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Firefighter Loses Bid to Halt Building of Islamic Center

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A New York City firefighter does not have standing to bring a lawsuit against the city seeking to block the construction of a controversial Islamic center near Ground Zero, Manhattan Supreme Court Justice Paul Feinman ruled Friday. He found in *Brown v. New York City Landmarks Preservation Commission*, 110334/10, that firefighter Timothy Brown, an early responder at the World Trade Center after the terrorist attacks of Sept. 11, 2001, had not suffered any injury as a result of the city's decision not to landmark a Park Place building slated for demolition to make way for the mosque.

Mr. Brown had challenged that decision under Article 78, arguing it was arbitrary and capricious. He said he had standing to bring the suit because of his personal connection to 9/11, including the loss of many friends, and that destroying the nearby building would harm his ability to commemorate that day. But Justice Feinman held that the law did not recognize such an injury and dismissed the case for lack of standing. "Nothing in this decision is a determination about freedom of religion, the current or future proposed use of the premises, or the manner in which the memory of the victims and the stories of the survivors of the 9/11 World Trade Center attacks should be preserved," he wrote. "Rather, because the court concludes that Mr. Brown's allegations, accepted as true, establish only that he is an individual with a profound interest in preservation of the building, but not that he has an injury-in-fact as defined by law, he cannot satisfy the legal test for standing."