



## ***FACT SHEET*** ***Byrne v. Rutledge***

### ***ABOUT Byrne v. Rutledge***

On April 20, 2004, Shawn Byrne submitted his application for a personalized auto license plate with references to the Bible verse John 3:16 as his choices. The following month, the Vermont Department of Motor Vehicles sent him a letter stating that the messaging on his application was “deemed to be a combination that refers to deity and has been denied based on that reason.” Byrne unsuccessfully appealed the denial, which an administrative law judge upheld based on a state statute that prohibits combinations that refer to “deity.” ADF attorneys filed a lawsuit on Byrne’s behalf in January 2005 against officials of the DMV.

### ***CURRENT STATUS OF Byrne v. Rutledge AS OF 12/5/08***

In January 2005, ADF attorneys filed the lawsuit *Byrne v. McDonald* with the U.S. District Court for the District of Vermont on behalf of Shawn Byrne against officials with Vermont’s Department of Motor Vehicles for allegedly denying his application for a religious personalized plate in violation of his constitutional rights. The court denied Byrne’s motion for summary judgment in September 2007. ADF attorneys filed an appeal with the U.S. Court of Appeals for the 2nd Circuit in October 2007, when the case was renamed *Byrne v. Rutledge*. ADF Legal Counsel Jeremy Tedesco will present oral arguments on behalf of Byrne before the 2nd Circuit on Dec. 8.

### ***FOCUS OF HEARING – WHAT IS AT STAKE?***

If the court allows the Vermont DMV to deny Byrne’s application, it will give government agencies license to engage in the unconstitutional practice of viewpoint discrimination and thereby squelch the right of Vermont citizens to express their religious beliefs. The DMV cannot send the message that religious speech is inferior to other speech by prohibiting personalized plates with Christian references while allowing other points of view.

### ***CONTACT***

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### ***ABOUT ADF***

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

### ***ABOUT Jeremy Tedesco***

Jeremy Tedesco has served as legal counsel at the Alliance Defense Fund since 2004. In 2004, he earned his J.D. from Regent University School of Law. Tedesco is admitted to the State Bar of Arizona, the Supreme and District Court of Arizona, the District Court of Colorado, and the U.S. Court of Appeals for the 2nd, 3rd, 5th, 7th, and 9th Circuits.

### ***ABOUT David Cortman***

David Cortman is a senior legal counsel with the Alliance Defense Fund. Cortman earned his J.D. at Regent University School of Law and is admitted to the bar in Georgia and Florida, and at the D.C. Court of Appeals. He has practiced law for 12 years and is a graduate of the ADF National Litigation Academy.