

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

1 Ronald W. Messerly (#020582)
rmesserly@swlaw.com
2 Kevin J. Parker (#010408)
kparker@swlaw.com
3 Aaron D. Ford (*pro hac vice*)
aford@swlaw.com
4 SNELL & WILMER L.L.P.
One Arizona Center
5 400 E. Van Buren
Phoenix, AZ 85004-2202
6 Telephone: (602) 382-6000
Facsimile: (602) 382-6070
7 Attorneys for Defendant The City of Yuma

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF ARIZONA

10 CENTRO FAMILIAR CRISTIANO
BUENAS NUEVAS; AND JORGE
11 OROZCO, PASTOR,

CASE NO. CV08-00996-NVW

12 Plaintiffs,

CITY OF YUMA’S TRIAL BRIEF

13 vs.

14 THE CITY OF YUMA, et al.,

15 Defendant.

16
17 Pursuant to the Court's Order, the City of Yuma (“Yuma” or the “City”) hereby submits
18 its Trial Brief.

19 **I. INTRODUCTION**

20 As this Court knows, zoning has traditionally has been considered an appropriate exercise
21 of the police power of a local government, precisely because it is designed to promote the health
22 and welfare of its citizens. See generally Village of Euclid v. Ambler Realty Co., 272 U.S. 365
23 (1926). By enacting zoning ordinances, a city attempts to protect against the damage caused by
24 uncontrolled development and mixes of incompatible uses, which can affect all of the residents
25 and land of a city. The City of Yuma’s Zoning Code, as do most others, provides guidelines for
26 applying zoning rules, but leaves the ultimate disposition to the discretion of the legislative

1 decision-maker. See, e.g., Yuma Zoning Code (“YZC”) § 154-495 (stating that “[t]he Planning
2 and Zoning Commission shall have the authority to grant approval for conditional uses”). In this
3 case, the City properly exercised its discretion to deny Centro Familiar Cristiano Buenas Nuevas’
4 (“Centro Familiar” or the “Church”) conditional use permit. As explained herein, the City’s
5 exercise of discretion did not violate any statutory or constitutional rights of Centro Familiar, or
6 its Pastor, Jorge Orozco. Accordingly, judgment should be entered in the City’s favor.

7 **II. PLAINTIFFS’ CLAIMS AT ISSUE AND SUMMARY OF ARGUMENT**

8 Plaintiffs have brought nine claims against the City of Yuma: one under the Arizona
9 Religious Freedom Restoration Act; four claims brought under the Religious Land Use and
10 Institutionalized Persons Act of 2000 (“RLUIPA”); and four claims under the United States
11 Constitution, free exercise, equal protection, free speech, and freedom-of-assembly claims. The
12 facts to be adduced at trial together with the legal framework of the applicable laws will
13 demonstrate that judgment should be entered in favor of the City.

14 Plaintiffs’ claim under the Arizona Religious Freedom Restoration Act fails because the
15 City: (1) is absolutely immune from suit under A.R.S. § 12-820.01(A)(1); (2) neither prevents the
16 congregation from practicing its beliefs nor dissuades it from practicing its beliefs; (2) does not
17 ban the church from congregating in the City altogether and does not ban Centro Familiar from
18 using other property within the City; (3) has done nothing to prohibit Plaintiffs from carrying out
19 their religious exercises in other parts of the City of Yuma; and (4) has not disallowed Plaintiffs
20 from leasing or subleasing other venues within the city.

21 Plaintiffs’ four claims brought under RLUIPA likewise fail because: (1) Section 154-187
22 of the City’s Zoning Code does not treat religious assemblies on less than equal terms with
23 secular assemblies that would cause an equivalent negative impact on the City’s regulatory goals;
24 and (2) the City’s application of Section 154-187 does not substantially burden Centro Familiar’s
25 religious exercise.

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L.L.P.
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(602) 382-6000

1 Plaintiffs free exercise claim fails because: (1) Plaintiffs do not allege that obtaining use
2 of the particular property at issue here has any religious significance and, therefore, have
3 demonstrated no burden at all; and (2) even if Plaintiffs do contend that the Property has some
4 religious significance, the City’s zoning ordinance is a law of general applicability -- subject to
5 rational basis scrutiny -- that only incidentally burdens Plaintiffs’ free exercise rights.

6 Further, Plaintiffs cannot establish an equal protection claim because Centro Familiar was
7 not treated differently from a nonreligious assembly or institution that causes the same harm to
8 the City’s interests.

9 Also, Section 154-187 – which does not ban speech – is a content-neutral time, place, and
10 manner restriction, which has long been held to be permissible under Free Speech analysis.

11 Finally, neither the City nor Section 154-187 denies Plaintiffs the right to assemble
12 altogether. All of Plaintiffs’ claims fail.

13 **III. ESSENTIAL FACTS**

14 The essential facts of this case are simple. Plaintiffs searched for property within the City
15 in which to move their church, school, and associated uses. Having passed up other properties
16 within the City, some of which permitted their proposed use as a matter of right, the Church
17 purchased a building knowing that they would need a conditional use permit, a legislative
18 decision to be made by the City Planning and Zoning Commission. As is often done in real estate
19 transactions, they did not make their purchase contingent on obtaining proper zoning. Rather,
20 they closed their transaction intending to put the property to their intended use prior to obtaining
21 the conditional use permit.

22 Now Plaintiffs are attempting to force the City to allow it to convert a business property
23 into a religious one, together with adjunct uses such a school, into the middle of the City’s Old
24 Town District. The Old Town District is the sight of a substantial redevelopment effort into
25 which the City has invested in excess of \$20 million to reintroduce businesses, restaurants, bars
26 and retail into the former Yuma downtown.

1 Plaintiffs had other choices throughout the City, yet they opted against them all. When
2 Plaintiffs finally applied for a conditional use permit, it was denied because, among other reasons,
3 it would not further the goals the City has for the Old Town District, including attracting tourist
4 friendly business such as restaurants, bars, and retail establishments. This was particularly the
5 case because the Plaintiffs’ property is located on the heart of the Old Town District – the three-
6 block Main Street. Indeed, far from serving those interests, the uses proposed by the Plaintiffs
7 would have the effect of preventing the issuance of certain new liquor licenses, such as to bars
8 and liquor stores, to any businesses within 300-feet of the Plaintiffs’ property – an area that would
9 encompass almost the entire Main Street area. Further, the City had had a prior unfavorable
10 experience with a school located in the Old Town District, where, as here, the property lacked
11 playground space and the children took recess and had physical education activities on the
12 sidewalks in front of retail businesses. All of this was not consistent with the years of planning
13 and millions of dollars of investment the City has made and will make into the Old Town District.

14 There are several undisputed facts supporting the City’s decision. First, religious
15 organizations are allowed as a matter of right in the following City of Yuma zoning districts:
16 Transitional District (TR), Limited Commercial District (B-1), General Commercial District
17 (B-2) and Planned Shopping Center District (PSC). These districts comprise approximately 3.7
18 square miles of territory within the City. (Proposed Mini Pretrial Statement for Bench Trial
19 (“PMPS”) ¶ 7.) Plaintiffs looked at only one property in these areas for their
20 expansion/relocation and opted against it. (PMPS ¶ 6.)

21 Second, religious organizations are also allowed upon the issuance of a conditional use
22 permit in the following City of Yuma zoning districts: Agriculture District (AG), Suburban
23 Ranch Districts (SR), Low Density Residential District (R-1-6), Medium Density Residential
24 District (R-2), High Density Residential District (R-3), Old Town District (OT), Residential
25 Estate Districts (RE), Residence-Manufactured Housing District (R-MH), Recreational Vehicle
26 Subdivision District (RVS), Manufactured Housing Subdivision District (MHS), Manufactured

1 Housing Park District (MHP), Light Industrial District (L-I), Heavy Industrial District (H-I), and
2 Industrial Park District (I-P). These districts comprise approximately 32.03 square miles of
3 territory within the City. Plaintiffs looked at several sites in these areas besides the site in issue
4 for their expansion/relocation and opted to purchase the Main Street property. (PMPS ¶¶ 5; 9.)

5 Third, while Plaintiffs claim that the City's zoning code is somehow unique as to – and
6 discriminatory against – religious organizations, nothing could be further from the truth. Indeed,
7 the pertinent portion of the City's code in this regard is taken directly from the federal
8 government's Standard Industrial Classification Manual (1987) (Executive Office of the
9 President, Office of Management and Budget). See Section 154-187 (setting forth that the
10 definitions of the code are derived from the SIC).

11 Fourth, the Old Town District was and is intended to be a retail, business, and government
12 center with a special emphasis on tourism and historic preservation, due to the unique qualities
13 present in the Old Town District that set it apart from all other districts in the city. Plaintiffs
14 closed on the purchase of the property on March 5, 2007, over three weeks before applying to the
15 City of Yuma Planning and Zoning Commission for issuance of a conditional use permit for use
16 of the property as a religious institution. (PMPS ¶¶ 40-41; Staff Report (Bates label nos. YUMA
17 00297 through YUMA 00317, inclusive); Historic Yuma 2020 materials, including Historic
18 Downtown Design Guidelines (abbreviated) (Bates label nos. YUMA00336 through YUMA
19 00337, inclusive).)

20 Fifth, Main Street (the three-block focal point of the Old Town District) is pivotal to the
21 City's vision for revitalization of the Old Town District. Many buildings on Main Street have
22 historically – for close to 100 years – been in retail and entertainment uses. Moreover, the Yuma
23 Crossing National Heritage Area (“YCNHA”) team, tasked with revitalization of Yuma's
24 Riverfront and Downtown areas, has worked toward creating a “‘24/7’ environment that would
25 include the reopening of Main Street, the promotion of new residential development, the
26 expansion of entertainment as a feature (movie theaters, art center, bars and restaurants), and

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1 increased office and retail development.” To this end, there has been multi-million dollar public
2 investment in development in the area with the expectation that the Main Street goal continues to
3 be pursued and realized by the City. (PMPS ¶¶ 55-62.)

4 Sixth, there is no evidence of any staff antagonism or prejudice toward this Church or any
5 religious institution. Indeed, Old Town District is currently the home of the Christian Science
6 Church and Reading Room. (PMPS ¶ 57.) Moreover, one of the City’s planners, Robert Blevins,
7 initially thought the Staff Report would recommend approval. (PMPS ¶ 48.) But upon wider
8 circulation and more knowledgeable senior input, including primarily input from Charles Flynn,
9 Executive Director of the YCNHA, the City staff ultimately decided to recommend denial, for
10 reasons stated in its detailed Staff Report. (PMPS ¶¶ 49-55.)

11 Seventh, the Staff Report presented to the Planning and Zoning Commission thoroughly
12 noted both positive and negative attributes of the Church’s proposed relocation to Main Street,
13 demonstrating judgment and the use of discretion. For example, the Staff Report noted that:
14 (1) the possibility of investment and rehabilitation of a deteriorated and long-vacant building in
15 the Old Town District; (2) more people coming to the downtown area during off-hours; and
16 (3) the aesthetic improvement to Main Street resulting from the restoration of the building were
17 all positive attributes of the Church. (PMPS ¶ 53.) Ultimately, however, the negative
18 outweighed the positive, and the Staff Report observed that the Church’s proposed use was not
19 consistent with the City’s past actions toward creating the 24/7, revitalized environment. (PMPS
20 ¶ 60.) Thus, in its exercise of legislative discretion, the Planning and Zoning Commission denied
21 the application, for the reasons detailed in the Staff Report. The City Council declined to revisit
22 that decision.

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LLP
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1 **IV. APPLICATION OF THE LAW TO THE FACTS**

2 **A. The City has not treated Centro Familiar on less than equal terms with a**
3 **nonreligious assembly or institution.**

4 One of the issues this Court will address is whether the City has treated Centro Familiar
5 on less than equal terms with a nonreligious assembly or institution. To prevail on this issue,
6 Centro Familiar, as a religious assembly subject to Section 154-185, must demonstrate that it is
7 (1) treated on less than equal terms with (2) a nonreligious assembly or institution (3) that causes
8 no lesser harm to the interests the City’s ordinance seeks to advance.¹ Centro Familiar cannot
9 establish these elements.

10 Based on the foregoing test, Uncontested Facts 24-26, 28, 30-32, 43, 52-53, 56-58, and 60
11 support the interests the City’s ordinance seeks to advance, in addition to demonstrating that
12 Centro Familiar is treated the same as any nonreligious assembly or institution that hampered the
13 City’s goal in the same manner as the Church does. This is significant (and dispositive) on the
14 legal issue of equal treatment under RLUIPA because it shows that the City treats all institutions,
15 regardless of their religious or nonreligious nature, equally and, to the extent such institutions
16 frustrate the realization of the City’s goals, they are required to obtain conditional use permits,
17 which are discretionary. In fact, all of the current uses on Main Street are permitted as of right in
18 the Old Town District, which means that no conditional use permits have been granted to any
19 institution for Main Street, nonreligious or otherwise. (PMPS ¶ 38.) This is also significant (and
20 dispositive) on the equal treatment prong because it demonstrates that Centro Familiar is not
21 treated on less than equal terms with nonreligious assemblies or institutions.

22 That the City utilizes and incorporates the federal government’s Standard Industrial
23 Classification system further evidences that Centro Familiar is treated on equal terms with
24 nonreligious assemblies or institutions. Pursuant to Section 154-188(F) of the City’s Zoning
25 Code, in the Old Town District, “religious organizations (SIC 8661)” are required to obtain a
26 conditional use permit. (PMPS ¶ 28.) The Standard Industrial Classification (SIC) 8661 defines

¹ Lighthouse Institute for Evangelism v. City of Long Branch, 510 F.3d 253, 269 (3d Cir. 2007).

1 “Religious Organizations” as “[e]stablishments of religious organizations operated for worship,
2 religious training or study, government or administration of an organized religion, or for
3 promotion of religious activities.” (Id. ¶ 29.) Notably, “[o]ther establishments maintained by
4 religious organizations, such as educational institutions, hospitals, publishing houses, reading
5 rooms, social services, and secondhand stores, are classified according to their primary activity.”
6 (Id.) But when those uses are not primary, even though a significant part of and adjunct to a place
7 or worship or study, etc., they are included in the SIC classification of “religious organizations.”
8 In this same vein, also included in this industry classification are religious groups which reach the
9 public through radio or television media. (Id.)

10 It is clear, then, that the “religious organizations” classification was not a creation of the
11 City, but rather is a creation -- a classification -- established by the federal government.
12 Organizations and institutions like schools, hospitals, publishing houses, second hand stores,
13 radio stations, TV stations, etc. -- all of which a religious organization might provide as an
14 adjunct use -- are not *per se* religious but are often part of religious institutions. The presence of
15 such adjunct uses makes a particularized consideration of such uses important to ensure
16 compatibility with surrounding uses.

17 Moreover, the nature of the SIC classifications supports the City’s express exception of
18 “religious organizations” as defined in the SIC in Section 154-187(XX) from “membership
19 organizations” as also defined in the SIC. This is simply the Zoning Code setting forth
20 definitional clarity. Because “religious organizations” are a subcategory of “membership
21 organizations” in the SIC, the code is clarifying the fact that SIC-defined religious organizations
22 (which are inextricably intertwined with the various adjunct uses) are the subject of the
23 conditional use process.

24 Finally, Contested Issue of Fact and Law Number 1 should be decided in favor of the
25 City. That is, the test of equal treatment should be one that compares religious institutions to
26 other nonreligious institutions that have no lesser effect on the City’s goals and purposes.

1 Otherwise, any religious institution would have *carte blanche* authority to rewrite the City's
2 zoning code and to override and, indeed, dictate the goals for the City. Religious institutions
3 would essentially be exempt from zoning regulations; Congress could not have intended RLUIPA
4 to have this effect. Guru Nanak Sikh Society of Yuba City v. County of Sutter, 326 F. Supp. 2d
5 1140, 1155 (E.D. Cal. 2003); Hale O Kaula Church v. Maui Planning Comm'n, 229 F. Supp. 2d
6 1056, 1070 (D. Haw. 2002).

7 **B. The City of Yuma's denial of the conditional use permit for the property at**
8 **354 S. Main Street did not impose a substantial burden on Plaintiff Church's**
9 **free exercise of religion under RLUIPA.**

10 The City does not impose a substantial burden on the Church's exercise of free religion
11 because it neither prevents the congregation from practicing its beliefs nor dissuades it from
12 practicing its beliefs. Further, the City does not impose a substantial burden on the Church
13 because it does not ban the Church from congregating in the City altogether and does not ban the
14 Church from using other property within the City. Furthermore, Centro Familiar is still able to
15 carry out their religious exercises in other parts of the City of Yuma without converting this
16 specific property into a church. The City is not preventing Plaintiffs from practicing their
17 religion because -- by their own verified admission -- they are currently leasing a facility within
18 the City and *still* holding services and various meetings at that location. Moreover, nothing in
19 the record demonstrates that Plaintiffs cannot lease or sublease other venues within the city.

20 Moreover, as recent Ninth Circuit precedent indicates, under RLUIPA, the City did not
21 substantially burden the Church, because the Church was not coerced to act contrary to its
22 religious beliefs by the threat of sanctions or forced to choose between following the tenets of its
23 religion and receiving a governmental benefit.² Otherwise stated, the Church cannot show that
24 the denial of the conditional use permit coerces its parishioners to violate their religious beliefs

25 ² See Navajo Nation v. U.S. Forest Service, --- F.3d ---, Case Nos. 06-15371, 06-15436,
26 06-15455, 2008 WL 3167692, at *13 (9th Cir. 2008) (assuming RLUIPA standards applied in
case under Religious Freedom Restoration Act).

1 under the threat of sanctions, or that the City has conditioned a government benefit upon conduct
2 that would violate their religious beliefs.³

3 Uncontested Facts 2, 5-9, and 65-66 are relevant to the issue of whether the City's denial
4 of a conditional use permit constituted a substantial burden on Centro Familiar. These
5 Undisputed Facts, taken individually or collectively, demonstrate that the City does not prevent
6 Centro Familiar from practicing the tenets of its religion. There are nearly four square miles
7 within the City wherein the Church may relocate as a matter of right, and there are over 30
8 square miles within the City wherein the Church may relocate if it obtains a conditional use
9 permit. (PMPS ¶¶ 7, 8.) Indeed, the Church has considered and rejected properties in these
10 areas. (PMPS ¶ 5-6, 9.) Moreover, the Church is currently renting a facility and carrying on
11 religious services, proving that the City does not substantially burden its freedom of exercise.
12 (PMPS ¶ 2, 65-66.) The Church has presented no evidence that it could not have purchased the
13 facility it is currently renting and renovated and/or expanded it to fulfill its stated needs, or
14 purchased or rented another facility in the City.

15 C. **Even assuming, *arguendo*, that the City substantially burdened the Church's**
16 **free exercise of religion, the City had a compelling interest in doing so that**
17 **was narrowly tailored.**

18 Revenue generation, economic stimulus, and preservation of land for commercial use
19 ARE compelling governmental interests. In addition, any and all reasons outlined in, for
20 example, the Staff Report and the minutes of the hearing on the Church's application for a
21 conditional use permit constitute compelling governmental interests. There are no less
22 restrictive alternatives to accomplishing the City's goals for the Old Town District and the
23 surrounding areas. Uncontested Facts 24, 54-55, 58-59, 62, define the goals of the City, and
24 Uncontested Facts 25-38 and 42-44 reveal the narrow tailoring of the zoning regulations the City
25 employs to attain these goals.

26 ³ Id.

1 Viewing these Uncontested Facts through the proper lenses of governmental discretion, it
 2 is clear that the City is well within its rights to allow those entities currently located with the Old
 3 Town District to exist and disallow those required to obtain a conditional use permit from doing
 4 the same. The City is diligently seeking to protect the character and nature of the Old Town
 5 Historic District, as well as the millions of dollars of public and private investment poured into
 6 the area. The City's decision to deny the Church's conditional use permit – in addition to being
 7 wholly within its discretion – constitutes the most narrowly-tailored way to create the 24/7
 8 environment it desires.

9 **D. Section 154-187, coupled with the City's denial of the Church's application**
 10 **for a CUP, does not violate the Church's First Amendment rights to free**
 11 **exercise of religion and free speech, equal protection, and the right not to**
 12 **have religious exercise substantially burdened absent a narrowly tailored**
 13 **compelling interest under the Arizona Religious Freedom Restoration Act.**

14 Section 154-187 does not violate the Free Exercise Clause because Plaintiffs have not
 15 alleged that obtaining use of the particular property at issue here has any religious significance.
 16 Thus, as a matter of law, Plaintiffs cannot prevail on their Free Exercise claim because they have
 17 demonstrated no burden at all. Second, and even if Plaintiffs do contend that the Property has
 18 some religious significance, the City's zoning ordinance is a law of general applicability that
 19 only incidentally burdens Plaintiffs' free exercise rights. Thus, it is only subject to – and passes
 20 – rational basis scrutiny, and Plaintiffs cannot prevail on their Free Exercise claim. Third,
 21 Plaintiffs have not asserted a viable hybrid rights claim.

22 As regards the equal protection claim, “zoning and land use issues do not implicate
 23 fundamental rights[.]”⁴ Because Section 154-187 “does not implicate a suspect class or a
 24 fundamental right, the appropriate question for this equal protection analysis is whether or not
 25 the provision is rationally related to a permissible state objective.”⁵ Uncontested Facts 24-26,
 26 28, 30-32, 37, 42-43, 56-58, and 60 demonstrate that Centro Familiar was treated no differently

⁴ Kawaoka v. City of Arroyo Grande, 17 F.3d 1227, 1239 (9th Cir. 1994).

⁵ Rinaldi v. Yeager, 384 U.S. 305, 308-309 (1966).

1 than any other nonreligious assembly or institution that causes no lesser harm to the interests
2 Section 154-187 seeks to advance.⁶

3 As regards the free speech claim, Section 154-187 is a content-neutral “time, place and
4 manner” restriction, which has “long been held to be permissible[.]”⁷ And as regards the
5 freedom-of-assembly claim, the fact that Centro Familiar’s parishioners cannot assemble in the
6 Property – which was zoned for commercial use *at the time they purchased it* – does not mean
7 that Section 154-187 denies them the right to assemble altogether. Indeed, Plaintiffs admit that
8 they were meeting at another location before purchasing the Property and are currently meeting
9 there now. (PMPS ¶¶ 2, 65-66.)

10 **E. Plaintiff Church did not suffer monetary damages because the City denied
their conditional use permit.**

11 The Church is not entitled to any damages because the City’s denial of the conditional use
12 permit was lawful. Moreover, the Church knew of the zoning restrictions in the Old Town District
13 when it purchased the Property, yet it purchased the Main Street property before obtaining final
14 approval of a conditional use permit. (PMPS ¶¶ 24, 39-41.) Moreover, it is undisputed that that
15 Plaintiffs rejected several potential sites, using professional real estate advisors. This – in addition
16 to their premature purchase of property not zoned for religious uses – render Plaintiffs’ actions the
17 proximate cause of their damages. Thus, they should recover nothing.

18 **F. The City is entitled to absolute immunity against Plaintiffs’ state law causes of
action pursuant to A.R.S. § 12-820.01.**

19 A.R.S. § 12-820.01(A)(1) provides that “[a] public entity shall not be liable for acts and
20 omissions of its employees constituting . . . [t]he exercise of a judicial or legislative function.” A
21 decision to deny a conditional use permit is a legislative act. See Fritz v. City of Kingman, 191
22 Ariz. 432, 957 P.2d 337 (1998); see also Emmett McLoughlin Realty, Inc. v. Pima County, 212
23

24 ⁶ The entities delineated in Uncontested Fact 37 are qualitatively different from religious
25 institutions and, as such, are not proper comparators for equal protection purposes. Kawaoka, 17
F.3d at 1239.

26 ⁷ Id. (citing Howard v. City of Burlingame, 937 F.2d 1376, 1381 (9th Cir. 1991) (citations omitted)).

1 Ariz. 351, 132 P.3d 290 (Ariz. Ct. App. 2006) (“This so-called legislative act doctrine applies not
2 only to the passage of an original zoning ordinance but also to all zoning ordinances passed by a
3 board of supervisors, including those resolving applications for rezoning a particular piece of
4 property.”); Aegis of Arizona, L.L.C. v. Town of Marana, 206 Ariz. 557, 81 P.3d 1016 (Ariz. Ct.
5 App. 2003) (“the granting or the refusal to grant rezoning by special use permit is a legislative
6 function...”); Bartolomeo v. Town of Paradise Valley, 129 Ariz. 409, 631 P.2d 564 (Ariz. Ct. App.
7 1981) (holding that grant or denial of rezoning by special use permit was a legislative function); GP
8 Properties Carefree Cave Creek, L.L.C. v. Town of Carefree, Case No., 2008 WL 2246905 (Ariz.
9 Ct. App. May 29, 2008 (holding that issuance of a special use permit is a legislative act). Thus,
10 Plaintiffs’ claim under the Arizona Religious Freedom Restoration Act is barred.

11 **V. CONCLUSION**

12 Based on the foregoing, the City contends that the bench trial on Plaintiffs’ claims should
13 end in a judgment for Defendant.

14 Dated: August 29, 2008

SNELL & WILMER L.L.P.

16 By s/ Ronald W. Messerly
17 Ronald W. Messerly
18 Kevin J. Parker
19 Aaron D. Ford
20 One Arizona Center
21 400 E. Van Buren
22 Phoenix, AZ 85004-2202
23 Attorneys for The City of Yuma
24
25
26

Snell & Wilmer

L.L.P.
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2008, I electronically transmitted the foregoing to the Clerk’s Office using the CM/ECF System for filing to the following CM/ECF participants:

- Benjamin W. Bull, Esq.
bull@telladf.org
 - Byron J. Babione, Esq.
bbabione@telladf.org
 - David R. Sheasby, Esq.
dsheasby@telladf.org
 - Peter A. Gentala, Esq.
pgentala@azpolicy.org
 - Deborah M. Sheasby, Esq.
dsheasby@azpolicy.org
- Attorneys for Plaintiffs

s/Ronald W. Messerly

9027271.6

Snell & Wilmer
 L.L.P.
 LAW OFFICES
 One Arizona Center, 400 E. Van Buren
 Phoenix, Arizona 85004-2202
 (602) 382-6000

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