



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

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May 27, 2021

VIA UPS – Tracking #1Z2311904390126760

Hon. Gary M. Clemens, Clerk
Loudoun Circuit Court
18 E. Market St., 3rd floor
Leesburg, VA 20178

Re: *Calvary Road Baptist Church et al. v. Herring et al.*
Loudoun Circuit Court – Case No. CL20006499

Dear Clerk:

Please find enclosed for filing in this matter Corrected Declaration of R. Thomas Payne, II, dated May 26, 2021, regarding Mr. Payne's prior declaration in this matter executed December 4, 2020.

Please do not hesitate to contact me at (804) 786-6835 or jsamuels@oag.state.va.us if you have any questions or need further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Samuels".

Jessica Merry Samuels
Deputy Solicitor General

Enclosure

cc: Denise Harle, Esq.

V I R G I N I A :

IN THE CIRCUIT COURT FOR THE COUNTY OF LOUDOUN

CALVARY ROAD BAPTIST CHURCH,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. CL 20006499
)	
MARK HERRING, et al.,)	
)	
Defendants.)	

CORRECTED DECLARATION OF R. THOMAS PAYNE, II

I, R. Thomas Payne, II, declare as follows:

1. I am currently employed as Senior Assistant Attorney General and Section Chief of the Office of Civil Rights at the Virginia Office of the Attorney General. I have worked in my current position since July 1, 2012.

2. On December 4, 2020, I executed a declaration in this matter in support of defendants' plea in bar.

3. It has since come to my attention that certain statements in my prior declaration dated December 4, 2020, were not accurate at the time they were made. I submit this declaration to correct the record.

4. Specifically, the statement that "the Division" (now the Office of Civil Rights) had not "received" complaints alleging "unlawful discrimination on the basis of sexual orientation or gender identity" was inaccurate. Upon further review of our records, the Office of Civil Rights, from July 1, 2020, through December 4, 2020, received ten complaints in which the complainants' alleged bases of discrimination included "Sexual Orientation," "Gender Identity,"

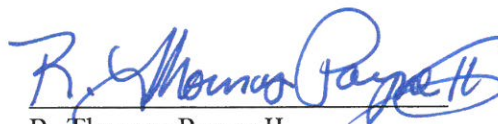
or both. Seven of these complaints involved employment discrimination and were referred to the U.S. Equal Employment Opportunity Commission (EEOC) for further processing under our work-sharing agreement with the EEOC. Two complaints involved the provision of medical services, and each was referred to the U.S. Department of Health and Human Services for further processing. One of these complaints identified the respondent entity as both a “place of public accommodation” and “Other,” noting “doctor’s office.” The second complaint in this group only selected “Other,” noting “public medical facility.” The final complaint in this timeframe was from a member of a private club and regarded action taken on the complainant’s membership in that club, and we determined that the Office of Civil Rights did not have jurisdiction to further process or investigate that complaint.

5. It is my understanding that the Court has not considered my prior declaration dated December 4, 2020, and instead ordered the parties to re-submit materials related to defendants’ plea. Pursuant to the Order of the Court dated April 28, 2021, I executed a revised declaration in this matter on May 13, 2021.

6. I have reviewed the revised declaration I submitted on May 13, 2021. The statements in that declaration remain true to the best of my knowledge and belief.

Pursuant to Va. Code Ann. § 8.01-4.3, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on May 26 2021 at Richmond, Virginia.



R. Thomas Payne II
Senior Assistant Attorney General/Section Chief
Office of Civil Rights
Office of the Attorney General of Virginia