

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**MUSLIM COMMUNITY ASSOCIATION OF
ANN ARBOR AND VICINITY**, a/k/a **MCA**, a
domestic nonprofit corporation, d/b/a
Michigan Islamic Academy, a/k/a **MIA**,

Case No. 12-CV -10803
Hon. Patrick J. Duggan
Magistrate: David R. Grand

Plaintiff,

v.

PITTSFIELD CHARTER TOWNSHIP, a Michigan
municipal corporation, the **TOWNSHIP BOARD**
of **PITTSFIELD CHARTER TOWNSHIP**,
MANDY GREWAL, Supervisor of **PITTSFIELD**
CHARTER TOWNSHIP, and **ALAN ISRAEL**,
PATRICIA TUPACZ SCRIBNER, **ANDREA BROWN-**
HARRISON, **STEPHANIE HUNT**, **GERALD KRONE**,
and **MICHAEL YI**, individually and in their official
capacities as Members of the **BOARD OF**
TRUSTEES of **PITTSFIELD CHARTER TOWNSHIP**,

Defendants.

SECOND AMENDED COMPLAINT AND
REQUEST FOR INJUNCTIVE OR DECLARATORY RELIEF AND JURY DEMAND

Plaintiff, MUSLIM COMMUNITY ASSOCIATION OF ANN ARBOR AND VICINITY, D/B/A MICHIGAN ISLAMIC ACADEMY ("MIA"), a domestic nonprofit corporation, by and through its attorneys, files this Verified Complaint And Request for Injunctive or Declaratory Relief against Defendants Pittsfield Charter Township, Michigan; the Township Board of Pittsfield Charter Township, Michigan; Mandy Grewal, Supervisor of Pittsfield Charter Township, and Alan Israel, Patricia Tupacz Scribner, Andrea Brown-Harrison, Stephanie Hunt, Gerald Krone, and Michael Yi, individually and in their official capacities as Members of the Board of Trustees of Pittsfield Charter Township, Michigan (collectively "Defendants"), and states as follows:

Parties

1. Plaintiff Muslim Community Association of Ann Arbor and Vicinity (“MCA”) is a Michigan domestic nonprofit corporation (Business ID # 867055). Its principal place of business is at 2301 Plymouth Rd., Ann Arbor, MI 48105. MCA’s mission is to unite the Muslims of Ann Arbor and vicinity according to the teachings of the Holy Qur’an to present Islam to Muslims and non-Muslims and to promote friendly relations and understanding between them, to carry out religious, social, cultural or educational activities, and to develop service institutions to serve Islam and Muslims in this area. For the purposes of RLUIPA, MCA constitutes a religious assembly or institution.
2. Plaintiff MCA does business as Michigan Islamic Academy (“MIA”), an Islamic full-time school, preschool through twelfth grade, approved by the Michigan Department of Education to meet all the requirements of non-public schools. MIA provides a comprehensive curriculum that offers students a broad range of both academic and religious subjects, including Arabic Language, Islamic Studies, Mathematics, Computers, Science, Social Studies, Health, and Physical Education. MIA is currently operating at 2301 Plymouth Rd., Ann Arbor, MI 48105.
3. Defendant Pittsfield Charter Township (“Pittsfield Township”) is a Michigan municipal corporation created and existing by virtue of the laws of the State of Michigan and is empowered to act through its governing body, its officials, employees and official bodies. Pittsfield Township’s principal place of business is 6201 Michigan Avenue, Ann Arbor, MI 48108. Pittsfield Township is a government within the meaning of 42 U.S.C. § 2000cc-5(4) (A), and is subject to the jurisdiction of this Court.
4. Defendant Township Board of Pittsfield Charter Township, Michigan (“Township Board”) is the body which adopted The Zoning Ordinance of Pittsfield Township (the “Zoning Ordinance”). The Township Board is subject to the jurisdiction of this Court.

5. Defendant Mandy Grewal is the Supervisor of Pittsfield Township, Michigan and is subject to the jurisdiction of this Court.
6. Defendants Alan Israel, Patricia Tupacz Scribner, Andrea Brown-Harrison, Stephanie Hunt, Gerald Krone, and Michael Yi, are Members of the Township Board of Trustees of Pittsfield Charter Township, Michigan, and are subject to the jurisdiction of this Court.

Jurisdiction and Venue

7. This Court has original federal question jurisdiction over Plaintiff's claims of violations of the United States Constitution and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc *et seq.*, pursuant to 28 U.S.C. § 1331.
8. This Court has federal question jurisdiction, pursuant to 28 U.S.C. § 1343 over Plaintiffs' claims regarding the deprivation under color of State law of rights secured by the First and Fourteenth Amendments to the Constitution of the United States and the laws of the United States.
9. This Court has supplemental jurisdiction over Plaintiff's State law claims, pursuant to 28 U.S.C. § 1367.
10. This Court has personal jurisdiction over Defendants because Defendants reside and conduct business in the State of Michigan.
11. This Court has jurisdiction over Plaintiff's Constitutional claims pursuant to 42 U.S.C. § 1983.
12. Plaintiff's claims for declaratory relief are sought under 28 U.S.C. § § 2201 and 2202.
13. Plaintiff seeks permanent injunctive relief, pursuant to Rule 65 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1343.
14. Plaintiff's claims for attorneys' fees and costs are predicated upon 42 U.S.C. §§1988 and 2000cc-2(d), which authorize the award of attorneys' fees and costs to prevailing parties, pursuant to 42 U.S.C. § 1983 and RLUIPA.

15. Plaintiff's claims for declaratory and injunctive relief are authorized by 28 U.S.C. § § 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general, legal, and equitable powers of this Court.
16. Venue is proper under 42 U.S.C. § 1391 as to all Defendants because the proposed site is located within this District, and the acts described herein occurred within this District.

Nature of this Action

17. This is an action for declaratory and injunctive relief arising under the First and Fourteenth Amendments to the Constitution of the United States, the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 1983, and applicable laws of the State of Michigan. Plaintiff seeks costs and attorneys' fees under 42 U.S.C. § 1988.
18. Pittsfield Township has not identified any compelling government interest for denying MIA's application.
19. Pittsfield Township has failed to enforce its Zoning Ordinance and Master Plan in the least restrictive means possible.
20. Pittsfield Township has unlawfully imposed and implemented a land use regulation that imposes a substantial burden upon the rights of MIA and its students to the free exercise of religion by means that Township officials, themselves recognize are not the least restrictive means available to the Township to protect its asserted governmental interest.
21. The Township has imposed land use regulations that unreasonably limit religious assemblies, institutions and structures within the City, and has discriminated against MIA on the basis of religious denomination.

Background

**Muslim Community Association of Ann Arbor and Vicinity
d/b/a Michigan Islamic Academy**

22. MCA is a Michigan domestic nonprofit corporation. MCA is currently operating and doing business as an Islamic community center, a mosque that holds public worship services, and Michigan Islamic Academy, an Islamic school.
23. MIA is a full-time Islamic school approved by the Michigan State Department of Education to meet all the requirements of non-public schools.
24. Michigan Islamic Academy is committed to providing a dual curriculum of excellence in secular and Islamic Studies, to prepare students for leadership in the Muslim community, the greater Ann Arbor area and beyond.
25. MIA provides a comprehensive curriculum that offers students a broad range of both academic and religious subjects, including Arabic Language, Islamic Studies, Mathematics, Computers, Science, Social Studies, Health, and Physical Education.
26. The current MIA property is less than 10,000 square feet in size and the facility is inadequate to meet the school's current needs.
27. MIA's current location can no longer accommodate the growing local Muslim student population of Washtenaw County. Its facilities are inadequate; its infrastructure is deteriorating; and, its classrooms are congested. Trailers behind the school are being utilized to help ease the problem of classroom space; however in utilizing these facilities, internet access and other utilities are sacrificed. There is no space for a school kitchen or cafeteria, gymnasium, a locker room, auditorium, a library, a student lounge, a computer lab, a science lab, or outdoor sports facility.
28. In order to continue providing Islamic education to its students, and in order to expand its facilities and provide clean, quiet, safe, comfortable, and healthy teaching and learning

environments with adequate space and facilities, representatives of MIA considered purchasing the property that is the subject of this action.

The Proposed Location

29. The subject property is undeveloped and is approximately 26.7 acres in size.
30. The subject property extends from Ellsworth Road the entire depth to the rear of the property at I-94.
31. The subject property is zoned Planned Unit Development (“PUD”).
32. PUDs are designed to allow developers the ability to develop a large parcel with more design flexibility than is otherwise allowed by the underlying zoning district.
33. According to Article 45.0 of the Zoning Ordinance, the purposes of the PUD are to (A) provide flexibility in regulation of land development, (B) provide for a compatible mixing of land uses, (C) encourage innovation in land use planning and development, especially in housing, (D) encourage variety in the design and type of housing, and to improve the quality of residential environments, (E) create more stable communities by providing a variety and balance of housing types and living environments, (F) provide commercial, education, and recreational facilities and employment opportunities conveniently located in relation to housing, (G) encourage provision of useful open space and protect and conserve natural features, (H) promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities, (I) establish planning, review, and approval procedures which will properly relate the type, design, and layout of development to a particular site and its neighborhood, and (J) insure that the increased flexibility of regulations over land development is subject to proper standards and review procedures.

34. An existing and adjacent Silverleaf PUD is a total of 93.47 acres and was approved in the early 1990s.
35. The existing Silverleaf PUD is exclusively residential.
36. According to the Zoning Ordinance, schools are a permitted use in residential areas.
37. The existing Silverleaf PUD does not provide commercial, education, and recreational facilities and employment opportunities conveniently located in relation to housing, a layout that is inconsistent with the Zoning Ordinance and the Master Plan.
38. The proposed use would reduce the exclusively residential area by introducing a mixed land use which conforms more closely to the goals and objectives of the PUD and the Master Plan.
39. The proposed use meets all the requirements in the Zoning Ordinance and Master Plan, and MIA is a qualified applicant.

Overview

40. Prior to purchasing the property, representatives of MIA met with Ms. Mandy Grewal, Pittsfield Township Supervisor.
41. During the meeting with Defendant Township Supervisor Grewal, the MIA representatives informed Defendant Grewal of their intention to purchase the property that is the subject of this action for the purposes of establishing an Islamic school and Islamic community center.
42. During the meeting with Defendant Grewal, MIA representatives asked Defendant Grewal whether they should expect any problems rezoning the subject property to allow for the construction of an Islamic school and Islamic community center.
43. During the meeting with Defendant Grewal, Defendant Grewal gave assurances that so long as MIA follows the proper procedures to rezone the subject property, MIA should not have any problems gaining approval to rezone the subject property.

44. During the meeting with Defendant Grewal, Defendant Grewal represented to MIA that the intended use of the property, described at the time as a religious school and religious community center, does conform to the intent of both the Master Plan and the existing Silverleaf Planned Unit Development (PUD).
45. Prior to purchasing the property, MIA representatives contacted and obtained similar representations from a number of Pittsfield Township representatives, including the Senior Planner of Pittsfield Township, attorney for Pittsfield Township, and representatives from the Pittsfield Township Engineering Department.
46. In reliance on the above representations made by Pittsfield Township representatives, MIA raised funds to purchase the subject property.
47. MIA purchased the subject property at a foreclosure auction on September 13, 2010, in the amount of \$260,000.
48. On December 8, 2010, MIA submitted a petition, RZ 10-04, to amend the existing Silverleaf PUD by rezoning 18.41 acres of the undeveloped portion for construction of an Islamic school and Islamic community center.
49. The proposed Islamic school is a small-scale school intended for pre-school through twelfth grade and anticipates enrollment of a maximum of 360 students.
50. The remaining 8.32 acres of the purchased property is not part of the PUD amendment, and contains wetlands being used for stormwater detention for the residential portion, and open space. The resolution approving the original Silverleaf PUD was partly based on this set aside of open space for the residential development.
51. An independent outside planner was hired by the Planning Commission to provide an independent evaluation in lieu of an evaluation prepared by the Pittsfield Township Senior Planner.

52. Upon information and belief, the Planning Commission has never hired an independent outside planner to provide an independent evaluation of a petitioner's request, whether religious or secular, whether a PUD applicant or otherwise, in lieu of an evaluation prepared by a Pittsfield Township planner.
53. During the site plan review process, the independent outside planner requested MIA make a number of significant amendments to its original site plan to alleviate concerns by the Pittsfield Planning Commission ("Planning Commission").
54. Pursuant to requests made by the independent outside planner, MIA made a number of significant amendments to its original site plan, including, but not limited to:
 - a. The school was relocated to the front portion of the site creating increased separation distance from neighboring residences; and,
 - b. Internal site circulation was modified.
55. Despite MIA's amendments to the original site plan, the Planning Commission expressed concerns regarding visual screening, noise, light, and traffic.
56. In an attempt to address the Planning Commission's concerns, MIA proposed to build homes to provide visual screening from the neighborhoods; however, that proposal was rejected by the Planning Commission.
57. In further attempt to address the Planning Commission's concerns, the site plan indicates the construction of berms and the installation of trees designed to alleviate both noise and light that is inherent to schools as shown on detail on the submitted plans.
58. Visual screening would be ineffective if residential structures unlimited as to height were built on the property, a use that is a permitted use on the property and does not require approval from the Planning Commission.

59. In the event residential structures unlimited as to height are to be built on the subject property, the residential structures could be built as close as 50-60 feet from the closest home.
60. The proposed school location is 197 feet away from the closest home.
61. In an attempt to address the Planning Commission's concerns regarding traffic, the independent outside planner required MIA to conduct a more thorough and expansive traffic study, encompassing four intersections, than other petitioners similarly situated in all material respects.
62. The independent outside planner required MIA to conduct a traffic impact study that analyzed and detailed four intersections and two miles of road on Ellsworth Road.
63. The independent outside planner further required MIA to conduct a separate traffic impact study that analyzed and detailed the traffic impact at the current school location at 2301 Plymouth Rd., Ann Arbor, MI 48105.
64. Upon information and belief, the Planning Commission has never required a single petitioner that is a religious assembly or institution to conduct a traffic study, let alone a thorough, expansive, and costly one at both the proposed and previous locations.
65. Both traffic impact studies were accepted by both Pittsfield Township's independent outside planner and the Washtenaw County Road Commission.
66. The traffic impact study at the proposed location found that "the site layout has been optimized for internal traffic circulation and designed to prevent queuing from the site spilling on to Ellsworth Road."
67. The traffic impact study at the proposed location also found that all four intersections "will continue to operate in a similar fashion to existing conditions."
68. The Washtenaw County Road Commission stated that Ellsworth Road, the only access to the proposed site, is an arterial road specifically designed for the proposed use.

69. The Washtenaw County Road Commission stated that the four intersections would operate in a similar fashion whether the proposed use or residential homes were built on the subject property.
70. The proposed use would cause no traffic on local streets, pursuant to restrictions set forth by the Homeowner's Association of the Silverleaf Subdivision, that prohibit the use of private roads for both vehicular and pedestrian traffic.
71. In an attempt to further alleviate the concerns of the Planning Commission, MIA actively sought to prevent any impact on traffic flow by staggering school start and dismissal periods with the charter school located in the NE quadrant, City of Ypsilanti.
72. Traffic impact would be substantially greater in the event that the proposed plan is rejected and high-density residential structures are constructed, a use that is a permitted use on the property and does not require approval from the Planning Commission.
73. MIA was required to address issues and meet numerous requirements that other petitioners similarly situated in all material respects, whether religious institutions or assemblies or secular, are not required to address or resolve at the early stage of the site plan review process.
74. As a result of meeting those additional requirements, MIA expended substantial sums not required of other petitioners similarly situated in all material respects, whether religious institutions or assemblies or secular.
75. The independent outside planner recommended approval of the proposed site plan based on a finding that the proposed site plan does meet all requirements under the Zoning Ordinance and Master Plan.
76. Over the course of several public hearings held before the Planning Commission, many residents commented that neighboring property values would decrease if the proposed use is approved.

77. On June 16, 2011, during a public hearing before the Planning Commission, a resident stated that he “would just wish that everyone in this room could have pledged allegiance to the flag of the United States of America.” In response, the residents erupted into applause.
78. Other residents commented during public hearings that MIA’s project entailed public calls to prayer five times a day and the construction of minarets.
79. On June 16, 2011, during a public hearing before the Planning Commission, Commissioner Williams stated that she agreed that “[the proposed school] would have a big impact on the neighborhood.” She added that “it would have an effect on property values.”
80. On June 16, 2011, during a public hearing before the Planning Commission, Commissioner Longcore stated that “they [the Planning Commission] are trying to say we are going to be able to mitigate everything... they [the Planning Commission] can go through the findings, the Consultant is paid their money to do consulting and they feel like they can mitigate everything, but they [the Planning Commission] need to put their *subjective* hats on...” (emphasis added) as opposed to evaluating the findings objectively.
81. During the Planning Commission hearing on August 4, 2011, Chairperson Payne said “traffic studies are required and done for a reason and if we as a board don’t believe in traffic studies, then we shouldn’t require them and burden businesses to conduct them.”
82. During the Planning Commission hearing on August 4, 2011, Commissioner Williams disregarded the objective findings of the traffic impact studies, stating “[traffic studies] don’t take into consideration the human element, they are idealized situations.”
83. During the Planning Commission hearing on August 4, 2011, the Planning Commission, in its Findings of Required Standards, made the following findings in accordance with Section 52.07C and Section 59.05 of the Zoning Ordinance:

- a. The proposal does meet the general site development standards for a PUD district in the Zoning Ordinance.
 - b. The proposed development would be adequately served by public facilities and services such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide in a manner acceptable to the Township Board, any such facilities and services.
 - c. The proposed development meets the requirements of open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified open space and recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
 - d. Access has received preliminary approval by the Washtenaw County Road Commission. Suitable street connections have been proposed.
 - e. The Township or other government agencies would be able to provide any services, facilities, and/or programs that might be required.
84. The Planning Commission recommended denial of MIA's petition finding that the use of the subject property is "incompatible with the residential neighborhood due to the existing character, potential traffic impacts, issues of noise and visual screening."
85. Despite clear objective evidence to the contrary, the Planning Commission, in its Findings of Required Standards, made the finding that "[t]he potential traffic impacts to the area would be disruptive to the existing neighborhood residential areas as it is already congested during peak hours due to the existence of another private school in the same area."

86. The Planning Commission, in its Findings of Required Standards, made the finding that “[t]he effect of approval of the petition on the condition value of the property and adjacent homes is unknown.”
87. The Planning Commission’s recommendation to deny MIA’s petition was not based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.
88. Upon information and belief, the Planning Commission has never made a subjective finding that is directly contradictory to the objective findings of a traffic impact study favorable to a petitioner, thereby treating MIA different than other petitioners similarly situated in all material respects, whether a religious institution or assembly or secular.
89. The Planning Commission’s recommendation to deny MIA’s petition does not further a compelling government interest, or even if it does, it is not the least restrictive means of furthering that compelling government interest.
90. The Planning Commission is authorized to recommend approval based upon conditions.
91. On or about February 7, 2008, the Planning Commission recommended approval of a petition filed by PUD applicant 26 Michigan Avenue-Moon Road contingent upon a road improvement agreement for a nearby Walmart Development being implemented.
92. Upon information and belief, the Planning Commission has never recommended denial of a petition filed by a single petitioner that is a religious assembly or institution, whether or not traffic concerns were raised by Planning Commissioners, the Township Planner, or residents.
93. Upon information and belief, from 2003 to the present, the Planning Commission recommended approval of zoning petitions filed by six Christian institutions and assemblies (Ypsilanti Free

Methodist Church, Memorial Christian Church, Frontline Church, New Life Baptist Church, New Progressive Missionary Baptist Church, and Labor of Love Church Expansion).

94. Upon information and belief, not a single zoning petition filed by a Christian religious institution or church was recommended denial by the Planning Commission.
95. Upon information and belief, the Planning Commission has never hired an independent outside planner to provide an independent evaluation of any request filed by any of the above Christian institutions or assemblies in lieu of an evaluation prepared by a Pittsfield Township planner.
96. Upon information and belief, not a single one of the above six Christian institutions or assemblies was required to conduct a traffic impact study.
97. On or about August 5, 2004, the Planning Commission recommended approval of Ypsilanti Free Methodist Church's petition for a conditional use permit for use as a church, despite traffic concerns expressed by several Commissioners and the Pittsfield Township planner during previous meetings. In a previous meeting, Pittsfield Township Planner Spencer stated that "the amount of traffic the church would generate could be a potential hazard, although she did note the majority of the traffic would be on weekends and recommended that a traffic impact study be done." On or about March 20, 2003, the Planning Commission directed the Ypsilanti Free Methodist Church to conduct a traffic impact study. However in its recommendation of approval and in its Findings of Required Standards, the Planning Commission did not discuss traffic impact nor did it request or review a traffic impact study.
98. Upon information and belief, from 2003 to the present, the Planning Commission did not require a single one of a total of fifteen petitioners requesting to rezone to a PUD or requesting a major change to a PUD (together "PUD applicants") to conduct a traffic impact study.
99. Upon information and belief, the Planning Commission has never hired an independent outside planner to provide an independent evaluation of any request filed by any of the above PUD

applicants in lieu of an evaluation prepared by the Pittsfield Township planner, or any other zoning petitioner for that matter.

100. On or about April 21, 2011, the Planning Commission recommended approval of a petition filed by Costco Wholesale to rezone to a PUD despite concerns expressed by the Washtenaw County Road Commission that “there is an existing problem there now and with the traffic generated by Costco, it will be worse.”

101. In its Findings of Required Standards concerning Costco Wholesale’s petition, the Planning Commission stated that “[t]he Washtenaw County Road Commission has approved the access points to the site. Additionally, the Road Commission, the city of Ann Arbor, and the Michigan Department of Transportation have agreed in principal to the proposed traffic improvements to the surrounding area. Proposed pedestrian facilities around the perimeter of the site will enhance the overall accessibility of the area. Pedestrian access has been improved through better internal pedestrian amenities.”

102. Upon information and belief, the Planning Commission did not require Costco Wholesale to conduct a traffic impact study, nor did the Planning Commission hire an independent outside planner to provide an independent evaluation of its request in lieu of an evaluation prepared by the Pittsfield Township planner.

103. On or about August 21, 2008, the Planning Commission recommended approval of a petition filed by Swift Run – City of Ann Arbor to rezone to a PUD despite traffic concerns expressed by residents of Pittsfield Township, and despite the Washtenaw County Road Commission not having reviewed the potential traffic impact.

104. The Planning Commission recommended approval of Swift Run—City of Ann Arbor’s petition contingent upon certain conditions concerning parking, vehicular patterns, ingress/egress, and traffic flow being met.

105. On or about June 16, 2004, the Planning Commission recommended approval of a petition filed by Swift Run Service Center to rezone to a PUD despite traffic concerns expressed by residents of Pittsfield Township.
106. The Planning Commission recommended approval of Swift Run Service Center's petition contingent upon certain conditions concerning parking, vehicular patterns, ingress/egress, and traffic flow being met.
107. Upon information and belief, the Planning Commission did not hire an independent outside planner to provide an independent evaluation in lieu of the evaluation prepared by the Pittsfield Township planner for either Swift Run – City of Ann Arbor or Swift Run Service Center; nor did the Planning Commission require either Swift Run – City of Ann Arbor or Swift Run Service Center to conduct a traffic impact study.
108. Upon information and belief, the Planning Commission recommended approval of petitions filed by PUD applicants without discussing potential impact on traffic, let alone require the PUD applicants to conduct a traffic impact study, including, but not limited to, petitions filed by Livonia Builders Grandover Park, LLC, Sweetwater Corporate Park, LLC, Silk Valley – Issa, Madison Corners (formerly West Town / Mayflower), Country Creek Village, Bob Evans Restaurant, and Park Place for Business Unit 6 (Ann Arbor District Library). Upon further information and belief, none of these PUD applicants were required to conduct a traffic impact study. On October 26, 2011, the Members of the Pittsfield Township Board of Trustees (Defendants Grewal, Israel, Scribner, Brown-Harrison, Hunt, Krone, and Yi), collectively Defendant Board of Trustees, unanimously adopted the recommendation of the Planning Commission, thereby denying MIA its petition.

109. The Members of the Pittsfield Township Board of Trustees (Defendants Grewal, Israel, Scribner, Brown-Harrison, Hunt, Krone, and Yi), collectively Defendant Board of Trustees, declined to give reasons for their decision.
110. By adopting the recommendation of the Planning Commission, the Members of the Pittsfield Township Board of Trustees (Defendants Grewal, Israel, Scribner, Brown-Harrison, Hunt, Krone, and Yi), collectively Defendant Board of Trustees, disregarded the objective findings of the traffic impact studies, the Washtenaw County Road Commission, Pittsfield Township's Senior Planner, and the independent outside planner.
111. The Members of the Pittsfield Township Board of Trustees (Defendants Grewal, Israel, Scribner, Brown-Harrison, Hunt, Krone, and Yi), collectively Defendant Board of Trustees, denied MIA a public hearing or opportunity to provide a meaningful defense before the Board of Trustees.
112. On or about two weeks prior to the October 26, 2011 Pittsfield Township Board of Trustees Meeting, an MIA representative wrote in an email to Defendant Grewal "[P]lease advise if we will have an opportunity to address the Township at the hearing."
113. On or about October 13, 2011, Defendant Grewal responded to the MIA representative's email that "No hearing is scheduled."
114. MIA was denied its due process right to a public hearing before the Board of Trustees, a right routinely given to all other petitioners, thereby treating MIA different than other petitioners similarly situated in all material respects, whether a religious institution or assembly or secular.
115. Upon information and belief, the Board of Trustees has never denied any petitioner, whether religious or secular, its due process right to a public hearing or the opportunity to provide a meaningful defense before the Board of Trustees.

116. Prior to the Board of Trustees hearing, Defendant Yi stated to a representative of MIA that the reason why MIA was experiencing hostility and resistance to their project was due to its Islamic faith.
117. Other entities or activities that have greater than or equal impact on the levels of traffic and noise are either permitted as of right or regularly granted conditional and special use permits by the Defendants.
118. For the purposes of RLUIPA, the Defendants' denial of the proposed use to MIA constitutes "land use regulation[s]." 42 U.S.C. § 2000cc-5(5).
119. The Defendants' denial of MIA's zoning application violates § 2(a)(1) of RLUIPA. 42 U.S.C. 2000cc(a)(1).
- a. The denial of the proposed use represents the imposition or implementation of a land use regulation in a manner that imposes a substantial burden on the religious exercise of MIA, its students, and their families. The denial in fact prevents MIA from using its land, in any manner, for religious exercise.
 - b. The substantial burden created by the denial of the proposed use does not further a compelling government interest, or even if it does, it is not the least restrictive means of furthering that compelling government interest.
 - c. The substantial burdens imposed on MIA include, but are not limited to, preventing the school from adding students that currently cannot be added. MIA's current facility does not include a lunchroom, outside space, or congregational areas that students could use for religious instruction and religious exercise. MIA's current facility does not include a library or a gymnasium. The lack of these facilities prevents Plaintiff from creating a comprehensive education infused with Islamic practice.

- d. The substantial burden created by the denial of the proposed use affects, or the removal of that substantial burden would affect, commerce within the meaning of Section 2(a)(2) of RLUIPA.
 - e. The Defendants' denial of MIA's proposed use constituted the imposition or implementation of land use regulations whereby Defendants made, or had in place formal or informal procedures or practices of, individualized assessments regarding MIA's petition within the meaning of Section 2(a)(2) of RLUIPA.
120. The Defendants' denial of MIA's petition constitutes the imposition or implementation of a land use regulation that discriminated, and continues to discriminate, against MIA on the basis of religion or religious denomination in violation of Section 2(b)(2) of RLUIPA. 42 U.S.C. §2000cc(b)(2).
121. The proposed use is compatible with the Master Plan.
122. The proposed use conforms to the intent and to all regulations and standards of the PUD district.
123. The proposed use conforms to the intent and to all regulations and standards of the Zoning Ordinance.
124. Defendants are not authorized under the Michigan Zoning Enabling Act to deny Plaintiff's petition if Plaintiff meets with the standards articulated in the Zoning Ordinance.
125. The actions of Defendants exceed the Michigan Zoning Enabling Act and are invalid.
126. MIA has a legitimate claim of entitlement to have its zoning petition approved because the proposed use is compatible with the Master Plan, conforms to the intent and to all regulations and standards of the PUD district, and conforms to the intent and to all regulations and standards of the Zoning Ordinance, and because Defendants are not authorized under the

Michigan Zoning Enabling Act to deny Plaintiff's petition because Plaintiff meets the standards articulated in the Zoning Ordinance.

Count I

**Violation of Religious Land Use and Institutionalized Persons Act
(Religious Exercise)
(as to official capacity Defendants only)**

127. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.
128. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its right to the free exercise of religion by the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc(a) *et seq.*, by imposing and implementing a land use regulation that substantially burdens Plaintiff's religious exercise.
129. Defendants have arbitrarily and unjustly applied the Zoning Ordinance to prohibit Plaintiff from establishing an Islamic school of to carry out Islamic religious education to its students.
130. Without a properly located school with adequate space and facilities for religious instruction, the Islamic school's ability to teach its religious teachings has been unduly limited and burdened. The ability of MIA to provide its students with religious instruction is fundamental to MIA's mission and is essential for its long-term viability. The limitations imposed on MIA by Pittsfield Township have substantially burdened the religious exercise of the MIA and its students.
131. By the imposition and implementation of a land use regulation that imposes a substantial burden on MIA's exercise of Islam within Pittsfield Township, Defendants made an

individualized assessment of the proposed uses for the property that is the subject of this complaint.

132. Imposition of such a burden is not in furtherance of a compelling government interest and is not the least restrictive means of furthering any governmental interest, compelling or otherwise.

133. Plaintiff is entitled to a declaration that denial of the petition is a substantial burden to the free exercise of Plaintiff's religion, is not justified by a compelling government interest, and is in violation of RLUIPA.

134. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

135. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count II

Violation of Religious Land Use and Institutionalized Persons Act

(Discrimination on the Basis of Religion)

(as to official capacity Defendants only)

136. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

137. The Zoning Ordinance, as applied to MIA, treats this religious organization and institution on less than equal terms with other religious and non-religious assemblies and institutions in Pittsfield Township.
138. Defendants' conduct was prompted or substantially caused by Plaintiff's religious exercise in attempting to establish and Islamic school on the subject property and was clearly influenced by the level of sectarian opposition to the presence of an Islamic school in Pittsfield Township.
139. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its right to be free from religious discrimination as secured by RLUIPA, by implementing a land use regulation in a manner that discriminates on the basis of religion.
140. Defendants have imposed onerous requirements on MIA that have not been imposed on any other petitioner similarly situated in all material respects, religious or secular, within Pittsfield Township.
141. Upon information and belief, the Pittsfield Township Planning Commission has never before made a subjective finding that is directly contradictory to the objective findings of a traffic impact study favorable to a petitioner, thereby treating MIA different than other petitioners similarly situated in all material respects, religious or secular.
142. The Pittsfield Township Board of Trustees did not give MIA its due process right to a public hearing, a right routinely given to all other petitioners, thereby treating MIA different than other petitioners similarly situated in all material respects, religious or secular.
143. Plaintiff is entitled to a declaration that denial of the petition discrimination on the basis of Plaintiff's religion is not justified by a compelling government interest, and is in violation of RLUIPA.

144. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing and limitation upon MIA's use of the entire property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

145. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count III
Violation of Religious Land Use and Institutionalized Persons Act
(Limitations and Exclusions)
(as to official capacity Defendants only)

146. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

147. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its free exercise of religion as secured by RLUIPA, by imposing and implementing a land use regulation that unreasonably limits religious assemblies, institutions and structures within Pittsfield Township.

148. Small-scale schools are a permitted use in the PUD, and MIA is a qualified applicant that meets all of the eleven standards, articulated Section 52.07C of the Zoning Ordinance. By refusing to allow Plaintiff to use its property as requested, Defendants have limited the ability of MIA to practice its religion in Pittsfield Township in accordance with Islamic beliefs.

149. Defendants had no constitutionally reasonable basis for their refusal to approve MIA's petition as requested.

150. The imposition of a land use regulation that unreasonably limits religious assemblies within Pittsfield Township constitutes an arbitrary and capricious act with no rational basis.

151. Plaintiff is entitled to a declaration that denial of the petition, as requested, unconstitutionally limits and excludes Plaintiff's free exercise to religion.

152. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

153. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count IV
Violation of First and Fourteenth Amendment
to the United States Constitution
(Free Exercise of Religion – 42 U.S.C. § 1983)

154. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

155. Defendants have deprived, are aware that they have deprived, and continue to deprive MIA of its right to free exercise of religion as secured by the First Amendment to the United

States Constitution, made applicable to the States by the Fourteenth Amendment to the United States Constitution, by discriminating against Plaintiff because of its religious character and by substantially burdening its right to freely exercise its religious faith. MIA cannot fully and properly use its property for its religious exercise if it construct and operate a school upon it as requested.

156. Without an adequately-sized space for religious practice and instruction, MIA's ability to practice its religion and to grow is seriously limited.

157. By the imposition and implementation of a land use regulation that imposes a substantial burden on MIA's exercise of Islam within Pittsfield Township, Defendants made an individualized assessment of the proposed uses for the property involved.

158. Imposition of such a burden is not in the furtherance of a compelling government interest, and as recognized by Pittsfield Township, is not the least restrictive means of furthering any governmental interest, compelling or otherwise.

159. Plaintiff is entitled to a declaration that denial of the petition as requested and recommended for approval by Pittsfield Township are a violation of MIA's First and Fourteenth Amendment rights to its free exercise of religion.

160. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

161. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count V
Violation of First and Fourteenth Amendment
to the United States Constitution
(Establishment Clause – 42 U.S.C. § 1983)

162. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

163. Defendants' unique application of the Zoning Ordinance to MIA treats this religious organization and institution less than equal terms with other religious and non-religious assemblies and institutions in Pittsfield Township, thereby creating a denominational preference against Islam as a religion.

164. Defendants' conduct was prompted or substantially caused by Plaintiff's religious exercise in attempting to establish an Islamic school and was clearly influenced by the level of opposition to the proposal based upon sectarian opposition to the presence of an Islamic school in Pittsfield Township.

165. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its right to be free from religious discrimination in violation of the Establishment Clause to the First Amendment to the United States Constitution by implementing a land use regulation in a manner whose purpose and effect is to discriminate on the basis of religion.

166. Plaintiff is entitled to a declaration that denial of the petition as requested and recommended for approval by Pittsfield Township are a violation of the Establishment Clause to the First Amendment and the Fourteenth Amendment to the Constitution of the United States.

167. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

168. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count VI
Violation of First and Fourteenth Amendment
to the United States Constitution
(Freedom of Speech – 42 U.S.C. § 1983)

169. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

170. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its right to speak on matters of religion as secured by the First Amendment to the United States Constitution, made applicable to the States by the Fourteenth Amendment to the United States Constitution, by discriminating against Plaintiff based on the religious nature of its expression and by inhibiting its right to freely and fully express its religious faith to MIA's students and the community.

171. Defendants' imposition of more stringent requirements than those imposed by the Zoning Ordinance prevents MIA from using its property for religious instruction.

172. Plaintiff is entitled to a declaration that denial of the petition as requested and recommended for approval by Pittsfield Township are a violation of its First Amendment right to free speech.

173. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

174. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count VII
Violation of First and Fourteenth Amendment
to the United States Constitution
(Freedom of Assembly – 42 U.S.C. § 1983)

175. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

176. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its right to freely assemble for religious purposes as secured by the First Amendment to the United States Constitution by prohibiting MIA students from assembly in an adequate school for the purposes of religious instruction.

177. Defendants' imposition of more stringent requirements than those imposed by the Zoning Ordinance prevents MIA from using its property for religious assembly.

178. Plaintiff is entitled to a declaration that denial of the petition as requested and recommended for approval by Pittsfield Township are a violation of its First Amendment right to freedom of assembly.

179. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

180. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count VIII
Violation of Fourteenth Amendment
to the United States Constitution
(Equal Protection – 42 U.S.C. § 1983)

181. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

182. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its right to equal protection of the laws as secured by the Fourteenth Amendment to the United States Constitution by unlawfully discriminating against MIA by denying its petition

on the basis of religious status and on the basis of Plaintiff's exercise of its fundamental rights to freedom of religion, speech and assembly.

183. Denial of the petition is unconstitutional in that it imposes a substantial burden on the religious exercise of the Plaintiff. Defendants have not demonstrated that imposition of that burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling government interest.

184. Plaintiff is entitled to a declaration that denial of the petition as requested and recommended for approval by Pittsfield Township are a violation of Plaintiffs' Fourteenth Amendment right to equal protection of the laws.

185. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

186. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count IX
Violation of Fifth Amendment
to the United States Constitution
(Procedural Due Process – 42 U.S.C. § 1983)

187. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.
188. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its right to a public hearing and an opportunity to provide a meaningful defense and to be heard before Pittsfield Township Board of Trustees as secured by the Fifth Amendment to the United States Constitution.
189. Defendants are not authorized to deny Plaintiff's petition because Plaintiff meets the standards articulated in the Zoning Ordinance.
190. Defendants' denial of MIA's right to a public hearing and an opportunity to provide a meaningful defense and to be heard before Pittsfield Township Board of Trustees constitutes a deprivation of MIA's due process rights in violation of the Fifth Amendment to the United States Constitution by unlawfully discriminating against MIA in the application of the Zoning Ordinance on the basis of religious status and on the basis of Plaintiff's exercise of its fundamental rights to freedom of religion, speech and assembly.
191. Plaintiff is entitled to a declaration that denial of the petition recommended for approval by Pittsfield Township as requested and denial of a right to a public hearing are a violation of the Fifth Amendment to the United States Constitution.
192. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

193. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count X
Violation of Fifth Amendment
to the United States Constitution
(Substantive Due Process – 42 U.S.C. § 1983)

194. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

195. Plaintiff has a constitutionally protected right to utilize its property free from the irrational, arbitrary, and capricious applications of zoning regulations.

196. By applying the zoning regulations to Plaintiff in a discriminatory manner, Defendants have subjected Plaintiff to the irrational, arbitrary, and capricious application of zoning regulations.

197. By basing its rezoning denial demonstrably fictitious issues, Defendants have subjected Plaintiff to the irrational, arbitrary, and capricious application of zoning regulations.

198. Defendants' decision to deny Plaintiff's request to rezone its land has no relation to any legitimate government interest.

199. Defendants have deprived, are aware that they have deprived, and continue to deprive Plaintiff of its right to use its property without due process of the law, as secured by 42 U.S.C. §

1983, by implementing a land use regulation in a manner that discriminates on the basis of religion.

200. Plaintiff is entitled to a declaration that denial of the petition recommended for approval by Pittsfield Township as requested and denial of a right to a public hearing are a violation of the Fifth Amendment to the United States Constitution.

201. Plaintiff is entitled to issuance of a permanent injunction enjoining Defendants from enforcing any limitation upon Plaintiff's use of the entire 18.41 acres of property for religious uses, and requiring Defendants to take whatever actions necessary to permit Plaintiff to undertake such use.

202. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

Count XII
State Law Claims

203. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

204. Plaintiff is entitled to a declaration that the denial of the proposed use for the subject property imposed on MIA by Pittsfield Township are unreasonable and void and bear no substantial relation to the public health, safety, or general welfare.

205. Plaintiff is entitled to a declaration that Defendants had no objective factual basis to support the denial of the proposed use for the subject property imposed on MIA by Pittsfield Township; and, as such, Defendants have violated Plaintiff's due process rights, which are protected by the Michigan Constitution Article I, § 17.
206. Plaintiff is entitled to a declaration that Defendants' denial of MIA's right to a public hearing before the Pittsfield Township Board of Trustees constitutes a violation of Plaintiff's due process rights, which are protected by the Michigan Constitution Article I, § 17.
207. Plaintiff is entitled to a declaration that the limitations imposed on MIA by Pittsfield Township discriminate between MIA and other similarly situated individuals and institutions in violation of Plaintiff's right to equal protection under the Michigan Constitution Article I, § 2.
208. Plaintiff is entitled to a declaration that the denial of the proposed use for the subject property imposed on MIA by Pittsfield Township interfere with Plaintiff's right to exercise its religion in accordance with Plaintiff's freedom of worship and religious belief as secured by the Michigan Constitution Article I, § 4.
209. Plaintiff is entitled to a declaration that the denial of the proposed use for the subject property imposed on MIA by Pittsfield Township interfere with Plaintiff's right to freedom of speech as secured by the Michigan Constitution Article I, § 5.
210. Plaintiff is entitled to a declaration that the denial of the proposed use for the subject property imposed on MIA by Pittsfield Township interfere with Plaintiff's right to assemble as secured by the Michigan Constitution Article I, § 3.
211. Plaintiff is entitled to a declaration that the denial of the proposed use for the subject property imposed on MIA by Pittsfield Township interfere with and damage Plaintiff's property rights for public purposes without due process of law, as provided by the Michigan Constitution Article I, § 17.

212. Defendants' unlawful actions caused Plaintiff harm and it is entitled to injunctive, declaratory, compensatory and punitive damages, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

Wherefore, Plaintiffs request this Honorable court to grant injunctive relief, compensatory and punitive damages against Defendants, costs and attorney fees, plus other equitable relief the court deems just and equitable.

JURY DEMAND

Plaintiff demands a jury trial as to all claims so triable.

Respectfully submitted,

COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, MICHIGAN

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Dated: June 26, 2012