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FEDERAL COURT VOIDS ALL DISCRIMINATORY LAWS ADOPTED BY THE VILLAGE OF POMONA, NEW YORK THAT PREVENT CONGREGATION RABBINICAL COLLEGE FROM APPLYING FOR AND CONSTRUCTING A RABBINICAL COLLEGE

On December 7, 2017, the United States District Court for the Southern District of New York issued a thorough and extensive opinion ruling that the Village of Pomona had engaged in discrimination that targeted members of the Orthodox Hasidic community when it enacted ordinances that barred construction of a rabbinical college in Pomona. The Court ruled that the Village violated the Equal Protection and Free Exercise Clauses of the United States Constitution, several provisions of the New York Constitution, the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), and the Fair Housing Act.

The Rabbinical College of Tartikov sought to build a religious school on its parcel of over 100 acres to train rabbinical judges for Orthodox and Hasidic Jewish communities. The school will provide students with specialized and intense religious training necessary to become full-time rabbinical judges, allowing them to render decisions according to Jewish Law based on centuries of religious laws and traditions. Although schools were permitted by right on the property, shortly after Tartikov acquired the land the Village of Pomona began to adopt ordinances that imposed a ban on multifamily housing, restrictions on construction near wetlands in Pomona, accreditation requirements for colleges and schools to build there, and limitations on student housing and other features of educational institutions. The Court concluded in its decision: "Collectively, the Challenged Laws prevent the construction of Tartikov's rabbinical college in the Village."

The Plaintiffs were represented by a legal team consisting of Paul Savad, lead attorney and Donna Sobel, Esq. of Nanuet, NY litigators Savad Churgin; John G. Stepanovich, a national civil rights trial lawyer based in Virginia Beach, Virginia, Roman Storzer, a First Amendment and RLUIPA attorney based in Washington DC, and Terry Rice, Esq. a New York zoning attorney based in Suffern, NY.

Paul Savad, lead counsel, said: "This is a precedent-setting case because the court voided multiple laws adopted by Pomona designed to make it impossible for Tartikov to even apply for a school for advanced rabbinical studies. Knowing that Tartikov would not be able to build its rabbinical college, Pomona adopted, in addition to multiple other laws, a law permitting only existing New York State Department of Education accredited schools from applying, and adopted a dormitory law that would permit occupancy by only 30 students, without kitchens. The Court held that these discriminatory laws were illegal and unconstitutional. Tartikov will now apply for approvals to construct and operate a Rabbinical College free from these discriminatory laws."

Roman Storzer said: "Tartikov and its students are grateful for the court's decision, which represents a watershed moment in the application of RLUIPA, passed by Congress in 2000 to prevent exactly this type of discrimination. The Court's decision is critically important in the fight to prevent municipalities from attempting to keep out people toward whom some bear irrational and religion-based hostility. In the United States of America, everyone has the right to live, worship and learn free from discrimination."

Donna Sobel, Esq. said "This decision is a clear message: a municipality cannot pass laws to keep people out based on their religion. Pomona officials ran for office based on promises to 'fight' Tartikov, voted for laws based on feedback from Village residents who wanted to keep Tartikov's Orthodox Hasidic Jews out and met ten times behind closed doors in unauthorized executive sessions to discuss 'the ways in which they could limit Tartikov's use of the Subject Property.' The Court found that these actions were designed to 'thwart the spread of the Orthodox/Hasidic Jewish community into the Village'."

John Stepanovich, Esq. noted: "From the inception of Pomona's efforts to stop construction of the Rabbinical College, Village officials knew that it would be important to hide any suggestion of discrimination. But the animus of those officials and many residents in the community was so strong that they could not hide their opposition to the Orthodox Hasidic community that would be served by the Rabbinical College. The Court saw right through Pomona's contention that Tartikov 'worked behind the scenes to incite and atmosphere of hostility to make it appear as though Defendants were targeting Plaintiffs' by holding: 'Defendants construct an interesting theory, but that is all that it is. They have no evidence to back it up. In any event, none of this theorizing changes in any way the overwhelming evidence of discriminatory animus, or the fact that this law served no compelling interests.'"

Stepanovich added: "This was the most egregious display of arrogance that I have seen in my entire career. Village officials believe they actually have the power to decide who has the right to live in Pomona. It took ten years and a decision from the federal court to finally expose their intentional discrimination, but the truth was revealed at trial and it was worth every minute."

Besides moving forward with plans to construct the Rabbinical College, the plaintiffs will apply to the Court for an order and judgment against The Village of Pomona for reimbursement of their legal fees, which are in excess of \$4 million dollars.

On a related note, in a 2016 decision, the Court found that Mayor Brett Yagel and former trustee Rita Louie were guilty of intentionally destroying evidence, in what Judge Karas ruled was "the rare case where bad faith, and a clear intent to deprive Plaintiffs of evidence at issue is sufficiently clear from the face of the record."