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Religious bias suit begins in U.S. District Court

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David Moxley's \$16.5 million lawsuit against the town of Walkersville, claiming religious and racial bias prevented the sale of his farm land to a Muslim group, began in U.S. District Court in Baltimore on Friday.

A key early motion presented by the defense to Judge Richard D. Bennett seeks to remove the Walkersville burgess, town commissions and members of the board of appeals from the suit as individuals -- apart from their official roles.

Bennett is expected to rule on that motion and several others Friday. The trial date has been set for Nov. 9, according to Moxley's attorney, Roman Storzter.

Storzter remained encouraged after the first day both parties were in court. Asked if he thought Bennett would rule in favor of allowing the burgess, commissioners, and appeals board members to remain defendants as individuals, Storzter commented, "We're very hopeful."

Attorney Daniel Karp, representing the Walkersville plaintiffs, said the defense filed motions that challenged the U.S. District Court's jurisdiction in a local board of appeals' decision, and the claim of punitive damages against a municipality.

Punitive damages may be awarded against individuals.

Before the hearing, Karp said it is impossible to foresee the impact of any early, single motion ruling on the outcome of the case. However, he said the ruling to keep or remove the individuals from the suit would be important.

Contesting a vote by any legislator is difficult in court, Karp said, explaining that the courts prefer using the ballot box to remedy such instances. The capacity to sue in such discrimination cases against municipalities tends to lie with the individuals' alleged discriminatory actions as opposed to a specific vote in favor or against a certain law or ordinance.

Storzter and Karp said a ruling keeping individual defendants in the suit might bring forth evidence during discovery that otherwise would not be available.

The suit names as defendants the town of Walkersville, Burgess Ralph Whitmore, commissioners Russell Winch, Donald W. Schildt, Chad Weddle and Roger Eyley Jr., the Walkersville Board of Appeals, and appeals board members Dan Thomas, Vaughn Zimmerman and Harold Roderick.

The suit also names the Citizens for Walkersville, Steve Berryman and Ed Marino. Storzter noted that Citizens for Walkersville, Berryman and Marino "are sued for \$1."

"We didn't want to go after regular citizens," Storzter said. However, he said, Moxley and his family are ashamed by the anti-Muslim outpouring in town, which they allege sank the sale of their land to members of the Ahmadiyya Muslim Community.

That community was not part of this suit; members' religious beliefs do not allow them to engage in a lawsuit.

Walkersville has a population of about 5,500. Its annual general fund and water fund budgets together total \$5.54 million, according to town manager Gloria Rollins. Karp, of Karpinski, Colaresi and Karp of Baltimore, was chosen to represent Walkersville by the town's insurer, the Maryland Municipal League's Local Government Insurance Trust.

The Ahmadiyya Muslim Community entered into a contract with Moxley to purchase his 224-acre agriculturally zoned property. The suit alleges the appeals board denied their special exemption request to build a mosque and recreation center, although it had previously approved similarly zoned property for similar purposes.

Walkersville officials contended that the Ahmadiyya's annual three-day Jalsa Salana celebration, described as attracting thousands of people, would strain local resources and tie up traffic.

The suit points to the town's initial staff report on the special exemption request, allegations of



Staff file photo

David Moxley, left, and his lawyer, Roman Storzter, talk with reporters and editors at The Frederick News-Post on July 15, 2008.

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anti-Muslim public comments made by officials and individuals, as well as alleged strategy meetings between officials and the Citizens for Walkersville to block the proposed land sale, as examples of bias and discrimination.

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