

## County moves to dismiss lawsuit over public notice in mosque case

MURFREESBORO — The plaintiffs accusing the Rutherford County government of failing to provide sufficient public notice before approving a mosque will first have to defend a motion to dismiss their case.

The county attorney's office recently filed a motion asking Chancellor Robert Corlew III to make a summary judgment to end the case rather than to proceed with an open meeting trial scheduled for April 25 and 26.

Corlew will hear arguments about whether to proceed with the trial during a hearing scheduled at 1 p.m. April 19.

The county contends that it provided sufficient public meeting notice through legal advertising and government web posting before the county Regional Planning Commission approved plans on May 24, 2010, for the Islamic Center of Murfreesboro to build a bigger place of worship of 52,960 of square feet.

“This court, in its order denying the temporary injunction, has already ruled that Islam is a religion,” the county's most recent motion states. “Pursuant to the First Amendment of the United States Constitution, Article I & 3 of the Tennessee Constitution, and the Tennessee Religious Freedom Act, Rutherford County could not provide greater notice to the public based on the Islamic faith, or alleged affiliations, of applicant than is typically provided to any other applicant, religious and unreligious alike. Hence, since the typical notice provided by Rutherford County is, as a matter of law, sufficient, notice in this case was sufficient.”

In a case dating back to September 2010, Corlew so far has ruled the plaintiffs cannot stop the ICM from building a bigger place of worship, and that the congregation has property rights to build a new mosque on Veals Road off Bradyville Pike southeast of Murfreesboro city limits. Corlew, though, has questioned the county's advertisement in The Murfreesboro Post was sufficient.

Plaintiffs' attorney Joe Brandon of Murfreesboro contends that the county's motion to dismiss the case has no merit.

“We are filing a response in the next couple of days to the county's motion for summary judgment,” Brandon said during a Tuesday phone interview. “We will be able to show in our response fraud and deceit upon the court. We in no capacity believe the court will grant the county's motion. The chancellor has already told these plaintiffs that they are entitled to their day in court and we expect our day in court.”

The ICM continues to build its new home to replace a small one on the back side of an office at 862 Middle Tennessee Blvd.

Phase I is supposed to be about 12,000 square feet, and the builder reported last fall he expected it to be done by this summer.