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Judge moves Moxley v. Walkersville case ahead

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U.S. District Judge Richard D. Bennett ruled Friday that the key components of David Moxley's \$16.5 million lawsuit against the town of [Walkersville](#) will move forward to discovery.

Moxley's suit alleges religious and racial bias prevented the sale of his farmland to a Muslim group.

Motions presented by defense teams sought to remove several parties from the suit, including the [Walkersville](#) burgess, town commissioners and members of the board of zoning appeals; Citizens for [Walkersville](#), a private group; and two of its members, Steve Berryman and Ed Marino.

Punitive damages claims against the town and the individual government defendants in their official capacities were dismissed in the ruling, but not against defendants in their individual capacity.

"This is a very encouraging decision. There are minor technical legal issues we conceded, but what is basically happening is that the case is moving forward," said Roman Storz, the attorney representing Moxley.

"This decision makes it clear that individuals and governments can't act with impunity in keeping out minority religious groups."

Bennett wrote that in five of the counts, "Plaintiffs are permitted to pursue official capacity claims against the government defendants under RLUIPA," which stands for the Religious Land Use and Institutionalized Persons Act of 2000.

The suit alleges town officials and private citizens conspired and violated the Ahmadiyya Muslim Community's First Amendment rights regarding free exercise of religion and the prohibition of the establishment of religion clause, as well as the 14th Amendment's equal protection clause.

[Walkersville](#) Burgess Ralph Whitmore said he wasn't surprised the case was proceeding.

"I figured that," Whitmore said. "I want my day in court. I've been hearing and reading about all their distortions and false claims, all that stuff, for months."

Whitmore estimated the town's insurance liability coverage is between \$3 million and \$4 million.

In early 2007, Moxley agreed to sell his 224-acre farm in [Walkersville](#) for \$6.5 million to Ahmadiyya Muslim Community, based in Silver Spring, contingent on approval for a special exemption granted from the [Walkersville](#) Board of Appeals to build a mosque and retreat center.

The suit alleges the appeals board denied the Muslim group's 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 Muslim group'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 anti-Muslim public comments made by officials and individuals, and alleged strategy meetings between officials and the group Citizens for [Walkersville](#) to block the proposed land sale as examples of bias and discrimination.

The plaintiff's suit states that the Moxley Farm would have remained largely bucolic, as only 6.7 percent of the property would be used for 362 days a year. An additional 26.7 percent would be used during the annual three-day religious event for temporary tents and parking. About 20 local Ahmadiyya families would have used the mosque on a regular basis.

The [Walkersville](#) Board of Appeals voted unanimously a year ago to deny the Muslim group's request to use the proposed land for religious purposes.

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



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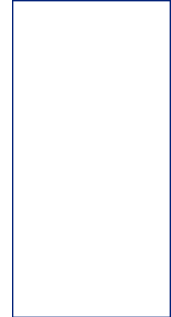
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