

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHURCH OF SCIENTOLOGY OF GEORGIA,)	
INC., a Georgia Corporation,)	
)
Plaintiff,)	
)
v.)	CIVIL ACTION
)
	FILE NO. 1:10-CV0082 CAP
CITY OF SANDY SPRINGS, GEORGIA,)	
et al.)	
)
Defendants.)	

CHURCH OF SCIENTOLOGY OF GEORGIA, INC.'S THEORY OF RECOVERY

Plaintiff Church of Scientology of Georgia, Inc.

("Plaintiff") hereby submits its Theory of Recovery in support of its motion for partial summary judgment as follows:

A. The Zoning Decision Is a Land Use Regulation, Which Discriminates Against the Church of Scientology.

The failure and refusal to apply the Sandy Springs Zoning Ordinance to the Church's zoning request violates the Church of Scientology's rights of free exercise under section (b)(2) of RLUIPA. The City has discriminated against the Church, not only by refusing to apply its own parking ordinance to the Church, but also by applying a different parking standard than it has applied to every other church or place of worship in its jurisdictional boundaries. The City approved parking variances to reduce the

parking required for other places of worship in the City, while imposing a parking requirement on the Church of Scientology that amounts to almost three (3) times the parking required by the City's Zoning Ordinance.

B. The Zoning Decision Violates the Limitations and Exclusions Provision of RLUIPA.

A church is a permitted use in the City in the O-I zoning district. The City has limited the ability of the Church to practice its religion in accordance with the doctrine of Scientology by refusing to allow the Church to use its building as requested.

C. The Zoning Decision Violates the Church of Scientology's Right to Free Exercise Under the First Amendment.

The Church is entitled to summary judgement that the City's discriminatory treatment of the Church violates the First Amendment Free Exercise Clause and was neither justified by a compelling governmental interest, nor narrowly tailored in pursuit of those interests.

D. The Church of Scientology Is Entitled to Summary Judgment that the Zoning Decision Violates Subsection (a) of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc.

The rezoning decision by the City causes a substantial burden on the religious exercise of the Church of Scientology for which the City cannot show that it acted in furtherance of a compelling governmental interest and that its action is the least restrictive means of furthering that interest.

E. The Church of Scientology Is Entitled to Compensatory Damages Under 42 U.S.C. § 1983.

The Church is entitled to compensatory damages for the City's violations of the First Amendment of the United States Constitution.

Respectfully submitted,
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