Religious Liberty for All

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January 29, 2026

The Hon. Chief Justice Patricia Guerrero
and Associate Justices
Supreme Court of California
350 McAllister Street, Room 1295
San Francisco, CA 94102-4797

Re: *Annette Lorenzo v. San Francisco Zen Center, Inc., et al.*
Case No. S294565

Dear Chief Justice Guerrero and Associate Justices,

Under Rule 8.500(g) of the California Rules of Court, President John H. Garvey respectfully submits this letter as amicus curiae respectfully urging the Court to grant review of the above-entitled case.

Interest of Amicus Curiae

John H. Garvey is the Clynes Distinguished Visiting Professor at Notre Dame Law School and President Emeritus of The Catholic University of America, where he served from 2010 to 2022. Prior to that time, he served as Dean of Boston College Law School from 1999 to 2010 and taught law at the University of Notre Dame, the University of Michigan, and the University of Kentucky. President Garvey also served as the 106th President of the Association of American Law Schools.

President Garvey is an expert on the law of religious liberty, having published numerous articles on the topic. He was previously a co-author of the leading legal textbook on the law of religious liberty in the United States, *Religion and the Constitution* (Michael W. McConnell, *et al.*, eds.). He also has first-hand knowledge of the issues facing Catholic institutions in the context of employment and church autonomy.

President Garvey submits this letter in support of the Petition for Review to explain how, if left uncorrected, the Court of Appeal's decision will wrongly entangle courts in religious controversies and come into conflict with the religious practices of Catholic institutions.[1]

Argument

The ministerial exception secures the right of religious groups "to share [their] own faith and mission" by choosing those "who will preach their beliefs, teach their faith, and carry out their mission." (*Hosanna-Tabor Evangelical Lutheran Church*

[1] No party or counsel for a party in the pending case authored this amicus curiae letter in whole or in part or made a monetary contribution intended to fund its preparation or submission.

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& Sch. v. EEOC (2012) 565 U.S. 171, 188, 196.) Because the "relationship between an organized church and its ministers is its lifeblood," (*Petruska v. Gannon Univ.* (3d Cir. 2006) 462 F.3d 294, 306), courts have held that the ministerial exception bars any claim that would interfere in the relationship between a church and its clergy—an area that is "strictly ecclesiastical," (*Hosanna-Tabor*, *supra*, 565 U.S. at pp. 194-195). Indeed, the Ninth Circuit has long held that the ministerial exception bars wage-and-hour claims like the ones brought here. (See, e.g., *Alcazar v. Corporation of Catholic Archbishop of Seattle* (9th Cir. 2010) 627 F.3d 1288, 1290 & fn. 1 (en banc); *Markel v. Union of Orthodox Jewish Congregations of America* (9th Cir. 2024) 124 F.4th 796, 812.)

By allowing the plaintiff's wage-and-hour claims to proceed here, the Court of Appeal's decision splits with this consensus approach and allows California courts to interfere in this special relationship. A California religious organization's ability to choose its ministers without government interference now depends on the forum in which the plaintiff chooses to bring his wage-and-hour claims: if the plaintiff sues in federal court, then the ministerial exception applies, but if the plaintiff brings those same claims in state court, then the ministerial exception offers no protection. Not only is the court's decision wrong as a legal matter, but the decision below, left uncorrected, would also have drastic consequences for Catholic religious practice. This Court should intervene.

I. The ministerial exception applies categorically to wage-and-hour claims.

As Petitioner San Francisco Zen Center correctly argues, (Pet. at pp. 22-29), the ministerial exception applies to wage-and-hour claims just as it does to employment discrimination claims. But the decision below splits from the Ninth Circuit and other courts in California, subjecting religious entities to overlapping but irreconcilable legal standards. Furthermore, the Court of Appeal's decision also departs from the reasoned decisions from courts across the country, as well as federal agency guidance.

The leading case in the Ninth Circuit is *Alcazar*, where a seminarian brought a claim against the Catholic Church for unpaid overtime wages under Washington's Minimum Wage Act. The en banc Ninth Circuit applied the ministerial exception to the seminarian's wage-and-hour claim, unanimously holding that the ministerial exception barred the seminarian's claims for additional wages. (*Alcazar*, *supra*, 627 F.3d at p. 1290 & fn. 1.) "That some of his duties may have encompassed secular activities [was] of no consequence" because "[a] church may well assign secular duties to an aspiring member of the clergy, either to promote a spiritual value ... or to promote its religious mission in some material way." (*Id.* at p. 1293.)

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Similarly, in *Markel* a *mashgiach*—an Orthodox Jew who supervises food preparation to ensure compliance with Jewish dietary laws—sued his religious employer for wage-and-hour violations. The Ninth Circuit held that the ministerial exception is "categorical" and "encompasses all adverse personnel or tangible employment actions between religious institutions and their employees and disallows lawsuits for damages based on lost or reduced pay." (*Markel*, *supra*, 124 F.4th at p. 803.)

The court went further, explaining that requiring a religious reason for any challenged conduct is unnecessary because doing so could "lead to unconstitutional judicial action" through "misunderst[anding]" or "unfairly malign[ing]" religious beliefs. (*Id.* at p. 810.) Not only that, but such a rule would also impose "a significant burden on … religious organization[s]." (*Ibid.*) Indeed, "an organization might understandably be concerned that a judge would not understand its religious tenets and sense of mission," and this "[f]ear of potential liability [would] affect the way [that] organization carried out what it understood to be its religious mission." (*Ibid.* [quoting *Corp. of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints v. Amos* (1987) 483 U.S. 327, 336].) *Markel* thus reiterates *Alcazar*'s conclusion that wage-and-hour claims are subject to the ministerial exception.

The Court of Appeal's decision split from this well-reasoned precedent. In fact, the split is deep and entrenched. In *Behrend v. San Francisco Zen Center, Inc.* (9th Cir. 2024) 108 F.4th 765, the Ninth Circuit considered a case involving the same defendant, the same religious practices, and almost identical job positions as those at issue here. (*Id.* at pp. 766-768.) The Ninth Circuit held that the ministerial exception applied and that it barred claims against the Center. (*Id.* at pp. 770-771.) As a result, the *same exact* religious institution's constitutional rights are subject to different and irreconcilable legal standards.[2]

Subjecting religious organizations to overlapping but irreconcilable legal standards produces substantial harm because it exposes these groups to protracted, piecemeal litigation. (See, e.g., *Demkovich v. St. Andrew the Apostle Parish, Calumet City* (7th Cir. 2021) 3 F.4th 968, 982 (en banc) ["[W]e worry about a 'protracted legal process pitting church and state as adversaries,'" as well as "the

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[2] The Court of Appeal attempted to distinguish *Behrend*, claiming it was "inapposite" because the plaintiff here conceded she was a minister and because *Behrend* "did not involve any wage-and-hour claims." (*Lorenzo v. San Francisco Zen Center* (2025) 116 Cal.App.5th 258, 272 & fn. 3 [339 Cal.Rptr.3d 13].) But the point—and split—remains. Under Ninth Circuit precedent, all tangible employment actions are categorically barred by the ministerial exception, (*Markel*, *supra*, 124 F.4th at p. 808), so had *Behrend* involved a wage-and-hour claim, it would have been dismissed as well.

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prejudicial effects of incremental litigation."].) Take Behrend, for example. Although he lost his disability discrimination claim against the Center at the Ninth Circuit, Behrend brought a second suit against the Center in California state court for alleged wage-and-hour violations. (*Behrend v. San Francisco Zen Center* (A171997, app. pending).) Thus, the decision below, if left uncorrected, will ultimately allow Behrend to have a second bite at the apple in state court by allowing his wage-and-hour claims to go forward against the Center without any ministerial exception defense.

Worse still, the decision below is an outlier even within California courts. The Fourth District has followed the categorical approach, drawing no distinction between the "appointment" of ministers versus "closely related issues," such as the determination of ministerial "salaries, assignments, working conditions and termination of employment." (*Henry v. Red Hill Evangelical Lutheran Church of Tustin* (2011) 201 Cal.App.4th 1041, 1053 [134 Cal.Rptr.3d 15] [quoting *Roman Catholic Archbishop of Los Angeles v. Superior Court* (2005) 131 Cal.App.4th 417, 433 (32 Cal.Rptr.3d 209)].) Instead, both categories of employment actions implicate "inherently religious function[s]." (*Ibid.*)

Other courts outside California have reached similar conclusions. For example, in *Schleicher v. Salvation Army* (7th Cir. 2008) 518 F.3d 472, the Seventh Circuit held that the ministerial exception barred Salvation Army ministers' claims for violations of the minimum-wage and overtime provisions of the Fair Labor Standards Act (FLSA). The Salvation Army did not claim any religious reason for the alleged FLSA violations, but that did not matter. That's because the "purpose" of the ministerial exception "is to avoid judicial involvement in religious matters." (*Id.* at p. 475.) Thus, while the *Schleicher* case was "not a discrimination case, [and] hence not a case in which the application of federal law would limit the right of a religious organization to decide who will perform religious functions," the ministerial exception still applied. (*Ibid.*) This was a case akin to one where "a monastery, whose monks take a vow of poverty and are paid no wages, sells the wine that the monks produce." (*Id.* at p. 476.) In both situations, the ministerial exception bars any claims based on lost or reduced wages.

The Fourth Circuit has also long held that the ministerial exception bars such claims. In *Shaliehsabou v. Hebrew Home of Greater Washington, Inc.* (4th Cir. 2004) 363 F.3d 299, the Fourth Circuit held that the ministerial exception prevented adjudication of wage-and-hour claims brought by a *mashgiach*. (See *id.* at p. 311.) In the same vein, Judge Furman on the Southern District of New York has explained that "[t]here is no dispute that the [ministerial] exception 'flatly bar[s]' claims arising from, or relating to, 'tangible employment actions'—such as hiring, firing,

promoting, deciding compensation, job assignments, and the like." (*Brandenburg v. Greek Orthodox Archdiocese of N. Am.* (S.D.N.Y. June 1, 2021, No. 20-cv-3809) 2021 WL 2206486, at *4.)

For similar reasons, the Department of Labor has also adopted guidance explaining that the FLSA's wage-and-hour provisions do not apply to ministerial employees. The Wage and Hour Division's Field Operations Handbook provides that "[p]ersons such as nuns, monks, priests, lay brothers, ministers, deacons, and other members of religious orders who serve pursuant to their religious obligations in the schools, hospitals, and other institutions operated by their church or religious order shall not be considered to be 'employees'" under the FLSA.[3] And in two opinion letters, the Wage and Hour Division confirmed that the ministerial exception, if applicable, bars claims based on the FLSA's wage-and-hour requirements.[4]

In short, it has long been recognized in a variety of fora that the ministerial exception applies broadly to bar claims based on lost, unpaid, or insufficient wages.

II. The lower court erred by requiring case-by-case religious justifications for wage-and-hour claims.

The court below erred when it departed from this longstanding consensus. Respondent conceded that she was a minister for purposes of the ministerial exception. (*Lorenzo*, *supra*, 116 Cal.App.5th at p. 272.) The only question before the court was whether the ministerial exception barred her wage-and-hour claims, (*ibid.*), and the Court of Appeal expressly acknowledged that many jurisdictions have held that the ministerial exception categorically bars wage-and-hour claims. (*Id.* at pp. 276-278.) But the Court of Appeal nonetheless split from the other courts, asserting that the other courts' decisions were poorly reasoned and "provided little or no analysis." (*Id.* at p. 276.)

Instead, the Court of Appeal held that determining whether the ministerial exception applies to wage-and-hour claims requires a granular, case-by-case analysis. Specifically, courts should determine whether enforcement of a particular wage-and-hour regulation would force a court to inquire into a religious entity's "internal government" as it relates to "faith and doctrine." (*Id.* at p. 275.) That approach, however, runs afoul of ministerial exception doctrine in two fundamental ways.

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[3] See Wage and Hour Div., U.S. Dep't of Labor, Field Operations Handbook (FOH) 10b03(b), <https://perma.cc/V24W-4MRX> (as of Jan. 26, 2026).

[4] See Wage and Hour Div., U.S. Dep't of Labor (Jan. 8, 2021) FLSA 2021-2, <https://perma.cc/3M4J-YK9T> (as of Jan. 26, 2026); Wage and Hour Div., U.S. Dep't of Labor (Dec. 21, 2018), FLSA 2018-29, <https://perma.cc/K29C-22T9> (as of Jan. 26, 2026).

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First, the ministerial exception does not turn on whether there is a religious reason for the adverse employment action in question. Requiring a religious reason "misses the point of the ministerial exception. The purpose of the exception is not to safeguard a church's decision ... only when it is made for a religious reason. The exception instead ensures that the authority to select and control who will minister to the faithful—a matter strictly ecclesiastical—is the church's alone." (*Hosanna-Tabor*, *supra*, 565 U.S. at pp. 194-195 [quotation omitted].)

Second, by focusing on whether the enforcement of wage-and-hour statutes would "require" a religious entity to violate its "internal government" and "faith and doctrine," (*Lorenzo*, *supra*, 116 Cal.App.5th at p. 275) the opinion below invites courts to answer religious questions and second-guess religious beliefs in violation of the First Amendment. (See, e.g., *Hernandez v. Comm'r* (1989) 490 U.S. 680, 699 ["It is not within the judicial ken to question … the validity of particular litigants' interpretations of those creeds."]); (*Catholic Charities Bureau, Inc. v. Wisconsin Lab. & Indus. Rev. Comm'n* (2025) 605 U.S. 238, 249-250 [Wisconsin Supreme Court violated the Establishment Clause when it held that Catholic Charities' activities qualified as religious only if Catholic Charities "engaged in proselytization or limited their services to fellow Catholics"]). This approach would also turn on determinations of what aspects of "internal government" matter to religious institutions and how "closely linked" they are "to the entity's 'faith and doctrine.'" (*Lorenzo*, *supra*, 116 Cal.App.5th at p. 275.) But as the Supreme Court explained decades ago, "[i]t is a significant burden on a religious organization to require it, on pain of substantial liability, to predict which of its activities a secular court will consider religious." (*Amos*, *supra*, 483 U.S. at p. 336.) "[A]n organization might understandably be concerned that a judge would not understand its religious tenets and sense of mission." (*Ibid.*)

Markel recognized this. While the court below claimed that "the Ninth Circuit proffered no explanation for its broad interpretation of the [ministerial] exception," (*Lorenzo*, *supra*, 116 Cal.App.5th at p. 276), the *Markel* court expressly noted that "scrutiniz[ing] religious decisions" in this way risks "judicial[] misunderst[anding] or unfair[] malign[ing]" of religious beliefs. (*Markel*, *supra*, 124 F.4th at p. 810.) That "[f]ear of potential liability" would in turn "'affect the way an organization carried out what it understood to be its religious mission,' contrary to the First Amendment's protections." (*Ibid.* [quoting *Amos*, *supra*, 483 U.S. at p. 336].)

Indeed, the decision below is a textbook example of what goes wrong when courts require a religious body to state religious reason for employment actions involving ministers. The Court of Appeal held that the "wage-and-hour claims are not tied to the Center's decision to terminate her employment and do not invade the Center's

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autonomy in the selection of its ministers." (*Lorenzo*, *supra*, 116 Cal.App.5th at p. 278.) The Court of Appeal noted that it had independently reviewed the record and found "nothing ... even suggesting that the *amount* of compensation ... implicates an ecclesiastical concern." (*Id*. at p. 280.)

But as the Center explains in its petition for review, the record demonstrates that the Center's Buddhist practices include meditatively chanting: "I vow not to take what is not given" and "I vow not to be avaricious." (Pet. at pp. 37-38.) In effect, the Center's monastic residents take a vow of austerity, and their compensation is thus an inherently religious determination. (*Ibid.*)

In this way, this case mirrors *Schleicher*, where the Seventh Circuit noted that the ministerial exception protects Catholic vows of poverty. (*Supra*, 518 F.3d at p. 476.) The Court of Appeal attempted to distinguish *Schleicher* by noting that vows of poverty are "a hallowed religious observance," (*Lorenzo*, *supra*, 116 Cal.App.5th at p. 280, fn. 5). California piles on, claiming that "a vow of austerity" has been categorically "rejected by the U.S. Supreme Court" in *Tony Alamo Foundation*. (Answer at p. 12.) But these arguments miss the point two times over.

First, *Lorenzo's* interpretation of *Schleicher* ignores the facts. In *Schleicher*, the Salvation Army had no particular religious tenet concerning compensation, yet the Seventh Circuit still concluded that the ministerial exception barred the ministers' wage-and-hour claims. (*Schleicher*, *supra*, 518 F.3d at pp. 475-476.)

Second, and more fundamentally, the Center's religious belief to limit material interests is no less "a hallowed religious observance" simply because it's not Catholic. (*Ibid*.) California's argument that *Tony Alamo Foundation* forecloses all religious claims based on a "vow of austerity" would plunge courts and governments into religious controversies. That case—which involved a different religious organization, entirely different religious beliefs, and no ministerial employees—cannot mean that vows of austerity are categorically beyond the reach of the First Amendment. To so hold would violate "[t]he clearest command of the Establishment Clause": "that one religious denomination cannot be officially preferred over another." (*Larson v. Valente* (1982) 456 U.S. 228, 244.) It would be a "paradigmatic form of denominational discrimination." (*Catholic Charities Bureau*, *supra*, 605 U.S. at p. 249.) This Court should be "disinclined to take the first step on a path that leads so swiftly to so dead an end." (*Schleicher*, *supra*, 518 F.3d at p. 477.)

At bottom, whether through misunderstanding the Center's religious beliefs or by second-guessing them, the decision below unconstitutionally entangled church and state. The better approach—and the consensus approach—is to avoid that

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constitutional thicket by holding that the ministerial exception applies categorically to wage-and-hour claims.

III. The decision below runs afoul of Catholic religious practices with respect to work.

The decision below also threatens centuries-old practices of Catholic religious institutions with respect to work. In particular, many clergy or members of religious orders work for little or no pay, or on schedules that deviate significantly from the typical workweek. These practices are rooted in specific Catholic doctrines about the role of work in the life of Christian community. With respect to clergy or members of religious orders who count as "ministers" for purposes of the ministerial exception, the Court of Appeal's decision thus promises to grossly interfere with how those communities function day-to-day.

Catholic doctrine illuminates the problem. The Catholic Church teaches that work proceeds directly from God's creation of human beings in his own image. Therefore, just as God worked for six days and rested on the seventh, (see *Genesis* 2:2-3), when human beings work, they "share[ ] ... in the activity of the Creator," (Pope Saint John Paul II, *Laborem Exercens* § V.25; see also *id.* § II.4 ["[W]ork is a fundamental dimension of man's existence on earth."].) Work honors God's gifts and our talents received from him, and it serves a redemptive purpose by collaborating with God and animating earthly realities with the Spirit of Christ. (*Catechism of the Catholic Church* § 2427; see also Pope Leo XIII, *Rerum Novarum* ¶ 23 ["[T]here is nothing to be ashamed of in earning … bread by labor," for "Christ Himself" chose "to spend a great part of His life as a carpenter."].) As Pope John Paul II put it, "Work is a good thing for man … because through work man *not only transforms nature*, adapting it to his own needs, but he also *achieves fulfillment* as a human being." (*Laborem Exercens* § II.9; see also Pope Francis, *Laudato Si'* ¶ 128 ["We were created with a vocation to work. … Work is a necessity, part of the meaning of life on this earth, a path to growth, human development and personal fulfillment."].) In other words, through work, the person exercises and fulfills in part the potential inscribed in his nature. (*Catechism of the Catholic Church* § 2428.)

Thus, the Church's teaching shows that work is deeply imbued with religious significance. That is especially true for those called to the priesthood and religious orders, where work is an integral part of religious practice and often undertaken for little or no compensation or on schedules radically different from the typical workweek. The Court of Appeal's decision therefore threatens longstanding Catholic religious practices and even the independence of Catholic religious bodies. Two specific examples show why.

Seminarians. Work serves as a critical formative component of training for the Catholic priesthood. By learning and understanding the value of work, seminarians become ready to serve as "true shepherds of souls"—a role assumed by all priests. (United States Conference of Catholic Bishops, *Program of Priestly Formation in the United States of America* (6th ed. 2022) ¶ 369 [providing the framework for priestly formation that must be observed by all Catholic seminaries].) For this reason, Catholic seminaries typically require seminarians to perform two kinds of work: (1) household chores and (2) departmental jobs. First, household chores can encompass tasks such as setting tables, washing dishes, or sweeping stairs. Through the long hours spent on these tasks, seminarians learn the spirit of sacrifice and humility necessary for priestly service. (*Id.* ¶ 191 [seminarians must learn the "capacity for hard work"].)

Second, departmental jobs, such as assisting with Mass or caring for the seminary's grounds and facilities, teach seminarians skills that will be useful for their future ministry. And by starting with and faithfully completing these lesser work assignments, seminarians prove that they can be trusted with the greater matters of priesthood. (See Matthew 25:14-30 ["Well done, good and faithful servant; you have been faithful over a little, I will set you over much."].) More than that, though, this kind of work also brings seminarians closer to the people of God. That is, in the words of Pope Francis, work teaches seminarians to become "shepherds living with 'the odor of the sheep,'" helping them to understand the lives of the people that they lead[5]—a necessary ability for all priests. (See *Program of Priestly Formation* ¶ 367 ["True shepherds must have a desire to understand the hearts of others and engage in attentive accompaniment."].)

It is precisely because work provides such a fundamental "part of [the] preparation for ordination into the priesthood" that the Ninth Circuit held in *Alcazar* that the ministerial exception bars a seminarian's claim that "challenge[s] the church's wage payments concerning his work as a seminarian." (See *Alcazar*, *supra*, 627 F.3d at p. 1292.) Courts cannot deconstruct a minister's assignments into "religious" and "secular" tasks without violating the Constitution. (See, e.g., *Our Lady of Guadalupe Sch. v. Morrissey-Berru* (2020) 591 U.S. 732, 757 [explaining that the "schools expressly saw [their elementary-school teachers] as playing a vital part in carrying out the mission of the church, and the schools' definition and explanation of their roles is important"]; *Amos*, *supra*, 483 U.S. at pp. 343-344 (conc. opn. of Brennan, J.) ["[D]etermining whether an activity is religious or secular requires a searching case-by-case analysis. This results in

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[5] (*Homily of Pope Francis*, The Holy See (March 28, 2013) <https://perma.cc/4DM6-YQHR> [as of January 26, 2026].)

considerable ongoing government entanglement in religious affairs."]; *McMahon v. World Vision, Inc.* (9th Cir. 2025) 147 F.4th 959, 975-976 [explaining that "administrative and customer service tasks that are ubiquitous in a secular setting" can be "'vital religious duties' crucial to [a religious organization's] mission"].)

Here, by allowing these claims to proceed, the decision below effectively allows disgruntled "ministers in training" to use civil litigation to transform how the Catholic Church forms its priests. (*Alcazar*, *supra*, 627 F.3d at p. 1292.)

Catholic religious orders. Work is also central to Catholic religious orders. Consider the Benedictine Order, which views work as "the second of the three aspects of the monastic life" (alongside prayer and reading).[6] In short, Benedictine monks believe that work is "important because it exercises the body in creative and fruitful labor,"[7] and because "[i]dleness is the enemy of the soul," (*Rule of Benedict* 48:1.) The monks therefore follow a tradition called "*Ora et labora*," which means "pray and work."[8] Because too much time spent praying and studying can "easily lead to fanciful head games, purely intellectual debates, mystical fantasies or spiritual sentimentality,"[9] Benedictine monks must "have specified periods for manual labor," which gives them balance and allows them to "live by the labor of their hands, as our fathers and the apostles did." (*Rule of Benedict* 48:1, 8.)

Along with manual labor, Benedictine monks also take vows of poverty. The Rule of Benedict states that before joining the Order, a prospective monk must "either give [his possessions] to the poor … or make a formal donation of them to the monastery, without keeping back a single thing for himself." (*Rule of Benedict* 58:24.) Benedictine monks accept such voluntary poverty in response to Jesus's invitation to the rich man in the Gospel of Matthew: "If you would be perfect, go, sell what you possess and give to the poor, and you will have treasure in heaven; and come, follow me." (*Matthew* 19:21.)

Similar vows of poverty are taken in other orders, too. For example, Carmelite monks must not "lay claim to anything as [their] own" but "are to possess everything in common." (*Rule of St. Albert* ¶ 12.) Much like the Benedictine monks, Carmelite monks must also "give [themselves] to work … so that the devil may always find [them] busy" and not have "a chance to pierce the defenses of [their] souls." (*Id.* ¶ 20.) Franciscan friars are instructed to "appropriate neither house, nor

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6 (*Lent with St. Benedictine: Ora et labora, Prayer and Work*, National Catholic Register, <https://perma.cc/JH3Y-MTV3> [as of January 26, 2026].)

7 (*Ibid.*)

8 (*Ibid.*)

9 (*Ibid.*)

place, nor anything for themselves" but rather should "serv[e] God in poverty and humility, as pilgrims and strangers in this world." (*Franciscan Rule of 1223* Chapter VI.) And Jesuits believe that vows of poverty unite them with Christ and free them "to share the life of the poor, relying on God's providence, and to use whatever resources they may have not for their own security and comfort but for service."[10] (See *Matthew* 6:25-34 ["Therefore I tell you, do not be anxious about your life, what you shall eat or what you shall drink, nor about your body, what you shall put on."].)

Thus, to force these religious orders to comply with California's wage-and-hour requirements—as the decision below would do—is to "destroy" "a hallowed religious observance" that's been practiced for centuries. (*Schleicher*, *supra*, 518 F.3d at p. 476.) This Court can and should intervene to prevent such a devastating result.

Conclusion

The Petition for Review should be granted.

Respectfully submitted,

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cc: See attached Proof of Service

[10] (*What is the meaning of Jesuit Vows?*, Jesuits, <https://perma.cc/2MLR-BENQ> [as of January 26, 2026].)

PROOF OF SERVICE

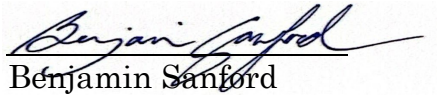
At the time of service, I was over 18 years old and not a party to this action. My business address is 1919 Pennsylvania Ave. NW, Suite 400, Washington, DC 20006. My electronic service address is bsanford@becketfund.org. On January 29, 2026, I served true copies of the following document described as **Amicus Curiae Letter in Support of Petition for Review** on the interested parties in this action as follows:

****SEE ATTACHED SERVICE LIST**

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling) as indicated on the attached service list. I certify that all participants in this case are registered TrueFiling users and that service will be accomplished by the appellate TrueFiling system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 29, 2026.



Benjamin Sanford

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Case No. S294565

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