

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SECULAR STUDENT ALLIANCE,  
980 S. Arroyo Parkway, Suite 270  
Pasadena, CA 91105,

and

DECLAN A. GALLI,  
154 Canyon Circle  
San Luis Obispo, CA 93410,

*Plaintiffs,*

v.

U.S. DEPARTMENT OF EDUCATION,  
400 Maryland Ave., SW  
Washington, DC 20202,

and

SECRETARY OF EDUCATION,  
400 Maryland Ave., SW  
Washington, DC 20202

*Defendants,*

RATIO CHRISTI, INC.  
2150 Elmwood Ave  
Lafayette, IN 47904

[Proposed] Defendant-Intervenor.

Civil Case No. 1:21-cv-00169(ABJ)

**RATIO CHRISTI'S MOTION TO INTERVENE AS DEFENDANT**

Under Federal Rule of Civil Procedure 24(a) and (b), Ratio Christi, Inc. moves to intervene as a party defendant.

This case is an attempt to set aside a U.S. Department of Education rule that protects the First Amendment rights of religious groups on college campuses. Ratio Christi is a religious group with student chapters on 123 college campuses across the country and is a direct beneficiary of the challenged federal rule.

As set forth in the accompanying memorandum, Ratio Christi meets the requirements for intervention as of right under Rule 24(a). Its motion is timely because this rulemaking challenge has just begun. Ratio Christi has a substantial

interest in the subject matter of this case, and the outcome of this case may impair its interests, because Ratio Christi stands to lose the campus protections that the federal rule guarantees. And Ratio Christi's interests may not be adequately represented by the named parties because federal officials representing the Department of Education do not have the same interests as a private, religious, student-centered group, or this group in particular.

Ratio Christi also meets the criteria for permissive intervention under Rule 24(b). Ratio Christi seeks to defend the challenged rule from the beginning of the lawsuit, and so this filing is timely, and Ratio Christi's participation will cause no undue delay or prejudice to the original parties. Ratio Christi's legal position in support of the rule also "shares with the main action a common question of law or fact." FED. R. CIV. P. 24(b)(1).

Counsel for Ratio Christi, Inc., contacted counsel Plaintiffs on February 17, 2021, to ascertain the Plaintiffs' position on this motion. Counsel for Plaintiffs stated that they oppose the motion and plan to file an opposition. Because proof of service has not been filed for Defendants, and counsel for Defendants has not made an appearance, counsel for Ratio Christi was not able to contact counsel for Defendants to ascertain their position on this motion. Instead, counsel for Ratio Christi has served the motion to intervene papers on Defendants by mail, including the U.S. Department of Justice. Counsel for Ratio Christi will request Defendants' position on this motion when counsel for Defendants makes an appearance in the case, and will update the Court with a statement of counsel's position at that time.

In conformity with Local Civil Rule 7(j), an original of the pleading setting forth the claim for which intervention is sought accompanies this motion.

**EXHIBIT LIST**

Exhibit A. Declaration of Corey Miller, Ph.D.

- Exhibit 1. Ratio Christi Website Home Page
- Exhibit 2. Ratio Christi, About.
- Exhibit 3. Ratio Christi Student Chapters List
- Exhibit 4. Ratio Christi Statement of Faith
- Exhibit 5. Ratio Christi Statement on Human Sexuality
- Exhibit 6. Constitution for the Ratio Christi Student Chapter at the University of Colorado, Colorado Springs
- Exhibit 7. Complaint, *Ratio Christi of Kennesaw State Univ. v. Olens*, Case 1:18-cv-00956-TWT, filed Mar. 15, 2018 (N.D. Ga.).
- Exhibit 8. Settlement Agreement, *Ratio Christi of Kennesaw State Univ. v. Olens*, Case 1:18-cv- 00956-TWT (N.D. Ga.).
- Exhibit 9. Complaint, *Ratio Christi at Univ. of Colo., Colo. Springs v. Sharkey*, Case No. 1:18-cv-02928, filed Nov. 14, 2018 (D. Colo.).
- Exhibit 10. Settlement Agreement, *Ratio Christi at Univ. of Colo., Colo. Springs v. Sharkey*, Case No. 1:18-cv-02928 (D. Colo.).
- Exhibit 11. Christian Legal Society at the University of Iowa College of Law, Comment & Attached Chart of Religious Groups, Docket ID ED-2019-OPE-0080, RIN: 1840-AD45, ID: ED-2019-OPE-0080-16197, Tracking Number: 1k4-9f3f-gmyi (Feb 19, 2020).
- Exhibit 12. E. Scott Martin, Chi Alpha Campus Ministries U.S.A., Comment & Attached Amicus Brief of Religious Groups, Docket ID ED-2019-OPE-0080, ID: ED-2019-OPE-0080-13800, Tracking Number: 1k4-9f37-w77i.
- Exhibit 13. Corey Miller, Comment, Docket ID ED-2019-OPE-0080, ID: ED-2019-OPE-0080-15288, Tracking Number: 1k4-9f21-7e6a (Feb. 19, 2020).

Exhibit 14. Weslee Green, Comment, Docket ID ED-2019-OPE-0080, ID: ED-2019-OPE-0080-13320, Tracking Number: k6p-qxch-17ps (Feb. 19, 2020).

**CONCLUSION**

This Court should grant this motion and allow Ratio Christi, Inc. to intervene as a defendant.

Respectfully submitted this 18th day of February, 2021.

TRAVIS C. BARHAM\*\*  
Arizona Bar No. 024867  
Georgia Bar No. 753251  
**ALLIANCE DEFENDING FREEDOM**  
1000 Hurricane Shoals Road N.E.,  
Ste. D-1100  
Lawrenceville, Georgia 30043  
Telephone: (770) 339-0774  
Facsimile: (770) 339-6744  
tbarham@ADFlegal.org

*\*Application for Admission Pending*  
*\*\*Application for Admission*  
*Forthcoming*

*s/ Matthew S. Bowman*  
\_\_\_\_\_  
MATTHEW S. BOWMAN  
D.C. Bar No. 993261  
JULIE MARIE BLAKE\*\*  
D.C. Bar No. 998723  
**ALLIANCE DEFENDING FREEDOM**  
440 First Street, NW, Ste. 600  
Washington, D.C. 20001  
Telephone: (202) 393-8690  
Facsimile: (202) 347-3622  
mbowman@ADFlegal.org

TYSON C. LANGHOFER\*  
Arizona Bar No. 032589  
**ALLIANCE DEFENDING FREEDOM**  
20116 Ashbrook Place, Suite 250  
Ashburn, Virginia 20147  
Telephone: (480) 388-8205  
Facsimile: (202) 347-3622  
tlanghofer@ADFlegal.org

*Attorneys for Proposed Intervenor-Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 18, 2021, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Richard B. Katskee  
Bradley Girard  
AMERICANS UNITED FOR SEPARATION  
OF CHURCH AND STATE  
1310 L Street NW  
Suite 200  
Washington, DC 20005  
(202) 466-3234  
Fax: (202) 466-3353  
katskee@au.org  
girard@au.org

Geoffrey T. Blackwell  
AMERICAN ATHEISTS LEGAL CENTER  
1201 S. Courthouse Rd.  
Suite 425  
Arlington, VA 22204  
(908) 276-7300  
gblackwell@atheists.org

*Counsel for Plaintiffs Secular  
Student Alliance and Declan A. Galli*

Additionally, in accordance with the Federal Rules of Civil Procedure, a copy of this motion and accompanying attachments will be served upon the following individuals and agencies via registered or certified mail:

**U.S. Department of Education**  
400 Maryland Ave., SW  
Washington, DC 20202

**Secretary of Education**  
400 Maryland Ave., SW  
Washington, DC 20202

**Civil Process Clerk  
United States Attorney's Office**  
555 Fourth Street, N.W.  
Washington, D.C. 20530

**Attorney General of the United States**  
c/o Assistant Attorney General for  
Administration  
U.S. Department of Justice  
Justice Management Division  
950 Pennsylvania Avenue, NW  
Room 1111  
Washington, DC 20530

Respectfully submitted this 18th day of February, 2021.

*s/ Matthew S. Bowman*  
\_\_\_\_\_  
MATTHEW S. BOWMAN

*Attorney for Proposed Intervenor-  
Defendant*