

25-1085-cv

In the United States Court of Appeals for the Second Circuit

ALEXANDER BELYA,

Plaintiff-Appellant,

v.

HILARION KAPRAL, AKA METROPOLITAN HILARION, NICHOLAS OLKHOVSKIY,
VICTOR POTAPOV, SERGE LUKIANOV, DAVID STRAUT, ALEXANDRE
ANTCHOUTINE, GEORGE TEMIDIS, SERAFIM GAN, BORIS DMITRIEFF, JOHN DOES 1
THROUGH 10, EASTERN AMERICAN DIOCESE OF THE RUSSIAN ORTHODOX
CHURCH OUTSIDE OF RUSSIA, THE SYNOD OF BISHOPS OF THE RUSSIAN
ORTHODOX CHURCH OUTSIDE OF RUSSIA, MARK MANCUS,

Defendants-Appellees,

PAVEL LOUKIANOFF,

Defendant.

On Appeal from the United States District Court
for the Southern District of New York

BRIEF OF AMICUS CURIAE JEWISH COALITION FOR RELIGIOUS LIBERTY SUPPORTING DEFENDANTS-APPELLEES

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RULE 26.1 STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, amicus curiae Jewish Coalition for Religious Liberty, by and through its undersigned counsel, hereby certifies as follows:

1. It is a non-profit organization that has no parent organization; and
2. There is no publicly held corporation that owns more than 10 percent of its stock.

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STATEMENT OF INTEREST

The Jewish Coalition for Religious Liberty (“JCRL”) is an association of American Jews concerned with the current state of religious liberty jurisprudence.¹ JCRL aims to protect the ability of all Americans to freely practice their faith and foster cooperation between Jews and other faith communities. Over several years, its founders have worked on amicus briefs in several state supreme courts, the Supreme Court of the United States, and lower federal courts; submitted op-eds to prominent news outlets; and established an extensive volunteer network to spur public statements and action on religious liberty issues by Jewish communal leadership.

JCRL has a vital interest in protecting the autonomy of faith communities from government interference. Courts imposing liability for statements made in the context of religious governance decisions force religious institutions to make the impossible choice between facing legal

¹ No counsel for any party authored this brief in whole or in part, and no entity or person, aside from amicus curiae or its counsel, made any monetary contribution intended to fund the preparation or submission of this brief. *See* Fed. R. App. P. 29(a)(4)(E); Cir. R. 29.1(b). All parties have consented to the filing of this brief. *See* Fed. R. App. P. 29(a)(2).

consequences for having open and frank discussions on matters of religious governance, or repressing speech in the name of self-preservation due to the increased risk of civil litigation and civil penalties. Either result leads to chilling restrictions on religious self-determination, particularly for minority faiths, which rely on their ability to uphold internal standards without government oversight and whose internal structures and governance are less familiar to courts. JCRL submits this brief to support the religious autonomy and First Amendment rights of religious institutions throughout the country that will be significantly affected by this case.

INTRODUCTION AND SUMMARY OF ARGUMENT

This case offers the Second Circuit an opportunity to reaffirm the longstanding principle that civil courts lack the power to intrude into matters of internal religious governance and decision making. The district court's decision respects the constitutional boundaries that prohibit civil courts from reviewing ecclesiastical disputes by holding that the First Amendment bars Plaintiff-Appellant's claims. Accordingly, the Second Circuit should affirm the district court's decision for three reasons.

First, courts may not intrude upon these kinds of internal disputes within religious institutions. The First Amendment protects religious institutions from government interference into their internal governance, including interference into matters of organization and leadership. This protection stems from both the Free Exercise Clause, which allows religious groups to make decisions about their faith and leadership, and the Establishment Clause, which prevents government involvement in doctrinal matters. The Supreme Court has consistently and emphatically held that religious institutions have the constitutional right to self-governance, including the right to make internal decisions without judicial interference. Numerous federal and state courts have reached the same conclusion.

Second, affirming the decision below safeguards the autonomy of all religious groups, including Jewish congregations and institutions in their selection and supervision of rabbis. The freedom of Jewish communities to choose and oversee their rabbinic leaders lies at the center of their religious mission. Decisions about a rabbi's fitness to teach and lead are inherently

ecclesiastical because a congregation's mission is inseparable from the qualifications of its rabbi to guide the faith.

Third, upholding the district court's decision would be particularly protective of minority faiths, including Judaism, whose rules and practices are often unknown to civil judges. When courts attempt to parse those rules, they misread words, roles, and processes. They may treat a religious determination as a secular accusation. They may cast internal censure as public defamation. They may frame religious discipline as an ordinary job dispute. Prior cases demonstrate this point—courts are likely to misunderstand minority faiths like Judaism. If courts decide certain claims arising out of a religious community's internal communications, they risk perpetuating these misunderstandings.

This Court should therefore affirm the district court.

ARGUMENT

I. The First Amendment protects religious autonomy and prevents courts from intruding into matters of internal religious governance.

The First Amendment protects religious institutions from government action that “interferes with . . . internal governance.” *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 188 (2012). These protections arise from dual constitutional safeguards—the Free Exercise Clause and the Establishment Clause—which together preserve religious groups’ autonomy over ecclesiastical matters, including affiliation and leadership. The former “protects a religious group’s right to shape its own faith and mission through its appointments,” while the latter “prohibits government involvement in . . . ecclesiastical decisions.” *Id.* at 188–89; *see also Fratello v. Archdiocese of N.Y.*, 863 F.3d 190, 199 (2d Cir. 2017) (describing the historical underpinnings of the ministerial exception, a related First Amendment doctrine).

The church autonomy doctrine stems from and is guided by the principles that underlie the First Amendment; the doctrine is deeply rooted in our nation’s historical tradition. It reflects the founding generation’s

conviction—often shaped by their own flight from religious persecution—that every faith must be free to worship according to its own traditions and be shielded from persecution. *See, e.g.,* Letter from George Washington, President of the U.S., to the United Baptist Churches of Virginia (May 1789), <https://perma.cc/5WPF-L2HV> (“[N]o one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution—For you, doubtless, remember that I have often expressed my sentiment, that every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience.”); Letter from George Washington, President of the U.S., to the Hebrew Congregation in Newport, Rhode Island (Aug. 18, 1790), <https://perma.cc/CT2C-CBEJ> (“[E]very one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid.”); *Faith of Our Forefathers*, Libr. of Cong. (May 1998), <https://perma.cc/9W4E-MKE6> (collecting sources in an exhibition focused on

the creation of the American colonies as havens from European religious persecution).

The church autonomy doctrine broadly protects matters of internal religious governance, as the United States Supreme Court has steadfastly held. *See Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 747 (2020); *Serbian E. Orthodox Diocese for U.S. & Can. v. Milivojeovich*, 426 U.S. 696, 713–14 (1976); *Watson v. Jones*, 80 U.S. (13 Wall.) 679, 733 (1871). Both federal and state courts have applied the church autonomy doctrine to reject a religious leader’s defamation claim at summary judgment. *See, e.g., Hartwig v. Albertus Magnus Coll.*, 93 F. Supp. 2d 200, 219 (D. Conn. 2000) (“[I]n order to adjudicate these claims, the Court or the jury would have to determine the truth of the defendants’ statements concerning [plaintiff’s] priestly status and . . . would result in the Court entangling itself in a matter of ecclesiastical concern, thereby violating the Establishment Clause.”); *Farley v. Wis. Evangelical Lutheran Synod*, 821 F. Supp. 1286, 1290 (D. Minn. 1993) (explaining that because adjudicating the party’s defamation claim “would require the court to review” the basis for termination, which is “an

ecclesiastical concern,” and the veracity of those statements, the court determined that the matter implicated First Amendment concerns and held that it lacked the power to decide those questions); *El-Farra v. Sayyed*, 226 S.W.3d 792, 796–97 (Ark. 2006) (“It is difficult to see how an inquiry can be made into these [allegedly defamatory] statements without an examination of religious doctrines, laws, procedures, and customs regarding who is and is not fit to be the Imam . . . , and the First Amendment prohibits the [state] circuit court from delving into these matters.”); *see also In re Diocese of Lubbock*, 624 S.W.3d 506, 517–18 (Tex.), *cert. denied* 142 S. Ct. 434 (2021) (instructing district court to dismiss defamation claim at motion to dismiss stage). This is precisely because secular courts are ill-equipped to determine which internal matters implicate questions of faith or doctrine. Religious adherents rather than judges are best positioned to determine which subjects are governed by questions of theology and which are not. Courts therefore defer to religious institutions on internal disputes, declining to adjudicate them even when “neutral” legal principles might otherwise apply. *See, e.g., McRaney v. N. Am. Mission Bd. of the S. Baptist Convention, Inc.*, No. 23-60494,

2025 WL 2602899, at *6 (5th Cir. Sept. 9, 2025) (explaining that “the ministerial exception bars the application of even neutral, generally applicable employment discrimination statutes”).

The church autonomy doctrine protects not only governance decisions themselves, but also the communications necessary to effectuate those decisions. *See, e.g., Bryce v. Episcopal Church in the Diocese of Colo.*, 289 F.3d 648, 658 (10th Cir. 2002) (holding that statements made as part of “religious communication and religious dialogue” are “not actionable”). As the Supreme Court has established and countless lower courts have reiterated, religious freedom encompasses the power of religious bodies to “decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.” *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116 (1952); *see also Milivojevich*, 426 U.S. at 713 (“[R]eligious controversies are not the proper subject of civil court inquiry.”); *McRaney*, 2025 WL 2602899, at *3 (“Civil courts cannot adjudicate ecclesiastical matters.”); *O’Connell v. U.S. Conf. of Catholic Bishops*, 134 F.4th 1243, 1254 (D.C. Cir. 2025) (“[S]ecular courts may not interpret religious law

or wade into religious disputes.”); *Bryce*, 289 F.3d at 655. While the church autonomy doctrine does not provide “general immunity from secular laws,” it “protect[s an institution’s] autonomy with respect to internal management decisions that are essential to the institution’s central mission.” *Our Lady of Guadalupe*, 591 U.S. at 746. And regarding church leadership decisions, that protection extends beyond “a church’s decision to fire a minister . . . when it is made for a religious reason” —indeed, “the authority to select and control who will minister to the faithful . . . is the church’s alone.” *Hosanna-Tabor*, 565 U.S. at 194–95.

Thus, the church autonomy doctrine bars courts from deciding claims that involve the “conformity of the [ministers or] members of the church to the standard of morals required of them.” *Watson*, 80 U.S. (13 Wall.) at 733. As a result, the answer to “the fundamental question of who will preach from the pulpit of a church, and who will occupy the church parsonage . . . must come from the church.” *Simpson v. Wells Lamont Corp.*, 494 F.2d 490, 492 (5th Cir. 1974); *see also Moon v. Moon*, 833 F. App’x 876, 879 (2d Cir. 2020), *cert. denied* 141 S. Ct. 2757 (2021) (“[B]ased on the allegations

in the complaint, there are no neutral principles by which we can adjudicate these claims without deciding the religious question of who the rightful successor to the late Rev. Sun Moon is.”).

In this case, the church autonomy doctrine requires civil courts to respect ecclesiastical governance. The internal communications underlying Appellant’s defamation claim concern hierarchical and doctrinal issues within the Russian Orthodox Church Outside of Russia—precisely the types of internal religious matters that the church autonomy doctrine shields from judicial scrutiny. In accordance with the First Amendment, as well as firmly established federal and state precedent, courts must respect a religious institution’s independence in governing the resolution of disputes involving church leadership and discipline.

II. The church autonomy doctrine protects against intrusion into Jewish communities’ and institutions’ autonomy to select and supervise rabbis.

The church autonomy doctrine also safeguards the freedom of Jewish communities to choose and oversee their rabbinic leaders. By barring civil

courts from reviewing ecclesiastical matters, the doctrine protects all religious institutions' First Amendment rights to govern themselves.

In Jewish communities and institutions, questions about a rabbi's alleged theological fitness go to the heart of a synagogue's religious mission. Determining a rabbi's capability to lead is essential to fulfilling a synagogue's mission because "[m]atters touching th[e] relationship [between rabbis and their synagogues] must necessarily be recognized as of prime ecclesiastical concern." *McClure v. Salvation Army*, 460 F.2d 553, 559 (5th Cir. 1972); *see also Hosanna-Tabor*, 565 U.S. at 188 (noting that a minister "personif[ies]" the church's beliefs). A synagogue's mission is inseparable from the qualifications of its rabbi to teach, guide, and lead in the faith. Therefore, when the community or institution warns, inquires, or advises about a rabbi's fitness, it speaks on an ecclesiastical question. *See Hyman v. Rosenbaum Yeshiva of N.J.*, 317 A.3d 1260, 1265 (N.J.) (Patterson, J., concurring), *reconsideration denied*, 320 A.3d 58 (N.J. 2024) ("conclud[ing] that a court's determination of [the] elements of [a defamation] claim[] would

mandate an inquiry into the religious tenets that govern” the religious institution).

If this Court, on the other hand, were to reverse the district court’s decision, that would lay the groundwork to impermissibly treat as secular speech communications about a rabbi’s fitness to serve. This treatment threatens Jewish communities’ control over the theological matters within their own synagogues. And such a decision would chill candid review of leaders and invite discovery into religious doctrine and practice in this and future cases. That kind of civil intrusion into a minority religion, like the Jewish faith, would be particularly harmful.

III. The consequences of reversing the district court’s decision are especially harmful to Jews and other minority religions.

Affirming the district court’s decision will preserve religious autonomy for all faith communities, but especially for Jewish congregations, which have long endured attempts by the government to interfere in matters of their Jewish faith. *See, e.g., Watson*, 80 U.S. (13 Wall.) at 728 (noting that English laws before the United States’ founding “hamper[ed] the free exercise of religious belief and worship in many most oppressive forms” and

that Jews were more burdened by these laws than Protestants); *see also* *Everson v. Bd. of Educ. of Ewing Twp.*, 330 U.S. 1, 8–9 (1947) (noting that Jews faced persecutions from governments that favored either Protestants or Catholics in the centuries before America’s colonization).

Jewish law, or Halakha, is complex, *see, e.g.,* *Florer v. Peck*, No. CV-05-5039-EFS, 2006 WL 8437879, at *2 (E.D. Wash. Aug. 1, 2006) (noting “the complexities of Jewish dietary laws and the public’s general unfamiliarity” with them), and American courts have a demonstrated history of misunderstanding or misinterpreting it. These errors would be compounded if allowed to extend to matters of internal governance. For example, in *Ben-Levi v. Brown*, the Fourth Circuit upheld a prison’s denial of a Jewish prisoner’s request “to pray and study the Torah with two other Jewish prisoners.” 577 U.S. 1169, 136 S. Ct. 930, 931–32 (2016) (Alito, J., dissenting from the denial of certiorari). To support its holding, the court relied on *the government’s* interpretation of Jewish law that ten men or a “qualified leader (such as a rabbi)” must be present to study the Torah. *Id.* But no such requirement exists under Jewish law. *Cf. id.* at 934 (stating it was “not at all

clear” whether Jewish law imposed the requirement stated by the prison). It is unclear exactly what religious law the prison relied on when making this rule. But it is possible the prison was confused by the Jewish requirement that ten men are needed to fulfill the obligation to *publicly read* from a Torah scroll as a part of a prayer service, which is entirely unrelated to the more distinct question of whether a prisoner may engage in a private group study of that text. Joseph Karo, Code of Jewish Law 143:1, available at <https://perma.cc/JX4L-225E>; see also Aryeh Citron, Minyan: The Prayer Quorum, Chabad.org, <https://perma.cc/G8RC-9C5A> (discussing when a *minyan*, or quorum, is required to perform certain prayers and rituals under Jewish law). This misunderstanding of Jewish law had real consequences for the prisoner in *Ben-Levi*—it denied him the fundamental right to practice his religion.

Another example of the potential for a court to misunderstand Jewish law occurred during an oral argument at the Fifth Circuit in a case involving challenges by church-affiliated universities and other religious organizations to the Affordable Care Act’s contraception mandate. There,

one of the panel judges suggested that turning “on a light switch every day” was a prime example of an activity unlikely to constitute a substantial burden on a person’s religious exercise. *See* Oral Argument at 1:00:40, *E. Tex. Baptist Univ. v. Burwell*, 793 F.3d 449 (5th Cir. Apr. 7, 2015), <https://perma.cc/BZ3G-7Y69>. But to an Orthodox Jew, turning on a light bulb on the Sabbath could constitute a violation of Exodus 35:3, which explains that lighting a flame violates the Ten Commandments’ instruction to keep the Sabbath holy. Certainly, that judge did not intend to demean Orthodox Jews or belittle Jewish practices. He simply and understandably was unaware of how some Jews understand the Commandment to guard the Sabbath.

These misunderstandings could translate into increased risk of civil liability for Jewish communities. For example, Jewish law prohibits Jews from purchasing food from a Jewish-owned store that stocked leavened grain products (“chometz”) during Passover (“Pesach”) for a set period afterward. *See A Guide to Purchasing Chometz After Pesach*, Star-K (Spring 2015), <https://perma.cc/6GZF-XLTF>. To enforce this prohibition, synagogues

and Jewish organizations often warn their members not to buy food from certain grocery stores or other businesses after Passover and, alternatively, what stores are approved to shop from. *Id.*; see also *Bulletin of the Vaad Harabanim of Greater Washington: Pesach 2019* at 12, Vaad Harabanim: The Rabbinical Council of Greater Washington (2019), <https://perma.cc/7FR5-ZQSW> (“Bulletin”) (listing approved stores in the Washington, D.C., area). These warnings and approvals typically take the form of lists identifying local stores and advising congregants either to avoid them or shop at them for a limited time. See *Bulletin*. These lists and recommendations could be deemed discriminatory or defamatory, but courts should not address questions about whether a synagogue or Jewish leadership correctly determined whether a store was properly following Jewish law.

Two recent cases demonstrate how a reversal here could open the door to increased liability for Jewish communities and how that decision would stand in contrast with other state and federal courts’ decisions. In one case last year, the Supreme Court of New Jersey, in a split vote, affirmed a lower court ruling that dismissed a Rabbi’s claim of defamation related to a Jewish

religious school's explanation of why it dismissed him from the school, known as a Yeshiva. *See Hyman*, 317 A.3d at 1264. In his concurrence, Justice Patterson noted that reviewing the plaintiff's defamation claim would require the court to also review the Yeshiva's determination that the plaintiff's conduct was unacceptable and inconsistent with the manner in which a rabbi in his position was expected to interact with students. *See id.* at 1278 (Patterson, J., concurring). Justice Patterson concluded that any such decision in the matter would require "assessing and attempting to apply" Jewish law and "would impermissibly interfere with the Yeshiva's prerogative to choose and manage its ministers." *Id.* Likewise, the district court here elected to avoid wading into religious communications and decision-making.

In another case, a federal district court addressed whether it could enjoin parties from disseminating a declaration from a rabbinical court and an accompanying instructional document based on a Jewish plaintiff's defamation and intentional infliction of emotional distress claims stemming from those documents. *See Esses v. Rosen*, No. 24-CV-3605, 2024 WL 4494086,

at *1 (E.D.N.Y. Oct. 15, 2024). The court denied the plaintiff’s motion for preliminary injunction and found that “the First Amendment . . . prevent[ed] [it] from second-guessing a religious court’s view of impropriety.” *See id.* at *4. Here, a decision reversing the district court would stand in stark contrast with that finding and open the door to secular courts second-guessing religious determinations.

Moreover, the potential for courts to misinterpret internal religious governance communications—like those at issue here—is compounded by the numerous unresolved internal religious disagreements within multiple Jewish denominations. This issue is exacerbated by the fact that there is no hierarchy in Judaism, so there is no discernible way to determine an authoritative view on any number of issues under Jewish law. *See* Stephen F. Rosenthal, *Food for Thought: Kosher Fraud Laws and the Religion Clauses of the First Amendment*, 65 Geo. Wash. L. Rev. 951, 975 (1997); *Wolf v. Rose Hill Cemetery Ass’n*, 914 P.2d 468, 472 (Colo. App. 1995) (recounting testimony of a “rabbinical expert [who] . . . testified that Judaism is not a hierarchical religion and that a determination rendered by any one of the tribunals is not

binding on the Orthodox Jewish community”). Without the protections afforded by the church autonomy doctrine, courts may inadvertently pick sides regarding controversial ecclesiastical topics. Indeed, for the Jewish faith in particular, these topics are many and varied.

To illustrate, Ashkenazic and Sephardic Jewish communities disagree over whether they may eat certain foods during Passover. Jeffrey Spitzer, *Kitniyot: Not Quite Hametz*, My Jewish Learning, <https://perma.cc/8J7P-UJNM> (discussing the Jewish Passover debate surrounding rice, millet, corn, and legumes). Orthodox, Conservative, and Reform congregations have more profound disagreements that touch on a wide variety of theological matters. These Jewish communities could therefore find that rabbis from another community with differing practices are ill-suited to lead their congregations.

- Orthodox Jews forbid driving to synagogue on the Sabbath, and non-Orthodox Jews permit it. *Compare Driving to Synagogue on Shabbat*, Aish, <https://perma.cc/3ZN6-KSXQ> (offering guidance on how to comply with a prohibition on driving on the Sabbath) *with*

Conservative Judaism, BBC (July 24, 2009), <https://perma.cc/JMD4-KSSA> (describing more flexible views on driving on the Sabbath).

- Orthodox and non-Orthodox Jews have different standards for determining whether the production of food is kosher and rely upon different companies, which apply each denomination's standard to determine whether particular products are kosher. *See, e.g., Acceptable Kashrus Agencies*, Chi. Rabbinical Council, <https://perma.cc/CLA2-Y2EP> (listing kosher certifying agencies); Sue Fishkoff, *Conservatives taking kashrut challenge up a notch*, Jewish Telegraphic Agency (Apr. 11, 2011), <https://perma.cc/2P5E-8MGN> (discussing the efforts of Conservative Jewish rabbis behind kashrut certification for Conservative Jews); *see also Commack Self-Service Kosher Meats, Inc. v. Weiss*, 294 F.3d 415, 425–26 (2d Cir. 2002) (noting the New York State Department of Agriculture and Market's misguided argument that “no one disputes the meaning of the term ‘kosher’”); *Ran-Dav's Cnty. Kosher, Inc. v. State*, 608 A.2d 1353, 1356 (N.J. 1992) (noting “considerable disagreement” among “the branches of Judaism” about

“what precepts or tenants truly represent the laws of kashrut,” or the Jewish dietary laws that determine what foods are considered kosher).

- Jewish denominations are divided on whether men and women may sit together within a synagogue, with Orthodox synagogues remaining sex segregated and non-Orthodox synagogues allowing mixed seating. Menachem Posner, *The Mechitzah: Partition*, Chabad.org, <https://perma.cc/QS2T-3NT5> (explaining the tradition of separating men and women in synagogues); *see also Katz v. Singerman*, 127 So. 2d 515, 532 (La. 1961) (observing that there is a dispute among Jews regarding the question of mixed seating).
- Finally, Orthodox Judaism does not recognize female rabbis, while other denominations may allow them. *Compare, e.g.,* 2015 Resolution: RCA Policy Concerning Women Rabbis, Rabbinical Council of America (Oct. 31, 2015), <https://perma.cc/KB5K-UDFJ> (adopting a resolution affirming the Orthodox Jewish tradition of not recognizing female rabbis), *with* Ari L. Goldman, Conservative Assembly Votes to Admit Women as Rabbis, N.Y. Times (Feb. 14, 1985),

<https://tinyurl.com/fe9askw9> (“[T]he worldwide governing body of Conservative Judaism has decided to admit women as rabbis.”).

Calling on courts to adjudicate tort claims, like the defamation claim here, could implicate these types of theological disputes, which, in turn, may affect how synagogues are managed or how religious leaders are disciplined. By agreeing that courts may not review internal religious governance communications and decisions, the district court closed the door to interference with religious autonomy. This maintains the ability of Jewish institutions to manage their own affairs and to “decide for themselves” how to navigate questions of faith and doctrine. *See Kedroff*, 344 U.S. at 116. The Second Circuit should uphold our country’s longstanding commitment to allowing religions to flourish independent from government interference or sanction by affirming the district court’s decision.

* * *

Religious organizations must be free to make decisions about doctrine and governance without the looming threat of civil liability. If religious organizations are threatened with legal action over internal decisions about

religious doctrine and governance, they will very likely be deterred from exercising their religious convictions and properly overseeing their leadership. The district court's decision forecloses judicial interference in religious disputes, which would directly violate the First Amendment and Supreme Court precedent. *See, e.g., Watson*, 80 U.S. (13 Wall.) at 727–28. The consequences of a reversal will fall most heavily on religious minorities whose traditions are the least understood, exposing them to the greatest risk of government intrusion. This Court should therefore affirm the district court's decision.

CONCLUSION

The Court should affirm the district court's decision.

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Respectfully submitted.

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 29(a)(5) because it contains 4,135 words, excluding the parts of the brief exempted by Rule 32(f). This brief complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point Palatino Linotype) using Microsoft Word (the same program used to calculate the word count).

Dated: October 16, 2025

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Second Circuit by using the appellate CM/ECF system on October 16, 2025.

I certify that all participants in the case have been served a copy of the foregoing by the appellate CM/ECF system or by other electronic means.

Dated: October 16, 2025

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