

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ADORERS OF THE BLOOD OF CHRIST, UNITED)	
STATES PROVINCE, N/K/A ADORERS OF THE)	
BLOOD OF CHRIST, UNITED STATES REGION,)	
SUCCESSOR BY MERGER TO ADORERS OF THE)	
BLOOD OF CHRIST, PROVINICE OF COLUMBIA, PA,)	
INC., F/K/A SAINT JOSEPH CONVENT)	
MOTHERHOUSE OF THE ADORERS OF THE BLOOD)	
OF CHRIST, COLUMBIA, PENNSYLVANIA, INC.,)	
ALSO F/K/A SAINT JOSEPH'S CONVENT, MOTHER)	
HOUSE OF SISTER ADORERS OF THE MOST)	
PRECIOUS BLOOD, COLUMBIA, PA, A/K/A SISTERS)	
ADORERS OF THE MOST PRECIOUS BLOOD, ST.)	CASE NO.
JOSEPH CONVENT, COLUMBIA, PA)	
4233 Sulphur Avenue)	
St. Louis, MO 63109)	
)	
Plaintiff)	
)	
v.)	
)	
FEDERAL ENERGY REGULATORY COMMISSION,)	
888 First Street, N.E.)	
Washington DC, 20426)	
)	
and)	
)	
CHERYL A. LaFLEUR, in her capacity as Commissioner)	
of the Federal Energy Regulatory Commission,)	
888 First Street, N.E.)	
Washington DC, 20426)	
)	
Defendants)	

COMPLAINT

I. INTRODUCTION

1. The Adorers of the Blood of Christ (“Adorers”) is a vowed religious order of Roman Catholic women whose religious practice includes protecting and preserving creation,

which they believe is a revelation of God, the sacredness of which must be honored and protected for future generations. Part of the Adorers' religious practice is to protect, preserve and treasure the land that the Adorers own, recognizing the interconnectedness and oneness that humans have with creation. The Adorers believe that God calls humans to treasure land as a gift of beauty and sustenance that should not be used in an excessive or harmful way. On February 3, 2017, the Federal Energy Regulatory Commission of the United States Government ("FERC") issued an Order authorizing the construction and operation of the Atlantic Sunrise Pipeline ("Pipeline") for transporting fossil fuels (natural gas) across multiple states. The route for the Pipeline approved by FERC runs through property owned by the Adorers in Lancaster County, Pennsylvania. FERC's decision to force the Adorers to use land they own to accommodate a fossil fuel pipeline is antithetical to the deeply held religious beliefs and convictions of the Adorers. It places a substantial burden on the Adorers' exercise of religion by taking land owned by the Adorers that they seek to protect and preserve as part of their faith and, instead, using it in a manner and for a purpose that actually the earth at serious risk. The Adorers seek a declaration that FERC violated the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1 ("RFRA"), and seek injunctive relief to prevent the Pipeline from running across the Adorers' property.

II. JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, and pursuant to 28 U.S.C. § 1343(a)(4) because this action seeks relief under an Act of Congress providing for the protection of civil rights.

3. Venue is proper under 28 U.S.C. § 1391(b) because the property at issue is situated in this district.

III. PARTIES

4. Plaintiff is the Adorers of the Blood of Christ, United States Region (“Adorers”) with a mailing address of 4233 Sulphur Avenue, St. Louis, MO 63109.

5. Defendant Federal Energy Regulatory Commission (“FERC”) is an agency of the United States Government with a mailing address of 888 First Street, N.E. Washington DC, 20426.

6. Defendant Cheryl A. LaFleur is a Commissioner of FERC with a mailing address of 888 First Street, N.E. Washington DC, 20426. Defendant LaFleur is sued in her official capacity and currently is the only active FERC Commissioner.

IV. FACTUAL ALLEGATIONS

7. Paragraphs 1 through 6 are incorporated herein by reference.

A. THE ADORERS

8. The Adorers were originally founded in 1834 as a teaching order by St. Maria De Mattias who was born in the small mountain village of Vallescorsa, Italy.

9. St. Maria De Mattias dedicated herself to the service of God and established nearly seventy schools, most of which were located in under-served towns and rural areas. She educated women and girls during the political and social upheavals caused by the Napoleonic rule. Maria was canonized in 2003.

10. After St. Maria De Mattias began her ministry, other women began to join her work in places throughout the world, eventually resulting in missions being opened in Europe, the United States, Asia, South America, Africa, Australia and Central America.

11. In 1870, the Adorers arrived in the United States. Mother Clementine Zerr founded the Adorers’ first American mission in Piopolis, Illinois. In 1876, she moved the

mission to Ruma, Illinois, where she established teaching and hospital ministries, and a center for the Adorers. In 1893, Mother Clementine began sending Sisters to teach in Kansas, which led to the establishment of a motherhouse in Wichita.

12. In 1925, the Adorers established a ministry in Columbia, Pennsylvania, which is located within Lancaster County.

13. In 1929, the vicariates of Columbia, Ruma and Wichita became provinces and in October 2000 converged to become the United States Region of the Adorers of the Blood of Christ.

14. The Adorers are an ecclesial group of women, living in community who practice their deeply held religious convictions in their day to day actions. The exercise of their religious beliefs includes:

- a. Making God's love tangible and known through compassionate acts of service through their ministries and lives;
- b. Educating and addressing important issues of social and environmental justice, such as poverty, war, racism and global warming that separates humans in a way that the Adorers do not believe mirrors their hope for the Kingdom of God;
- c. Celebrating, praying and deep reflection as part of their individual and communal spirituality;
- d. Honoring the earth as a sacred part of God's creation and protecting and preserving the Earth as a gift of beauty and sustenance for future generations;

15. Of particular importance to the instant matter is the Adorers' deep religious conviction that the earth is part of God's creation. In 2005, the Adorers adopted a Land Ethic proclaiming the sacredness of all creation according to their religious beliefs. Land Ethic attached as Exhibit "A."

16. This belief compels the Adorers to exercise their religious beliefs by, *inter alia*, caring for and protecting the land they own as well as actively educating and engaging on issues related to the environment, including the current and future impact on the Earth caused by global warming as the result of the use of fossil fuels.

17. By way of example, the Adorers have exercised their religious beliefs to protect and preserve God's creation by seeking to preserve 114 acres of woodlands the Adorers own in Ruma, Illinois; hosting an international Earth Summit at their Province Center in Ruma, Illinois; and challenging the exploitation of resources and land in Guatemala. *See* documents attached at Exhibit "B."

18. The Adorers own land in Columbia, Pennsylvania, located within Lancaster County.

19. The Adorers have used their land consistent as a way of expressing and practicing their religious beliefs, by, for example sponsoring a retirement community called St. Anne's Retirement Community that provides care to elderly individuals consistent with the beliefs and values of the Adorers.

20. Some of the land the Adorers own in Lancaster County is used for growing agricultural crops by local farmers.

21. Lancaster County is recognized as having some of the most productive and fertile agricultural lands in the entire country.

22. Included in the land owned by the Adorers that is used for agricultural purposes is a twenty-four (24) acre tract of land located along Prospect Road, as identified in a deed dated February 7, 1946 and recorded in the Lancaster County Recorder of Deeds Office at Book U37, Page 110, and known as tax parcel number 30004-621-00000 (“Property”).

23. The Adorers’ intentional decision on how to use (or not use) and manage the land they own is an integral part of exercising their well established and deeply held religious beliefs as active and engaged stewards of God’s earth.

24. The use of the Property for a fossil fuel pipeline is antithetical to the Adorers’ religious practices and beliefs, as more fully set forth in their Land Ethic attached as Exhibit “A.”

B. ATLANTIC SUNRISE PIPELINE

25. On March 31, 2015, Transcontinental Gas Pipe Line Company, LLC (“Transco”) filed an application with FERC under 7 (c) of the Natural Gas Act (NGA), 15 U.S.C. § 717f (c), for authorization to construct and operate a proposed pipeline that would run through Pennsylvania, Maryland, Virginia, North Carolina and South Carolina.

26. Transco is a natural gas company that transports natural gas in interstate commerce through, *inter alia*, pipelines.

27. FERC is the governmental agency responsible for determining whether a proposed interstate pipeline should be approved and, if so, issuing a certificate of public convenience and necessity for the construction of the pipeline.

28. FERC’s approval and authorization carries with it the right for a for-profit, private company to take the private property of others by eminent domain.

29. FERC reviews and approves the route of the pipeline as part of its Order, which directly determines which properties will be affected by the Pipeline and which properties are subject to be condemned.

30. On about February 3, 2017, FERC issued an “Order Issuing Certificate” (“FERC Order”) authorizing and approving a route for the Pipeline that would require the use of the Adorers’ Property.

31. The FERC Order granted, *inter alia*, Transco the right to take private property along the route of the Pipeline by eminent domain if landowners would not agree voluntarily to convey their land.

32. As part of their religious practice and belief, the Adorers have refused to allow the use of their private property for installation of the Pipeline to carry fossil fuels because the Adorers’ believe such a use of their land would harm God’s creation, violate the sacred nature of their Property and interfere with their right to freely exercise and practice their religious beliefs in the use of their own land.

33. Based on the FERC Order, Transco filed an action in the United States District Court for the Eastern District of Pennsylvania (Docket No. 5:17-cv-01725-JLS) to take by eminent domain a portion of the Adorers’ Property in order to force the Adorers to allow Transco to install the Pipeline on the Adorers’ land.

34. Transco filed a motion for summary judgment and a motion for preliminary injunction seeking to formally condemn the Property and to force the Adorers to give possession of their land to Transco.

35. Transco has not yet received all of the required permits necessary to begin construction on the Pipeline.

36. FERC's action in issuing the Order has resulted in Transco seeking to condemn the Property to force the Adorers to use their land in a manner contrary to their deeply held religious beliefs and religious practices by utilizing the threat of civil (and possibly criminal) sanctions provided for as part of the eminent domain proceedings.

37. Transco also sought an immediate emergency motion from the District Court to try to prevent the Adorers from holding a dedication service on the Adorers' Property as a way of expressing their religious beliefs of the sacredness of the Earth and their opposition to the forced taking of their land.

38. The District Court denied Transco's emergency motion, and the Adorers proceeded to hold their dedication service at the Property.

39. FERC's action approving the route of the Pipeline through the Property results in substantially burdening the Adorers' exercise of religion.

40. Because there is the ability to route the Pipeline around the Property, similar to what has been done in numerous other situations, FERC's action is not the least restrictive means for furthering any governmental interest FERC may have in approving the Pipeline.

V. CLAIMS FOR RELIEF

COUNT I

Violation of the Religious Freedom Restoration Act

41. Paragraphs 1 through 40 are incorporated herein by reference.

42. RFRA, 42 U.S.C. § 2000bb, *et seq.*, provides that the "Government shall not substantially burden a person's exercise of religion" unless the Government can "demonstrate [] that application of the burden to the person – (1) is in furtherance of a compelling governmental

interest; and (2) is the least restrictive means of furthering that compelling state interest.” 42 U.S.C. § 2000bb-1.

43. Under RFRA, “the term ‘government’ includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, or of a covered entity.”

44. FERC, as an agency of the United States, constitutes the “Government” as defined and used in RFRA.

45. FERC’s action in issuing the FERC Order approving and authorizing Transco to forcibly take and use land owned by the Adorers for a fossil fuel pipeline will, if allowed to proceed, substantially burden the Adorers’ exercise of their deeply held religious beliefs to use and protect their land as part of God’s creation as more fully explained above and as described in the Adorers’ Land Ethic.

46. Because FERC could consider and approve alternative routes that run the Pipeline around the Property so as not to burden the Adorers’ exercise of religion, FERC has not used the least restrictive means as required by RFRA.

47. FERC also has not established a compelling governmental interest in routing the Pipeline through the Property, particularly when the Pipeline is being used primarily for exporting natural gas.

48. Accordingly, FERC has violated the Adorers’ rights under the RFRA.

VI. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests your Honorable Court to:

- (a) take jurisdiction of this matter;
- (b) declare that FERC has violated the Adorers’ rights as guaranteed by RFRA;

- (c) enjoin and / or stay the FERC Order and any rights arising out the FERC Order as it relates to the Property until an alternate route is approved that does not substantially burden the Adorers' rights under RFRA;
- (d) award Plaintiff reasonable attorney's fees, expert fees and costs as permitted by law; and
- (e) award such further relief as the Court may deem appropriate.

Respectfully submitted,

GIBBEL KRAYBILL & HESS LLP

By: _____

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