

FILED
SUPREME COURT
STATE OF WASHINGTON
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No. 96132-8

SUPREME COURT OF THE STATE OF WASHINGTON

MATTHEW S. WOODS,

Appellant,

v.

SEATTLE'S UNION GOSPEL MISSION,

Respondent.

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*
AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON AND
AMERICAN CIVIL LIBERTIES UNION**

ACLU OF WASHINGTON
FOUNDATION

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I. RELIEF REQUESTED

Pursuant to RAP 10.6 the American Civil Liberties Union (“ACLU”) and the ACLU of Washington (collectively “*Amici*”) request that the Court permit the filing of the attached *Brief of Amici Curiae* in support of Matthew Woods. *Amici* believe the brief will assist this court in affirming that courts are permitted to make factual determinations that touch on religious matters when evaluating the constitutionality of RCW 49.60.040(11) as applied.

II. IDENTITY AND INTEREST OF AMICI

The ACLU is a nationwide, nonprofit, nonpartisan organization with over 8 million members and supporters dedicated to defending the principles of liberty and equality embodied in the Constitution. The ACLU of Washington is a statewide, nonpartisan, nonprofit organization, with over 135,000 members and supporters, that is dedicated to the preservation of civil liberties, including the right to free speech, and that has advocated for free speech in Washington in both state and federal courts.

III. FAMILIARITY WITH THE ISSUES

Amici are familiar with the briefing submitted by the parties to this Court, the opinion of the Superior Court, and the proceedings below. *Amici* are familiar with the scope of the argument presented by the parties and will not unduly repeat arguments raised by the parties.

IV. ISSUE TO BE ADDRESSED

Whether courts are permitted to make factual determinations that touch on religious matters when evaluating the applicability of religious exemptions to statutes, and whether the Superior Court erred in granting summary judgment without resolving whether there were genuine issues of material facts.

V. WHY *AMICUS* BRIEFING WILL ASSIST THE COURT

The Court's decision on these issues in this case will significantly impact how Washington's Law Against Discrimination is applied and who it protects. Specifically, it will impact when and under what circumstances courts apply the exemption for religious employers in RCW 49.60.040(11). The additional argument provided by *Amici* will be helpful to the Court. RAP 10.6(a). The parties are naturally most interested in the establishment of a rule that addresses the particular facts of this case and provides a favorable result to their clients. *Amici* can provide a wider perspective, helping in the establishment of a rule that goes beyond the needs of the specific parties in this case. *Amici* also have specific expertise in the areas of religious exercise and anti-discrimination laws.

VI. CONCLUSION

Amici request that the Court grant this motion and permit it to file the attached *Amici Curiae* Brief in support of Appellant, Matthew Woods.

Respectfully submitted this 26th day of August, 2019.

By: /s/Lisa Nowlin

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