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REPLY TO FLORIDA

January 14, 2026

## VIA ELECTRONIC FILING

Nwamaka Anowi, Clerk

United States Court of Appeals for the Fourth Circuit  
1100 East Main Street, Suite 501  
Richmond, VA 23219  
(804) 916-2700

RE: No. 25-1228, *Zinski v. Liberty University, Inc.*  
Fed. R. App. P. 28(j) and Local Rule 28(e) Supplemental Authorities

Dear Clerk:

Pursuant to Fed. R. App. P. 28(j), Appellant Liberty University writes to bring this Court's attention to the United States Court of Appeals for the Ninth Circuit's decision in *Union Gospel Mission of Yakima Washington v. Brown*, No. 24-7246, 2026 WL 32636 (9th Cir. Jan. 6, 2026).

In *Union Gospel*, the Ninth Circuit made clear that, "the First Amendment doesn't tolerate" laws that "prevent religious institutions from employing only co-religionists" or those that require "hir[ing] employees who openly flout and disagree with their religious principles." 2026 WL 32636, \*2. "Because who a religious organization hires may go to the very character of its religious mission, the church autonomy doctrine protects the decision to hire co-religionist for non-ministerial roles if that decision is based on the organization's sincerely held religious beliefs." *Id.*

While the ministerial exception only covers the selection of ministers, the church autonomy doctrine provides far broader protection and prohibits intrusion into the

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“internal management decisions \* \* \* include[ing] a religious organizations policy of hiring co-religionists for non-ministerial roles.” *Id.* at \*9.

If a religious institution sincerely believes that its non-ministerial employees must adhere to and live according to its religious principles to accomplish its religious mission, the only way a court could adjudicate a dispute for a plaintiff would be to rule that the religious institution cannot seek that “mission” or that the hiring policy isn’t necessary to that “mission”—inherently religious questions. Such a ruling would violate the institution’s free exercise rights to “shape [its] own faith and mission” and would improperly establish an “ecclesiastical decision” for the institution.

*Id.*

“If a religious organization's hiring of co-religionists for non-ministerial positions rests on its sincerely held religious beliefs, then the church autonomy doctrine forbids government interference with that hiring decision.” *Id.* at \*13.

Importantly, the Ninth Circuit noted that this exemption “is already protected under Title VII,” *id.* at \*2, and that it equals Title VII’s long established exemptions. *Id.* at \*13.

This case is related to Appellant’s arguments in its Opening Brief (at 32–40) and Reply Brief (at 22–28).

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Respectfully submitted,

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RE: No. 25-1228, *Zinski v. Liberty University, Inc.*  
Fed. R. App. P. 28(j) and Local Rule 28(e) Supplemental Authorities

Dear Clerk:

Pursuant to Fed. R. App. P. 28(j), Appellant Liberty University writes to bring this Court's attention to the Missouri Court of Appeals decision in *MoChridhe v. Academy of Holy Angels*, 2025 WL 3439582 (Mo. Ct. App. Dec. 1, 2025).

In *MoChridhe*, the Missouri Court of Appeals held that employment discrimination claims of even non-ministerial employees based on alleged sex discrimination "are foreclosed by the First Amendment church autonomy doctrine." 2025 WL 3439582, \*1. As *Zinski* here, *MoChridhe* rejected his biological and chromosomal reality to claim that he was a woman and demanded that the religious institution recognize him as such. *Id.* This claim was directly contrary to the Academy's doctrinal positions and bylaws. *Id.* at \*6.

The plaintiff was "not an ordained minister," was "not a teacher or pastor at the school," and the "position was secular." *Id.* Nevertheless, the court held that "consideration of *MoChridhe's* claims—as alleged in [the] complaint—would require the judiciary to consider the role that church doctrine played in the decision not to renew [plaintiff's] employment contract with Holy Angels." *Id.* "Importantly,

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it would require the judiciary to consider the Archdiocese’s decision to require an employee in one of its Catholic schools to adhere to its faith-based Guiding Principles in the school setting.” *Id.* The court held that was “constitutionally intolerable.” *Id.* at \*8.

In short, MoChridhe asks the judiciary to require the Archdiocese to employ a person who does not support and will not abide by the church’s faith-based Guiding Principles in the school setting, despite the Archdiocese’s internal decision to require adherence to those principles when executing its mission to educate students in the Catholic faith. MoChridhe does not cite, and we are not aware of, any case that compels that result in the face of a church’s religious protections under the First Amendment.

*Id.* at \*7.

The court rejected the plaintiff’s reliance on the district court’s decision below, finding it “not persuasive” of the First Amendment issue. *Id.* at \*9 n.4.

This case is related to Appellant’s arguments in its Opening Brief (at 32–40) and Reply Brief (at 22–28).

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