

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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<b>OUR LADY OF SORROWS CHURCH, INC., and,</b>	:	Case No: ____ CV ____
<b>Fr. BERNARD PAUL CHAMPAGNE Plaintiffs,</b>	:	
V.	:	
<b>DR. AMIR MOHAMMAD, in his official capacity as the TOWN OF ORANGE DIRECTOR OF HEALTH Defendant.</b>	:	Date: May 14, 2020
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**VERIFIED COMPLAINT FOR DECLARATORY RELIEF, TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF, AND, DAMAGES**

**The Parties**

1. Plaintiffs, Our Lady of Sorrows Church, Inc., and its Father Bernard Paul Champagne with congregants, is a corporation organized and existing under the laws of the State of Connecticut, having a principal place of business and worship in the Town of Orange, Connecticut.
2. Defendant Dr. Amir Mohammad is the Director of Health for the Town of Orange Health Department in Orange, Connecticut.

**Jurisdiction and Venue**

3. This action arises under the First and Fourteenth Amendments to the United States Constitution and is brought pursuant to 42 U.S.C. § 1983. This action

also arises under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, et seq.

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.
5. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred in this district.
6. This Court is authorized to grant declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. § 2201-02, implemented through Rule 57 of the Federal Rules of Civil Procedure, and is authorized to grant a temporary restraining order and injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure, and, Rule 7 of the Local Rules of Civil Procedure.
7. This Court is authorized to grant Plaintiffs' prayer for relief regarding costs, including a reasonable attorney's fee, pursuant to 42 U.S.C. § 1988.

### **General Allegations**

8. On March 12, 2020, Governor Lamont, in response to COVID-19, issued Executive Order #7 that, while prohibiting social gatherings of 250 people or more, ordered that "nothing in this order shall prohibit any spiritual gathering or worship service." A true and correct copy of this order is attached as Exhibit A.
9. On March 16, 2020, Governor Lamont, in response to COVID-19, issued Executive Order #7D that, among other things, provided that religious spiritual or worship gatherings not be closed but was limited to no more than 50 people in attendance. A true and correct copy of this order is attached as Exhibit B.

10. On March 16, 2020, Defendant Dr. Amir Mohammad in his role and capacity as the Town of Orange Public Health Director issued and published his order to the Town of Orange that “all devotional or religious acts such as daily and weekly congregational prayers, and other religious gatherings shall be canceled until further notice.” (emphasis is original) A true and correct copy of this order is attached as Exhibit C.

11. On March 26, 2020, Governor Lamont, in response to COVID-19, issued Executive Order #7N, thereby reducing social and recreational gatherings from a limit of 50 people together down to a limit of 5 people together; however, the Governor provided his exception “that religious, spiritual or worship gatherings shall not be subject to such increased restrictions and shall instead remain subject to the prohibition on gatherings of 50 or more people, provided that they employ reasonable and appropriate distancing measures.” A true and correct copy of this order is attached as Exhibit D.

12. During the month of March, 2020, through the present time, the Defendant has provided for and allowed local farm retail, liquor retail, food carry-out retail, large chain store retail, gardening retail, and myriad other business retail services whereby and wherein a number of people necessarily gather, congregate, and engage in personal exchanges and transactions to remain open and operational under the provision that they adhere to reasonable and appropriate distancing measures, the standards of which the Defendant has de facto adopted those enumerated by the State of Connecticut and/or the Governor.

13. Despite permitting the aforementioned retail establishments to remain open and cause and allow people to interact, gather, commune, and exchange property and speech, the Defendant has ordered the prohibition of the operation in any manner whatsoever of all churches and religious gatherings in the Town of Orange on pain of criminal prosecution, loss of liberty and loss of property.
14. Recently, on or about the end of April, 2020, the Defendant caused the Town of Orange Police Department to confront the Plaintiffs and threaten them and specifically 87 year old Father Bernard Champagne with criminal arrest and prosecution if the Plaintiff would not lock all its church doors and refuse admittance to any person for any reason until further notice or order from the Defendant.

**DEFENDANT HEALTH DIRECTOR MOHAMMAD'S EXPLICIT HOSTILITY  
AND DISCRIMINATION TOWARD RELIGIOUS EXERCISE**

15. Despite exempting large categories of commercial and non-religious entities from mandatory closures, and despite Governor Lamont's explicit orders that religious gatherings and churches remain open, Defendant Mohammad has and does continue to prohibit faith-based and religious gatherings regardless of the minimal and "state-compliant" number of people who would be in attendance, and, regardless of the religious congregants' ability to maintain social distancing and personal hygiene practices that the Defendant requires of the exempted businesses and commercial organizations he permits to remain open.
16. The Defendant has explicitly and unjustifiably targeted all individuals and religious institutions for enhanced restrictions and blanket closures and

prohibitions despite permitting social gatherings and commercial communing under safety protocols.

17. The Defendant's discriminatory prohibition of any and all religious gatherings and mandated closure of all churches is in direct contravention with Governor Lamont's orders and direction that churches remain open with health protocols.
18. The Defendant has caused the Town of Orange Police Department to implement and enforce his discriminatory prohibition of religious gathering and worship, and, to prohibit churches from even unlocking their doors – as was stated to Father Champagne – in furtherance of his disparate conduct against religious activity within Orange, and, in stark contrast to his permissiveness of equally communal large and small commercial enterprises.

**PLAINTIFFS' IRREPARABLE INJURY RESULTING FROM THE DEFENDANT  
TOWN PUBLIC HEALTH DIRECTOR'S ORDER**

19. Plaintiffs have been explicitly targeted, singled out, and punished for seeking to participate in a religious or "faith-based" gathering when gatherings involving numerous commercial or non-religious entities where large numbers of people are present are permitted and without targeting by the government.
20. Members and attendees and Father Champagne have been stigmatized and subjected to hostile confrontation in that they are threatened with loss of liberty and life if they so much as open their church door let alone enter to pray singularly, let alone in a small group otherwise in compliance with the conditions required of the aforementioned commercial places of business where people are permitted to congregate.

21. The parishioners and Father Champagne are generally subjected to adverse employment action, and, subjected to immediate actual and constructive furlough forced by the Defendant's conduct in deliberately and publicly targeting faith-based gatherings.
22. As a result of the Defendant's conduct, the Plaintiffs have suffered and are suffering irreparable injury by being prohibited from engaging in their constitutionally and statutorily protected rights of free exercise, assembly, and speech.
23. As a further result of the Defendant's conduct, Plaintiffs have suffered and are suffering irreparable injury by being prohibited from engaging in their constitutionally protected rights to be free from government hostility toward religion.
24. As a further result of the Defendant's conduct, Plaintiffs have suffered and are suffering irreparable injury by being deprived of their constitutionally protected rights to equal protection.
25. As a further result of the Defendant's conduct, the Plaintiffs and other members and attendees of the church have suffered and are suffering irreparable injury by the Defendant's threat of criminal sanctions against Father Champagne and the church's members and attendees for merely exercising their constitutionally protected freedoms.

**PLAINTIFF'S ATTEMPTS TO SECURE RELIEF WITHOUT JUDICIAL  
INTERVENTION WERE NOT SUCCESSFUL**

26. From Tuesday, May 12, 2020, when counsel was procured to assist the Plaintiffs and first became aware of the aforementioned, through the late hours of Wednesday, May 13, 2020, undersigned counsel endeavored to address and remedy the hostile and discriminatory practices of the Defendant by communicating directly with the Town of Orange Chief of Police, the Defendant, the Town of Orange First Selectman, and, the Town of Orange counsel.
27. Undersigned counsel's efforts were met with cavalier disregard of the seriousness of the constitutional and legal issues presented by these facts from the First Selectman, met with deference from the Police Department in that they were only following the standing directive of the Defendant, and, met with defensive justification from counsel for the Town of Orange. The Defendant refused to engage in the correspondence attempting to address the situation.
28. Undersigned counsel has been told, not by the Defendant authority issuing the order, but by Orange First Selectman Zeoli and echoed by his counsel, that the Defendant's order may change next week coinciding with the date (Wednesday) that the Governor's orders are opined to be subject to his changing them.
29. This empty assurance is hollow, impotent, and a non sequitur in that it is not the Governor's order that is offending and causing ongoing injury to the Plaintiffs and those similarly situated.
30. The ongoing hostile religious discrimination by the Defendant will compound harm and injury by preventing the Plaintiffs and those similarly situated every day

it is permitted to continue, and, with particularity this coming weekend where the days commonly captioned as Saturday and Sunday are historic and traditional days of worship in many religious gatherings including those of the Judeo-Christian faiths.

### **CONSTITUTIONAL CLAIMS**

#### **COUNT ONE - FIRST AMENDMENT FREEDOM OF ASSEMBLY**

31. The Defendant's order violates the Plaintiffs' right to freedom of assembly under the First Amendment as applied to the states by the Fourteenth Amendment, as being repugnant to the prohibition of abridging the right of the people to peaceably assemble.
32. The Defendant's order is unconstitutional on its face, and, as discriminatorily applied against religious assemblers versus commercial assemblers.
33. The Defendant's order is unconstitutional as based upon the discriminatory distinction of religious content.
34. The Defendant lacks a compelling, legitimate or rational interest in commanding all religious institutions and churches be closed while disparately treating and permissively tolerating business and non-religious communing of people in Orange.
35. The Defendant's demand that all churches be and remain closed is not the least restrictive means to accomplish any permissible purpose sought to be served by these discriminatory orders, and, the Defendant's order is not narrowly tailored to serve any purported legitimate government interest.

36. The Defendant's order is irrational and unreasonable and imposes unjustifiable and unreasonable restrictions on the Plaintiffs constitutionally protected right to assemble.

37. The Defendant's order has caused and is causing and will continue to cause Plaintiffs to suffer immediate and irreparable injury and undue and actual hardship.

38. Plaintiffs have no other adequate remedy at law to correct this continuing deprivation of their most cherished and fundamental liberties.

39. Wherefore the Plaintiffs respectfully pray for the relief against the Defendant as hereinafter set forth in their prayer for relief.

**COUNT TWO - FIRST AMENDMENT FREEDOM OF SPEECH**

40. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs 1-30 above.

41. The Free Speech Clause of the U.S. Constitution's First Amendment prohibits the Defendant from abridging the Plaintiffs' freedom of speech.

42. The Defendant's order is on its face and as applied an unconstitutional prior restraint on Plaintiffs' speech.

43. The Defendant's order is on its face and as applied unconstitutionally discriminatory on the basis of religious viewpoint.

44. The Defendant's order is on its face and as applied unconstitutionally discriminatory on the basis of religious content.

45. The Defendant lacks a compelling, legitimate, or rational interest in the application of different standards against the Plaintiffs as opposed to the exempted or permitted non-religious businesses and entities.
46. The Defendant's order is not the least restrictive means to accomplish any permissible government purpose sought to be served by the order.
47. The Defendant's order is on its face and as applied unconstitutionally overbroad as it chills and abridges the free speech rights of the Plaintiffs.
48. The Defendant's order is on its face and as applied discriminatory by limiting its application to only certain entities, organizations, and persons based upon intentionally targeting and chilling religious speech and content.
49. The Defendant's order is on its face and as applied a violation of the Plaintiffs' rights to free speech and has caused and is causing and will continue to cause Plaintiffs to suffer immediate and irreparable injury and undue and actual hardship.
50. Plaintiffs have no other adequate remedy at law to correct the continuing deprivation of their most sacrosanct and cherished liberties.
51. Wherefore the Plaintiffs respectfully pray for the relief against the Defendant as hereinafter set forth in their prayer for relief.

**COUNT THREE – FIRST AMENDMENT FREE EXERCISE OF RELIGION**

52. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs 1-30 above.

53. The U.S. Constitution's First Amendment Free Exercise Clause as applied to the states by the Fourteenth Amendment prohibits the Defendant from abridging the Plaintiffs' rights to the free exercise of religion.
54. The Plaintiffs have sincerely held religious beliefs including that scripture is the Word of the Lord, that Jesus Christ is their Savior, and that they are to be guided by and to follow the Word of the Lord and the teachings of Christ.
55. Plaintiffs sincerely held religious beliefs emanate from the Word of the Lord and from the teachings of Christ that provide for communing in the name of God to petition, to pray, to worship, and to give thanks as a community and assembled together.
56. Plaintiffs sincerely held religious beliefs rooted in Scripture's teachings and commands include the belief that followers of Christ are not to forsake the assembling of themselves together, and, that the religious believers are to do so even more in times of peril and crisis. In fact, the purpose of the church (in Greek it is "ekklesia" which means "assembly") is to assemble together the devout including the Plaintiffs who are Christians to worship God.
57. The Defendant's orders on their face and as applied intentionally and willfully target the Plaintiffs' sincerely held religious beliefs by prohibiting faith-based gatherings.
58. The Defendant's orders on their face and as applied impermissibly attack and burden the Plaintiffs' sincerely held religious beliefs, it compels the Plaintiff to either change their beliefs or to act in contradiction to them, and, the Defendant's orders force the Plaintiffs to choose between the teachings and provisions of

their sincerely held religious beliefs in the commands of Scripture, or, abide by the order of the Defendant to disregard and disavow and forsake such sincerely held religious beliefs in favor of the Defendant's will.

59. The Defendant's order to close all churches is neither neutral nor generally applicable, but rather the Defendant's order specifically discriminates against and targets the religious beliefs, speech, assembly, and sacrosanct faith and values of the Plaintiffs.

60. The Defendant lacks a compelling, legitimate, or rational interest in discriminatorily and disparately targeting churches and faith based organizations as opposed to those non-religious entities that are not similarly prohibited from being open or gathering.

61. The Defendant's order imposes a substantial burden on the Plaintiffs' sincerely held religious beliefs.

62. The Defendant's order lacks a compelling, legitimate, or rational interest in its application of different standards against churches and religion than business and non-religious entities, and, the order is not the least restrictive means to accomplish any purported legitimate interest.

63. The Defendant's order has caused, is causing, and will cause actual, irreparable, immediate, and, undue harm and hardship.

64. The Plaintiffs have no adequate remedy at law to correct the continuing deprivation of their most sacrosanct and cherished liberties.

65. Wherefore the Plaintiffs respectfully pray for the relief against the Defendant as hereinafter set forth in their prayer for relief.

#### **COUNT FOUR – FIRST AMENDMENT ESTABLISHEMENT CLAUSE**

66. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs 1-30 above.

67. The Establishment Clause of the First Amendment to the U.S. Constitution, as applied to the states by the Fourteenth Amendment, prohibits government from establishing a religion.

68. The Establishment Clause also prohibits excessive government entanglement with religion, and, prohibits the government from showing hostility towards religion and prohibits showing favoritism towards one religion's sect over another or between non-religion and religion.

69. The Defendant's order on its face and as applied permits and directs an act of hostility towards religious or faith based gatherings.

70. The Defendant's order on its face and as applied impermissibly favors certain non-religious gatherings over religious or faith-based gatherings.

71. The Defendant's order on its face and as applied violates the Establishment clause because it excessively entangles government with religion.

72. The Defendant's order on its face and as applied has caused, is causing, and will continue to cause the Plaintiffs immediate, irreparable, actual, and undue harm and hardship.

73. The Plaintiffs have no adequate remedy at law to correct the continuing deprivation of their most sacrosanct and cherished liberties.

74. Wherefore the Plaintiffs respectfully pray for the relief against the Defendant as hereinafter set forth in their prayer for relief.

**COUNT FIVE – EQUAL PROTECTION UNDER THE FOURTEENTH  
AMENDMENT**

75. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs 1-30 above.

76. The Fourteenth Amendment to the United States Constitution guarantees Plaintiffs the right to equal protection under the law.

77. The Defendant's order on its face and as applied is an unconstitutional abridgement of the Plaintiff's right to equal protection because the Defendant treats the Plaintiffs differently from other similarly situated businesses, enterprises, entities, and persons within the community on the basis of the content and viewpoint of the Plaintiffs' gatherings.

78. The Defendant's order on its face and as applied is not neutral and specifically targets the Plaintiffs and other faith-based gatherings for unequal, disparate, and discriminatory treatment.

79. The Defendant's order on its face and as applied impermissibly discriminates between certain non-religious gatherings and religious or faith based gatherings.

80. The Defendant lacks a compelling, legitimate, or rational interest in the application of different standards for churches and faith based gatherings than those standards applicable to exempted businesses or non-religious entities.

81. The Defendant's order on its face and as applied is not the least restrictive means to accomplish any permissible government purpose sought to be served.

82. The Defendant's order on its face and as applied does not have a rational basis, and, it imposes irrational and unjustifiable restrictions on the Plaintiffs' religious or faith based gatherings.
83. The Defendant's order on its face and as applied has caused, is causing, and will continue to cause the Plaintiffs immediate, irreparable, actual, and undue harm and hardship.
84. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of their most sacred and cherished liberties.
85. Wherefore the Plaintiffs respectfully pray for the relief against the Defendant as hereinafter set forth in their prayer for relief.

**WHEREFORE**, the Plaintiffs seeks the following relief:

- A. An emergency order of relief enjoining the Defendant from applying or enforcing its Order against the Plaintiffs.
- B. A judgment declaring the Defendant's Order directing the closure of the Plaintiff(s) and churches and faith based organizations unconstitutional and therefore void.
- C. An order permanently enjoining enforcement of the Defendant's Order directing that churches and faith based organizations be closed.
- D. Attorney's costs and fees.
- E. Such other relief as this Court deems fair and equitable.

Respectfully submitted,

THE PLAINTIFFS

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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OUR LADY OF SORROWS CHURCH, : Case No: \_\_\_ CV \_\_\_  
INC., and, :  
Fr. BERNARD PAUL CHAMPAGNE :  
Plaintiffs, :  
: V. :  
: DR. AMIR MOHAMMAD, in his official :  
capacity as the TOWN OF ORANGE :  
DIRECTOR OF HEALTH : Date: May 14, 2020  
Defendant. :  
:

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**VERIFICATION OF COMPLAINT**

Father Bernard Paul Champagne certifies as follows:

1. I have read the Verified Complaint herein, and, I am familiar with the facts stated in it.
2. The factual allegations set forth in the Verified Complaint are true and correct to the best of my knowledge, information, and belief.

*Father Bernard Champagne*

Father Bernard Paul Champagne

Subscribed and sworn to before me this 14<sup>th</sup> day of May, 2020.

*Charles Christian Young*

Charles Christian Young  
Commissioner of the Superior Court