

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PRIESTS FOR LIFE, *et al.*,

Plaintiffs,

-v-

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, *et al.*,

Defendants.

Case No. 1:13-cv-01261-EGS

**SUPPLEMENTAL DECLARATION
OF PRIESTS FOR LIFE**

I, Father Frank Pavone, make this declaration pursuant to 28 U.S.C. § 1746. This supplemental declaration is made on behalf of Priests for Life and thus based on information known by me and information provided to me by the organization.

1. I am an adult citizen of the United States, a Roman Catholic priest, and a plaintiff in this case.

2. I am the National Director of Priests for Life, which is a nonprofit corporation that is incorporated under the laws of the State of New York. It is recognized by the Internal Revenue Service as a Section 501(c)(3) organization.

3. Priests for Life is a religious organization that follows the teachings of the Roman Catholic Church. However, Priests for Life is not a church or a religious order and thus not an organization that is referred to in Section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code. As a result, Priests for Life does not qualify for the “religious employer” exemption from the contraceptive services mandate, which is the subject of this litigation.

4. This supplemental declaration is made to ensure that there is no mistake regarding Priests for Life’s religious objection to the contraceptive services mandate and its so-called “accommodation.”

5. Priests for Life cannot and will not submit to any requirement imposed by the federal government that has the purpose or effect of providing access to or increasing the use of contraceptive services. This specifically includes the requirement under the so-called “accommodation” that Priests for Life provide its healthcare insurer with a “self-certification” that will then trigger the insurer’s obligation to make “separate payments for contraceptive services directly for plan participants and beneficiaries” of Priests for Life’s health care plan. This “self-certification” is the moral and factual equivalent of an “authorization” by Priests for Life to its insurer to provide coverage for contraceptive services to its plan participants and beneficiaries. Priests for Life is prohibited based on its sincerely held religious beliefs from cooperating in this manner with the federal government’s immoral objectives.

6. These sincerely held religious beliefs, which prohibit Priests for Life from executing the “self-certification,” are neither trivial nor immaterial, but rather central to the teaching and core moral admonition of our faith, which requires us to avoid mortal sin. Thus, neither Plaintiffs nor Priests for Life can condone, promote, or cooperate with the government’s illicit goal of increasing access to and utilization of contraceptive services—the express goal of the challenged mandate and the government’s so-called “accommodation.”

7. Because Priests for Life cannot and will not authorize coverage for contraceptive services to its plan participants and beneficiaries via the government’s “self-certification” requirement, Priests for Life will have to decide whether to drop its healthcare coverage, which will adversely affect it as an organization and its employees, including Dr. Alveda King and Ms. Janet Morana, both of whom are plaintiffs in this case, or pay the fines associated with having a healthcare plan that does not include coverage for contraceptive services. These penalties, which I understand to be \$100 per day per employee, will cripple Priests for Life financially.

Consequently, these penalties will not only adversely affect Priests for Life as an organization, they will adversely affect Priests for Life's employees, either through a drastic reduction in their salaries or the loss of employment simply because Priests for Life will no longer be able to sustain itself financially.

8. Finally, the government's refusal to truly accommodate Priests for Life's religious objections to the contraceptive services mandate by exempting the organization from its requirements altogether is confounding, and this particularly true since the Anglican Church, for example, which does not oppose contraceptive services, is automatically eligible for the "religious employer" exemption, but Priests for Life is not. This is religious discrimination pure and simple.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on the 29th day of October, 2013.

A handwritten signature in black ink that reads "Fr Frank Pavone". The signature is written in a cursive style with a large, prominent "P" at the end.

Father Frank Pavone