

Maryland locality attempts to block Christian school

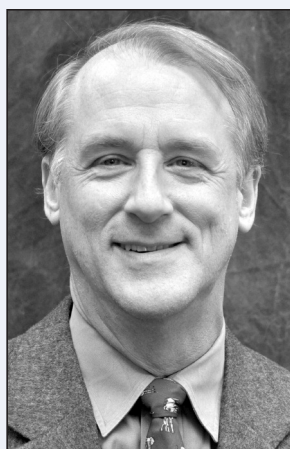
\$3,250,000 Settlement

Plaintiffs purchased land in Anne Arundel County, Md., in 2002 with the purpose of building a permanent home for its previously existing Christian school: Arundel Bay Christian Academy (owned and operated by Riverdale Baptist Church).

They were not allowed to build because the county denied their grading permit on the basis that it violated two specific county regulations regarding land use. The two regulations were adopted after plaintiffs began their grading permit application process and disallowed small private schools from locating on roads abutting "Scenic and Historic Roads" or having their access off of "Non-Arterial Roads."

Plaintiffs argued that the actions taken by the county unreasonably delayed the church's building project and that the land use regulations specifically targeted and substantially burdened the church in violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and unconstitutionally denied free exercise of their religion under the First Amendment.

Defendants responded by presenting evidence as to the reasonableness of the county's actions with



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regard to the church's land use applications and permit, and the land use regulations in question.

The case was heard by a 10-person jury from Nov. 1 through Nov. 18, 2010. The parties agreed to settle the case on Nov. 18 for \$3,250,000. Defendants admitted to substantially burdening the plaintiffs' religious exercise through the particular application of its laws and policies to plaintiff without a compelling governmental interest and without using the least restrictive means of furthering any such interest, and to unconstitutionally targeting the church by passing legislation aimed only at the church. As part of the settlement, defendants also agreed to allow the church to build a school twice the size of the one originally requested on the property. [11-T-012]

Type of action: Civil rights - religious land use — RLUIPA violation

Injuries alleged: Religious discrimination and targeting

Name of case: Riverdale Baptist Church Inc., et al. v. Anne Arundel County, et al.

Court: U.S. District Court of Maryland, Greenbelt Division

Case no.: JFM-06-2796

Tried before: Jury

Judge: J. Frederick Motz

Date: Nov. 18, 2010

Verdict or Settlement: Settlement

Amount: \$3,250,000

Attorneys for plaintiffs: H. Robert Showers and Timothy P. Bosson, Leesburg; Roman P. Storzer, Washington, D.C.

Attorneys for defendants: Andrew Murray, Jonathan Hodgson and Steven P. Resnick, Annapolis, Md.

Plaintiff experts: Dr. Phillip H. Allman III, economist, San Francisco; Perry Berman, scenic and historic roads expert, Elkridge, Md.; Dr. Dave Earley, theology, religious education and church planning, Liberty University; John W. Guckert, traffic engineer and road capacity expert, Baltimore

Defense experts: Dr. Jeffery Dorfman, professor of agricultural economics, University of Georgia; Anne Randall, traffic consultant, Annapolis, Md.