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For immediate release

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Federal court halts Wayne Township's eminent domain attempt
Township's designation of Mosque property as open space found "suspect"

Newark, N.J. – Federal district Court judge Peter G. Sheridan yesterday issued an injunction preventing Wayne Township, N.J. from taking any further steps to acquire property owned by the Albanian Associated Fund (AAF), a Muslim religious congregation. The AAF plans to build a mosque on the 11-acre site in Wayne, which has been recently targeted as "open space" for acquisition by the Township.

The AAF filed suit against the Township on July 17, 2006, arguing that the three and a half year delay in processing its permit application was unreasonable, and seeking an injunction to prevent the Township's efforts to seize its property by eminent domain. Their current facility in Paterson, N.J., the complaint argues, is wholly inadequate, with no facilities for their children's religious education, funerals, fellowship programs or for their female members to properly engage in religious exercise. The lawsuit describes the Township's actions as an effort to appease local residents hostile to AAF's existence in their community. Only after several years and significant resources put into the AAF's building application did the Township decide to take its property. These delays and the taking, the AAF argues, violate the First Amendment and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA").

At yesterday's hearing in federal Court, the Township admitted that out of 100+ properties available to it for potential open space acquisition, it had only moved against AAF's. Judge Sheridan called such actions "suspect" and ordered the Township to halt any further eminent domain proceedings.

"Critically important constitutional rights are at stake here," said Roman P. Storzer, attorney for AAF, "Protecting open space is a laudable goal, but it should not be used as a pretense for appeasing local hostility to a minority group."

A trial in the matter has been scheduled to begin February 13, 2007.

AAF is represented by Mr. Storzer and Robert L. Greene of Storzer and Greene, P.L.L.C., which represents Buddhist, Christian, Hindu, Jewish and Muslim institutions nationally in First Amendment cases; the Becket Fund for Religious Liberty in Washington, D.C.; and A. Michael Rubin on Rubin & Connelly, Esqs. in Wayne Township. Mr. Storzer, who argued for AAF in federal court, brought the first successful suit under RLUIPA in Grand Haven, Michigan, and has represented scores of religious institutions across the nation against burdensome regulation imposed by local authorities. In 2005, he successfully defended Living Faith Ministries in a similar attempted taking by the Camden County Improvement Authority.