

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

**CAPITOL HILL BAPTIST CHURCH,**

**Plaintiff,**

**v.**

**MURIEL BOWSER, in her official  
capacity as Mayor of the District of  
Columbia, and the DISTRICT OF  
COLUMBIA,**

**Defendants**

**Civil Action No. 1:20-cv-2710**

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**DECLARATION OF MATTHEW T. MARTENS**

I, Matthew T. Martens, declare and state as follows:

1. I am an attorney licensed to practice law in the District of Columbia. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP, and counsel for Capitol Hill Baptist Church in the above-captioned case. I make this Declaration to the best of my knowledge, information, or belief.

2. Attached as Exhibit 1 is a true and correct copy of the Commonwealth of Virginia's publication, "Safer at Home: Phase Three Guidelines for all Business Sectors," available to the public on the Commonwealth of Virginia's website, found at <https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/Forward-Virginia-Phase-Three-Guidelines---8-21-2020.pdf>.

3. Attached as Exhibit 2 is a true and correct copy of the Order of the Governor of the State of Maryland, Number 20-09-18-01: "Amending and Restating the Order of September 1, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local

Regulation, and Generally Requiring Use of Face Coverings,” available to the public on the State of Maryland’s website, found at <https://governor.maryland.gov/wp-content/uploads/2020/09/Gatherings-13th-AMENDED-9.18.20.pdf>.

4. Attached as Exhibit 3 is a true and correct copy of the transcript of Mayor Muriel Bowser’s June 10, 2020 interview with Joy Reid on the MSNBC television show “AM Joy,” as published on MSNBC’s website, found at <http://www.msnbc.com/transcripts/msnbc-live/2020-06-10>.

5. Attached as Exhibit 4 is a true and correct copy of a March 13, 2020 tweet by Pastor Mark Dever, available to the public on Twitter, found at <https://twitter.com/MarkDever/status/1238527208702050306>.

6. Attached as Exhibit 5 is a true and correct copy of Mayor’s Order 2020-045: “Declaration of Public Health Emergency – Coronavirus (COVID-19),” available to the public on the District of Columbia’s website, found at [https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release\\_content/attachments/MO.DeclarationofPublicEmergency03.11.20.pdf](https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release_content/attachments/MO.DeclarationofPublicEmergency03.11.20.pdf).

7. Attached as Exhibit 6 is a true and correct copy of Mayor’s Order 2020-046: “Declaration of Public Health Emergency – Coronavirus (COVID-19),” available to the public on the District of Columbia’s website, found at [https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release\\_content/attachments/MO.DeclarationofPublicHealthEmergency03.11.20.pdf](https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release_content/attachments/MO.DeclarationofPublicHealthEmergency03.11.20.pdf).

8. Attached as Exhibit 7 is a true and correct copy of Mayor’s Order 2020-053: “Closure of Non-Essential Businesses and Prohibition on Large Gatherings During Public

Health Emergency for the 2019 Novel Coronavirus (COVID-19),” available to the public on the District of Columbia’s website, found at <https://tinyurl.com/vkuzpx2>.

9. Attached as Exhibit 8 is a true and correct copy of the “Additional Information” section of the District of Columbia’s COVID-19 site titled “Mayor Bowser Orders Closure of Non-Essential Businesses,” available to the public on the District of Columbia’s website, found at <https://coronavirus.dc.gov/release/mayor-bowser-orders-closure-non-essential-businesses>.

10. Attached as Exhibit 9 is a true and correct copy of Mayor’s Order 2020-054: “Stay at Home Order,” available to the public on the District of Columbia’s website, found at [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page\\_content/attachments/Mayor%27s%20Order%202020-054%20Stay%20at%20Home.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Mayor%27s%20Order%202020-054%20Stay%20at%20Home.pdf).

11. Attached as Exhibit 10 is a true and correct copy of the “Frequently Asked Questions on Stay at Home Order” section from the District of Columbia’s COVID-19 site titled “Stay Home DC,” available to the public on the District of Columbia’s website, found at <https://coronavirus.dc.gov/stayhome>.

12. Attached as Exhibit 11 is a true and correct copy of Mayor’s Order 2020-067: “Phase One of Washington, DC Reopening,” available to the public on the District of Columbia’s website, found at [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page\\_content/attachments/MO2020-067.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/MO2020-067.pdf).

13. Attached as Exhibit 12 is a true and correct copy of the September 11, 2020 Centers for Disease Control and Prevention publication, “Community and Close Contact Exposures Associated with COVID-19 Among Symptomatic Adults  $\geq 18$  Years in 11

Outpatient Health Care Facilities,” available to the public on the CDC’s website, found at [https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s\\_cid=mm6936a5\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s_cid=mm6936a5_w).

14. Attached as Exhibit 13 is a true and correct copy of the September 10, 2020 NBC News article by Erika Edwards, “As states lift restaurant restrictions, CDC report links dining out to increased COVID-19 risk,” available to the public on NBC News’ website, found at <https://www.nbcnews.com/health/health-news/states-lift-restaurant-restrictions-cdc-report-links-dining-out-increased-n1239771>.

15. Attached as Exhibit 14 is a true and correct copy of the District of Columbia’s publication, “Reimagining Outdoor Space: Restaurants and Retail,” available to the public on the District of Columbia’s website, found at [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page\\_content/attachments/Reimagining-Outdoor-Space-Restaurants-and-Retail-Fact-Sheet.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Reimagining-Outdoor-Space-Restaurants-and-Retail-Fact-Sheet.pdf).

16. Attached as Exhibit 15 is a true and correct copy of the District of Columbia’s COVID-19 site titled, “Phase Two,” available to the public on the District of Columbia’s website, found at <https://coronavirus.dc.gov/phasetwo>.

17. Attached as Exhibit 16 is a true and correct copy of Mayor’s Order 2020-075: “Phase Two of Washington, DC Reopening,” available to the public on the District of Columbia’s website, found at <https://www.dcregs.dc.gov/Common/DCR/Issues/IssueCategoryList.aspx?DownloadFile={56C8753B-53FE-4D16-97D5-4F8B04223485}>.

18. Attached as Exhibit 17 is a true and correct copy of the District of Columbia’s publication “Phase Two Guidance Coronavirus 2019 (COVID-19): Guidance for Mass Gatherings,” available to the public on the District of Columbia’s website, found at

[https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/publication/attachments/COVID-19\\_DC\\_Health\\_Guidance\\_for\\_Mass\\_Gatherings\\_2020.07.29.FINAL\\_.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/publication/attachments/COVID-19_DC_Health_Guidance_for_Mass_Gatherings_2020.07.29.FINAL_.pdf).

19. Attached as Exhibit 18 is a true and correct copy of the District of Columbia's publication "Phase Two Guidance Coronavirus 2019 (COVID-19): Guidance for Restaurants," available to the public on the District of Columbia's website, found at [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page\\_content/attachments/COVID-19\\_DC\\_Health\\_Guidance\\_for\\_Restaurants\\_08202020.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/COVID-19_DC_Health_Guidance_for_Restaurants_08202020.pdf).

20. Attached as Exhibit 19 is a true and correct copy of the District of Columbia's publication "Phase Two Guidance Coronavirus 2019 (COVID-19): Guidance for Gyms and Workout Studios," available to the public on the District of Columbia's website, found at [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page\\_content/attachments/COVID-19\\_DC\\_Health\\_Guidance\\_for\\_Gyms\\_and\\_Workout\\_Studios\\_2020-07-25.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/COVID-19_DC_Health_Guidance_for_Gyms_and_Workout_Studios_2020-07-25.pdf).

21. Attached as Exhibit 20 is a true and correct copy of the District of Columbia's publication "Phase Two Guidance Coronavirus 2019 (COVID-19): Guidance for Childcare Facilities," available to the public on the District of Columbia's website, found at [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page\\_content/attachments/COVID-19\\_DC\\_Health\\_Guidance\\_for-Childcare\\_2020-08-05.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/COVID-19_DC_Health_Guidance_for-Childcare_2020-08-05.pdf).

22. Attached as Exhibit 21 is a true and correct copy of the District of Columbia's publication "Phase Two Guidance Coronavirus 2019 (COVID-19): Guidance for Summer Camps," available to the public on the District of Columbia's website, found at [https://coronavirus.dc.gov/sites/default/files/u63232/0724\\_UPDATED\\_DC\\_Health\\_Summer%20Camp.pdf](https://coronavirus.dc.gov/sites/default/files/u63232/0724_UPDATED_DC_Health_Summer%20Camp.pdf).

23. Attached as Exhibit 22 is a true and correct copy of the District of Columbia's publication "Phase Two Guidance Coronavirus 2019 (COVID-19): Guidance for Places of Worship," available to the public on the District of Columbia's website, found at [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page\\_content/attachments/COVID-19\\_DC\\_Health\\_%20Guidance\\_for\\_Places\\_of\\_Worship\\_08202020.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/COVID-19_DC_Health_%20Guidance_for_Places_of_Worship_08202020.pdf).

24. Attached as Exhibit 23 is a true and correct copy of the transcript of Mayor Bowser's June 22, 2020 press conference as published on Rev's website, found at <https://www.rev.com/blog/transcripts/washington-dc-mayor-muriel-bowser-press-conference-transcript-june-22>.

25. Attached as Exhibit 24 is a true and correct copy of Mayor's Order 2020-079: "Extensions of Public Emergency and Public Health Emergency and Delegations of Authority Authorized During COVID-19," available to the public on the District of Columbia's website, found at [https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release\\_content/attachments/Mayor%27s%20Order%202020-079%20Extension%20of%20the%20Public%20Emergency%20.pdf](https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release_content/attachments/Mayor%27s%20Order%202020-079%20Extension%20of%20the%20Public%20Emergency%20.pdf).

26. Attached as Exhibit 25 is a true and correct copy of the July 30, 2020 WASHINGTON BUSINESS JOURNAL article by Drew Hansen, "Bowser changes benchmark for D.C.'s next phase of reopening," available to the public on the Washington Business Journal's website, found at <https://www.bizjournals.com/washington/news/2020/07/30/new-benchmark-for-phase-3-of-dc-reopening.html>.

27. Attached as Exhibit 26 is a true and correct copy of the September 4, 2020 WTOP News article by Jack Moore, "Bowser on COVID-19 restrictions in DC: No return to

normal until kids are back in school,” available to the public on WTOP’s website, found at <https://wtop.com/coronavirus/2020/09/dc-coronavirus-update-september-4/>.

28. Attached as Exhibit 27 is a true and correct copy of the May 21, 2020 ReOpen DC Advisory Committee publication, “Faith, Arts, Culture, Hotels, Entertainment and Sports Committee Additional Recommendations for the ReOpen DC Advisory Group,” available to the public on District of Columbia’s website, found at <https://coronavirus.dc.gov/sites/default/files/u65602/03.%20FACESH%20Summary.pdf>.

29. Attached as Exhibit 28 is a true and correct copy of the ReOpen DC Advisory Committee’s site “ReOpen DC,” available to the public on the District of Columbia’s website, found at <https://coronavirus.dc.gov/reopendc>.

30. Attached as Exhibit 29 is a true and correct copy of the June 6, 2020 THE HILL article by Marty Johnson, “Bowser addresses record crowd at Black Lives Matter Plaza,” available to the public on The Hill’s website, found at <https://thehill.com/homenews/administration/501489-bowser-addresses-record-crowd-at-black-lives-matter-plaza>.

31. Attached as Exhibit 30 is a true and correct copy of the June 5, 2020 Metropolitan Police Department Traffic Advisory: “First Amendment Demonstrations,” available to the public on District of Columbia’s website, found at <https://mpdc.dc.gov/release/traffic-advisory-first-amendment-demonstrations>.

32. Attached as Exhibit 31 is a true and correct copy of the June 7, 2020 WASHINGTON POST article by Michelle Boorstein, *et al.*, “Faith community takes center stage as thousands again gather for 10th day of protests in D.C.,” available to the public on the Washington Post’s website, found at <https://www.washingtonpost.com/local/crowds-gather->

[near-white-house-for-10th-day-of-protests-in-dc/2020/06/07/bc924062-a6cb-11ea-bb20-ebf0921f3bbd\\_story.html](https://www.washingtonpost.com/local/thousands-join-in-sunday-prayer-and-protest-in-front-of-the-white-house/2020/06/07/bc924062-a6cb-11ea-bb20-ebf0921f3bbd_story.html).

33. Attached as Exhibit 32 is a true and correct copy of the June 14, 2020 WASHINGTON POST article by Michelle Boorstein, *et al.*, “Thousands gather Sunday for prayer and protests in Washington” available to the public on the Washington Post’s website, found at [https://www.washingtonpost.com/local/thousands-join-in-sunday-prayer-and-protest-in-front-of-the-white-house/2020/06/14/734cc766-acdd-11ea-9063-e69bd6520940\\_story.html](https://www.washingtonpost.com/local/thousands-join-in-sunday-prayer-and-protest-in-front-of-the-white-house/2020/06/14/734cc766-acdd-11ea-9063-e69bd6520940_story.html).

34. Attached as Exhibit 33 is a true and correct copy of the June 11, 2020 Metropolitan Police Department Traffic Advisory: “First Amendment Demonstrations,” available to the public on District of Columbia’s website, found at <https://mpdc.dc.gov/release/traffic-advisory-first-amendment-demonstrations-0>.

35. Attached as Exhibit 34 is a true and correct copy of the transcript of CNN’s June 14, 2020 Live Event, “Mayors Who Matter: A CNN Town Hall On Race And COVID-19,” as published on CNN’s website, found at <http://transcripts.cnn.com/TRANSCRIPTS/2006/14/se.01.html>.

36. Attached as Exhibit 35 is a true and correct copy of the June 19, 2020 article by Jackson Filyo, “Wizards, Mystics lead ‘Together We Stand’ peaceful protest to commemorate Juneteenth,” available to the public on the Washington Wizard’s website, found at <https://www.nba.com/wizards/wizards-mystics-together-we-stand-protest-juneteenth-061920>.

37. Attached as Exhibit 36 is a true and correct copy of the September 4, 2020 WUSA9 article by Kolbie Satterfield, “‘Please don’t call me your average Black boy’ | Black Students Matter rally highlights disparities in education,” available to the public on WUSA9’s

website, found at <https://www.wusa9.com/article/news/local/protests/black-students-matter-rally-calls-for-equity-in-education/65-84df0c03-41ac-47d6-92d2-4492db5975a4>.

38. Attached as Exhibit 37 is a true and correct copy of the June 20, 2020 WASHINGTON POST article by Joe Heim, *et al.*, “Protests in D.C. smaller and quieter under stormy skies,” available to the public on The Washington Post’s website, found at [https://www.washingtonpost.com/local/protests-in-dc-smaller-and-quieter-under-stormy-skies/2020/06/20/d7c13610-b268-11ea-8758-bfd1d045525a\\_story.html](https://www.washingtonpost.com/local/protests-in-dc-smaller-and-quieter-under-stormy-skies/2020/06/20/d7c13610-b268-11ea-8758-bfd1d045525a_story.html).

39. Attached as Exhibit 38 is a true and correct copy of the June 21, 2020 WASHINGTON POST article by Michelle Boorstein and Nick Anderson, “On Father’s Day, families gather in D.C. to celebrate black fatherhood and challenge stereotypes,” available to the public on the Washington Post’s website, found at [https://www.washingtonpost.com/local/on-fathers-day-families-gather-in-dc-to-celebrate-black-fatherhood-and-challenge-stereotypes/2020/06/21/f06f2ace-b26c-11ea-8758-bfd1d045525a\\_story.html](https://www.washingtonpost.com/local/on-fathers-day-families-gather-in-dc-to-celebrate-black-fatherhood-and-challenge-stereotypes/2020/06/21/f06f2ace-b26c-11ea-8758-bfd1d045525a_story.html).

40. Attached as Exhibit 39 is a true and correct copy of the June 18, 2020 Metropolitan Police Department Traffic Advisory: “First Amendment Demonstrations,” available to the public on District of Columbia’s website, found at <https://mpdc.dc.gov/release/traffic-advisory-first-amendment-demonstrations-1>.

41. Attached as Exhibit 40 is a true and correct copy of the July 31, 2020 WASHINGTON POST article by Fenit Nirappil & Dana Hedgpeth, “Attendees at D.C. rally for racial justice should follow travel order, mayor says,” available to the public on the Washington Post’s website, found at [https://www.washingtonpost.com/local/coronavirus-dc-rally-maryland-virginia/2020/07/31/98ad4612-d333-11ea-8c55-61e7fa5e82ab\\_story.html](https://www.washingtonpost.com/local/coronavirus-dc-rally-maryland-virginia/2020/07/31/98ad4612-d333-11ea-8c55-61e7fa5e82ab_story.html).

42. Attached as Exhibit 41 is a true and correct copy of the August 17, 2020 WJLA article by ABC7 staff, “2020 Commitment March on Washington 're-imagined' to protect against COVID, DC Mayor says,” available to the public on WJLA’s website, found at [https://wjla.com/news/2020-march-on-washington/2020-march-on-washington-re-imagined?\\_gl=1\\*1mic9f\\*\\_ga\\*LThab1JjdGEzemNaU2t1ZjF5MWFObkFwRllnQkRnRWE2WlZhYTlrTF9qLVFRSkZZSWdnLWVVLW01SGhwVU1yUw](https://wjla.com/news/2020-march-on-washington/2020-march-on-washington-re-imagined?_gl=1*1mic9f*_ga*LThab1JjdGEzemNaU2t1ZjF5MWFObkFwRllnQkRnRWE2WlZhYTlrTF9qLVFRSkZZSWdnLWVVLW01SGhwVU1yUw).

43. Attached as Exhibit 42 is a true and correct copy of the August 28, 2020 WASHINGTON POST article by Patrick Sullivan, *et al.*, “March on Washington: Sharpton bemoans ‘broken promises’ as thousands march in D.C.,” available to the public on the Washington Post’s website, found at <https://www.washingtonpost.com/dc-md-va/2020/08/28/march-on-washington-protest-dc/>.

44. Attached as Exhibit 43 is a true and correct copy of the August 24, 2020 Metropolitan Police Department Traffic Advisory: “Commitment March ‘Get Your Knee Off Our Necks,’” available to the public on District of Columbia’s website, found at <https://mpdc.dc.gov/release/traffic-advisory-commitment-march-%E2%80%9Cget-your-knee-our-necks%E2%80%9D>.

45. Attached as Exhibit 44 is a true and correct copy of the August 28, 2020 dcist article by Collen Grablick, “Broccoli City, Events DC Launching Pop-Up Drive-In Movie Theater On RFK Campus,” available to the public on dcist’s website, found at <https://dcist.com/story/20/06/29/broccoli-city-events-dc-launching-pop-up-drive-in-theater-on-rfk-campus/>.

46. Attached as Exhibit 45 is a true and correct copy of the District of Columbia's COVID-19 site titled, "COVID-19 Surveillance," available to the public on the District of Columbia's website, found at <https://coronavirus.dc.gov/data>.

I declare under penalty of perjury that the foregoing is true and correct. Executed this day, September 22, 2020 in Washington, D.C.

Dated: September 22, 2020

Respectfully submitted,

/s/ Matthew T. Martens

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