

New York Law Journal

News in Brief

New York Law Journal | January 20, 2011

Islamic Center Developers May Continue, Judge Says

A Manhattan judge yesterday gave developers the green light to continue work on a controversial Islamic center and mosque near Ground Zero. Timothy Brown, a retired firefighter who was a 9/11 first responder, sued the New York City Landmarks Preservation Commission, claiming it acted arbitrarily when it failed to grant landmark status to one of the existing structures at the site where Sharif El-Gamal plans to build the center.

In an order to show cause filed in Manhattan Supreme Court, Mr. Brown sought to block Mr. El-Gamal from demolishing the buildings until the case is heard on its merits. In a ruling from the bench yesterday, Supreme Court Justice Paul G. Feinman denied Mr. Brown's motion for a temporary restraining order.

Meanwhile yesterday, the American Center for Law and Justice, which filed the suit on Mr. Brown's behalf, claimed in a news release that the judge denied the motion following an "admission" by **Adam Leitman Bailey**, who represents Mr. El-Gamal; his company, SoHo Properties; and the site's owner, 45 Park Place Partners LLC, that they were "far away" from construction due to "money issues."

Mr. El-Gamal has moved to dismiss Mr. Brown's suit, saying he suffered no actual injury and failed to name 45 Park Place in the action. **Mr. Bailey** said in an interview that the judge "made it known" yesterday that Mr. Brown "might not have standing" and that money issues were not brought up at the hearing. The motion to dismiss will be argued on Feb. 22.— Noeleen G. Walder