



(Attorney General Dave Yost pictured with Pastor Chris Avell while visiting Dad's Place.)

Ohio Court Extends Stay Allowing Church to Keep Doors Open, Offer Temporary Shelter; Criminal Conviction Still Pending

State appellate court issued ruling allowing church's overnight ministry to continue during holidays and freezing temperatures while threat of criminal conviction looms.

Bryan, OH—This week, a panel of judges on the Court of Appeals of Ohio, Sixth Appellate District, granted an Ohio church's motion to stay the preliminary injunction pending appeal, finding that the motion "asserted a reasonable question of law" on a matter of constitutional law. The decision allows Dad's Place, a Bryan, Ohio church, to continue its temporary shelter ministry while the case continues on appeal. First Liberty Institute and the law firms Taft Stettinius & Hollister LLP and Spengler Nathanson PLL represent Dad's Place.

Jeremy Dys, Senior Counsel at First Liberty Institute said, "We are grateful to the court for recognizing the weighty issues of Constitutional law and temporarily pausing the city's aggressive campaign against Dad's Place. Without this decision by the Court of Appeals, as the judges explained, the city would 'prohibit Dad's Place from practicing what it maintains is an important part of its religious beliefs for several months.' America is better with people like Pastor Chris Avell and Dad's Place, who compassionately open their doors to people who have nowhere else to go, keeping them from freezing on the snowy sidewalks."

The appellate court concluded that the recent decision by the Williams County Court of Common Pleas "does not maintain this status quo." Instead, the appellate court concluded:

[G]ranted a stay of the preliminary injunction would preserve the status quo and permit Dad's Place to continue to exercise its professed religious beliefs during the pendency of its appeal. In addition, appellants have asserted a reasonable question of law—whether the enforcement of the fire code would violate their constitutional rights—that would result in a reversal of the trial court's ordering a preliminary injunction if found well-taken. Therefore, we grant appellants' motion to stay the preliminary injunction pending appeal.

Dad's Place is a church in northwest Ohio that operates 24-hours a day to serve the most vulnerable in its community. For over a year, the City of Bryan, Ohio has been aggressively using what Ohio Attorney General Dave Yost recently called “the petty tools” the city has “to express its displeasure with unfavored members of the community”—including alleged zoning violations, middle-of-the-night fire inspections, police antagonism, and even criminal charges filed against the church's pastor. And while city officials demand the church install an expensive fire suppression system, the city does not require all of its motels, most of its apartment complexes, and even a senior living facility to install fire suppression systems in their buildings.

A decision on a criminal conviction against Pastor Chris Avell brought by the city is pending.

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About First Liberty Institute

[First Liberty Institute](http://www.firstliberty.org) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

To arrange an interview, contact John Manning at media@firstliberty.org or by calling 972-941-4453.