

EXHIBIT H

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

SCOTT HERNDON, REV. JOSH JONES,)
and REV. MICHAEL GULOTTA,)

Plaintiffs,)

v.)

Case No.

BRADLEY JAY LITTLE, in his official)
capacity as Governor of Idaho, and)

DAVE JEPPESEN, in his official capacity)
as the Director of the Idaho Department of)
Health and Welfare,)

Defendants.)

DECLARATION OF REV. MICHAEL GULOTTA

I, Michael Gulotta, am an adult, under no disability, and hereby declare the following:

1. I am pastor of Grangeville Christian Reformed Church in Grangeville, Idaho. I have been a pastor at this church since DATE.
2. I graduated from WHERE/WHEN.
3. I was commissioned as a pastor WHERE/WHEN.
4. I am competent to testify as to the matters contained herein, I am over the age of 18, and I make this declaration based upon my own personal knowledge, experience, and oral conversations I have personally held with local law enforcement.

5. The city of Grangeville, Idaho is the county seat of Idaho County, Idaho.
6. My duties as pastor include: Preaching on Sundays and religious holidays, teaching adult Sunday School, administering baptisms, performing wedding ceremonies, administering communion, counseling people, ministry to the sick and dying, burying the dead, consoling the grieving and sorrowful, and being present with church members in all the joys and sorrows and significant milestones of life.
7. On or about March 25, 2020, the Governor of Idaho issued a “Statewide Stay-Home Order.”
8. On or about April 15, the Governor amended that Stay-Home Order.
9. I have read both the original and the amended Stay-Home Order.
10. I found the Stay-Home Order disconcerting because churches are excluded from the definition of “Essential Business.”
11. I was also concerned that the Stay-Home Order failed to include pastoral duties and church attendance are in the definition of “Essential Activities.”
12. I am deeply concerned that the fundamental constitutional right to worship according to my conscience is not considered an “essential activity.”
13. Because churches are not “essential business” and my work as a pastor is not an “essential activity,” effectively, then, at least at face value, the Stay-Home Order could be read as forbidding me from performing my vocation as a pastor, and forbidding my congregation from coming to church on Sunday.

14. Said another way, administration and reception of the Christian sacraments of baptism and the Lord's Supper, as well as conducting the church service generally, appear, by the plain meaning of the words of the Stay-Home Order, to be specifically prohibited.
15. Recognizing this, I was very concerned that the Governor of Idaho had declared the practice of public Christian worship to be illegal in this state. That thought is shocking to me as an American who has read the Constitution.
16. As a Christian pastor, I am very concerned to heed the admonition of God expressed, for instance, in Romans 13:1, that my congregation and I "be subject to the governing authorities."
17. In fact, at every Sunday church service, we pray for both our national and local political leaders.
18. However, it is also my personal belief, as well as the teaching of my church, that church attendance is an important, yea, necessary, part of the practice of the Christian faith.
19. As an example, my church and I find essential the exhortation from Hebrews 10:25, "not forsaking the assembling of ourselves together," and the words of Jesus in the Great Commission (Matthew 28:19), "Go ye therefore, and teach all nations, baptizing them."
20. Further, my education and life experience as an American leads me to believe that the government does not have the authority to order the closing of churches in this country. Rather, the First Amendment of the United States

Constitution and Article 1 of the Idaho Constitution protect our God-given natural law right to publicly attend church services.

21. The Stay-Home Order has required me to make the choice between obeying God and obeying state government.
22. This is chilling to me; the Stay-Home Order has forced me to chose between my pastoral oath and facing arrest, fines, and possible imprisonment.
23. I am also very concerned at the precedent this has set; the governor has ordered churches to close and has, thus far, gotten away with it.
24. I fear that, even if he now lifts the unconstitutional order, the governor will ban church again in the future, such as if this virus resurfaces again next winter like some predict.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signed this 29th day of April, the Year of Our Lord Christ 2020, in Laclede, Idaho.

Michael Gulotta

Rev. Michael Gulotta