special Counsel Appointments.** "U.S. District Judge Aileen Cannon heard several hours of arguments Friday from lawyers for both sides, with Trump attorney Emil Bove at one point asserting that the Justice Department could create a 'shadow government' through the appointment of special counsels." [Associated Press, [6/21/24](#)]

*Emil Bove Admitted In A Disclosure To The Senate Judiciary Committee That Following His Nomination, He Spoke With Kellie Fiedorek From The Alliance Defending Freedom—A Southern Poverty Law Center-Designated Hate Group That Pushes An Extreme Anti-LGBTQ+ And Anti-Abortion Agenda*

**Bove Wrote In A Disclosure To The Senate Judiciary Committee That He Spoke With Kellie Fiedorek From The Alliance Defending Freedom About His Qualifications, Judicial Philosophy, And Preparing For The Confirmation Following His Nomination.**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: To the best of my knowledge, no, I did not speak to any such individuals in connection with the selection process that led to my nomination. Subsequent to my nomination, I communicated with Kellie Fieforek to discuss my qualifications for the position, my judicial philosophy, and preparing for my confirmation hearing.

[Senate Judiciary Committee, Questions for the Record, Emil Bove, submitted [7/2/25](#)]

*Emil Bove Admitted In A Disclosure To The Senate Judiciary Committee That He Spoke With Alliance Defending Freedom's Government Affairs Director And Senior Counsel Following His Nomination*



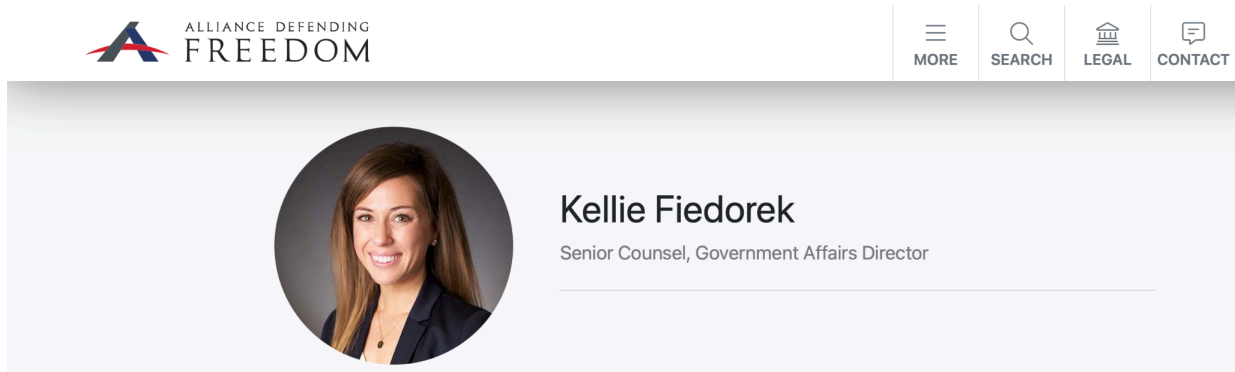
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[Senate Judiciary Committee, Questions for the Record, Emil Bove, submitted [7/2/25](#)]

**Kellie Fiedorek Serves As A Senior Counsel And Government Affairs Director At Alliance Defending Freedom.**



[Alliance Defending Freedom, accessed [7/22/25](#)]

## **If Confirmed, Bove Could Potentially Oversee A Court Case In The U.S. Third Circuit That The Alliance Defending Freedom Is Involved In**

*Heaps v. Delaware Valley Regional High School Board Of Education Is A Lawsuit Filed In Delaware's Third Circuit Court By An ADF-Represented Parent Who Accused A School District Of Socially Transitioning Their Child Without Their Permission*

**March 15, 2024: John Doe v. Delaware Valley Regional High Board Of Education Is Filed In The District Of New Jersey.**

<b>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY</b>	
<p>JOHN DOE (said name being fictitious),</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>DELAWARE VALLEY REGIONAL HIGH SCHOOL BOARD OF EDUCATION, SCOTT MCKINNEY, individually and in his official capacity as Superintendent of Schools, ASHLEY MIRANDA, individually and in her official capacity as school counselor, MATTHEW J. PLATKIN, in his official capacity as Attorney General of the State of New Jersey, KEVIN DEHMER, in his official capacity as Acting Commissioner of the New Jersey Department of Education, and JOHN ROES 1-10 (said names being fictitious), individually and in their official capacities,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 3:24-CV-00107 (GC) (JBD)</p> <p style="text-align: center;"><b>AMENDED VERIFIED COMPLAINT AND JURY DEMAND</b></p>

[*John Doe v. Delaware Valley Regional High School Board Of Education*, amended verified complaint, [3/15/24](#)]

- **The Plaintiff Was Eventually Revealed To Be Christin Heaps.** “Christin Heaps sued his daughter’s Hunterdon County high school last year after she told her school counselor she wanted to use a male name and pronouns. School administrators did not tell him of this change, which Heaps said he learned about by chance when another parent mentioned the child by a male name.” [New Jersey Monitor, [7/11/25](#)]

**According To The Case Overview, A Parent Claimed That Staff Members At Delaware Valley Regional High School Socially Transitioned Their Child “From Female To Male” Without Seeking Consent Or Informing The Father.**

#### OVERVIEW

1. This matter arises out of the actions taken by staff members at Delaware Valley Regional High School (“DVRHS”), under the auspices of the Delaware Valley Regional High School Board of Education (“Board”), the Attorney General of New Jersey (“AG”), and the New Jersey Department of Education (“NJDOE”), to socially transition Jane Doe (“Jane”), a minor child, from female to male without informing the plaintiff John Doe, her father, or seeking his consent. Mr. Doe has repeatedly expressed his objections to such acts and has been advised that the acts shall continue regardless, purportedly due to requirements of state discrimination law and policy.

[*John Doe v. Delaware Valley Regional High School Board Of Education*, amended verified complaint, [3/15/24](#)]

**According To The Case Overview, The Parent Claimed That The Delaware Valley Regional Board Of Education Deliberately Interfered With His Parental Rights By Not Disclosing His Child’s Social Transition.**

2. The Board's actions constitute deliberate interference with Mr. Doe's fundamental constitutional right to care for and raise his child, a liberty interest under the Fourteenth Amendment of the United States Constitution, as determined by the Supreme Court in *Troxel v. Granville*, 530 U.S. 57 (2000) (plurality). Such acts, and the enforcement of the laws and policies on which such interference purportedly is based, must immediately be restrained and enjoined since Mr. Doe is being deprived of his constitutional right to make critical child-rearing decisions concerning the care, custody, and control of his minor child. Defendants' actions are subject to strict scrutiny and must be narrowly tailored to advance a compelling state interest, a standard which cannot be satisfied by defendants under the circumstances presented.

*[John Doe v. Delaware Valley Regional High School Board Of Education, amended verified complaint, [3/15/24](#)]*

**According To The Case Overview, The Plaintiff Argued That The Defendant Violated The Parent's Rights That Are Guaranteed By The New Jersey Constitution.**

3. Defendants' actions and the laws and policies upon which they are purportedly based also violate Mr. Doe's rights to be the primary person responsible for his child's education, in violation of 20 U.S.C. §3401(3).

4. Defendants' actions and the laws and policies upon which they are purportedly based also violate Mr. Doe's parental rights as guaranteed by the New Jersey Constitution.

5. Mr. Doe seeks to vindicate his fundamental rights of parenting, including the rights to have primary authority in the upbringing of his children and the right to make healthcare and medical decisions for his child without interference by the State. Thus, Mr. Doe seeks a Declaratory Judgment that defendants' acts and public policies are unconstitutional, an injunction prohibiting such interference with his constitutional and statutory rights and against the enforcement of contrary laws and public policies, and an award of monetary damages against the Board, the Superintendent, and individual employees of the school district who have violated his fundamental rights.

*[John Doe v. Delaware Valley Regional High School Board Of Education, amended verified complaint, [3/15/24](#)]*

***Four Attorneys From The Alliance Defending Freedom Filed An Appeal With The Third U.S. Circuit Court Of Appeals—The Same Court Emil Bove Was Nominated To.***

***Attorneys With The Alliance Defending Freedom Filed An Appeal With The Third U.S. Circuit Court Of Appeals In The Case Of *Christin Heaps v. Delaware Valley Regional High School Board of Education*.***

APPEAL NO. 24-3278  
UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

CHRISTIN HEAPS,  
*Plaintiff-Appellant,*

v.

DELAWARE VALLEY REGIONAL HIGH SCHOOL BOARD OF EDUCATION;  
et al.,  
*Defendants-Appellees.*

On Appeal from the United States District Court  
for the District of New Jersey  
Case No. 3:24-cv-00107

OPENING BRIEF OF PLAINTIFF-APPELLANT

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[Heap v. Delaware Valley Regional High School Board Of Education, opening brief of plaintiff-appellant, [6/30/25](#)]

*The Case Is Still Being Briefed, And Therefore Bove Could Be Assigned To The Case, Depending On If And When He Is Confirmed*

**June 30, 2025: Heap v. Delaware Valley Regional High School Board Of Education Was Appealed.** [Heap v. Delaware Valley Regional High School Board Of Education, opening brief of plaintiff-appellant, [6/30/25](#)]

**The Case Was Still Being Briefed As Of July 21, 2025.**

07/11/2025	<a href="#">91</a>	ECF FILER: ENTRY OF APPEARANCE from Christian B. Corrigan on behalf of Amicus Curiae States of Montana, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Nebraska, N. Dakota, Ohio, Oklahoma, S. Carolina, S. Dakota, Texas, Utah, Virginia, W. Virginia, Arizona Legislature. [24-3278] (CBC) [Entered: 07/11/2025 04:58 PM]
07/11/2025	<a href="#">92</a>	ECF FILER: AMENDED ELECTRONIC ADDENDUM to BRIEF on behalf of Amicus Appellant State of Montana containing Amended Certification. Certificate of Service dated 07/11/2025 by ECF. [24-3278] (CBC) [Entered: 07/11/2025 05:07 PM]
07/11/2025	<a href="#">93</a>	TEXT ORDER (Clerk) directing Attorney Kayla Toney, Esq. for Amicus Appellant Abigail Martinez to submit 7 hard copies in GREEN covers for the amicus brief filed on 07/07/2025. Due on or before 07/16/2025. (MCW) [Entered: 07/11/2025 05:11 PM]
07/14/2025	94	HARD COPY RECEIVED from Amicus Appellants Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Hawaii Family Forum, Illinois Family Institute, National Legal Foundation, Pacific Justice Institute and Wisconsin Family Action - Amicus Brief. Copies: 10. (SJB) [Entered: 07/14/2025 04:08 PM]
07/14/2025	95	HARD COPY RECEIVED from Proposed Amicus-Appellant Foundation for Moral Law - Amicus Brief. Copies: 7. (SJB) [Entered: 07/14/2025 04:12 PM]
07/14/2025	96	HARD COPY RECEIVED from Amicus Appellant State of Montana, 21 Other States & The Arizona Legislature - Amicus Brief. Copies: 7. (SJB) [Entered: 07/15/2025 09:05 AM]
07/15/2025	97	TEXT ORDER (Clerk) granting motion by Amicus Appellant Our Duty for leave to file brief out of time. (NMB) [Entered: 07/15/2025 10:45 AM]
07/15/2025	98	COMPLIANCE RECEIVED. Addendum to Amicus Brief containing the identical/virus certification omitted from the brief received from Amicus Appellant State of Montana. Received on 07/11/2025. (EAF) [Entered: 07/15/2025 11:02 AM]
07/15/2025	99	COMPLIANCE RECEIVED. Addendum to brief received from Proposed Amicus-Appellant Foundation for Moral Law. Received on 07/11/2025. (EMA) [Entered: 07/15/2025 07:52 PM]
07/16/2025	100	HARD COPY RECEIVED from Amicus Appellant Abigail Martinez - Amicus Brief. Copies: 7. (PAR) [Entered: 07/16/2025 01:40 PM]

[ecf.ca3.uscourts.gov, accessed [6/21/25](#)]

## The Third Circuit Randomly Assigns Cases To A Three-Judge Panel Once They Are Fully Briefed.

“Generally, fully briefed cases are randomly assigned by the clerk to a three-judge panel.” [U.S. Court of Appeals for the Third Circuit, internal operating procedures, [1/6/23](#)]

*Bove Could Also Hear The Case If One Of The Parties Seeks A Rehearing En Banc*


**A Party In An Appealed Case May Request A Rehearing En Banc If They Believe The Panel Decision Conflicts With A Decision Of The Supreme Court Or Of Third Circuit And The Question At Hand Is Of “Exceptional Importance.”** “Rule 35(b)(1). When rehearing en banc is requested, the petition must begin with a statement that either: (A) the panel decision conflicts with a decision of the United States Supreme Court or of [the Third Circuit] (with citation to citation to the cases or cases) and consideration by the full court is therefore necessary to secure and maintain uniformity of the court's decision: or (B) the proceeding involves one or more questions of exceptional importance, each of which must be concisely stated; for example, a petition may assert that a proceeding presents a question of exceptional importance if it involves an issue on which the panel decision conflicts with the authoritative decisions of other United States Courts of Appeals that have addressed the issue.” [U.S. Court of Appeals for the Third Circuit, post-decision practice information sheet, accessed [6/21/25](#)]

- **A Rehearing En Banc Would Include All The Active Judges On The Third Circuit Who Are Not Disqualified.** “Initial en banc hearing is extraordinary; it is ordered only when a majority of the active judges who are not disqualified, determines that the case is controlled by a prior decision of the court which should be reconsidered and the case is of such immediate importance that exigent circumstances require initial consideration by the full court. An active judge who does not communicate with the Chief Judge concerning initial en banc hearing within ten (10) days after the date that the clerk transmits the petition for initial en banc hearing is presumed not to desire initial en banc hearing.” [U.S. Court of Appeals for the Third Circuit, internal operating procedures, [1/6/23](#)]

## May 28, 2025: Trump Announced His Nomination Of Anne-Leigh Gaylord Moe To The Middle District Of Florida, Who Also Disclosed That She Had Conversations With Kellie Fiedorek In A Disclosure To The Senate Judiciary

**May 28, 2025: President Trump Announced The Nomination Of Anne-Leigh Gaylord Moe To Be A Judge On The U.S. District Court For The Middle District Of Florida.**



Donald J. Trump   
@realDonaldTrump

I am pleased to announce the nomination of Anne-Leigh Gaylord Moe to serve as Judge on the United States District Court for the Middle District of Florida. Anne-Leigh has fiercely advocated for Sunshine State residents as a Judge on Florida's Second District Court of Appeals, and as Trial Judge on Florida's Thirteenth Judicial Circuit Court. Anne-Leigh will prioritize LAW AND ORDER unlike other activist Judges who put the safety of Illegal Criminals over the safety of AMERICANS. Congratulations Anne-Leigh!

3.03k ReTruths 15.8k Likes

May 28, 2025, 4:54 PM

[Truth Social, @realDonaldTrump, [5/28/25](#)]



*Anne-Leigh Gaylord Moe Was Appointed To Florida's Second District Court Of Appeal In 2024 And Thirteenth Judicial Circuit In 2017*

**December 2024: Governor Ron DeSantis Appointed Moe To Be A Judge On Florida's Second District Court Of Appeal.** "Anne-Leigh Gaylord Moe, of Tampa, to serve as Judge on the Second District Court of Appeal [...] Moe has served as a Circuit Judge for the Thirteenth Judicial Circuit since 2017. Previously, she was an Equity Shareholder at Bush Ross, P.A. She earned her bachelor's degree from Furman University and her juris doctorate from Arizona State University. Moe fills the judicial vacancy created by the retirement of Judge Casanueva." [Office of Ron DeSantis, [12/17/24](#)]

**2017: Judge Moe Was Appointed To Florida's Thirteenth Judicial Circuit.** "Judge Moe has served as a Circuit Judge for the Thirteenth Judicial Circuit since 2017." [Florida Second District Court of Appeal, accessed [5/28/25](#)]

- **The Position Is Typically Elected, But Moe Was Appointed By Florida Governor Rick Scott To Fill A Vacancy, Although She Later Won Re-Election In 2024 "After The Primary And General Election Were Cancelled."** "Gaylord Moe won re-election for judge of the Florida 13th Circuit Court outright in the general election on November 5, 2024, after the primary and general election were canceled. Gaylord Moe was appointed to the bench by Gov. Rick Scott (R) on March 31, 2017, to fill the vacancy created by the resignation of Judge Herbert Baumann, Jr." [Ballotpedia, accessed [5/28/25](#)]

**Moe Was A Federalist Society Member And Speaker.** [Federalist Society, accessed [6/11/25](#)]

*Anne-Leigh Gaylord Moe Also Admitted In A Disclosure To The Senate Judiciary Committee That She Spoke With Kellie Fiedorek Following Her Nomination*

**Bove Wrote In A Disclosure To The Senate Judiciary Committee That She "Had The Chance To See And Speak" With Her "Friend" Kellie Fieforek From The Alliance Defending Freedom "Several Times" During Her Selection Process.**

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: My friend Kellie Fiedorek is an employee of ADF and during this process I've had the chance to see and speak with her several times. In some instances, this process came up in conversation. Unrelated to this selection process, on one occasion when I saw Ms. Fiedorek I also visited with several of her coworkers and other individuals associated with ADF while they were in Florida in February 2025. I do not know how to define or determine who all might be affiliated with ADF and so to the extent that I spoke to other individuals affiliated in some sense with ADF during this process, the fact that they were affiliated with ADF was not the reason I was speaking with them.

[judiciary.senate.gov, accessed [7/22/25](#)]

**Another Judicial Nominee Admitted In His Disclosure To The Senate Judiciary Committee That They Kept ADF Associates "Apprised Of Significant Developments" During His Nomination Process, And A Fourth Nominee, Who Was Recently Confirmed, Had "Regular Discussions" With ADF's Members And Participated In Events Hosted By The Organization**

## Trump Nominated Jordan Pratt To The Middle District Of Florida

**May 28, 2025: President Trump Announced The Nomination Of Jordan E. Pratt To The U.S. District Court For The Middle District Of Florida In A Post On Truth Social.**



Donald J. Trump  
@realDonaldTrump

I am honored to nominate Jordan E. Pratt to serve as Judge on the United States District Court for the Middle District of Florida. Jordan is a true Legal Champion, who currently serves as a Judge on Florida's Fifth District Court of Appeal. He has earnestly spent his career serving as Deputy General Counsel of the United States Small Business Administration, Senior Counsel in the Office of Legal Policy of the U.S. Department of Justice, and Deputy Solicitor General in the Florida Office of Attorney General. Jordan is tenacious, smart, and a Great American Patriot. I am confident he will do a tremendous job serving the fantastic people of Florida. Thank you Jordan, and congratulations!

2.56k ReTruths 12.5k Likes

May 28, 2025, 4:55 PM

[Truth Social, @realDonaldTrump, [5/28/25](#)]

*Pratt Worked As Senior Counsel At First Liberty Institute, A Far-Right Christian Legal Group*

**First Liberty Is A Far-Right Christian Legal Group.** “First Liberty Institute is the Christian Nationalist legal outfit with a deceptive name. The group seeks supremacy for its version of fundamentalist Christianity, not liberty. To achieve its goals, First Liberty isn’t above peddling misinformation. A federal appeals court accused First Liberty of spinning a ‘deceitful narrative’ in a case from Washington state involving a public high school football coach who demanded the right to pray with students at the 50-yard line after games.” [Americans United, accessed [6/3/25](#)]

**2021: Pratt Joined First Liberty Institute As Senior Counsel.** “Jordan Pratt joined First Liberty as Senior Counsel and will be working primarily in our organization’s Washington D.C. office, located in Virginia. Jordan is coming to First Liberty most recently from serving in the federal government, including over a year as Senior Counsel in the U.S. Department of Justice’s Office of Legal Policy, where one of his many responsibilities was vetting judicial nominees. Previously, Jordan also served as the Deputy Solicitor General in the Florida Attorney General’s office.” [First Liberty, [3/5/21](#)]

*First Liberty Employed Judge Kacsmaryk And Another Judicial Nominee Who Was Withdrawn Following An Anti-LGBTQ+ Controversy*

**Judge Matthew Kacsmaryk Worked At First Liberty Before Being Nominated By Trump To The Northern District Of Texas.** “On Sept. 7, 2017, President Donald Trump nominated Judge Kacsmaryk to the Northern District of Texas. Before his confirmation, Kacsmaryk had served as Deputy General Counsel to the First Liberty Institute, a conservative Christian legal organization. There, he built a career out of opposing access to reproductive care and LGBTQ+ rights — making his extreme beliefs abundantly clear.” [Alliance For Justice, [4/7/23](#)]

- **Kacsmaryk Ruled To Suspend Approval Of Mifepristone.** “In a potentially devastating blow for abortion access nationwide, a federal judge in Amarillo has suspended the approval of mifepristone, an abortion-inducing drug that has been on the market for more than 20 years. U.S. District Judge

Matthew Kacsmaryk's ruling will go into effect in seven days, to allow the U.S. Food and Drug Administration time to appeal the decision." [Texas Tribune, [4/7/23](#)]

- **Kacsmaryk Gutted Protections For LGBTQ+ Employees.** "On May 15, a federal judge partially overturned guidance from the Equal Employment Opportunity Commission (EEOC) that explained how certain behavior toward employees based on their preferred gender identity can constitute illegal workplace harassment. Judge Matthew J. Kacsmaryk of the U.S. District Court for the Northern District of Texas ruled that the EEOC's guidance went beyond the authority of the 1964 Civil Rights Act and Supreme Court precedent. However, the Supreme Court ruled in 2020 (in *Bostock v. Clayton County*) that firing an employee based on their sexual orientation or gender identity would violate their right to protection from sex-based discrimination." [Economic Policy Institute, [5/19/25](#)]

**Jeff Mateer's Nomination To The Federal Bench Was Withdrawn In 2017.** "U.S. Sen. Charles E. Grassley, R-Iowa, said that based on his discussions with the White House, the nominations of Jeff Mateer and Brett Talley would not move forward through the confirmation process. The decision comes after reports that both nominees made public comments celebrating groups or policies that were discriminatory." [Washington Post, [12/13/17](#)]

- **Mateer Previously Worked For First Liberty And Faced Controversy For His Anti-LGBTQ+ Statements.** "Jeff Mateer, a high-ranking official in Texas Attorney General Ken Paxton's office whom President Donald Trump has nominated for a federal judgeship, said in speeches in 2015 that transgender children are part of 'Satan's plan' and argued same-sex marriage would open the floodgates for 'disgusting' forms of marriage, according to CNN. [...] Mateer, who joined Paxton's office in 2016, has a long record of championing religious expression in the public eye. Before his stint as Texas' first assistant attorney general, he spent six years heading the legal team at the First Liberty Institute, a Plano-based conservative legal defense foundation with a history of pursuing cases involving government entities engaged in disputes over religious liberty." [Texas Tribune, [9/20/17](#)]
- **Mateer Rejoined First Liberty Institute In October 2020, Overlapping With Pratt's Tenure.** "Jeff rejoined First Liberty Institute in October 2020 after serving as First Assistant Attorney General of Texas." [First Liberty Institute, accessed [6/11/25](#)]

## **Pratt Disclosed That He Has Friends Who Worked At ADF And That He Kept Them "Apprised Of Significant Developments" In His Selection Process**

*Pratt Admitted In A Disclosure To The Senate Judiciary Committee That He Regularly Updated ADF Members About "Significant Developments" During His Nomination Process.*

**Pratt Disclosed That He Has Friends Who Work At The ADF And Have Kept Them "Apprised Of Significant Developments" In His Selection Process.**

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: I have a couple of friends who work at ADF, and following the scheduling of my interview with the White House Counsel's Office, I have kept them apprised of significant developments in my selection process. They have shared congratulatory messages of encouragement and asked whether I am considering clerkship applications; I informed them that, out of respect for the process, I will not resume considering clerkship applications until after my confirmation vote has occurred.

[judiciary.senate.gov, accessed [7/22/25](#)]

**ADF Was Involved In A Lawsuit Just Last Year In The Middle District Court Of Florida—The Same Court Pratt Could Serve Upon His Confirmation And Could Potentially Oversee Cases That ADF Brings Before The Court**

*The Alliance Defending Freedom Previously Filed A Lawsuit In The Middle District Court Of Florida.*

**July 7, 2024: State of Florida v. Department of Health and Human Services Is Filed In The Middle District Of Florida.**

Case 8:24-cv-01080-WFJ-TGW Document 41 Filed 07/03/24 Page 1 of 50 PageID 1219

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

STATE OF FLORIDA, et al.,

Plaintiffs,

v.

Case No. 8:24-cv-1080-WFJ-TGW

DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, et al.,

Defendants.

\_\_\_\_\_/

[*State of Florida v. Department of Health and Human Services*, accessed [7/22/25](#)]

- **This Lawsuit Challenged The U.S. Department Of Health And Human Services Rule Interpreting The Affordable Care Act As Prohibiting Discrimination Based On Gender Identity.** “This lawsuit is one of several challenging a US Department of Health and Human Services (HHS) rule interpreting the Affordable Care Act (ACA) as prohibiting discrimination based on gender identity. This lawsuit was filed on May 6, 2024, by the state of Florida, several state agencies, and the Catholic Medical Association.” [Civil Rights Litigation Clearing House, accessed [7/22/25](#)]
- **The Plaintiffs Sued HHS And Multiple Sub-Departments, Alleging The Administrative Procedure Act Exceeded HHS’s Statutory Authority.** “The plaintiffs sued HHS and various sub-departments under the Administrative Procedure Act (APA), alleging that the rule exceeded HHS's statutory authority and was arbitrary and capricious. They also alleged that HHS's interpretation of the ACA would cause the statute to violate the Constitution's Spending Clause by imposing conditions on federal funding without a clear statement. Finally, they alleged that the rule violated the First Amendment's free speech and free exercise protections, as well as the Religious Freedom Restoration Act. They sought a declaratory judgment, preliminary and permanent injunctions, and attorneys' fees.” [Civil Rights Litigation Clearing House, accessed [7/22/25](#)]

**Three Attorneys From The Alliance Defending Freedom Represented The State Of Florida, The Plaintiffs.**

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[*State of Florida v. Department of Health and Human Services*, Complaint for Declaratory Relief and Preliminary Injunctive Relief, accessed [7/23/25](#)]

## **Joshua Divine, Whom Trump Nominated To The U.S. District Court For The Eastern And Western Districts Of Missouri, Was Confirmed In July 2025**

**May 6, 2025: President Trump Announced The Nomination Of Joshua Devine To The U.S. District Court For The Eastern And Western Districts Of Missouri In A Post On Truth Social.**



Donald J. Trump    
@realDonaldTrump

It is my honor to nominate Joshua Divine to serve as Judge on the United States District Court for the Eastern and Western Districts of Missouri. Joshua has devoutly served the Great State of Missouri, as the State's Solicitor General and, previously, as Chief Counsel to Senator Josh Hawley, a true Patriot. A former Clerk to Supreme Court Justice Clarence Thomas, Joshua knows what is required to protect the Rule of Law and Constitutional Rights for the Great People of Missouri. We must have Constitutionalist Judges now, more than EVER BEFORE. Congratulations Joshua!

**2.81k** ReTruths **13.4k** Likes

May 06, 2025 at 4:52 PM

[Truth Social, @realDonaldTrump, [5/6/25](#)]

**July 22, 2025: Joshua Divine Was Confirmed By The Senate.** "Today the Senate voted to confirm two of Donald Trump's judicial nominees to lifetime appointments. One of those nominees, Joshua Divine, was confirmed to serve jointly on the U.S. District Courts for the Eastern and Western Districts of Missouri—and



joining all Senate Republicans present in voting in favor of his nomination was Senator Angus King (I-ME).” [Demand Justice, [7/22/25](#)]

*Divine Has Clerked For Justice Clarence Thomas And Worked As An Attorney In Missouri, Including In The AG’s Office And For Senator Josh Hawley*

**Divine Was The Solicitor General Of Missouri Where He Oversaw The Office’s Appellate And Special Litigation Divisions.** “Josh Divine is Solicitor General of Missouri, where he oversees the office’s appellate and special litigation divisions.” [Federalist Society, accessed [5/7/25](#)]

- **Divine’s Biography Touted His Work Blocking Student Loan Forgiveness, Obtaining A Judgment Against China For Antitrust Violations, Blocking Gender Affirming Care, And Looking At Social Media Content Moderation.** “As Solicitor General, Mr. Divine has led Missouri’s trial and appellate teams to some of its most significant victories. Mr. Divine was lead counsel in blocking \$700 billion in student loan bailouts attempted by the federal government. He was lead counsel in obtaining a \$25 billion judgment against China for antitrust violations. And he was lead counsel in successfully defending the Missouri law that prohibits gender transition interventions in minors, making Missouri the only state in the nation to prevail at trial against an equal protection challenge to one of these laws. In addition, Mr. Divine’s work at the trial court in Missouri v. Biden (restyled Murthy v. Missouri) helped expose systemic violations of the First Amendment by the federal government, which the trial court found was unconstitutionally pressuring social media companies to suppress millions of free speech posts.

**Divine Worked For Hawley’s “Federalism Unit” Which Worked To Stop Federal Laws And Regulations.** “Hawley launched the Federalism Unit after taking office. He lists on the attorney general’s office website 14 actions he has taken to torpedo federal laws and regulations. ‘The Federalism Unit works to limit how the federal government and overregulation interferes in the lives of Missourians,’ Compton said in a statement. ‘The Unit fights to protect the interests of Missouri’s farmers, small business owners and workers.’ Former employees say the emphasis on federal issues diverted attention away from state business. Four deputy solicitors general who prepare the unit’s cases are Julie Blake, Zachary Bluestone, Joshua Divine and Peter Reed.” [St Louis Today, [10/22/18](#)]

**2019-2022: Divine Was Deputy And Then Chief Counsel To Senator Josh Hawley.**



**Chief Counsel to Senator Josh Hawley**

United States Senate  
Jul 2021 – Dec 2022 · 1 yr 6 mos



**Law Clerk to Justice Clarence Thomas**

The Supreme Court of the United States  
Jul 2020 – Jul 2021 · 1 yr 1 mo



**Deputy Counsel to Senator Josh Hawley**

United States Senate  
Jan 2019 – Jul 2020 · 1 yr 7 mos

[LinkedIn, Josh Divine, accessed [5/7/25](#)]

**Divine Clerked For Justice Thomas.** “Joshua Divine, Solicitor General of the State of Missouri and former Chief Counsel to Senator Hawley. He attended Yale Law School and clerked for United States Supreme Court Justice Clarence Thomas and the Fifth Circuit Court of Appeals.” [Josh Hawley Press Release, [5/6/25](#)]

**Divine Clerked For William Pryor Jr. In The 11th Circuit.** “He clerked for William Pryor Jr., the chief judge on the US Court of Appeals for the 11th Circuit in Alabama.” [Business Insider, [10/16/20](#)]

- **Pryor Defended Alabama’s Practice Of Handcuffing Inmates To Hitching Posts In The Sun If They Refused To Work On Chain Gains And Filed An Amicus Brief Defending States’ Sodomy Laws In *Lawrence v. Texas*.** “As Alabama’s twice-elected attorney general, Pryor defended the state’s practice of handcuffing prison inmates to hitching posts in the hot sun if they refused to work on chain gangs. A staunch defender of federalism, he filed an amicus brief in a Supreme Court case, *Lawrence v. Texas*, that ultimately invalidated state sodomy laws, arguing that ‘states should remain free to protect the moral standards of their communities through legislation that prohibits homosexual sodomy.’” [Washington Post, [1/28/17](#)]

*Divine Supported Missouri’s Lawsuit To Reverse FDA Regulations Expanding Mifepristone In A Case The Trump Administration Recently Asked A Judge To Toss Out Because Of Lack Of Standing To Sue*

**October 2024: Missouri, Idaho, And Kansas Intervened In An Ongoing Case Filing A Revised Lawsuit Seeking To Reverse FDA Regulations Expanding Mifepristone Access And Implement New Restrictions.** “A lawsuit seeking to sharply restrict the abortion pill mifepristone — a case the Supreme Court threw out this year — has re-emerged in a version that presents new challenges for abortion-rights supporters and the federal government’s ability to regulate abortion medication. The revised lawsuit was filed this month by the conservative state attorneys general of three states — Missouri, Idaho and Kansas — against the Food and Drug Administration in the same federal district court in Texas as the original case. It seeks to reverse numerous regulatory changes the F.D.A. has made since 2016 that greatly expanded access to mifepristone. It also asks for new restrictions, including to outlaw the medication for anyone under 18.” [New York Times, [10/21/24](#)]

- **The Case Was Originally Filed By Anti-Abortion Doctors And Groups In 2022, And The Supreme Court Unanimously Ruled Against The Plaintiffs, Arguing That They Lacked Standing.** “The original lawsuit, filed in 2022 by anti-abortion doctors and groups, was rejected in June by the Supreme Court in a unanimous ruling. The court said that the plaintiffs did not have standing to sue because they couldn’t show they had been harmed by the F.D.A.’s decisions on mifepristone. But that ruling didn’t extinguish the case’s chance of being revived. Last year, Missouri, Idaho and Kansas petitioned to join the suit at the lower court level and were granted the status of intervenors.” [New York Times, [10/21/24](#)]

**Joshua Divine Signed On To Missouri’s Effort To Revive The *Alliance For Hippocratic Medicine* Lawsuit Challenging FDA Approval Of Mifepristone.**

Dated: March 18, 2025

ANDREW BAILEY  
Missouri Attorney General

/s/ Joshua M. Divine  
\*Joshua M. Divine, #69875MO  
Solicitor General  
Maria Lanahan, #65956MO  
Deputy Solicitor General  
\*Samuel C. Freedlund, #73707MO  
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[Northern District of Texas Amarillo Division, Alliance for Hippocratic Medicine v. FDA, Intervenor-Plaintiffs' Brief, filed [3/18/25](#)]

*The Mifepristone Case Was Initially Brought By The Alliance Defending Freedom.*

**April 2013: The Alliance Defending Freedom Jointly Filed An Amicus Brief With The Supreme Court Arguing That Oklahoma Has The Right To Restrict The Use Of Mifeprex (Mifepristone) When The FDA Has Supposedly Failed To Protect Consumers.** "While the FDA can make determinations about the effectiveness and safety of a drug, it is not equipped to police the off-label use of a drug it has approved. But the States are so empowered. Oklahoma, through its legislature, has the sovereign right to protect the health and safety of its citizens by restricting the use of Mifeprex to those circumstances where the FDA's review and over a decade of experience shows the drug can be administered in a way that is relatively safe. Likewise, Oklahoma legislators were free to conclude, just as the FDA did, that regimens other than those approved by the FDA were insufficiently safe to permit because the potential benefit did not outweigh the risk." [Terry Cline, *et al. v. Oklahoma Coalition for Reproductive Justice, et al.*, [4/8/13](#)]

**September 2022: Denise Harle, Then The Senior Counsel And Director Of The Alliance Defending Freedom's Center For Life, Wrote An Op-Ed For Newsweek Criticizing The Food & Drug Administration's Regulation Of The Purportedly "Dangerous" Drug Mifepristone.** "Despite being tasked with the critical duty of gatekeeping for drug safety, the FDA requires no reporting on non-fatal adverse events for the chemical-abortion drug mifepristone (also known as RU-486) even though, since its introduction to the market in 2000, it's on the short list of drugs so dangerous that they warrant heightened regulations known as Risk Evaluation and Mitigation Strategies." [Denise Harle Op-Ed, Newsweek, [9/16/22](#)]

- **The Current Vice President Of ADF's Center For Life, Erin Morrow Hawley, Was The Lead Attorney In The Alliance For Hippocratic Medicine's Lawsuit.** "The following quote may be attributed to Alliance Defending Freedom Senior Counsel Erin Hawley, vice president of the Center for Life and regulatory practice, regarding a brief in opposition ADF attorneys filed with the U.S. Supreme Court" [Alliance Defending Freedom, [11/9/23](#)]

**Divine Disclosed That He Had "Regular Discussions" With Associates From ADF And Participated In Events Hosted By The Organization, Including Coaching Law Students That Participated In An ADF Fellowship**

*Divine Admitted To Having “Regular Discussions” With Associates From ADF And Participated In Events Hosted By The Organization, Including Coaching Law Students That Participated In The ADF Fellowship.*

**In A Senate Judiciary Disclosure, Divine Admitted To Having “Regular” Discussions With Associates From The ADF.**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: I am in regular discussion with members of that organization because that organization represents co-plaintiffs in a number of cases the State has brought. In addition, a number of individuals at that organization are friends or former coworkers who reached out to express their congratulations on my nomination.

[judiciary.senate.gov, accessed [7/22/25](#)]

**In A Senate Judiciary Disclosure, Divine Admitted To Attending Events Hosted By The ADF.**

- b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

Response: The State of Missouri has brought several cases joined by private plaintiffs represented by that organization. As part of that process, the State regularly shares work product and draft legal filings with that organization. I have also attended the occasional conference hosted by the organization.

[judiciary.senate.gov, accessed [7/22/25](#)]

**In A Senate Judiciary Disclosure, Divine Admitted To Having “Coached” Law Students Who Participated In An ADF Fellowship.**

- c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

Response: Sometime before 2020, I coached law students who participated in a fellowship with the organization to prepare them for job interviews. I believe I was paid a few hundred dollars for a day’s work.

[judiciary.senate.gov, accessed [7/22/25](#)]

## ADF Was Involved In A Lawsuit Just Last Year In The Eastern And Western Districts Of Missouri—The Same Court That Divine Could Serve Upon His Confirmation And Could Potentially Oversee Cases That ADF Brings Before The Court

*The Alliance Defending Freedom Previously Filed A Lawsuit In The Eastern And Western Districts Of Missouri.*

**July 10, 2024: *State of Missouri v. Becerra* Is Filed In the Eastern District Of Missouri Court.**

Case: 4:24-cv-00937 Doc. #: 1 Filed: 07/10/24 Page: 1 of 123 PageID #: 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

State of Missouri; State of Utah; )  
State of North Dakota; State of )  
South Dakota; State of Iowa; )  
State of Idaho; State of Arkansas; )  
and American College of )  
Pediatricians, )

Plaintiffs, )

v. )

Xavier Becerra, in his official )  
capacity as Secretary of the United )  
States Department of Health and )  
Human Services; United States )  
Department of Health and )  
Human Services; Melanie Fontes )  
Rainer, in her official capacity as )  
Director of the Office for Civil Rights )  
of the United States Department of )  
Health and Human Services; Office )  
for Civil Rights of the United )  
States Department of Health and )  
Human Services; Chiquita )  
Brooks-LaSure in her official )  
capacity as Administrator of the )  
Centers for Medicare and Medicaid )  
Services; Centers for Medicare )  
and Medicaid Services, )

Case No. \_\_\_\_\_

[*State of Missouri v. Becerra*, Complaint, accessed [7/22/25](#)]

- **The Plaintiffs Alleged That Enforcing The ACA's Nondiscrimination Protections By Providing Gender Affirming Care Violates The Administrative Procedure Act, The First Amendment, The Due Process Clause Of The Fifth Amendment, And The Spending Clause.** "The plaintiffs allege that enforcing the Affordable Care Act's nondiscrimination protections related to providing gender-affirming care or coverage for such care violates the Administrative Procedure Act, the First Amendment, the Due Process Clause of the Fifth Amendment, the Spending Clause, the nondelegation doctrine, is unconstitutionally coercive, and exceeds Congress' enumerated powers. The Affordable Care Act protects against discrimination on the basis of race, color, national origin, age, disability, or sex. People who fall in those categories have historically faced various difficulties accessing health care services and have faced worse health outcomes." [Health Care Litigation Tracker, accessed [7/22/25](#)]
  - **Eroding The ACA's Nondiscrimination Protections Would Exacerbate Health Disparities Among Marginalized Groups.** "Eroding the Affordable Care Act's nondiscrimination protections would exacerbate the challenges faced by marginalized groups, especially LGBTQI+ people, in



accessing needed services and care and further widen health gaps.” [Health Care Litigation Tracker, accessed [7/22/25](#)]

**Two Attorneys From The Alliance Defending Freedom Represented The Plaintiffs.**

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*Counsel for Plaintiff American College of  
Pediatricians*

[*State of Missouri v. Becerra*, Complaint, accessed [7/22/25](#)]

*State of Missouri v. Becerra Has Yet To Be Decided.*

**State of Missouri v. Becerra Is Still An Ongoing Case.** [Health Care Litigation Tracker, accessed [7/22/25](#)]

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