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**September 10, 2010
FOR IMMEDIATE RELEASE**

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Church Challenges Forced Landmarking of Its Place of Worship in Federal Court
Move prevents Church from relocating to new site

Indianapolis, IN --- The St. John United Church of Christ, located in the Town of Cumberland, today filed a lawsuit in federal court challenging the landmarking of its church building, which was constructed in 1914, by the Metropolitan Development Commission of Marion County.

The Complaint states that the “Church building cannot accommodate the Church’s current congregation, prevents it from growing or even maintaining its membership, and is in seriously poor repair. There are several physical problems with the structure, including an elevator that does not meet building codes, a kitchen that does not meet health code standards, window repair, parking lot repair, lack of accessible bathrooms, an accessible entrance that needs to be covered, boiler and chiller replacement, brickwork that needs resealing, and regular leaks in a roof that needs replacement.”

The estimated cost to repair and maintain the Church’s facility is estimated to be ten times its annual revenues. As asserted in the Complaint, “the Church cannot sustain these costs, and will not be able to afford to continue to exist if it must maintain the Church building, as practically all of its available funds will be used to maintain its structure.” A federal law passed in 2000, the Religious Land Use and Institutionalized Persons Act, specifically prohibits local governments from burdening religious exercise through the use of landmarking laws.

When the Church entered into negotiations to sell its property in order to develop a new place of worship on a separate property it owns, the Indianapolis Historic Preservation Commission recommended landmarking the Church property. The MDC adopted the recommendation, passing the “St. John United Church of Christ Historic Area Preservation Plan” earlier this year.

“This action effectively requires the Church to maintain an ineffective and inefficient structure—one that it can no longer afford—in perpetuity,” stated Church attorney Roman P. Storzer. “This, the Constitution and federal law do not allow.” The Church is also represented by Tom Landwerlen of Landwerlen & Rothkopf of Indianapolis.

The attorneys of Storzer and Greene, P.L.L.C. have represented scores of religious organizations in land use conflicts from Hawaii to Florida, including the Third Church of Christ, Scientist in Washington, D.C., which was landmarked by the District of Columbia’s Historic Preservation Review Board. Mr. Storzer has been described by the Religion Newswriters Association as “one of the country’s most experienced litigators” in religious land use law, and has successfully represented Christian, Jewish, Muslim, Hindu, Buddhist, Native American, Sikh and other faith groups in RLUIPA and First Amendment cases throughout the nation.

Copies of the complaint will be available at www.storzerandgreene.com.