

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

**The Catholic Store, Inc. d/b/a
Queen of Angels Catholic
Bookstore,**

Plaintiff,

v.

City of Jacksonville,

Defendant.

Civil Action No: 3:23-cv-00192-TJC-MCR

Consent Order and Declaration

This matter comes before the Court on Plaintiff Queen of Angels' motion for summary judgment.

After Queen of Angels filed its motion for a preliminary injunction and Defendant City of Jacksonville filed its motion to dismiss, the Court requested supplemental briefing on whether Queen of Angels qualifies for the religious organization exemption set forth in Jacksonville Code §§ 406.104(k) and 406.302(f).

Following a hearing, the Court denied the motion for preliminary-injunction, granted the motion to dismiss without prejudice, and instructed Queen of Angels to file an amended complaint. Doc. 43. Queen of Angels refiled its amended complaint on July 7, 2023. Doc. 44. The Court also held

that Queen of Angels has standing to pursue constitutional and statutory challenges to what Queen of Angels called the Denial Clause and the Unwelcome Clause of Jacksonville’s public-accommodations ordinance, both of which are contained in Jacksonville Code § 406.201(b). And the Court ordered the parties to address the threshold issue of whether Queen of Angels qualified for the religious-organization exemption through summary-judgment briefing.

Based on the summary-judgment briefing, the evidence in the record, and with the consent of the parties, the Court now resolves the religious-organization issue—and thereby resolves the case—as follows.

1. Jacksonville’s law defines “religious organization” as follows:

Religious Organization shall mean and include churches, synagogues, mosques, and schools of religious instruction and non-profit institutions or organizations affiliated therewith, as well as any “religious corporation, association or society.” The phrase “religious corporation, association or society” shall be interpreted consistent with Section 2000e-(1)(a), United States Code.

Jacksonville Code § 406.104(k).

2. Under Jacksonville’s law, religious organizations are exempt from Jacksonville Code §§ 406.201(a)–(b) as to sexual-orientation and gender identity-discrimination. Jacksonville Code § 406.302(f).

3. To determine whether an entity is “a religious corporation” under 42 U.S.C. § 2000e-1(a) (“Title VII”), courts look at “[a]ll significant religious and secular characteristics” to determine if the corporation’s purpose is primarily religious.” *LeBoon v. Lancaster Jewish Cmty. Ctr. Ass’n*, 503 F.3d 217, 226 (3d Cir. 2007).

4. Courts use an assortment of factors to determine if an entity qualifies for the religious exemption: whether the entity operates for profit, its purpose, its affiliation with a church or ministry, whether it offers secular products, uses prayer or other forms of worship, and holds itself out as religious. *Id.*; see *E.E.O.C. v. Townley Eng’g & Mfg. Co.*, 859 F.2d 610, 618–19 (9th Cir. 1988).

5. This Court acknowledges the following relevant and undisputed facts:

- a. Queen of Angels Catholic bookstore is a for-profit corporation. Verified Am. Compl. ¶ 6, Doc. 44.
- b. Christie DeTrude, an individual, owns, operates, and receives all profits from the bookstore. *Id.* ¶¶ 8, 11.
- c. Queen of Angels is not funded, operated by, nor formally affiliated with any church or ministry. *Id.* ¶ 9.
- d. No formal religious entity participates in the management of the bookstore. *Id.* ¶ 8–9, 11.

- e. Queen of Angels sells primarily but not exclusively Catholic products. *Id.* ¶ 7.
- f. Queen of Angels conducts prayer in its store throughout the day. *Id.* ¶¶ 36–41, 51–54.
- g. Queen of Angels holds itself out to the public as a Catholic business. *Id.* ¶¶ 18–24.
- h. Queen of Angels expresses itself as a “Catholic Store” in its articles of incorporation. *Id.* ¶ 10.
- i. Queen of Angels established its purpose as a “beacon” for Catholicism for the community. *Id.* ¶ 17.

6. Considering the above factors, the Court hereby declares Plaintiff Queen of Angels is a religious organization under Jacksonville’s religious-organization exemption. Jacksonville Code § 406.302(f).

7. Queen of Angels is hereby exempt from Jacksonville Code §§ 406.201(a)–(b) as to sexual orientation and gender identity. Jacksonville Code § 406.302(f).

8. This Consent Order and Declaration fully resolves the pending summary-judgment motion and shall operate as a final judgment in this case with each party to bear its own costs and fees.

9. All other claims associated with Plaintiff’s complaint and not resolved in this order are hereby dismissed without prejudice.

By the Court:

Judge Timothy J. Corrigan

We hereby consent to the form and entry of the above order:

s/ Craig D. Feiser

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Certificate of Service

I hereby certify that on September 7, 2023, I electronically filed the foregoing document with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record who are registered users of the ECF system.

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