

No. 22-15485

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

RONALD HITTLE,
Plaintiff-Appellant,

v.

CITY OF STOCKTON, CALIFORNIA; ROBERT DEIS; LAURIE MONTES,
Defendants-Appellees,

Appeal from United States District Court
for the Eastern District of California
Civil Case No. 2:12-cv-00766-TLN-KJN

**MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE
GLOBAL LEADERSHIP NETWORK IN SUPPORT OF
PLAINTIFF-APPELLANT RONALD HITTLE**

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September 7, 2022

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MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE

Pursuant to Rule 29 of the Federal Rules of Appellate Procedure and Circuit Rule 29-3, Global Leadership Network (“GLN”), by and through undersigned counsel, respectfully moves for leave to file an amicus curiae brief in support of Plaintiff-Appellant Ronald Hittle.

GLN is the entity that hosts the Global Leadership Summit, which Plaintiff attended. The Summit is a yearly event that attracts high-profile speakers and many thousands of participants worldwide. GLN’s ability to provide this service to leaders across industries could be impaired if the Court holds that employees like Plaintiff may be terminated merely for attending the Summit. GLN thus has an interest in defending Summit participants’ legal right to attend. GLN submits this amicus brief to aid the Court’s understanding of the Summit, the relevant aspects of which can be gleaned from the record and from publicly available materials, and to argue why employees like Hittle must be allowed to attend “religious” leadership conferences like the Summit no less than entirely “secular” leadership conferences.

GLN endeavored to obtain the consent of all parties to the filing of its amicus brief before moving the Court for permission to file the brief. Defendants refused consent on the ground that GLN’s brief would rely on factual information bearing on the issues in this case that is not in the summary-judgment record. As explained, and as is evident from the brief itself, GLN offers this brief only to provide context

and relevant legal principles. GLN does not offer this brief for the purpose of introducing evidence that would create an issue of material fact as to any of Plaintiff's specific claims.

Dated: September 7, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on September 7, 2022. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: September 7, 2022

s/ David H. Thompson
David H. Thompson
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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Global Leadership Network is a non-profit organization with no parent corporation and no publicly held corporation owns 10% or more of its stock.

Dated: September 7, 2022

s/ David H. Thompson
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STATEMENT OF IDENTITY OF *AMICUS CURIAE*

The Global Leadership Network (GLN) is a nonprofit organization committed to bestowing world-class training on secular and religious leaders, including through its Global Leadership Summit, a yearly event that attracts speakers from business leaders to U.S. Presidents and that today is attended by over 200,000 people worldwide. GLN's interest in providing such services will be impaired if this Court affirms that attendees may be terminated merely for attending the Summit. Pursuant to Federal Rule of Appellate Procedure 29, GLN has therefore moved for leave to submit this *amicus* brief to inform the Court of the actual nature of the Summit and the harm that an affirmance would cause not only to Plaintiff's legal rights, but also to GLN and to the leaders it serves across sectors.¹

INTRODUCTION AND SUMMARY OF THE ARGUMENT

Defendants fired Plaintiff Ronald Hittle, formerly the Fire Chief of Stockton, California, because he attended what they perceived to be a "religious event." Hittle's opening brief thoroughly shows that this openly discriminatory act was a straightforward violation of his rights under federal and state law. As the party that hosts the event, *amicus* writes to offer context about the leadership summit.

¹ Pursuant to Federal Rule of Appellate Procedure 29(a)(4)(E), GLN states that no party's counsel authored this brief in whole or in part, and no party, party's counsel, or person other than GLN, its members, or its counsel contributed money that was intended to fund preparing or submitting the brief.

Hittle attended the Global Leadership Summit, as did over 100,000 people that year. They heard insights from a Super Bowl champion, a business titan, and several other prominent leaders. They also heard from a number of pastoral leaders. GLN offers training to leaders in the ministry, among other fields, and maintains the Christian values that have guided the organization since its founding. But contrary to Defendants' apparent assumption, those values make GLN's programming no less appropriate and valuable for leaders in secular fields. Indeed, today a significant portion of participants in the Global Leadership Summit hold secular occupations.

This participation reflects a basic fact: even purportedly "secular" leadership training will be informed in some way by religious teachings, particularly Christian teachings. "Servant leadership," the "Golden Rule"—not everyone who invokes these concepts traces them to the Bible, but they are traceable to the Bible. It makes no difference to the value of the Summit for leaders in all fields that some speakers draw this connection.

Nor does it matter under the law. The First Amendment, Title VII, and the California Fair Employment and Housing Act (FEHA) demand that governments, including government employers, not discriminate on the basis of religious exercise or identity. After telling Hittle to obtain some form of leadership training, therefore, Defendants could not fire him for choosing a "religious" program rather than an entirely "secular" program—especially not where, as here, the only real distinction

is that some speakers were explicit about the moral foundations that a more “secular” program might have left implicit. In this case, Defendants’ action was based purely on the religious identity of the program Hittle chose to attend, and, by consequence, of Hittle himself.

Accordingly, the Court should hold that employees like Hittle have a right to attend events like the Global Leadership Summit without facing discrimination from their employers.

ARGUMENT

I. The Global Leadership Summit Offers Valuable Training to Religious and Secular Leaders Alike.

A. Background of GLN

Described as a “pop-up business school,” GLN has furnished businesses and communities around the world with leadership resources for over twenty-five years. Jeff Chu, *How Willow Creek Is Leading Evangelicals by Learning from the Business World*, FAST COMPANY (Dec. 6, 2010), <https://bit.ly/3CLMYjU>. GLN was initially launched by the Willow Creek Community Church as the Willow Creek Association, which began hosting leadership summits in 1995.

The organization changed its name to the Global Leadership Network (GLN) in 2019 and is no longer affiliated with the Willow Creek Church. GLN does retain the Christian outlook of its founding, but its mission is a universal one: “To inspire

and equip world-class leadership that ignites transformation.” *Who We Are*, GLOB. LEADERSHIP NETWORK, <https://bit.ly/3RaxGt4> (last visited Sept. 6, 2022).

GLN’s premier event remains its annual, two-day Global Leadership Summit, which it simulcasts to over 400 locations in the U.S. and many other locations worldwide. As detailed below, this event provides “an encouraging community setting, featuring a faculty of leading experts from diverse backgrounds delivering fresh, actionable, and inspiring leadership insights.” *Events*, GLOB. LEADERSHIP NETWORK, <https://bit.ly/3cEJOni> (last visited Sept. 6, 2022). In 2010, when Hittle attended the summit, he was joined by over 100,000 other participants in 350 cities across 76 countries.

In addition to its annual summit, GLN offers leadership events throughout the year and a library of online resources. *See id.* Today, GLN’s programs reach over 120 countries in over 60 languages, and 2.5 million people visit its website each year. *See Who We Are*, GLOB. LEADERSHIP NETWORK, <https://bit.ly/3RaxGt4>.

B. The Global Leadership Summit

Although GLN is a faith-based organization, its programming is and always has offered value to leaders outside the ministry. The proof is in the attendance: in 2022, only 23.1% of Summit participants reported their employment sectors as church leadership or ministry. The remaining majority of participants reported themselves as coming from fields such as business (32.7%), nonprofits (15.4%),

healthcare (8.3%), education (6.5%), and government or public service (3.0%). Moreover, 50.5% of all participants' tickets were purchased *by their employers*, which, given the breakdown of participants' professions, necessarily included several employers in secular industries.

Summit speakers are likewise diverse—and distinguished. Alumni include two former U.S. Presidents, Jimmy Carter and Bill Clinton; a former U.S. Secretary of State, Colin Powell; a former Prime Minister, Tony Blair; cultural figures from Hollywood director Ron Howard to U2's Bono; a Super Bowl-winning head coach, Tony Dungy; and an array of business leaders, such as Jack Welch, longtime Chairman and CEO of General Electric.

The 2010 Summit that Plaintiff Hittle attended was no different. Along with Tony Dungy and Jack Welch, the lineup included Jim Collins, best-selling author on business management; Blake Mycoskie, founder of Toms Shoes; Terri Kelly, President and CEO of W.L. Gore & Associates, developer of Gore-Tex fabrics; and Daniel Pink, another best-selling author and chief speechwriter for Vice President Al Gore. Their talks were aimed at leaders across sectors. For example, Mycoskie discussed navigating the start-up phase and building a business through passion and compassion. Pink discussed how well-led organizations treat employees. Dungy and Welch similarly spoke, from deep experience, about nourishing talent, and Dungy presented his book on that theme, *The Mentor Leader*.

This sort of programming is indistinguishable from what one would find at a purely secular leadership conference. To be sure, the 2010 Summit speakers also included influential pastoral leaders, such as T.D. Jakes, Andy Stanley, Adam Hamilton, and Jeff Manion, all of whom have led some of the largest and fastest-growing congregations in the world. Although their vocations happen to be religious, and though they used scriptural references more explicitly than their counterparts, their leadership insights were no less valuable—and indeed touched on many similar themes. Jakes used the Book of Samuel in part of his discussion about maintaining motivation within an organization. Manion invoked the Israelites’ wanderings in the Sinai desert to discuss dealing with setbacks. Another speaker, Christine Caine, cited Ephesians 5:14 in recounting the start of her activism against human trafficking.

Maintaining inspiration, persevering against adversity, confronting injustices: all valuable lessons for leaders in any venture. For comparison, Tony Dungy’s concept of “[m]entor leadership focuses on developing the strengths of individuals,” such as by “teaching employees to be proactive about meeting others’ needs so they can better support the organization,” so that leaders can “make the people they lead . . . ultimately, better people.” TONY DUNGY, *THE MENTOR LEADER* xvii (Tyndale House Publishers, Inc., 2010). Some speakers’ Biblical references might not have had special significance to some listeners. But there is no denying that the *content* of all talks was broadly similar. After all, the moral principles invoked by all

speakers have historical roots in religious teachings. Even outside the Summit, business types frequently invoke concepts like “servant leadership”—an explicit, if unknowing, reference to Christian doctrine. *See Mark 9:35* (King James) (“And [Jesus] sat down, and called the twelve, and saith unto them, If any man desire to be first, the same shall be last of all, and servant of all.”); *see also, e.g.,* Palena Neale, *Why Servant Leadership Is More Important than Ever*, FORBES (May 26, 2020), <https://bit.ly/3TMJvaO>. Whether the principle is mentor leadership, servant leadership, the charitable impulse that leads Mycoskie’s company (TOMS) to donate a new pair of shoes to a child for every pair sold, or any other tenet of just leadership, the fact is that, in Western civilization, the principle can likely be traced to the Bible.

Accordingly, the Summit’s blend of secular and religious leaders serves to amplify each speaker’s message and makes the Summit uniquely beneficial for attendees. As Len Schlesinger, Harvard Business School professor and former COO of Limited Brands and Au Bon Pain, put it: “The quality of the teaching is extraordinary.” Chu, *How Willow Creek Is Leading Evangelicals by Learning from the Business World*, <https://bit.ly/3CLMYjU>. And though he suggested that the Summit’s association at the time with an evangelical church might present an obstacle to some attendees, he made clear that “they skip it at their loss.” *Id.*

Defendants, by contrast, failed even to consider the Summit’s content, dismissing the Summit as a “religious event.” The actual content of the 2010

Summit—and of later Summits, such as the one held this past August—shows just how misplaced Defendants’ prejudices were.

The 2022 Summit featured thirteen speakers, ten from secular enterprises and three pastoral leaders. The list included Bob Iger, former CEO of the Walt Disney Company; Lynsi Snyder, President of In-N-Out Burger; Ron Howard, Academy Award-winning filmmaker; and several other prominent figures from various industries. *Articles*, GLOB. LEADERSHIP NETWORK, <https://bit.ly/3RaHljl> (last visited Sept. 6, 2022). As in 2010, many of their talks (*e.g.*, “The Science of Leveraging a Growth Mindset”) could have been heard at a purely secular conference, and many (*e.g.*, “The Critical Role of Empathy in Leadership”) had themes that could be traced to fundamental Christian values. *Id.* Bob Iger spoke about the “power in being decent to people” and the danger of “infus[ing] contempt into our relationships.” *The Ride of a Lifetime—GLS22 Session Notes*, GLOB. LEADERSHIP SUMMIT (Aug. 5, 2022), <https://bit.ly/3Q3LPHn>. Stephanie Chung, Chief Growth Officer of private-airline company Wheels Up, spoke of building trust by acknowledging biases and “learn[ing] to consciously visualize another person’s viewpoint.” *Adapting Your Leadership for Today’s Challenges—GLS22 Session Notes*, GLOB. LEADERSHIP SUMMIT (Aug. 5, 2022), <https://bit.ly/3KCgcUd>. Ron Howard spoke about “creating an environment to welcome people in with their best ideas.” *The Leadership Genius Behind a Hollywood Legend—GLS22 Session Notes*, GLOB. LEADERSHIP SUMMIT

(Aug. 4, 2022), <https://bit.ly/3cM9JJA>. If these sound like leader-centric versions of the principle “do unto others as you would have them do unto you,” that is a Christian principle, too. *See Luke 6:31; Matthew 7:12.*

The actual nature of the Global Leadership Summit thus refutes Defendants’ derogatory view of the Summit. Some programming is explicitly based in Christian values, other programming only implicitly so. But unless speakers assiduously avoid any reference to ideas like servant leadership or the “Golden Rule,” there is *no* leadership conference that will not include discussion of ideas that resonate in, or descend directly from, the Bible or other religious texts. As recognized by the many prominent speakers who participate in the Summit, the hundreds of thousands of people who have attended the Summit, and the employers who have paid to send them there, the Summit is a valuable resource to leaders in all areas. That is true because, not despite, of the Summit’s moral foundations.

Affirming the decision below would therefore do significant and widespread harm. If the First Amendment, Title VII of the Civil Rights Act, and the FEHA allowed employees like Plaintiff to be terminated simply for choosing to attend a religiously affiliated rather than an entirely secular leadership conference, they would lose the right to benefit from resources like the Summit that GLN and similar organizations offer to leaders of all types—and, as a result, to the organizations that they lead.

II. Hittle Could Not Be Fired Simply for Attending the Global Leadership Summit.

The Free Exercise Clause, “which applies to the States under the Fourteenth Amendment, protects religious observers against unequal treatment and against laws that impose special disabilities on the basis of religious status.” *Espinoza v. Mont. Dep’t of Revenue*, 140 S. Ct. 2246, 2254 (2020) (internal quotation marks omitted).² And it protects against “penalties on the free exercise of religion, not just outright prohibitions.” *Carson v. Makin*, 142 S. Ct. 1987, 1996 (2022) (quoting *Lyng v. Nw. Indian Cemetery Prot. Ass’n*, 485 U.S. 439, 450 (1988)). These “unremarkable” propositions, *Trinity Lutheran Church of Colum., Inc. v. Comer*, 137 S. Ct. 2012, 2021 (2017), are no more remarkable under Title VII or the FEHA. *See Furnco Constr. Corp. v. Waters*, 438 U.S. 567, 577 (1978) (“The central focus of the inquiry [under Title VII] . . . is always whether the employer is treating some people less favorably than others because of their race, color, *religion*, sex, or national origin.” (emphasis added; internal quotation marks omitted)); *Godwin v. Hunt Wesson, Inc.*, 150 F.3d 1217, 1219 (9th Cir. 1998) (“California law under the FEHA mirrors

² The District Court “decline[d] to allow Plaintiff to proceed under a free exercise theory,” *Hittle v. City of Stockton*, 2022 WL 616722, at *10 (E.D. Cal. Mar. 2, 2022), and Hittle does not challenge that ruling on appeal. In any event, as he points out, Free Exercise caselaw informs the analysis of his Title VII and FEHA claims. *See* Appellant’s Br. at 34 n.7, Doc. 25 (Aug. 31, 2022). And regardless of the claims that he has opted to appeal, the facts of this case implicate important constitutional principles.

federal law under Title VII[.]”); *see also, e.g., Brown v. Polk Cnty.*, 61 F.3d 650, 654 (8th Cir. 1995) (“[I]n the governmental employment context, the first amendment protects at least as much religious activity as Title VII does.”).

In short, governments must at least be neutral with regard to religious identity. States may not exclude “sectarian” institutions from public aid. *See Espinoza*, 140 S. Ct. at 2252; *Carson*, 142 S. Ct. at 1994. Nor may governments act any differently as employers. *See, e.g., Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2432–33 (2022). Indeed, Title VII, which applies to government employers, *see Dothard v. Rawlinson*, 433 U.S. 321, 332 n. 14 (1977), requires more than “mere neutrality with regard to religious practices.” *E.E.O.C. v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768, 775 (2015) (“Rather, it gives them favored treatment, affirmatively obligating employers not to fail or refuse to hire or discharge any individual because of such individual’s religious observance and practice.” (cleaned up)).

It can therefore make no difference whether the leadership conference Hittle chose to attend was religiously affiliated or entirely secular. Allowing employees to attend ostensibly secular leadership training and firing those who instead choose religiously grounded leadership training amounts to “establish[ing] a ‘religion of secularism’ in the sense of affirmatively opposing or showing hostility to religion.” *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 225 (1963). This is particularly unwarranted in the context of leadership training, where, as discussed,

many of the same basic lessons are conveyed in either “religious” or “secular” programs.

At the same time, allowing government employees to attend religiously affiliated leadership training would *not* amount to an establishment of that religion. Even if Hittle had received any “government support,” that support would have “ma[de] its way to [GLN] only as a result of [his] independently choosing to spend” it there. *Espinoza*, 140 S. Ct. at 2254. Moreover, any government “interest in achieving *greater* separation of church and State than is already ensured under the Establishment Clause is limited by the Free Exercise Clause.” *Id.* at 2260 (emphasis added; cleaned up). And even if Defendants’ biased statements could be read (charitably) to indicate such a goal, Defendants impermissibly pursued that goal by discriminating against Hittle—and, for that matter, against GLN itself.

There might be cases at the margins that raise legitimate Establishment Clause concerns. But this is not one of them. The Global Leadership Summit’s programming is well-regarded, highly professional, and indeed largely makes the same points as secular offerings on the same topic. Hittle paid for his ticket himself and remained available to his employer throughout the Summit. And Defendants were decidedly *not* neutral toward religion. The record contains no evidence of an interest sufficient to justify their discrimination, either as a matter of First Amendment scrutiny or of federal and State employment law, because their only

evident interest *was* discrimination. Whatever the neutrality principle requires in other situations, it must require that employees like Hittle be able to attend a leadership conference where they can learn the same lessons as at any other leadership conference—but where some speakers are more explicit about the ultimate source of some of those lessons—without losing their jobs.

CONCLUSION

For the foregoing reasons, the Court should reverse and remand for a grant of summary judgment to Hittle on his discrimination claims or, alternatively and at the least, for further proceedings that are consistent with Hittle’s right to attend the Global Leadership Summit.

Dated: September 7, 2022

Respectfully submitted,

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**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

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Dated: September 7, 2022

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