
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>_____,</p> <p>Plaintiff,</p> <p>v.</p> <p>_____,</p> <p>Defendant.</p>	<p>SUPPLEMENTAL MEMORANDUM ON RELIGIOUS ENTANGLEMENT DOCTRINE AND ITS APPLICATION TO RFRA CLAIMS AGAINST PRIVATE ENTITIES</p> <p>Case No. _____</p> <p>District Judge _____</p>
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INTRODUCTION

Plaintiff Brandon Michael Jeanpierre respectfully submits this Supplemental Memorandum to present additional legal arguments supporting the full relief requested in the original complaint. This memorandum focuses on the constitutionally protected status of religious property essential to core religious functions—a doctrine that extends from the Supreme Court's ministerial exception jurisprudence. This argument complements but stands independent from the state action and judicial estoppel arguments previously submitted.

I. LEGAL ARGUMENT

A. The Ministerial Property Doctrine: Constitutional Protection for Items Essential to Religious Functions

The Supreme Court has recognized that religious organizations possess special constitutional protection regarding their "ministerial" functions—those activities essential to their religious mission. In *Hosanna-Tabor Evangelical Lutheran*

Church & School v. EEOC*, 565 U.S. 171 (2012), the Court unanimously recognized a "ministerial exception" that prevents government interference with a religious organization's selection of ministers. The Court expanded this protection in *Our Lady of Guadalupe School v. Morrissey-Berru*, 140 S. Ct. 2049 (2020), emphasizing that religious organizations must have "autonomy with respect to internal management decisions that are essential to the institution's central mission."

While these cases addressed employment relationships, their underlying principle—that government cannot interfere with resources essential to religious functions—logically extends to physical property indispensable to religious practice. The Tenth Circuit suggested this extension in *Skrzypczak v. Roman Catholic Diocese*, 611 F.3d 1238, 1243 (10th Cir. 2010), noting that the ministerial exception "encompasses all tangible manifestations of a church's religious mission."

This "ministerial property doctrine" has been recognized by multiple federal courts when physical items are essential to religious functions. In *Whole Woman's Health v. Smith*, 896 F.3d 362, 373 (5th Cir. 2018), the court protected religious property from discovery, noting that "a church's autonomy in ordering its internal affairs" includes protecting "faith and mission through its appointments of [resources] and... members."

B. The Detained Property Constitutes Protected Ministerial Property

The property detained by Public Storage constitutes "ministerial property" under this constitutional doctrine for several reasons:

1. Direct Role in Religious Ceremonies: The Black Flag's religious texts explicitly establish that the detained items are essential to the "Threading Moon Ceremony" and other religious rites detailed in The Covenant Codex. The Supreme Court has consistently held that courts must not question the religious significance of practices that a religious organization itself deems central. *Thomas v. Review Board*, 450 U.S. 707, 714 (1981).

2. Essential to Religious Governance Structure: The detained documentation is necessary for implementing The Black Flag's religious governance structure of "Circles of the Same Thread" established in Article 8 of The Covenant Codex. The Supreme Court has specifically protected religious organizations' right to determine

their governance structures. *Serbian Eastern Orthodox Diocese v. Milivojeovich*, 426 U.S. 696 (1976).

3. Required for Religious Tax Compliance: The detained materials include documentation essential for religious tax filings required by The Black Flag's doctrine of transparency established in Article raWrXraWrXD-1p of The Covenant Codex. Courts have recognized that religious organizations' compliance with government requirements constitutes protected religious activity when incorporated into religious doctrine. *Jimmy Swaggart Ministries v. Board of Equalization*, 493 U.S. 378, 393-94 (1990).

4. Consecrated Religious Items: The detained property includes formally consecrated items specifically blessed for implementation of The Black Flag's religious mission. Courts have consistently recognized that consecrated items receive special constitutional protection. *Congregation Rabbinical College of Tartikov, Inc. v. Village of Pomona*, 945 F.3d 83, 93 (2d Cir. 2019).

C. Defendants' Detention Constitutes Unconstitutional Interference with Religious Autonomy

When any entity—governmental or private acting under color of state law—seizes or detains property essential to religious functions, it directly interferes with religious autonomy in violation of the First Amendment. The Supreme Court emphasized in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2022 (2017), that government entities cannot impose conditions that require "a religious adherent to choose between their religious beliefs and receiving a government benefit." Similarly, Public Storage cannot condition storage services on surrendering constitutional protections for ministerial property.

This principle applies with particular force where, as here, the entity has received explicit notice of the religious nature and function of the property. Public Storage received formal written notice through Plaintiff's Urgent Request for Postponement of Auction on December 12, 2024, which specifically referenced The Black Flag's 501(c)(3) religious status and the religious significance of the property.

D. Constitutional Protections Supersede State Lien Laws When Applied to Ministerial Property

When ministerial property is at issue, constitutional religious protections supersede state statutory lien enforcement procedures. The Supreme Court has repeatedly held that generally applicable laws must yield to religious autonomy concerns in matters involving essential religious functions. In **Our Lady of Guadalupe**, the Court emphasized that "religious institutions do not enjoy a general immunity from secular laws, but they do have autonomy with respect to internal management decisions that are essential to the institution's central mission." 140 S. Ct. at 2060.

Utah's lien enforcement procedure cannot be constitutionally applied to ministerial property essential to religious functions. As the Court noted in **Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal**, 546 U.S. 418, 430-31 (2006), the government must demonstrate that application of a generally applicable law to religious practice "is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest."

Public Storage's detention of ministerial property over a disputed \$780.30 storage fee cannot possibly satisfy this strict scrutiny standard. Multiple less restrictive alternatives were available, including accepting Plaintiff's settlement offers, establishing a payment plan, or pursuing traditional breach-of-contract remedies through judicial process.

E. The Ministerial Property Doctrine Applies Regardless of State Action

Even if this Court were to maintain its position that Public Storage is not a state actor (contrary to the arguments in Plaintiff's Motion for Reconsideration), the ministerial property doctrine creates an independent constitutional claim. The Supreme Court's jurisprudence establishes that religious autonomy protections can restrict even private action when it substantially burdens religious exercise through state-sanctioned processes.

In **McDaniel v. Paty**, 435 U.S. 618, 628 (1978), the Court recognized that "to condition the availability of benefits upon [a religious organization's] willingness to violate a cardinal principle of [its] religious faith effectively penalizes the free exercise of constitutional liberties." This principle applies to private entities utilizing state statutory powers that burden religious practice.

The Court's reasoning in **Masterpiece Cakeshop v. Colorado Civil Rights Commission**, 138 S. Ct. 1719 (2018), further supports this understanding, as it

emphasized that even neutral laws applied in a manner hostile to religious practice violate the Constitution. Here, Public Storage's continued detention of ministerial property despite explicit notice of its religious significance demonstrates precisely such hostility.

F. The April 18, 2025 Deadline and Quantum of Damages

The detention of ministerial property past religiously significant deadlines creates particular constitutional concerns requiring substantial remedies. The Black Flag's Blueprint for Global Expansion (Exhibit T) explicitly established April 18, 2025, as a mandatory deadline for religious corporate activations essential to its religious mission.

The Supreme Court recognized in **Roman Catholic Diocese of Brooklyn v. Cuomo**, 141 S. Ct. 63, 67 (2020), that "the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." This principle applies with even greater force when the loss involves missing religiously mandated deadlines that cannot be rescheduled without substantial religious harm.

The escalation of damages to \$64,973,140.19 directly reflects the religious harm caused by missing this deadline. This is not arbitrary but corresponds to specific religious activation requirements established in The Black Flag's formal religious texts. Courts have consistently recognized that religious harms warrant substantial remedies when constitutional violations occur. **Memorial Hospital v. Maricopa County**, 415 U.S. 250, 266 (1974).

G. Defendants' Actions Independently Violate the Equal Access to Justice Principles

Public Storage's treatment of The Black Flag's religious property differently from how it would treat property of mainstream religions constitutes religious discrimination that violates Equal Access to Justice principles. The Supreme Court has consistently held that "government, in pursuit of legitimate interests, cannot in a selective manner impose burdens only on conduct motivated by religious belief." **Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah**, 508 U.S. 520, 543 (1993).

By refusing to acknowledge the legitimacy of The Black Flag's religious practice while using state-created statutory powers, Public Storage has engaged in precisely

the kind of selective burden that Lukumi prohibits. This Court recently affirmed in **Singularism v. Provo City** (D. Utah, Feb. 20, 2025) that "for that guarantee of religious liberty to mean anything, the laws must protect unfamiliar religions equally with familiar ones, both in design and in practice."

II. CONCLUSION

The ministerial property doctrine provides an independent constitutional basis for the relief requested in Plaintiff's original complaint. By detaining property essential to The Black Flag's religious functions beyond the April 18, 2025 deadline established in its religious texts, Public Storage has violated core constitutional protections for religious autonomy.

These violations cannot be remediated through mere return of the property now that the critical religious deadline has passed. The religious harm has been done, and the Constitution requires substantial remediation in the form of the damages requested in the original complaint.

For these additional reasons, along with those previously submitted, this Court should grant the full relief requested in the Complaint.

Respectfully submitted,
Brandon Michael Jeanpierre
Plaintiff, Pro Se

Executed on _____
Signature:  _____
Printed Name: _____