

DECLARATION OF JAMES DOMEN

I, James Domen, certify, and state under penalty of perjury under the laws of the United States of America, as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein.
2. I am the president and founder of Church United.
3. Church United was founded in 1994.
4. Church United is a California non-profit religious corporation. Its mission is to equip faith leaders to positively impact the political and moral culture in their communities.
5. For five years, I identified as a homosexual.
6. Because of my desire to pursue my faith in Christianity, I made the decision to identify as a former homosexual. However, I have experienced same sex attraction since I was thirteen years old to the present.
7. In July 2009, my wife, Amanda, and I were married. Together, we have three biological children under the age of six.
8. In October 2016, I obtained an account with Vimeo, Inc. for the purpose of hosting various videos, including videos addressing sexual orientation as it relates to religion.
9. When I originally created the account, I signed up for a free basic membership.
10. Shortly thereafter, I upgraded to a "Pro Account" which requires a monthly fee and allows more features and bandwidth for video uploads.
11. I paid the monthly fee because I regularly used Vimeo as a forum to express Church United and my views on sexual orientation and share with others about my sexual orientation and religious beliefs, among many other things.

12. On November 23, 2018, the day after Thanksgiving, I received an email from Vimeo informing me that a Vimeo moderator marked my account for review. Attached hereto as Exhibit “A” is a true and correct copy of this email.

13. The email in Exhibit “A” explained that “Vimeo does not allow videos that promote.”

14. The email in Exhibit “A” also cited five videos “that espouse this theory” of sexual orientation change efforts.

15. The following is a list and brief description of the five videos flagged by Vimeo:

- i. an NBC produced, unbiased documentary segment titled, Left Field, wherein I was interviewed along with California Assemblyman Evan Low, who is a homosexual;
- ii. a two minutes and thirty-six seconds long video wherein I shared about my preferred sexual orientation, the discrimination I face based on that sexual orientation, and my personal religious testimony about my faith;
- iii. a promotional video for Freedom March Los Angeles. (Freedom March is a nationwide event where individuals like me that identify as former members of the LGBTQ community assemble to support one another;
- iv. a press conference with Andrew Comiskey, the founder of Desert Stream, wherein he discusses his personal sexual orientation and his religious views on sexual orientation; and
- v. an interview with Luis Ruiz, a survivor of the horrific attack at the Pulse Nightclub in Florida in March 2018. In the video, Luis Ruiz shares his experience as a survivor of the attack and his healing from being shot in the incident.

15. On December 6, 2018, Vimeo terminated my entire Vimeo account which contained 89 videos.

16. None of these 89 videos harass, incite hatred, or include discriminatory or defamatory speech.

17. The content of the videos with which Vimeo took issue was primarily about my preferred sexual orientation as a former homosexual, the discrimination I faced, and my religious views on sexual orientation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 1st day of November, 2019, at Washington, D.C.
