

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JUST FOR JESUS CHALLENGE )  
HOMELESS OUTREACH, a Pennsylvania )  
non-profit corporation; FIRST APOSTLES' )  
DOCTRINE CHURCH; REVEREND )  
JACK L. WISOR, )

CIVIL ACTION NO. 2:08-cv-1584

(Ambrose, C.J.)

Plaintiffs, )

vs. )

BOROUGH OF BROOKVILLE, PA; )  
ROBERT RECESKI, MARK HUMES, )  
VINCENT MARKLE, DAVID )  
VALLOSIO, in their official and individual )  
capacities, )

Defendants. )

**CONSENT ORDER SETTLING MOTION FOR  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

WHEREAS Plaintiffs filed this action on November 17, 2008, alleging that Defendants violated, *inter alia*, their religious-liberty rights under the First Amendment to the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. §§ 2000cc, *et seq.*, by various actions taken pursuant to the municipal zoning code that have effectively prevented Plaintiffs from using the church and attached parsonage, located at 336 Madison Avenue in the Borough of Brookville ("Subject Property"), to house, shelter and minister to homeless individuals;

WHEREAS Plaintiffs also filed a Motion for Temporary Restraining Order and Preliminary Injunction seeking to enjoin Defendants from taking any adverse land-use action against Plaintiffs, including, but not limited to, issuing any citations for violations of the Borough's Zoning Code for the residential use of the parsonage on the Subject Property to house, shelter, and minister to homeless individuals;

WHEREAS the Court scheduled this date for a hearing on Plaintiffs' TRO motion; and

WHEREAS the parties have reached an agreement to resolve the instant motion;

THE PARTIES HEREBY STIPULATE AND AGREE TO BE BOUND AS FOLLOWS:

1. This Order is entered based on a negotiated settlement between the parties and is not to be construed as an admission of liability by any parties.
2. This Order shall remain in effect for sixty-one (61) days from this date, until January 19, 2009, unless modified by further Order of this Court.
3. Defendants (including their agencies, agents, representatives, officers, employees, boards, or departments) shall forthwith allow Plaintiffs to house eight (8) guests of Plaintiffs' "Just for Jesus Challenge Homeless Outreach" and two (2) staff members of the First Apostles' Doctrine Church, on and in the "Subject Property."
4. Defendants (including their agencies, agents, representatives, officers, employees, boards, or departments) will not take any adverse land-use action against Plaintiffs, including, but not limited to, issuing any citations for violations of the Borough's Zoning Code for the residential use of the parsonage on the Subject Property. Nothing in this Order prevents the Borough from enforcing reasonable health and safety regulations that are applied equally to all other structures in the Borough.
5. Plaintiffs agree that they will continue their standard-operating procedure, which is to notify local law enforcement about the identity of new residents on the Subject Property.
6. Within three days of the execution of this Order, Defendants, through their undersigned counsel, shall take any and all necessary actions to move, stipulate, and/or request the Jefferson County Court of Common Pleas to dismiss the 7/11/08 charge against Reverend Jack L. Wisor for "O Zoning § 230, §§ 18-21--Using Building as Group Housing-Zoning

- Violation” now pending before that court, and, if not waived by the court, pay any costs associated with the prosecution of that action and charged against Reverend Wisor.
7. This Order does not affect or resolve Plaintiffs’ claims for damages. The parties shall attempt to resolve the outstanding damages and attorneys’ fees claims by January 19, 2009.
  8. The parties shall submit a joint status report to the Court on or before January 19, 2009, reporting on a) the status of negotiations on equitable relief; and b) the status of negotiations on damages and attorneys’ fees. If the entire case is settled before the aforementioned date the parties shall so notify the Court.
  9. This Consent Order shall be enforceable, via motions for specific enforcement or contempt, in this Court. Either party may file an appropriate motion for relief prior to January 19, 2009, if the need arises.

/s/ Witold J. Walczak  
Witold J. Walczak  
American Civil Liberties Foundation of PA

/s/ Stephen W. French  
Stephen W. French  
Solicitor, Borough of Brookville

Attorney for Defendants

/s/ J. Nicholas Ranjan  
J. Nicholas Ranjan  
K&L Gates LLP

Attorneys for Plaintiffs

This Order is hereby **APPROVED** on this 19<sup>th</sup> day of November, 2008, and the relief set forth herein is **GRANTED**.

Donetta W. Ambrose  
Hon. Donetta W. Ambrose  
Chief U.S. District Court Judge