

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint of for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association Lawyer Referral and Information Service One Reading Center Philadelphia, Pennsylvania 19107 (215) 238-6333 TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decider a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado immediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados De Filadelfia Servicio De Referencia E Informacion Legal One Reading Center Filadelfia, Pennsylvania 19107 (215) 238-6333 TTY (215) 451-6197

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Attorneys for plaintiffs

CHARLES P. KUHAR, SR. and

THERESA M. KUHAR,

COUNTY OF PHILADELPHIA

COURT OF COMMON PLEAS

Plaintiffs,

AUGUST TERM 2022

v.

NO.

CITY OF PHILADELPHIA, JAMES

KENNEY, in his official capacity as Mayor of the City of Philadelphia, JAQUELINE DUNN, in her official capacity as Treasurer of the City of Philadelphia, REBECCA

RHYNHART, in her official capacity as Controller of the City of

Philadelphia,

Defendants.

CIVIL ACTION

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiffs, Charles P. Kuhar, Sr. and Theresa M. Kuhar, by and through their undersigned counsel, file this Complaint for Injunctive and Declaratory Relief, averring as follows:

Parties

- 1. Plaintiff, Charles P. Kuhar, Sr., is a Commonwealth resident and a resident and taxpayer in the city of Philadelphia.
- 2. Plaintiff, Theresa M. Kuhar, is a Commonwealth resident and a resident and taxpayer in the city of Philadelphia.
- 3. Defendant, city of Philadelphia ("City"), is a political subdivision and local government agency organized and existing under the law of the Commonwealth of Pennsylvania.
- 4. Defendant, James Kenney, is the mayor of the city of Philadelphia and is sued in his official capacity.
- 5. The Mayor of Philadelphia is the chief executive officer of the City and is responsible for the conduct of the executive and administrative work of the City. See Philadelphia Home Rule Charter § 4-100.
- 6. Defendant, Jacqueline Dunn, is the treasurer of the city of Philadelphia and is sued in her official capacity.
- 7. The treasurer of the city of Philadelphia is the custodian of City funds and is responsible for making all payments out of the City Treasury, only upon the order of the City Controller. *See* Philadelphia Home Rule Charter § 8-101; *see also* Philadelphia Home Rule Charter § 6-301.
- 8. Defendant, Rebecca Rhynhart is the controller of the city of Philadelphia and is sued in her official capacity.

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9. Section 6-301 of Philadelphia's Home Rule Charter provides, in relevant

part, as follows:

[t]he City Treasurer shall pay moneys out of the City Treasury only by check. Checks shall be issued only upon the order of the City Controller. All orders shall indicate the purpose for which the City Treasurer is

required to draw checks and the particular funds or appropriations to

which they are chargeable.

Philadelphia Home Rule Charter § 6-301.

Factual Background

10. On August 4, 2022, Mayor Kenney announced the City would transfer

\$500,000.00 of Commonwealth funds to Abortion Liberation Fund of Pennsylvania

("Abortion Liberation Fund") to fund abortions within Philadelphia.

https://www.phila.gov/2022-08-04-mayor-kenney-announces-500000-in-funding-for-

abortion-liberation-fund-of-pa/

11. Mayor Kenney indicated the funds would be used to provide "financial

support for people seeking abortions" and that it "... is one of the ways we will support

Philadelphians in their fundamental right to bodily autonomy." *Id.*

12. The Abortion Liberation Fund is an organization with the expressed

purpose of helping to provide access to abortions by providing financial assistance to

women pursuing abortions.

13. The Abortion Liberation Fund provides financial assistance to women

"who have made the decision to terminate a pregnancy but are prevented from using

their insurance and cannot afford an abortion." https://abortionfundpa.org/about

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- 14. In 2021, the Abortion Liberation Fund funded thousands of abortions in Philadelphia. A true and correct copy of the Fall 2021 Newsletter of the Abortion Liberation Fund of Pennsylvania is attached hereto as Exhibit "A."
- 15. The Abortion Liberation Fund will use the public funds provided by Defendants to "support [its] work funding abortions and expanding abortion access." https://abortionfundpa.org/.
- 16. The Pennsylvania Human Services Code states in relevant part as follows:

Since it is the public policy of the Commonwealth to favor childbirth over abortion, no Commonwealth funds and no Federal funds which are appropriated by the Commonwealth shall be expended by any State or local government agency for the performance of abortion: Provided, That nothing in this act shall be construed to deny the use of funds where a physician has certified in writing that the life of the mother would be endangered if the fetus were carried to full term or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nothing contained in this section shall be interpreted to restrict or limit in any way, appropriations, made by the Commonwealth or a local governmental agency to hospitals for their maintenance and operation, or, for reimbursement to hospitals for services rendered which are not for the performance of abortions.

62 P.S. § 453, et seq. at al. (emphasis added).

- 17. Likewise, the Pennsylvania Abortion Control Act states in relevant part as follows:
 - (c) Public funds. No Commonwealth funds and no Federal funds which are appropriated by the Commonwealth shall be expended by any State or local government agency for the performance of abortion, except:
 - (1) When abortion is necessary to avert the death of the mother on certification by a physician. When such physician will perform the abortion or has a pecuniary or proprietary interest in the abortion there

shall be a separate certification from a physician who has no such interest.

- (2) When abortion is performed in the case of pregnancy caused by rape which, prior to the performance of the abortion, has been reported, together with the identity of the offender, if known, to a law enforcement agency having the requisite jurisdiction and has been personally reported by the victim.
- (3) When abortion is performed in the case of pregnancy caused by incest which, prior to the performance of the abortion has been personally reported by the victim to a law enforcement agency having the requisite jurisdiction, or, in the case of a minor, to the county child protective service agency and the other party to the incestuous act has been named in such report.

18 Pa.C.S. § 3215(c)(1-3), et seq. et al.

- 18. The Abortion Control Act has been upheld by the Pennsylvania Supreme Court in the case of *Fischer v. Department of Public Welfare*, 502 A.2d 114, 125 (Pa. 1985) (holding: "the Abortion Control Act of 1982 does not violate the terms of the Pennsylvania Constitution.")
- 19. Defendants' actions are in direct violation of Pennsylvania's prohibition against the use of public funds appropriated by the Commonwealth for the performance of abortion.
- 20. Defendant city of Philadelphia annually receives billions of dollars of Commonwealth and/or Federal funds appropriated by the Commonwealth. *See* City of Philadelphia Operating Budget for Fiscal Year 2022, As Approved by the Council June 2021.
- 21. In 2022 specifically, the Defendants received \$1,565,577,000.00 in federal funds and \$909,907,000.00 in state funds.

22. Defendant city of Philadelphia has received approximately \$1.4 billion in federal funds pursuant to the American Rescue Act and has received \$1.1 billion in Federal Elementary and Secondary School Emergency Relief (ESSER) funding.

COUNT I – DECLARATORY JUDGMENT

- 23. The preceding paragraphs are incorporated by reference as if fully set forth herein.
- 24. Pennsylvania's Declaratory Judgments Act, 42 Pa.C.S. § 7531, et seq., states in relevant part "[c]ourts of record, within their respective jurisdictions, shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect, and such declarations shall have the force and effect of a final judgment or decree."
- 25. Defendants intend to transfer Commonwealth funds to the Abortion Liberation Fund Five Hundred Thousand Dollars for the express purpose of "providing funding so that anyone can get an abortion no matter their income, ZIP code, or reason." https://www.phila.gov/2022-08-04-mayor-kenney-announces-500000-in-funding-for-abortion-liberation-fund-of-pa/
- 26. The Abortion Liberation Fund will use the funds provided by Defendants to fund abortions in Southeastern Pennsylvania.

27. Plaintiffs seek a Declaration from this Honorable Court declaring that the city's allocation of \$500,000 is illegal, improper, and in violation of 62 P.S. § 453, et seq. et al.; 18 Pa.C.S. § 3215(c)., et seq. et al.

COUNT II Injunctive Relief

- 28. Plaintiffs incorporate the previous paragraphs by reference.
- 29. Plaintiffs seek injunctive relief enjoining the defendants and anyone acting through them, with them, or on their behalf from transferring Commonwealth funds to the Abortion Liberation Fund. See e.g., Upper Moreland Tp. v. Com., Pennsylvania Dept. of Transp., 409 A.2d 118 (Pa. Commw. 1979); citing Mayer v. Hemphill, 190 A.2d 444, 446 (Pa. 1963) (stating, "[t]here is likewise a well settled general rule that a taxpayer has a right and a standing to sue to enjoin public officials from wrongfully or unlawfully expending public money, and in such cases the complainant need not have any special interest which is damaged other than his interest as a taxpayer.")
- 30. An injunction is necessary to prevent irreparable harm that cannot be adequately compensated by damages because defendants' actions threaten a violation of two Pennsylvania statutes, 62 P.S. § 453 and 18 Pa.C.S. § 3215(c), which constitutes per se irreparable harm to the Plaintiffs. See SEIU Healthcare Pennsylvania v. Commonwealth, 104 A.3d 495, 508 (Pa. 2014) (holding: "[t]his inquiry is facilitated by case law holding that where the offending conduct sought to be restrained through a preliminary injunction violates a statutory mandate, irreparable injury will have been established.")

- 31. Greater injury will result from refusing plaintiffs' injunctive relief than from granting it as, in the absence of plaintiffs' requested relief.
- 32. An injunction will properly restore the parties to the status as it existed immediately prior to the City of Philadelphia's decision to provide illegal funding to the Abortion Liberation Fund.
 - 33. Plaintiffs are likely to prevail on the merits of their case.
 - 34. An injunction is reasonably suited to abate the offending activity.
- 35. Lastly, the issuance of a preliminary injunction will not adversely affect the public interest.

DEMAND FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against defendants as follows:

- a. declaring that the City of Philadelphia's allocation of Five Hundred Thousand Dollars (\$500,000.00) is illegal, improper, and in violation of 62 P.S. § 453, et seq. et al. and 18 Pa.C.S. § 3215(c), et seq. et al.;
- b. enjoining the City of Philadelphia, Mayor James Kenney, Jacqueline Dunn, and Rebecca Reinhart, or anyone acting through them, with them, or on their behalf, from providing the Five Hundred Thousand Dollar (\$500,000.00) allocation to the Abortion Liberation Fund of Pennsylvania;
- c. enjoining the City of Philadelphia, Mayor James Kenney, Jacqueline Dunn, and Rebecca Reinhart, or anyone acting through them, with them, or on

their behalf, from providing any funding to the Abortion Liberation Fund of Pennsylvania; and

d. any such other and further relief as this Court may deem just and proper.

Respectfully submitted,

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Special Counsel for the Thomas Moore Society

Attorneys for plaintiffs

Dated: August 16, 2022

VERIFICATION

I, Charles P. Kuhar \S_{f} , verify that that the facts contained in the foregoing are true and correct based upon my knowledge, information, and belief. However, while the facts are true and correct based upon my knowledge, information, and belief, the words contained in the foregoing are those of counsel and not mine. I understand that statements herein are made subject to the penalties set forth in 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

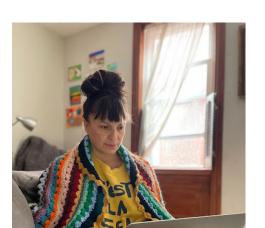
Chlkn Sn.

VERIFICATION

I, Theresa M. Kuhar	_, verify that that the facts contained in the foregoing
are true and correct based upon my knowle	dge, information, and belief. However, while the facts
are true and correct based upon my knowled	dge, information, and belief, the words contained in the
foregoing are those of counsel and not mine	e. I understand that statements herein are made subject
to the penalties set forth in 18 Pa. C.S.A. §	4904 relating to unsworn falsification to authorities.

Theres M Kuhar





FROM THE DESK COUCH OF ELICIA GONZALES

"Normal led to this." I cannot stop thinking about this quote from Ed Yong, a science journalist who reminded us that for years, we were warned that a pandemic caused by an unknown virus was not a matter of "if" but of "when," and that we needed to prepare. Normal has given us capitalist pursuits of profits at the expense of people. Normal has meant white supremacist violence festers, from the hands of the January of the insurrectionists to the white man murdering a Black man for complimenting his girlfriend. Normal has meant politicians shamefully restricting healthcare and banning abortions during a pandemic, when access should be increased.

As I sit here on my couch, in my PJs, I know that we can never go back to normal because we have glimpsed into the possibility of a better world. At WMF, we have spent the last year reimagining this better world, for the people we serve and the folks who work here. The pandemic continues placing economic burdens on people who call us. So with your support, we were able to increase our annual abortion funding from \$510K to approximately \$667K. We provided counseling, referrals, and support to 3,758 individuals, of which 3,263 used our funding to pay for the abortion. We also recently changed our Help Line model to allow callers to leave a voicemail and receive a return phone call from a counselor. Not only does this make it easier for abortion seekers to reach us, it is also a more sustainable and humane system that allows the counselor to take breaks.

This reimagining also led us to center rest in our work. The wise Tricia Hersey, creator of The Nap Ministry, shared that "our normal and regular pace was never meant for humans, but instead, a machine-level pace fueled by capitalism's call to create wealth by any means necessary." We cannot fight for abortion liberation without also dismantling white supremacist capitalist patriarchy. We took an organizational week off during June to recharge and have moved to a four-day workweek. This has allowed us space to be more fully human while ensuring our communities could still access abortion funding. We are all working remotely and will use the office as a co-working space when needed or desired.

We also engaged in processes to reenvision our work. This will manifest in a new organizational name and vision and values statements, which we will reveal before 2021 comes to a close. We are committed to wage equity and parity which means folks will receive a thriving wage, offering support for mental well-being and professional development, and infusing joy in all aspects of our work. We leaned into our anti-racism practices and have more clarity about how this work can be led by folks most impacted by abortion restrictions.

We collaborated with folks to advance abortion liberation, hosted community events to talk about issues intersecting with abortion, implemented a campaign to shut down anti-abortion centers, spoke about our work many times in the media, called on communities to do more than just march, completed a generative strategic planning process, and nourished one another and our communities during a pandemic. This has been a doozy of a year. Thank you for being part of our past and reimagined world. We could not do this without you.

WMF

WMF Newsletter Fall 2021

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Women's Medical Fund
PO Box 40748
Philadelphia, PA 19107
Help Line: 215.564.6622
Admin: 215.564.4070
womensmedicalfund.org

Support WMF in your workplace!
United Way Donor #5818

REGARDING OUR UPCOMING



From the time WMF first started providing support and funding to people seeking abortions, we have tried to ensure that anyone needing our help knew that we were a place for them to get compassionate, nonjudgmental, affirming support. The fact is that not only people who identify as women need access to abortion care and funding. While conversations about reproductive health and rights have historically centered around cisgender women, these services are also needed by transgender, non-binary, and gender non-conforming individuals. Everyone should be able to decide if, how, and when they want to parent or not, what kind of abortion they want, and to access health services-including abortion care-that recognize, acknowledge and affirm their gender identity and expression. In the spirit of that inclusivity, we recently announced that we are planning to rebrand with a new name that unequivocally reflects our commitment to providing that care, no matter who needs it.



Board of Directors

Arielle Brousse
Daniela Castejón
Signe Espinoza
Amy Eusebio
Tina Furr
Adrienne Ghorashi
Debasri Ghosh
Nikki Grant

Pilar Ocampo
Jane Roh
Candace Shillingford
Patty Skuster
Judy Weinstein
Zakia Williams
Jonathan Wittenberg
Thomas Zemaitis

Case ID: 220801916

WMF Fall 2021 Newstetter Page 02



WMF Supporters Change Lives



IN THIS PAST YEAR:

3,758

people received information, counseling, referrals, and support



3,263

people utilized WMF funding

\$202

average pledge, \$60 more than the previous year

8%

of those helped were teens

67%

were enrolled in Medicaid

85%

decided to have an abortion because continuing this pregnancy would make their financial situation worse

\$8,232

average annual income of individuals WMF helps

72%

were already parenting

23%

had no health insurance

82%

agreed that having an abortion helped to secure employment

100%

said WMF made a difference

83%

of people calling the
Help Line identified as
Black or Latinx
(demonstrating how
abortion restrictions
disproportionately
impact people of color)

55%

said funding and having an abortion would help them care for their children



What is all this about 'love' and abortion?



by Marah Lange, Director of Client Services



We have shared some kindred moments and exchanged stories with community members and supporters as we have publicly wrapped abortion in love this year. We also heard some confusion, distress, and some silence from others. The truth is, beginning to speak more about why we love abortion—and why these two ideas cannot be separated came naturally to us.

No one abortion is the same as another, just like the rest of our lives. But whether an abortion is coupled with grief and loss, anger and resentment, or self determination, freedom, and liberation—all of them are acts of love for ourselves. Each of

them are acts of making the best decision for ourselves at that time. Whether that is a simple decision that feels obvious, known, and mundane like an urgent dentist appointment or heavy like leaving behind something that could have been...if only, or somewhere in between. All of them result in us doing what's best for us - and **that is love!** Paying for someone's abortion is love too, it's community care. When you know that abortion isn't a bad thing, that it's not something that happens to people that did something wrong, that even in it's most tragic forms, it's still an act of caring for yourself and those you love, you become free to love that for yourself, the people you care about. **Abortion is love.**

Funding Abortion in Neighboring Counties

Last year we announced that we were gleefully expanding our service area to 5 other surrounding counties (and 6 new clinics) where people have historically lacked access to abortion funding. Immediately, we saw an increase in callers from rural and suburban areas where clinics are sparse and the pandemic has taken its toll on families who were barely getting by.

Alas, as national abortion funding organizations decreased available funds for abortion providers this year, we have witnessed exponential growth in the number of people calling from these surrounding counties, and the average pledge needed to support them has risen to \$234 (up from \$131 before COVID). As we come to the one year mark of stretching our bounds, we are overwhelmed but hopeful that we will continue to grow into this opportunity to make abortion a real and true possibility for anyone denied access by the State.



Why rest?

by Cat Wulff, Program Manager





Embracing crip, queer temporality of disability was vital to my survival and joy because it marked the moment I started welcoming rest as the most sacred element of my life. Until then, rest existed as an afterthought. It was simply the body's requirement that passed time until I could cross off the next item on my list. The choice to opt out of rest slowly disappeared as I witnessed my bodymind pleading with me for space to just be. However, after making that conscious shift, it was soon clear to me that my intentions and nervous system were not aligned, nor any match for the enduring hold of capitalism. I could not even sit for a few minutes without the deepest urge to shift, move, act, flip, speak, produce, offer, seek, or yield. The truth is that

every one of us has a disabled nervous system, shaped by a society obsessed with productivity. I only discovered my sensory network's need for healing because it decided to communicate with the rest of my body in a uniquely physical, profound way.

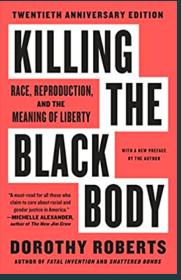
The fund took a break this summer because we recognize that our collective nervous circuit has only become further heightened and damaged during the pandemic. We uplift that we cannot heal this shared place if we do not rest. It was unveiled that this is no longer a choice for each of us but the only way we are going to sustain. The callers we speak to often do not have the privilege to rest. Rest is a birthright not afforded to most people living under capitalism, especially those surviving anti-Blackness and poverty while pregnant. When we rest as a team, we offer the greatest gift to ourselves, which in turn, creates spaciousness for our community to benefit from our genuine presence. I dream of a world where our presence is paramount. Rest is a practice, not something that is usually comfortable or easy. Because it is foreign to our bodies, we mustly thoughtfully include it into every part of our care work and care being.

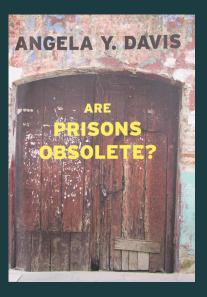
May you all breathe with ease today and find a moment to slow down.

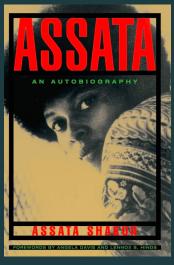
"We uplift that we cannot heal this shared place if we do not rest."

Reading List: On Reproductive Justice & **Collective Liberation Organizing**

by Penelope Ramirez, Community Organizing Fellow











Ending Birth Behind Bars: Minnesota's Healthy Start Act and Where We Go From Here 6/23/2021 by LILY SENDROFF



Minnesota's Healthy Start Act gives incarcerated people the option to receive pre- and post-natal care in community-based prison alternatives. Pictured: A still from the film Tutwiler, which tells the story of pregnant women







Image Source: Getty / Kelvin Murray

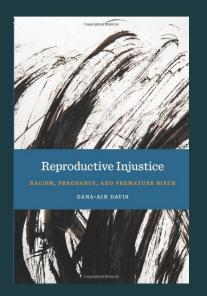




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and founder of Oakland Better Birth Foundation; Sophia Hawkins, Youth Beat reporter; Linda Jones, co-founder of Black Women Birthing Justice; and Jewel Buchanan-Boone, fulltrum doula and Roots of Labor Birth Collective member











WMF in the Kitchen - Staff Dessert Recipes



Peach Cobbler by Elicia



Ingredients:

- 1/2 cup unsalted butter
- 1 cup all-purpose flour
- 2 cups sugar, divided
- 1 tablespoon baking powder
- pinch of salt
- 1 cup milk
- 4 cups fresh peach slices
- 1 tablespoon lemon juice
- Ground cinnamon or nutmeg (optional)

Directions:

- Melt butter in a 13- x 9-inch baking dish.
- Combine flour, 1 cup sugar, baking powder, and salt; add milk, stirring just until dry ingredients are moistened.
 Pour batter over butter (do not stir).
- Bring remaining 1 cup sugar, peach slices, and lemon juice to a boil over high heat, stirring constantly; pour over batter (do not stir). Sprinkle with cinnamon, if desired.
- Bake at 375° for 40 to 45 minutes or until golden brown.
 Serve cobbler warm or cool.

Oatmeal Creme Pies (Vegan) by Marah



Ingredients:

- 1 flax egg (1 tbsp flaxseed meal + 3 tbsp water)
- 1/2 c vegan butter, softened to room temperature
- 1/2 c organic brown sugar, packed
- 3 tbsp granulated sugar
- 1 tsp vanilla extract
- 1 c whole wheat or all purpose flour
- 3/4 tsp ground cinnamon
- 1/4 tsp ground cloves
- 1/2 tsp baking soda
- 1/2 tsp salt
- 11/2 c rolled oats



Directions:

- Make your flax egg
- Mix your dry ingredients together, then add wet ingredients
- Bake at 350 for 14-15 min, longer if you make big cookies, like me.
- Now for the butter creme icing blend together:
- 1/2 c vegan butter (room temperature), 1 1/2 c powdered sugar, 1/2 tbsp vanilla extract, 1/2 tbsp plant milk of choice
- Now assemble! Slap some of that butter creme on a cookie, top with another cookie and enjoy!
- You can store them in the refrigerator for a few days if they don't disappear right away!



WMF in the Kitchen - Staff Dessert Recipes



Moist Vegan Chocolate Cupcakes by Christine



Pistachio Bundt Cake

by Sydney



Ingredients:

- 2 1/4 cups all-purpose flour
- 1½ cups sugar
- 3/4 cup cocoa
- 2 tsp baking soda
- ½ tsp salt
- 1 ½ cups water
- 1/3 cup oil
- ½ cup brewed coffee, cooled
- 1 tsp vanilla extract
- 2 tsp apple cider vinegar

Directions:

- Preheat oven to 350°
- Line 12 standard cupcake cups.
- Sift the flour, sugar, cocoa, baking soda and salt into a medium bowl. Set the bowl aside.
- In a small bowl, whisk together the water, coffee, oil and vanilla.
- Add the wet ingredients to the dry ingredients and whisk until just combined. Do not over mix the batter.
- Gently fold in the apple cider vinegar until streaks begin to appear.
- Fill the 12 cupcake cups 3/4 of the way and bake for 16-18 minutes, or until a toothpick inserted into each cupcake comes out clean.
- Cool the cupcakes completely
- Decorate with topping of your choice. Non-dairy whipped topping works well. Most store bought cupcake frostings are also non-dairy.
- Enjoy!

Ingredients for Cake:

- 2 cups pistachios
- 1 cup, plus 1 tbsp Avocado Oil
- 1/3 cup pus 1 tsp heavy cream
- 3 Tbl, plus 1 tsp light corn syrup
- 11 large (330g) egg whites
- 2 cups, plus 2 tbsp confectioners' sugar
- 1½ cups, plus 3 tbsp All Purpose Flour
- 2 1/4 cups Almond flour
- ¾ cup sugar
- 1-3.4 oz. package of instant pistachio pudding mix
- 1 tbsp baking powder
- 2 1/4 tsp kosher salt

<u>Ingredients for Glaze:</u>

- 3/4 c pistachios
- 1 1/3 cups confectioners' sugar
- 3 tbsp whole milk
- ¼ c + 1 tbsp Avocado Oil
- ½ tsp kosher salt

Directions:

- Heat the oven to 350 degrees. Grease and flour a 12-cup cast iron bundt pan
- Make pistachio paste heat the pistachios in the microwave for 30 seconds. In a blender, puree the warm pistachios and 1/3 cup plus 1 tbsp avocado oil until a coarse paste forms.
- Whisk the pistachio paste, 2/3 cup oil, heavy cream, and corn syrup together in a large bowl.
- Add the egg whites to the wet ingredients and whisk everything together until evenly combined.
- Whisk the confectioners' sugar, all-purpose flour, almond flour, sugar, pudding mix, baking powder, and salt together in a separate large bowl.
- Pour the wet ingredients into the dry ones and stir to combine.
- Pour batter into the Bundt pan and bake until the cake rises and puffs, 60-70 minutes. The cake should bounce back firmly and the center should not be wiggly.

<u>For Glaze</u>

- Make pistachio paste heat the pistachios in the microwave for 30 seconds. In a blender, puree the warm pistachios and 1/4 cup avocado oil until a coarse paste forms.
- Whisk the pistachio paste, confectioners' sugar, milk, 1 tbsp oil, and salt together in a medium bowl just before you are ready to glaze the cake.





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