

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

LAMA KARMA CHOTSO, a Lama of
Buddhism in Miami-Dade County, Florida,

Case No. _____

Plaintiff,

-against-

VERIFIED COMPLAINT

STATE OF FLORIDA, ASHLEY MOODY,
in her official capacity as ATTORNEY
GENERAL for the State of Florida; GINGER
BOWDEN MADDEN, in her official capacity
as State Attorney for the First Judicial Circuit
of Florida; JACK CAMPBELL, in his official
capacity as State Attorney for the Second
Judicial Circuit of Florida; JOHN DURRETT,
in his official capacity as State Attorney for the
Third Judicial Circuit of Florida; MELISSA
W. NELSON, in her official capacity as State
Attorney for the Fourth Judicial Circuit of
Florida; WILLIAM GLADSON, in his official
capacity as State Attorney for the Fifth Judicial
Circuit of Florida; BRUCE BARTLETT, in his
official capacity as State Attorney for the Sixth
Judicial Circuit of Florida; R.J. LARIZZA, in
his official capacity as State Attorney for the
Seventh Judicial Circuit of Florida; BRIAN S.
KRAMER, in his official capacity as State
Attorney for the Eighth Judicial Circuit of
Florida; MONIQUE H. WORRELL, in her
official capacity as State Attorney for the
Ninth Judicial Circuit of Florida; BRIAN
HAAS, in his official capacity as State
Attorney for the Tenth Judicial Circuit of
Florida; KATHERINE FERNANDEZ
RUNDLE, in her official capacity as State
Attorney for the Eleventh Judicial Circuit of
Florida; ED BRODSKY, in his official
capacity as State Attorney for the Twelfth
Judicial Circuit of Florida; ANDREW H.
WARREN, in his official capacity as State

Attorney for the Thirteenth Judicial Circuit of Florida; LARRY BASFORD, in his official capacity as State Attorney for the Fourteenth Judicial Circuit of Florida; DAVID A. ARONBERG, in his official capacity as State Attorney for the Fifteenth Judicial Circuit of Florida; DENNIS W. WARD, in his official capacity as State Attorney for the Sixteenth Judicial Circuit of Florida; HAROLD F. PRYOR, in his official capacity as State Attorney for the Seventeenth Judicial Circuit of Florida; PHILIP G. ARCHER, in his official capacity as State Attorney for the Eighteenth Judicial Circuit of Florida; THOMAS BAKKEDAH, in his official capacity as State Attorney for the Nineteenth Judicial Circuit of Florida; and AMIRA D. FOX, in his official capacity as State Attorney for the Twentieth Judicial Circuit of Florida,

Defendants.

VERIFIED COMPLAINT

For her Verified Complaint against Defendants the State of Florida, Ashley Moody, Juan Antonio Gonzalez, Ginger Bowden Madden, Jack Campbell, John Durrett, Melissa W. Nelson, William Gladson, Bruce Bartlett, R.J. Larizza, Brian S. Kramer, Monique H. Worrell, Brian Haas, Katherine Fernandez-Rundle, Ed Brodsky, Andrew Warren, Larry Basford, David A. Aronberg, Dennis W. Ward, Harold F. Pryor, Philip G. Archer, Thomas Bakkedahl, and Amira D. Fox, each of whom are sued in their official capacities (collectively referred to herein as “Defendants”), Plaintiff Lama Karma Chotso, by and through undersigned counsel, alleges and avers as follows:

PRELIMINARY STATEMENT

1. This is a lawsuit brought by Lama Karma Chotso (“Plaintiff”), a Buddhist Lama in Miami-Dade County, whose religious beliefs, speech, and conduct are severely burdened by the

state of Florida’s criminalization of abortion in many circumstances where the Buddhist faith supports the decision to have an abortion on religious grounds. Plaintiff seeks to invalidate House Bill 5, the Reducing Fetal and Infant Mortality Act (“HB 5” or the “Act”), because it violates: (1) the rights of Plaintiff to liberty of speech and free exercise and enjoyment of religion, guaranteed by Article I, §§ 3, 4 of the Florida Constitution, and (2) the Florida Religious Freedom Restoration Act, Fla. Stat. Ann. § 761.03 (“RFRA”) and (3) Plaintiff’s freedom of speech and free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution. Under HB 5 and Florida’s criminal law, Plaintiff is at risk of prosecution for counseling women, girls, and families to obtain an abortion beyond the narrow bounds of HB 5 as someone who aids and abets the crime. Under Florida’s aiding and abetting law, they commit the crime itself by counseling in favor of it.

2. The relationship between a Lama and her sangha represents a sacred trust as followers seek the path of Buddha.¹ Under Buddhism, Lamas are teachers and spiritual guides to disciples seeking counseling on their path to enlightenment and understanding of Buddhist Dharma. Lamas are integral to providing clarity to their sangha regarding the karmic understanding of their actions in life.² This spiritual relationship is designed to facilitate the foundational principle of religious counseling: the disciple’s right to dignity and self-determination.

3. Tibetan Buddhism is not a dogmatic religion, but one that trains the mind through practices that can lead to enlightenment. Buddhism centers around moment-to-moment choices,

¹ In Buddhism, sangha refers to a community or congregation of disciples.

² Karma is integral to the Tibetan Buddhist religion with disciples studying the meaning for the entirety of their lives. In the simplest terms, karma refers to both as one’s actions and the consequences of those actions. Karma is both the initial action and the eventual result, and the whole process of cause and effect itself. Tibetan Buddhism values a long-term view of karma where all of one’s actions will come back to them in the future.

each of which will reflect in the karma of the disciple. Thus, the teachings and practices of Buddhism (sometimes referred to as “Dharma”) are highly individualized and weighed according to the particular circumstances and state of mind of a disciple.

4. Throughout its history, disciples of Buddhism have sought counseling and guidance from Lamas in moments of confusion, including on issues related to the spiritual, physiological, and psychological aspects of sex and sexuality, and decisions related to pregnancy and childbirth, family planning, and abortion. Indeed, these actions are closely tied to a disciple’s karmic state and journey on the path of enlightenment. In return, Lamas have provided counseling that aligns with their disciples’ rights to dignity and self-determination.

5. A core tenet of Buddhism is the sanctity of individual choices while on the path of Buddha. When Plaintiff counsels disciples who can bear children, Plaintiff believes that their life and spiritual evolution is paramount. Pregnancy, childbirth, family planning, and abortion are extremely integral decisions in life. As a Lama, Plaintiff must consider the individual circumstances of each disciple, including their karmic effect and their place on the path to enlightenment. An inability to counsel and support a disciple’s choices regarding abortion services and birth control prevents Plaintiff from being an effective spiritual guide and is an anathema to the Buddhist path. Plaintiff believes that all Buddhists should be able to use self-determination to make choices to access abortion services and birth control with no restriction on movement, autonomy, type, or timing. Plaintiff also believes that all Lamas, including Plaintiff, should be able to counsel their disciples accordingly.

6. The relationship between Lama and their sangha has, until now, been protected, revered, and respected as sacrosanct and inviolable. Now, Defendants have inserted themselves into this alliance by imposing criminal penalties on those who counsel, aid, and/or assist with

obtaining an abortion after fifteen weeks, with no religious accommodation provided and no exceptions for incest, rape, or trafficking, non-fatal fetal abnormalities, psychological disease or impairment. In other words, Defendants have left no room for disciples to weigh, and Lamas to advise, on their karmic choices and path to Buddha in connection with decisions related to abortion.

7. Plaintiff engages in religious counseling with her sangha that honors the disciples' autonomy and right to self-determination, guiding disciples to reach informed decisions about the termination of pregnancy and to act upon such decisions.

8. The Florida Legislature recently passed the Act, which bans abortions after fifteen weeks as dated from the first day of a woman's last menstrual period (LMP) with two extremely limited exceptions. *See* Ch. 2022-69, §§ 3–4, Laws of Fla. (amending §§ 390.011, 390.0111, Fla. Stat.); Fla. Stat. § 390.0111(1)(a)–(b); § 390.011(6). There is no exception for incest, rape, trafficking, non-fatal fetal abnormalities, or psychological disease or impairment.

9. The Act was signed into law by Governor Rick DeSantis on April 14, 2022 and it took effect on July 1, 2022.

10. HB 5, entitled the Infant and Fetal Abnormality Act, establishes as the law of the State of Florida, a pernicious elevation of the legal rights of fetuses while at the same time, it devalues the quality of life and the health of the woman or girl who is pregnant. It is in direct conflict with Plaintiff's clerical obligations and faith and imposes severe barriers and substantial burdens to her religious belief, speech, and conduct. It also imposes severe burdens on the religious beliefs, speech, and conduct of the sangha, members of Plaintiff's Temple, and the Tibetan Buddhist faith.

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