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# Group's rabbinical college lawsuit can proceed, but Pomona claims 'win'

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Written by Akiko Matsuda

**POMONA** — A U.S. district judge has ruled that a lawsuit brought by a religious organization against the village can proceed before the federal court.

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Congregation Rabbinical College of Tartikov sued the village in July 2007, arguing that Pomona's land-use regulations and conduct prohibited it from building and operating a college and housing for students on a 130-acre site off routes 202 and 306.

The village then filed a motion to dismiss the case with Judge Kenneth Karas in White Plains, who has been handling the lawsuit.

Karas recently issued his opinion and order, partially denying the village's motion.

Paul Savad, one of the attorneys representing the congregation, said that although it has been a long time waiting for this decision, the wait was worth it because Karas granted the congregation a chance to prove to a jury the village's action was improper.

"Based on what the judge decides on the dismissal motion, you kind of know how the case is going. Especially, I know how it's going to go," Savad said. "I know we're going to win."

Karas ruled that the congregation successfully argued that a series of land-use ordinances established by Pomona imposed a substantial burden on its exercise of religion.

"Where the alleged motivation behind the enactment of a law is discriminatory animus based on race or religion, courts may look beyond the law's facially neutral text and conceivably rational basis to determine whether the law is on its face invalid," Karas wrote in his paper.

... with the village's position that characterized aims as "not ripe" because the religious group on for the plan with Pomona and has suffered

... THIS RULING IS NOT tantamount to saying that plaintiffs will be able to build a rabbinical college, let alone one that is of a size or structure

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to their liking," Karas stated. "Rather, this ruling only means that the case can proceed to the next phase."

Pomona Mayor Brett Yagel, however, said the ruling was a "clear win for the village."

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