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For immediate release

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Federal Court Rules Against Village of Suffern in Civil Rights Case

Shabbos House case will go to trial

Bikur Cholim (literally, “to visit the sick”), a small not-for-profit religious organization that provides Orthodox Jews with a temporary home and opportunity for prayer during the Sabbath and approximately ten annual religious holidays while staying near family members admitted to Good Samaritan Hospital, filed suit against the Village of Suffern, New York, in federal district court on December 23, 2005. The Complaint charged violations of the U.S. and New York Constitutions and the federal Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”) against the Village for its attempt to shut down its “Shabbos House.”

On June 25, 2009, the United States District Court for the Southern District of New York denied the Village’s Motion for Summary Judgment and Motion to Dismiss the majority of the claims brought against it. The court ruled that the Shabbos House constituted “religious activity” that was protected by RLUIPA and the Constitution. It also ruled that the Village could not rely on a generalized interest in enforcing its zoning laws to burden Bikur Cholim’s religious exercise. Notably, the court held that

[I]t has the power and authority, if appropriate, to enjoin defendant from enforcing its Zoning Law and requiring it to revise the Zoning Law to comply with RLUIPA and relevant constitutional provisions

“The Village’s characterization of a religious activity as a transient motel was clearly rejected by the Federal Court”, says Bikur Cholim attorney Paul Savad. “We intend to prove at trial that the Village’s actions were and are an attempt to coerce Bikur Cholim to violate religious mandated activities which have existed in the Village since 1985 operating in conjunction with Good Samaritan Hospital.”

“We look forward to bringing this case to trial,” said Bikur Cholim attorney Roman P. Storzer. “Religious organizations perform valuable charitable services in society, and the Shabbos House is no exception. Banning it outright from the Village is unjustifiable.”

RLUIPA was passed by Congress five years ago to prevent discrimination, exclusion and substantial burdens on religious land uses. While the Village prohibits Bikur Cholim’s use outright, its zoning code permits other multi-person uses such as “dormitories,” “convalescent and nursing homes,” “membership clubs,” “day-care centers” and “colleges” in the same zoning district.

Bikur Cholim is represented in this lawsuit by Paul Savad, a Nanuet, New York based litigator and trial lawyer with over forty years experience in the New York metropolitan area, and Storzer & Greene, P.L.L.C., a Washington- and New York-based law firm dedicated to representing the rights of religious institutions and individuals nationwide.