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13 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

14 COUNTY OF SANTA CLARA, TRUST
15 WOMEN SEATTLE, LOS ANGELES LGBT
16 CENTER, WHITMAN-WALKER CLINIC,
17 INC. d/b/a WHITMAN-WALKER HEALTH,
18 BRADBURY-SULLIVAN LGBT
19 COMMUNITY CENTER, CENTER ON
20 HALSTED, HARTFORD GYN CENTER,
21 MAZZONI CENTER, MEDICAL STUDENTS
22 FOR CHOICE, AGLP: THE ASSOCIATION
23 OF LGBTQ+ PSYCHIATRISTS, AMERICAN
ASSOCIATION OF PHYSICIANS FOR
HUMAN RIGHTS d/b/a GLMA: HEALTH
PROFESSIONALS ADVANCING LGBTQ
EQUALITY, COLLEEN MCNICHOLAS,
ROBERT BOLAN, WARD CARPENTER,
SARAH HENN, and RANDY PUMPHREY,

24 Plaintiffs,

25 vs.

26 U.S. DEPARTMENT OF HEALTH AND
27 HUMAN SERVICES and ALEX M. AZAR, II,
in his official capacity as SECRETARY OF
HEALTH AND HUMAN SERVICES,

28 Defendants.

Case No. 5:19-cv-2916

**DECLARATION OF ALECIA
MANLEY, INTERIM CHIEF
OPERATING OFFICER OF THE
MAZZONI CENTER, IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

1 I, Alecia Manley, declare as follows:

2 1. Mazzoni Center, located in Philadelphia, Pennsylvania, was founded in 1979 and is
3 a multi-service, community-based healthcare and social-service provider that aims to advance the
4 health and well-being of LGBTQ communities and people living with HIV. The mission of
5 Mazzoni Center is to provide quality comprehensive health and wellness services in an LGBTQ-
6 focused environment, while preserving the dignity and improving the quality of life of the
7 individuals whom it serves.
8

9 2. I am the Interim Chief Operating Officer and serve as a member of the Interim
10 Leadership Team at Mazzoni Center. I have over twenty years of experience providing social
11 services to HIV positive and LGBTQ+ communities. I joined Mazzoni Center in 2001 as a Medical
12 Case Manager and became the Care Services Director in 2005. I expanded the scope of Mazzoni
13 Center's social services to include services for LGBTQ+ youth and transgender and gender non-
14 conforming communities. I oversee Mazzoni Center's HIV prevention and care services, gender
15 affirming services, education, and legal services. I am submitting this Declaration in support of
16 Plaintiffs' Motion for Preliminary Injunction to prevent the Denial-of-Care Rule from taking effect.
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18 3. Mazzoni Center has been serving the needs of the LGBTQ communities, and people
19 living with HIV, nearly 40 years. To meet the wellness needs of these populations, Mazzoni Center
20 provides a broad continuum of services, including medical, behavioral-health, HIV-testing,
21 prevention and counseling, housing, and legal services. In 2010, Mazzoni Center began offering
22 legal services upon recognizing that the physical and emotional health of people who are LGBTQ
23 is often negatively impacted by external factors resulting from societal prejudices and pressures,
24 and that such impact can be ameliorated by using available legal tools to address and strengthen
25 social determinants of health. Mazzoni Center patients and clients include some of the most
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1 vulnerable members of the LGBTQ population, including youth, people of color, and people who
2 are low-income.

3 4. Mazzoni Center programs and services for LGBTQ youth include programming for
4 Gay-Straight Alliances in Philadelphia-area schools and weekly youth and adolescent drop-in hours
5 which offer medical, behavioral-health, and legal services to people under the age of 25. As an
6 agency that provides medical and mental-health services targeted at LGBTQ youth, Mazzoni
7 Center is in a unique position to comment upon the long-term effects of systematic discrimination
8 on people who are LGBTQ.
9

10 5. In addition to the services they receive from Mazzoni Center, patients of Mazzoni
11 Center often access healthcare services from other organizations, including religiously affiliated
12 organizations. Across its continuum of services, Mazzoni Center serves patients who report having
13 experienced discriminatory treatment when accessing healthcare services from such organizations.
14 To ensure that LGBTQ people can access services they need, Mazzoni Center's Education
15 programs provide cultural-competency training to service providers, and its Legal Services program
16 advocates on behalf of those individuals employing a range of strategies that include informal
17 advocacy, structured negotiation, and representation in administrative and court proceedings to
18 address discriminatory treatment.
19

20 6. Many Mazzoni Center patients and clients report that they have experienced, are
21 experiencing, or fear that they will experience, negative effects from religious discrimination or
22 objections presented as being based on someone else's religious or moral objections. Some patients
23 and clients have experienced rejection that came from religious or moral objections claimed by
24 their family members, with long-lasting traumatic effects. Other individuals sought out Mazzoni
25 Center's services because other healthcare providers had rejected them, or because these patients
26 expected and feared that they would be rejected on the basis of religious objections to their LGBTQ
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1 identities. As a result of this discrimination and well-grounded fear of discrimination, LGBTQ
2 patients' health and well-being are compromised.

3 7. Mazzoni Center was founded, and continues to exist, because people who are
4 LGBTQ need access to health and wellness services that affirm them and their identities. Despite
5 that need, there was, and continues to be, an insufficient number of providers across the continuum
6 of services who are able and willing to address the needs of LGBTQ people. Many people who
7 contact and receive services from Mazzoni Center inform us that they have had, or are having,
8 difficulty finding LGBTQ-affirming care elsewhere. Some of our patients and clients travel long
9 distances to reach Mazzoni Center because of our LGBTQ-affirming environment, and because
10 they do not have access to services closer to their homes.

11 8. By inviting discrimination against LGBTQ people based on their LGBTQ identities
12 and related medical histories, the Denial-of-Care Rule encourages LGBTQ people to remain
13 closeted to the extent possible when seeking medical care. But remaining closeted to a healthcare
14 provider can result in significant adverse health consequences. When patients are unwilling to
15 disclose their sexual orientation and/or gender identity to healthcare providers out of fear of
16 discrimination and being refused treatment, their mental and physical health is critically
17 compromised.

18 9. As a result of the Denial-of-Care Rule, Mazzoni Center will be forced to redirect
19 additional staff and resources to assist patrons in finding LGBTQ-affirming healthcare providers.
20 Mazzoni Center's staff and resources already have been diverted from other program activities to
21 engage in advocacy, policy analysis, and community outreach to address the ill-effects of the
22 Denial-of-Care Rule. Mazzoni Center has a dedicated team of employees who focus on serving its
23 mission by fostering a welcoming, affirming – and nondiscriminatory – atmosphere for patients
24 and clients to access supportive, LGBTQ-affirming healthcare and wellness services. Employees
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1 of Mazzoni Center will be negatively impacted by the Denial-of-Care Rule in the form of increased
2 demand on their time and resources by patients, a diminished number of affirming resources to
3 provide and refer to, the need to develop new resources and training materials from scratch, and
4 the added trauma that many patients likely will experience by the notices that the Rule requires.

5
6 10. The Denial-of-Care Rule's requirements are antithetical to Mazzoni Center's
7 mission of providing comprehensive services to people in an LGBTQ-affirming environment. The
8 Rule requires that Mazzoni Center give notice that providers are able to deny services based on
9 moral objections. The Rule fails to require that objecting employees notify Mazzoni Center that
10 they have objections before being hired or even as their religious beliefs change throughout their
11 employment. Those requirements, and the Rule's failure to require staff denying services based on
12 these objections to provide referrals to where patients can get the healthcare services that they need,
13 eviscerate the LGBTQ-affirming environment that is the heart of Mazzoni Center's mission.

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15 11. Including a notice that providers can deny services based on moral objections in job
16 position announcements, together with the Rule's prohibition on asking job applicants if they have
17 religious and/or moral objections to treating LGBTQ people, will make it difficult, if not
18 impossible, to confirm that prospective employees will serve our patients and clients with respect
19 – or whether they will serve members of the LGBTQ communities at all.

20
21 12. Additionally, requiring that Mazzoni Center provide notices regarding healthcare
22 providers' conscience rights in waiting rooms and other areas at Mazzoni Center, and implicitly
23 putting the onus on patients to request LGBTQ-affirming healthcare to ensure that they will not be
24 discriminated against by employees of our organization, undermines and frustrates Mazzoni
25 Center's mission. Such notices are the antithesis of the mission that our organization was created
26 to achieve – to provide affirming healthcare for LGBTQ patients and people living with HIV. Such
27 notices, in and of themselves, would cause significant harm to our patients' health and well-being
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1 by confronting them with rude and painful reminders of the rejection, hostility, and discrimination
2 that they experienced elsewhere by people claiming objections to their LGBTQ identities. These
3 notices would virtually slam the door in our patients' faces, telling them that despite our mission,
4 they should brace themselves even while they are here for the disapproval and objections that may
5 be lurking inside even at Mazzoni Center.
6

7 13. Members of the LGBTQ community, including the people whom Mazzoni Center
8 serves, are well aware of the existence of those objections, and do not need to be reminded of them
9 when seeking healthcare, certainly not when they seek healthcare from a place like Mazzoni Center
10 that was established to achieve the exact opposite. People come to Mazzoni Center because it is a
11 place of healing, a place that ensures that all patients have a safe, identity-affirming space to access
12 care and treatment that preserves their dignity. The Denial-of-Care Rule compromises Mazzoni
13 Center's reputation and existence.
14

15 14. Mazzoni Center receives various forms of Health and Human Services funding,
16 including Public Health Service Act funding. Mazzoni Center receives Title X Family Planning
17 funding, HIV Prevention funding from the Centers for Disease Control and Prevention,
18 Underserved Populations funding from the Office of Violence Against Women, Department of
19 Justice, and both pass-through and direct Ryan White CARE Act funding through Health Resources
20 and Services Administration grants. Mazzoni Center, therefore, has a reasonable fear that it could
21 be sanctioned and lose federal funding if subject to a complaint under the Denial-of-Care Rule in
22 the course of Mazzoni Center's efforts to ensure the best possible medical care for its patrons.
23

24 I declare, under penalty of perjury, that the facts stated in this declaration are personally
25 known to me, and that they are true.
26

27 Dated: June 5, 2019

Respectfully submitted,

/s/ Alecia Manley

Alecia Manley

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