

No.26-2072

**In the United States Court of Appeals
FOR THE THIRD CIRCUIT**

HOLY TRINITY UKRAINIAN CATHOLIC CHURCH,
PLAINTIFF-APPELLANT,

v.

COLLIER TOWNSHIP, GABE BENVENUTI, WAYNE CHIURAZZI, TIM DOWNEY,
JR., JULIE MURPHY, KARI SUTER, DAWNLEE VAUGHN, AND MARY ANN
CUPPLES-WISNIOWSKI,
DEFENDANTS-APPELLEES.

On Appeal from the United States District Court
for the Western District of Pennsylvania
No.2:26-cv-24 (Wiegand, J.)

**OPENING BRIEF OF PLAINTIFF-APPELLANT HOLY TRINITY
UKRAINIAN CATHOLIC CHURCH**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Fed. R. App. P. 26.1, Plaintiff-Appellant Holy Trinity Ukrainian Catholic Church represents that it does not have any parent entities and does not issue stock.

Dated: July 7, 2026

/s/ Joshua D. Davey
Joshua D. Davey

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JURISDICTIONAL STATEMENT

The District Court had jurisdiction under 28 U.S.C. § 1331 because the case involves claims under the First Amendment and the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc *et seq.*; R.1; Fed. R. App. P. 28(a)(4)(A). On January 7, 2026, Plaintiff-Appellant Holy Trinity Ukrainian Catholic Church (“Holy Trinity”) moved for a preliminary injunction on its Free Exercise Clause claim and its RLUIPA claims, R.4; and the District Court denied that motion on April 8, 2026, R.82; Fed. R. App. P. 28(a)(4)(A).

This Court has jurisdiction under 28 U.S.C. § 1292(a)(1), which authorizes appeals as of right from “[i]nterlocutory orders” of district courts “refusing . . . injunctions.” *Id.*; Fed. R. App. P. 28(a)(4)(B). Holy Trinity timely filed its notice of appeal on May 1, 2026, Dkt.1, within 30 days of the District Court’s Order on April 8, 2026, Fed. R. App. P. 4(a)(1)(A), 28(a)(4)(C).

ISSUES PRESENTED

1. Whether the District Court erred in concluding that Holy Trinity was not likely to succeed on the merits of its RLUIPA substantial-burden claim and, therefore, erred in denying Holy Trinity’s preliminary-injunction motion on that basis. *See* Appx.106–12; Appx.13–14.

2. Whether the District Court erred in concluding that Holy Trinity was not likely to succeed on the merits of its RLUIPA equal-terms claim and, therefore, erred in denying Holy Trinity's preliminary-injunction motion. *See* Appx.101–06; Appx.13–14.

3. Whether the District Court erred in concluding that Holy Trinity was not likely to succeed on the merits of its claim under the Free Exercise Clause and, therefore, erred in denying Holy Trinity's preliminary-injunction motion. *See* Appx.112–13; Appx.13–14.

4. Whether the District Court erred in concluding that Holy Trinity failed to demonstrate that it would suffer irreparable harm in the absence of a preliminary injunction. *See* Appx.113–15; Appx.14–15.

5. Whether the District Court erred in concluding that the balance of harms and public interest weighed against granting a preliminary injunction. *See* Appx.115–18; Appx.14–16.

STATEMENT OF RELATED CASES

This case has not previously been before this Court. 3d Cir. L.A.R. 28.1(a)(2). Holy Trinity filed a land-use appeal related to the issues presented here in the Court of Common Pleas of Allegheny County, Pennsylvania, No.SA25481, which Holy Trinity withdrew after filing this

federal lawsuit. Appx.58.11. Holy Trinity also previously moved this Court for an injunction pending appeal, Dkt.7, which this Court denied on June 11, 2026, Dkt.21. Finally, this Court heard oral argument in *Anash, Inc. v. Borough of Kingston*, No. 25-1097, on January 22, 2026, which raises similar legal issues.

Holy Trinity is unaware of any other case or proceeding that is in any way related, completed, pending, or about to be presented before this Court or any other court or agency, state or federal.

INTRODUCTION

Holy Trinity feels called to build a Shrine dedicated to Mary, the Mother of God, on its predominantly vacant, 41-acre property in the Township. Holy Trinity envisions the Shrine—consisting of a church building with accompanying facilities to host visitors and functions including weddings and funerals—will offer worship, education, retreat, and leisure to worshippers and pilgrims. In particular, the Shrine is to serve the spiritual needs of the Ukrainian Catholic community, a small branch of the worldwide Catholic Church with its own distinctive liturgy and traditions. And the Shrine is to be a place of reparation for sins against life, such as abortion, as believed by Ukrainian Catholics.

For Holy Trinity to begin the process of building the Shrine, it had to submit an initial Rezoning Application to rezone part of its Property (which sits in two different zoning districts) and to add the proposed Shrine as a conditional use in the relevant district. Holy Trinity had to take that preliminary step because “church” is not a permitted use as of right *anywhere* in the Township, including in the districts encompassing Holy Trinity’s Property. However, the Township’s Board of Commissioners denied Holy Trinity’s application, apparently resting on

generalized traffic concerns and a supposed need for more details—although, under the Zoning Code, such details were only required at later steps in the process. Then, remarkably, a Commissioner disclosed that “one of the reasons,” Appx.215, for the denial was the Board’s disapproval of Holy Trinity’s pro-life religious views, stating in an email to the Board that it “dodged a bullet” by denying the application, as approval “could have been a disaster,” Appx.874.

The Free Exercise Clause and RLUIPA prohibit the Township’s blocking of Holy Trinity’s religious use of its Property in this way, so Holy Trinity brought this lawsuit and simultaneously moved for a preliminary injunction to protect its fundamental free-exercise rights. The District Court nevertheless denied Holy Trinity’s requested preliminary-injunctive relief, but its decision is incorrect.

To begin, Holy Trinity is likely to succeed on the merits of its Free Exercise Clause and RLUIPA claims. As for Holy Trinity’s claim under RLUIPA’s substantial-burden provision, the Township’s prohibition on Holy Trinity moving forward with its Shrine is a substantial burden on its religious exercise that the Township cannot possibly justify under strict scrutiny—which is why the Township did not even try to do so

below. The Township’s vague interests in traffic, noise, or zoning enforcement are not compelling, and it had many less-restrictive means to address them, including simply gathering the information it claimed it lacked before voting. And the Township’s only other justification—“dodg[ing] a bullet” and averting the “disaster” of allowing pro-life religious exercise—is patently unconstitutional.

Holy Trinity is also likely to succeed on its equal-terms claim. The Zoning Code facially violates RLUIPA’s equal-terms provision because it does not permit a “church” as a matter of right *anywhere* in the Township. Further, the Shrine is consistent with the Township’s regulatory objectives here and fits comfortably with many of the uses already allowed in the relevant zoning district. Indeed, the Shrine would be comparable to the nearby “Carpenters Complex,” a 93,000-square-foot trade school complex located on the same road as the Property that hosts large union meetings and political rallies.

Further, Holy Trinity is likely to succeed on its Free Exercise Clause claim, for similar reasons. The Township clearly burdened Holy Trinity’s religious exercise by wholly denying its Rezoning Application, and it did so per a regulatory scheme that is neither neutral nor generally

applicable. That is because the Zoning Code facially treats secular activity more favorably (not generally applicable) and because religious hostility motivated the Township's denial (not neutral). And, here too, the Township cannot survive strict scrutiny.

Finally, the equities strongly favor preliminary-injunctive relief. The Township's denial of Holy Trinity's application causes *per se* irreparable harm by depriving Holy Trinity of its fundamental religious-liberty rights during what is likely to be years of litigation. Holy Trinity appreciates that this Court denied its earlier Motion For An Injunction Pending Appeal—concluding that such relief was “not necessary to prevent irreparable injury or preserve the status quo,” particularly in light of the court-ordered expedited schedule, Dkt.21 at 2. However, the irreparable-harm calculus is materially different at this stage, given that this litigation will likely not conclude for years. Status-quo considerations are now materially different as well, as the Township's denial of Holy Trinity's Rezoning Application will deprive Holy Trinity of its pre-existing, federal free-exercise rights for years while this litigation is resolved. Lastly, the Township and the public have no interest in

enforcing the Township's illegal decision, so they will suffer no harm from a grant of preliminary-injunctive relief here.

This Court should reverse the District Court's denial of Holy Trinity's Motion For Preliminary Injunction and direct the entry of a preliminary injunction in favor of Holy Trinity.

STATEMENT

A. Factual History

1. Holy Trinity Ukrainian Catholic Church

Holy Trinity is a small Ukrainian Catholic parish in Collier Township, Pennsylvania. Appx.355–56. Founded in 1951, Holy Trinity practices its faith according to the historic Eastern European tradition and serves its community through worship, service, and fellowship. Appx.355–56. Father Jason Charron is Holy Trinity's current priest. Appx.355–56.

Holy Trinity belongs to the Ukrainian Greek Catholic Church, which is based in Ukraine and is one of twenty-three Eastern Catholic Churches. Appx.42, 356. The Ukrainian Catholic Church is a small sect of the broader Catholic Church, with only 250,000 to 300,000 members in the United States. Appx.357. It is in full communion with the Latin (or "Roman") Catholic Church but, like other Eastern Catholic Churches,

follows distinct Eastern European traditions and liturgies. Appx.42, 356. For example, Ukrainian Catholic Churches frequently ring bells, particularly to recognize memorials, holy days, church services, and the hour of Jesus Christ’s death. Appx.370–71. Ukrainian Catholicism also emphasizes commemorating the dead in its religious practice—as a necessary corollary to its deep respect for life. To illustrate, while many Christians celebrate a single “All Souls’ Day” on November 2, Ukrainian Catholics celebrate multiple “All Souls’ Saturdays” throughout the year. Appx.44. On those Saturdays, Ukrainian Catholics recite the names of particularly remembered departed loved ones. Appx.44.

A hallmark of Ukrainian Catholicism is its distinctive architectural style. Western Christian architecture usually caps churches with a steeple, but Ukrainian Catholics crown their churches with domes, often gilded. Appx.44. This “Kyivan” style is central to the expression of Ukrainian Catholic heritage. Appx.44. To a Ukrainian Catholic, architecture is declaratory—passersby see golden domes and crosses and, in so doing, see God. Appx.44, 364.

Many of Holy Trinity’s parishioners descend from religious refugees whose journeys mirrored those of the pilgrims who founded our Nation.

In the Twentieth Century, the Soviet Union harshly repressed the Ukrainian Catholic Church, including by forcibly “absorb[ing]” it and its property into the Soviet-run Russian Orthodox Church. Appx.42. So, faithful Ukrainian Catholics in the Soviet Union “went underground,” praying and worshipping in secret according to their (then-illegal) traditions. Appx.42. Indeed, many Ukrainian Catholics faced imprisonment and death rather than forsake their religion, while many others fled to the United States to secure for themselves and their families our Nation’s promise of religious freedom. Appx.42–43. And just recently, Pope Leo XIV noted Ukrainian Catholicism’s struggle to maintain its heritage, remarking that “the priceless heritage of the Eastern Churches” risks “being lost.” Appx.43.

In addition to owning property for its regular liturgies in Carnegie, Pennsylvania, Holy Trinity has owned a 41-acre parcel of land in the Township (the “Property”) for over 70 years. Appx.45–46. The Property is largely undeveloped, except for a small cemetery and mausoleum in the southern portion. Appx.358–60. The Property sits across from the Centennial Pointe residential development, just below Interstate

Highway I-376 and near Pittsburgh International Airport. Appx.145. It is accessible only via Ridge Road. Appx.610.

2. Collier Township, Its Zoning Code, And The Classification Of Holy Trinity's Property

a. The Township is a small municipality just outside Pittsburgh. Appx.36, 38. As relevant here, the Township has a Zoning Code enacted and enforced by a five-commissioner Board of Commissioners (the "Board"). Appx.141–42, 146–47, 415, 417. The Township also has a Planning Commission underneath the Board that makes nonbinding recommendations to it. Appx.141–42, 146–47, 415, 417.

The Township's Zoning Code divides land into 15 districts, including, for example, "Planned Shopping Center District," "Planned Economic Development District" (PEDD), and "Rural Residential District" (R-1). Appx.929–35. Within each, the Zoning Code specifies what uses are "permitted," "conditional," or prohibited, Appx.929–35—each described in turn immediately below. Property owners in the Township may apply to the Planning Commission to rezone their property or to amend the Zoning Code to add uses to a particular district, with the Planning Commission then making a non-binding

recommendation to the Board, which retains discretion over whether to grant those requests. Appx.965–83.

Under the Zoning Code, a “permitted” use is a use allowed as of right, typically without even prior review or approval necessary. Appx.929–35. That said, if a property owner’s intended “permitted” use would require construction qualifying as “major land development,” the owner must first complete the major-land-use-approval process before such construction. Appx.966. This requires the owner to participate in pre-application conferences; pay fees; meet with the Planning Commission; submit preliminary documents, including a traffic-impact analysis, a preliminary plat, written statements, and building plans; and then submit a final application and plat. Appx.965–77. Once the owner satisfies those requirements, the Board lacks discretion to stop construction. Appx.147.

A “conditional” use requires review by the Planning Commission and approval by the Board before the property owner may engage in it. Appx.978–83. Thus, unlike a permitted use, a conditional use *always* requires an application-and-review process. The conditional-land-use-approval process begins with a submission of a preliminary land-

development plan, written statement, and traffic-impact analysis. Appx.978–83. The Board then exercises discretion to approve or deny the application, with or without conditions. Appx.142–43, 146. Notably, a use may be both “conditional” *and* a “major land development,” in which case the applicant must also satisfy the major-land-use-approval process before beginning construction for purposes of that conditional use. Appx.968.

A prohibited use is simply not allowed, and each district prohibits certain uses. For instance, the “suburban residential district” does not allow construction of a “hospital” or “car wash”; the “planned shopping center district” prohibits building a “single-family dwelling” or “crematorium.” Appx.929–34.

The Zoning Code defines the regulatory purposes for each district. As relevant here, the PEDD’s purpose is to “promote economic development on large undeveloped tracts in a campus-style atmosphere, allowing for a compatible mix of uses that encourages an integrated living and working environment while preserving adequate buffers between dissimilar uses.” Appx.917–22. To serve that purpose, the PEDD permits uses such as a “business or professional office”; “commercial

recreation,” including an amusement park, fitness center, and amphitheater, Appx.917–18, 957; “commercial school”; “forestry”; and “private recreation,” like a country club, Appx.918–19, 957. Conditional uses include “hotel,” “planned office or research park,” “retirement community,” and “planned recreation complex.” Appx.919.

By contrast, the PEDD does not allow the construction of a “church.” *See generally* Appx.917–22. *In fact, the Zoning Code does not include a “church” as a permitted use in any of the 15 districts.* Appx.237–38.¹ Instead, the Zoning Code allows a “church” as a conditional use in only five districts. Appx.237–38, 931. *Anyone who wants to build a church in the Township must always first seek and obtain the Planning Commission’s review and the Board’s discretionary approval.* Appx.978–83.

b. Holy Trinity’s Property lies within two zoning districts. Appx.146. The southern half, where the cemetery and mausoleum are located, is in an R-1 district. Appx.46, 140, 916. The northern half—

¹ The Zoning Code defines “church” as “[a] building or buildings . . . used primarily as a place of worship on a regular basis by a religious denomination” and “which may also include” accessory uses like “rooms for religious education,” “social and recreational activities,” “rectories,” and “parsonages.” Appx.940.

which is undeveloped, Appx.45, 358—lies in a PEDD, Appx.916 (showing zoning division of the Property).

One mile from the Property sits the Carpenters Pittsburgh Training Center (the “Carpenters Complex”), which is also zoned in a PEDD. Appx.152, 422–23. Like the Property, the Carpenters Complex is located on, and only accessible through, Ridge Road. Appx.152. The Carpenters Complex occupies around 19 acres and comprises 93,000 square feet of buildings regularly used to train tradesmen and hold union-member meetings. Appx.60–64. The Complex includes carpentry-training space, classrooms, offices, a boardroom, a cafeteria, and hundreds of parking spaces. Appx.38. It recently expanded to add a separate building with an auditorium complete with theater-style seating capable of seating hundreds of people for union activities. Appx.38, 152. The Complex also has a large event space that has hosted political rallies. Appx.152. President Joe Biden, for example, used the Complex in 2018 for a rally with approximately 200 attendees. Appx.152.

3. Holy Trinity Plans A Shrine On Its Property To Advance Its Religious Mission

In 2023, Holy Trinity decided to build a Shrine on its Property to serve its congregation’s religious needs and to attract pilgrims

(the “Shrine Project”). Appx.645–54. The Shrine would honor Mary, the Mother of God, and would pay homage to the sanctity of life, which is central to Holy Trinity’s mission. Appx.303, 357, 361, 368. Fr. Charron received the inspiration for the Shrine while celebrating the Divine Liturgy and is convinced that God is calling Holy Trinity to build. Appx.363–64. After a period of reflection, Fr. Charron began working with parishioners to bring this vision to life. Appx.365.

To move the Shrine Project forward, Holy Trinity hired a construction company; traffic consultants; legal counsel; and one of the Nation’s preeminent church-architecture firms, McCrery Architects. Appx.365–66, 374. The team developed site plans, prepared architectural designs and renderings, evaluated the Property, investigated geotechnical and stormwater issues, and studied parking and traffic conditions on Ridge Road. Appx.60.

The Shrine that Holy Trinity envisions would embody Ukrainian Catholic tradition and spirituality through its architecture. Appx.369–70. It would include a 30,000-square-foot chapel built in the Kyivan tradition, including gold domes, a bell tower, spires, and a cross visible to “anyone driving on [Interstate] 376.” Appx.364, 369–70, 610,

648, 654 (preliminary drawings of the Shrine). Not only would this declarative architecture honor God and attract visitors, but it would also serve Holy Trinity's worship—for example, Holy Trinity would use the bell tower during services, holy days, memorials, and other moments of prayer and devotion. Appx.370.

The Shrine's interior and grounds would be molded by its religious traditions and call to fellowship. The chapel would include a sanctuary with icons and relics, a social hall, a gift shop, a museum, and a retreat center with 18 guest beds. Appx.398, 648. The surrounding grounds would include prayer trails, a grotto, and the existing cemetery, tying the Shrine to Holy Trinity's practice of commemorating the dead and honoring the sanctity of life. Appx.610, 648. Together, these spaces would give Ukrainian Catholics a place to gather and worship. Appx.367.

All told, Holy Trinity invested more than \$160,000 (through an associated nonprofit foundation) on these design and site-development efforts. Appx.60. Holy Trinity estimated that it would take two years to raise the estimated \$60 to \$100 million needed for the Shrine and five years to build. Appx.393, 401–02.

To ensure compliance with the Zoning Code, Holy Trinity's representatives and contractors met informally with Bob Caun, the Township's Director of Planning, Zoning & Land Development. Appx.60, 256. Caun provided Holy Trinity with feedback on the Shrine Project. Appx.60, 256. For example, he advised that, because the Shrine would straddle the R-1- and PEDD-zoned land, Holy Trinity must either seek to rezone some of the Property's R-1 land to PEDD land or try to amend the Zoning Code to permit churches in the PEDD. Appx.60, 256-59.

4. Holy Trinity Submits An Application For The Shrine, The Township Denies It, And Then The Township Severely Limits An Additional Project

a. In December 2023, Holy Trinity submitted a Rezoning Application with the Township, as a necessary preliminary step before it could submit the required major land use application to build the Shrine. Appx.646-52. The Rezoning Application had two components. First, because "church" is not permitted anywhere as of right and not at all in the PEDD, the Rezoning Application proposed amending the Zoning Code to allow for "Planned Cultural Center" within the PEDD. Appx.650-52. The Shrine would fit within the definition of a "Planned Cultural Center." Appx.648-49. Second, consistent with Caun's advice, Appx.254-256, the

Rezoning Application proposed rezoning a portion of the Property's southern R-1 land to PEDD land, Appx.916 (showing proposed rezoning), as the Shrine could not physically be built solely in the existing PEDD portion of the Property due to the scale and the Property's topography. Appx.648.

The Rezoning Application included a narrative explaining the Shrine was "intended to be a unique testament to the Holy Mother." Appx. 648-49. It also included preliminary architectural renderings and technical drawings showing how the Church envisioned the Shrine might look. Appx.610, 654. Holy Trinity also submitted a professional traffic study performed by Wooster & Associates, a "competent" and reputable local traffic engineering firm (the "Traffic Study"). Appx.145, 149, 438-39, 624-56 (parking demand analysis). The Traffic Study concluded that the Shrine would not require road improvements to accommodate anticipated traffic on Ridge Road. Appx. 145, 149, 624-56. The Township's traffic engineer identified no issues with the Traffic Study. Appx.149.

Importantly, the Rezoning Application was not an application to *build* the Shrine; it was a preliminary step under the Zoning Code before

Holy Trinity could proceed to two subsequent steps. Appx.148, 428. Specifically, if the Board approved the Rezoning Application, Holy Trinity would then have to complete the conditional-use-approval process and then the major-land-use-approval process. Appx.148. Only after completing these additional steps could Holy Trinity put a shovel in the ground. Appx.148, 428.

b. The Board ultimately rejected the Rezoning Application, accepting the recommendation of the Planning Commission.

The Planning Commission first reviewed Holy Trinity's Rezoning Application and recommended denial. Appx.678–80. The Planning Commission provided no reasons for its recommendation, Appx. 678–80, but some Commission members did raise generalized concerns about traffic to the Shrine and “the number of people that would be visiting the [S]hrine,” Appx.680, despite the conclusions of the Traffic Study and the Township's traffic engineer, Appx.149. Other members objected to the “noise from the . . . bell tower,” R.55-4 at 2, and the “economic hardship and inconveniences that may be incurred,” Appx.680. And one member simply “said that while the concept is fabulous, he does not think the location is right for it.” Appx.680.

On September 9, 2024, the Board held a public hearing to consider the Planning Commission's recommendation and, ultimately, unanimously denied the Rezoning Application. Appx.149, 761–63.

In advance of the hearing, members of the nearby neighborhood circulated a petition opposing the Shrine, which gathered 500 signatures. Appx.379. This led to a “packed” hearing with a “TV camera” also in attendance. Appx.378. Some community members stood up to voice their opposition at the hearing, expressing concerns ranging from the risk that the Shrine would impact flight patterns, Appx.823, to the lack of necessity for the Shrine because nobody had “see[n] Jesus, the Virgin Mary or anybody down in this area,” Appx.833. And when Fr. Charron explained that Holy Trinity would rely on the “grace of God” and a “national” fundraising effort to fund the Shrine, the attendees laughed. Appx.63.

The expressed concerns did not stop there. Some Commissioners invoked generalized traffic and road-safety concerns at the hearing—for example, Commissioner Mary Ann Cupples-Wisniowski remarked that “Ridge Road is rather narrow,” so she was “very concerned about what [the Shrine] would do to the people who live around there.” Appx.796.

Commissioner Kari Ann Suter raised questions about the “ambitious” fundraising required for the Shrine. Appx.809. And members of the public who attended the hearing also expressed opposition based on Holy Trinity’s religious beliefs. Some community members stated that “the intent of the [S]hrine was a celebration for *Roe v. Wade* being overturned,” Appx.825, and that they had “great concerns” that Fr. Charron was “very involved in pro life,” Appx.820.

At the end of the hearing, the Board rejected the Rezoning Application. Appx.761–63. Like the Planning Commission, the Board gave no formal reasons for its denial. Appx.761–63.

During discovery, Commissioner (now Board President) Cupples-Wisniowski openly admitted that religious animus motivated the Board’s decision, and her testimony showed this was intentionally so. Appx.215. Specifically, she testified in her deposition that Holy Trinity had not “been honest with” the Board that Holy Trinity’s pro-life views may have inspired the Shrine. Appx.215–16. She testified to the Board’s concern that the Shrine “was really a shrine for Pro Life” that would “do all kinds of things for unwed mothers.” Appx.215. She testified that it was “appropriate” for the Township to reject a “project because of the religious

views of the applicant,” Appx.221–22, or because of “the nature of the religious service to be held in the building,” Appx.227. Finally, Commissioner Cupples-Wisniowski produced an email that she sent to the Board and other Township officials the day after the hearing, in which she referred to a pro-life speech by Fr. Charron and stated that the Township “might have dodged a bullet last night,” as approving the Rezoning Application “could have been a disaster.” Appx.874.

c. After the Township denied the Rezoning Application, Holy Trinity spent the next several months developing a significantly scaled-down project that would still advance its mission while attempting to “work within” the Zoning Code. Appx.381–82. This “Chapel Project” comprised a small chapel on the Property’s R-1 land, in which Holy Trinity could hold religious services. Appx.827. In December 2024, Holy Trinity submitted a conditional-use-approval application for the Chapel Project. Appx.877–79. The Board approved it, but only subject to onerous conditions that conflicted with Holy Trinity’s religious mission. Appx.881. For example, the Board prohibited Holy Trinity from using the Chapel for memorials for anyone who died before June 9, 2025, and limited bell-ringing to memorial services only, for three-and-a-half

minutes, claiming the right to “audit” Holy Trinity’s religious practices for compliance. Appx.881.

B. Procedural History

1. Given the Township’s denial of the Rezoning Application, Holy Trinity brought this RLUIPA and First Amendment lawsuit against the Township (together with the Commissioners). Appx.35–95.²

Holy Trinity asserted four claims in its Verified Complaint. Appx.73–92. First, Holy Trinity alleged the Township violated RLUIPA’s substantial-burden provision by denying the Rezoning Application. Appx.73–77. Second, Holy Trinity alleged the Township violated RLUIPA’s equal-terms provision in two respects: the Zoning Code facially treats churches worse than comparable secular uses in each district, particularly in the PEDD, Appx.78–80, and the Township has treated Holy Trinity on less-than-equal-terms than comparable secular comparators, Appx.80–82. Third, Holy Trinity asserted a claim under the Free Exercise Clause by completely denying the Rezoning Application

² Holy Trinity appealed the Township’s conditional approval of the Chapel Project in state court but withdrew that appeal upon filing this lawsuit. R.55-8.

pursuant to a zoning regime that is not neutral or generally applicable. Appx.83–90.³

Contemporaneously with the filing of its Verified Complaint, Holy Trinity moved for a preliminary injunction on its two RLUIPA claims and on the Free Exercise Clause claim. *See* Appx.96–120. In addition to explaining its likelihood of success on the merits, Holy Trinity explained that the Township’s denial of the Rezoning Application is causing it irreparable harm, Appx.113–15, by preventing it from developing its Property according to its sincerely held religious beliefs, Appx.113–14, and by stalling its fundraising efforts for the Shrine, Appx.409. That is because, as Fr. Charron explained, Holy Trinity could not ask donors “in good faith” for money “without the preliminary approvals” necessary to even move forward with the Shrine. Appx.409. The preliminary injunction ultimately requested that the Court enjoin the Township from enforcing its Zoning Code both to preclude the existence of churches as of right anywhere in the Township and to violate Holy Trinity’s right to

³ Holy Trinity also brought a fourth claim under the Establishment Clause, not at issue here. Appx.90–92.

make a religious land use of its Property, as it had done by denying the Rezoning Application. Appx.118.

2. In response to Holy Trinity's preliminary-injunction motion, the District Court allowed a period of discovery on the motion and then held an evidentiary hearing where Fr. Charron and Mr. Caun testified and the parties submitted other evidence. R.60, 80.

Then, on April 8, 2026, the District Court denied Holy Trinity's preliminary-injunction motion in a written opinion. *See* Appx.5–18. The District Court characterized Holy Trinity's requested relief as “mandatory affirmative relief rather than maintenance of the status quo.” Appx.9; *infra* pp.44–46 (refuting this characterization). Then, the District Court analyzed the likelihood-of-success-on-the merits factor in a single paragraph, stating that Holy Trinity was unlikely to succeed on the merits of its RLUIPA and free-exercise claims because it “ha[d] not clearly established that Defendants' conduct imposed a substantial burden on its religious exercise, that Holy Trinity was treated on less than equal terms than a nonreligious assembly, or that the Zoning Ordinance at issue was not neutral or generally applicable.” Appx.13–14. The District Court also concluded Holy Trinity would not suffer

irreparable harm due to its “delay” of “more than a year after the Board rejected the” Rezoning Application to “fil[e] this action.” Appx.14. Finally, the District Court held that the merged harm-to-the-government and public-interest factors weighed against granting relief because “[t]he requested injunction would prevent the Township from carrying out its enacted Zoning Ordinance before the Court has finally resolved the parties’ dispute.” Appx.15–16.

3. Holy Trinity appealed to this Court, Dkt.1, and moved for an injunction pending appeal in the District Court and moved this Court for an injunction pending appeal as to its two RLUIPA claims only. Dkt.7; *see* R.85, 92 (District Court previously denying this same requested relief). On June 11, 2026, this Court denied that motion, explaining that Holy Trinity’s requested “mandatory injunction . . . is not necessary to prevent irreparable harm or preserve the status quo.” Dkt.21. The Court then expedited merits briefing and oral argument, Dkt.21, subsequently scheduling oral argument for September 9, 2026, Dkt.22.

SUMMARY OF ARGUMENT

I. Holy Trinity is likely to succeed on the merits of its RLUIPA and Free Exercise Clause claims.

A. Holy Trinity is likely to prevail on its RLUIPA substantial-burden-provision claim. Under the substantial-burden provision, a local government cannot substantially burden religious land use unless it satisfies strict scrutiny. Multiple Circuits have concluded that prohibiting a religious organization from expanding its facilities violates this provision.

Here, the Township's denial of Holy Trinity's Rezoning Application violates the substantial-burden provision. The denial is a substantial burden because it completely prevents Holy Trinity from moving forward with the Shrine, as part of its religious mission. The Township cannot survive strict scrutiny, which is why it did not even try to do so below. It lacks a compelling interest for the denial—its generalized concerns for traffic are not compelling and are not tied to the Shrine; its supposed need for more information is premature at this stage under the Township's own Zoning Code; and its opposition to Holy Trinity's pro-life religious beliefs is constitutionally verboten. The Township also had less-restrictive means besides denial, as it could have postponed its vote to gather that information or conditioned approval on receiving that information.

B. Holy Trinity is likely to prevail on its RLUIPA equal-terms-provision claim. Under this provision, a local government cannot treat religious land use less favorably than comparable secular land use. Here, the Zoning Code facially violates this provision because it prohibits churches as of right anywhere but allows any number of secular uses as of right. Further, the Shrine advances the regulatory purposes of the PEDD comparably with secular uses, as it is a campus-style structure on a largely undeveloped tract of land that would promote economic development. That is especially apparent when comparing the Shrine to the nearby Carpenters Complex.

C. Holy Trinity is also likely to prevail on its Free Exercise Clause claim. Under the Free Exercise Clause, the government cannot burden religious exercise under a law that is not neutral and generally applicable unless it satisfies strict scrutiny. Here, the Township's denial of the Rezoning Application certainly burdens Holy Trinity's religious exercise. Further, the Township's denial was not neutral because the record shows that religious animus motivated the Township's denial. Nor is the Township's denial generally applicable because the Zoning Code treats comparable secular activity more favorably than religious exercise by

completely prohibiting churches as of right. The Township thus can only enforce this denial if it clears strict scrutiny, which it cannot do for the reasons already stated.

II. A preliminary injunction is necessary to prevent irreparable harm to Holy Trinity. The Township's denial deprives Holy Trinity of its fundamental free-exercise rights, protected both by the Free Exercise Clause and RLUIPA. The Supreme Court is clear that the deprivation of such rights for *any* amount of time—especially for the years that this litigation will likely take—is a *per se* irreparable harm. That distinguishes the posture of the case now from the injunction-pending-appeal posture this Court previously addressed. The denial also prohibits Holy Trinity from engaging in necessary fundraising efforts for the Shrine, as Holy Trinity cannot in good faith ask for donations for a project that, at this stage, cannot go forward. That too is irreparable, as it ultimately delays the completion date for the Shrine, if that day ever comes.

III. The balance of the equities and the public interest strongly favor granting preliminary-injunctive relief. Neither the Township nor the public will be harmed by a preliminary injunction because they have

no interest in denying Holy Trinity its federally protected free-exercise rights. Nor would a preliminary injunction disrupt the status quo, as Holy Trinity's longstanding, preexisting free-exercise rights set the status quo, which is why several Circuits have awarded preliminary-injunctive relief in similar RLUIPA cases.

STANDARD OF REVIEW

When considering whether to grant a preliminary injunction, a district court must consider four factors: (1) whether the movant is likely to succeed on the merits; (2) whether the movant will suffer irreparable injury; (3) whether the nonmovant will suffer any substantial harm; and (4) where the public interest lies. *Reilly v. City of Harrisburg*, 858 F.3d 173, 176 (3d Cir. 2017); accord *Winter v. Nat'l Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Once the movant makes a sufficient showing on the first two factors, the district court then “determines in its sound discretion if all four factors, taken together, balance in favor of granting the requested preliminary relief.” *Reilly*, 858 F.3d at 179.

This Court reviews a district court's denial of a preliminary injunction for “an abuse of discretion,” reviewing “[q]uestions of law [] de novo” and “questions of fact” for “clear error.” *Adams v. Freedom Forge*

Corp., 204 F.3d 475, 484 (3d Cir. 2000). Accordingly, this Court reviews a district court’s conclusions on the likelihood-of-success-on-the-merits factor “*de novo*,” as they are “purely legal.” *See S.S. Body Armor I., Inc. v. Carter Ledyard & Milburn LLP*, 927 F.3d 763, 773 (3d Cir. 2019). The Court “must reverse if the district court has proceeded on the basis of an erroneous view of the applicable law.” *Am. Tel. and Tel. Co. v. Winback and Conserve Program, Inc.*, 42 F.3d 1421, 1427 (3d Cir. 1994) (citation omitted).

ARGUMENT

Holy Trinity is entitled to preliminary-injunctive relief, and the District Court erred in concluding otherwise. Holy Trinity is likely to succeed on its two RLUIPA claims and its free-exercise claim, *infra* Part I, and that alone should be outcome determinative given that Holy Trinity’s constitutionally protected free-exercise rights are at stake. Indeed, both the Free Exercise Clause and RLUIPA protect “First Amendment free-exercise rights,” *Korte v. Sebelius*, 735 F.3d 654, 666 (7th Cir. 2013) (so-holding in context of the Religious Freedom Restoration Act (RFRA)); *see generally Mack v. Yost*, 63 F.4th 211, 232 n.18 (3d Cir. 2023) (“We make no distinction here between cases applying

RFRA and those relying on RLUIPA”), and—in cases implicating such rights—establishing a likelihood of success “will often be the determinative factor” in whether to grant preliminary-injunctive relief, *Korte* 735 F.3d at 666; *accord Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1144 (10th Cir. 2013), *aff’d sub nom. Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014) (likewise holding in RFRA context). In any event, Holy Trinity also satisfies the equitable factors for preliminary-injunctive relief, and it will suffer irreparable harm absent such relief, *infra* Part II, and the merged harm-to-the-government and public-interest factors also weigh in favor of such relief, *infra* Part III.

I. Holy Trinity Is Likely To Succeed On The Merits Of Its RLUIPA And Free-Exercise-Clause Claims

A. Holy Trinity Is Likely To Prevail On Its RLUIPA Substantial-Burden-Provision Claim

1. RLUIPA’s substantial-burden provision provides that a municipality may not “impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of . . . a religious . . . institution,” unless the municipality shows the challenged action is “(A) in furtherance of a compelling governmental interest” and “(B) the least restrictive means of furthering that . . . interest.” 42 U.S.C. § 2000cc(a)(1); *id.* § 2000cc-5(4)(A). Thus, once a claimant shows that a

land-use regulation substantially burdens its religious exercise, the burden shifts to the government to satisfy “strict scrutiny.” See *Washington v. Klem*, 497 F.3d 272, 284 (3d Cir. 2007); *Ramirez v. Collier*, 595 U.S. 411, 426–27 (2022).

A “substantial burden” exists when “the government put[s] substantial pressure on an adherent to substantially modify his behavior and to violate his beliefs.” *Washington*, 497 F.3d at 280. That standard is satisfied when, for example, the government “severely inhibits” a claimant’s “ability” to engage in religiously motivated conduct, *id.* at 282, or prohibits such conduct outright, *Ramirez*, 595 U.S. at 425–26. To satisfy strict scrutiny, the government must “prove with evidence that its rules are narrowly tailored to advance a compelling state interest.” *Nunez v. Wolf*, 117 F.4th 137, 147 (3d Cir. 2024) (quoting *Mast v. Fillmore Cnty.*, 141 S. Ct. 2430, 2433 (2021) (Gorsuch, J., concurring)). Such a “compelling interest” must be an “of the highest order.” *McTernan v. City of York*, 564 F.3d 636, 649 (3d Cir. 2009). The government cannot rely on “broadly formulated interests” but “must instead demonstrate that the compelling interest is satisfied” with respect “to the particular claimant.” *Ramirez*, 595 U.S. at 427 (citations and brackets omitted); see also *id.* at

432–33 (rejecting reliance on “potentially more problematic requests down the line”); *Holt v. Hobbs*, 574 U.S. 352, 363 (2015). To satisfy the narrow-tailoring prong, “the government [must] show that it lacks other means of achieving its desired goal without imposing a substantial burden” on the claimant. *Holt*, 574 U.S. at 364–65. Thus, the government must “consider and reject other [less restrictive] means” of advancing its interests, *Washington*, 497 F.3d at 284, and it must do so “proactively,” *Nunez*, 117 F.4th at 148.

Multiple Circuits have held that local governments have violated RLUIPA’s substantial-burden provision when denying zoning approvals needed for religious institutions to construct or expand their facilities for religious purposes.

In *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338 (2d Cir. 2007), the Second Circuit held that a village’s denial of a Jewish day school’s application for a special permit to expand its campus violated RLUIPA’s substantial-burden provision. *Id.* at 352–53. There, the school sought approval to expand its campus. *Id.* at 344–46. The village denied that application based on “traffic” and concerns about “the intensity of use.” *Id.* at 346. The Second Circuit held that the village’s

denial imposed a substantial burden and that the village’s “reasons for denying the application were not substantiated by evidence” or related to “imposing the burden on religious exercise in the particular case at hand.” *Id.* at 349–53. And the village failed to use least-restrictive means because it “had the opportunity to approve the application subject to conditions, but refused.” *Id.* at 353.

In *Guru Nanak Sikh Society of Yuba City v. County of Sutter*, the Ninth Circuit held that a county’s denial of a Sikh society’s applications to establish a temple violated RLUIPA’s substantial-burden provision. 456 F.3d 978, 992 (9th Cir. 2006). The society applied for conditional-use permits to construct a temple. *Id.* at 981–84. The county denied the permit applications “based on citizens’ voiced fears” regarding “noise and traffic” and impact on “property values” *Id.* at 982–83. The Ninth Circuit reasoned that the denials imposed a substantial burden by “lessen[ing] the prospect” that the society would be “able to construct a temple in the future.” *Id.* at 992. The county also failed to identify a compelling interest or argue that the denials were narrowly tailored, so it failed strict-scrutiny review. *Id.*

In *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, the Seventh Circuit held that a city’s refusal to approve a church’s rezoning application to build a new church imposed a substantial burden under RLUIPA. 396 F.3d 895, 901 (7th Cir. 2005). The church sought to rezone 14 acres of a 40-acre parcel from “residential” to “institutional” use, allowing it to build a bigger church. *Id.* at 897–98. The city denied the application because of its concern that rezoning the property could allow different, “institutional” uses of that land. *Id.* at 898. The Seventh Circuit reasoned that the denial substantially burdened the church by placing the church in a position to either “sell [its] land” and “find a suitable alternative parcel,” or “be subjected to unreasonable delay by having to restart the permit process to satisfy the Planning Commission.” *Id.* at 900.

2. Holy Trinity is likely to prevail on its RLUIPA substantial-burden-provision claim.

The Township’s rejection of Holy Trinity’s Rezoning Application substantially burdens Holy Trinity’s religious use of its Property. *Washington*, 497 F.3d at 280; *accord Ramirez*, 595 U.S. at 425–26. Approval of the Rezoning Application was a *necessary* initial step to build

the Shrine because the PEDD prohibits the Shrine's religious land use and Holy Trinity needed to expand the PEDD portion of the Property to accommodate it. *Supra* pp.20. Denying Holy Trinity's application the Township completely prohibited Holy Trinity from pursuing this indisputably religious use of its Property. Appx.220. That is "substantial pressure" on Holy Trinity "to substantially modify [its religiously motivated] behavior," *Washington*, 497 F.3d at 280, or an outright prohibition on its behavior, *Ramirez*, 595 U.S. at 425–26; *accord supra* pp.37–39.

Given this substantial burden, the Township must satisfy strict scrutiny and "prove with evidence that its rules are narrowly tailored to advance a compelling state interest," which it cannot do. *Nunez*, 117 F.3d at 147 (citation omitted); *accord supra* pp.37–39.

The Township did not even attempt to carry its strict-scrutiny burden in the District Court. *See* R.55 at 6–10. The record shows that Township may have had three apparent bases for its decision—generalized concerns about traffic on Ridge Road, Appx.149, 796–97, 800, 885; a claimed need for additional details about the Shrine's possible impacts, Appx.215, 433–34, 884; and animus toward Holy Trinity's

religious beliefs, Appx.215–16, 221–22, 874. None of these is compelling. *Nunez*, 117 F.3d at 147 (citation omitted); accord *Tenafly Eruv Ass’n, Inc. v. Borough of Tenafly*, 309 F.3d 144, 172 (3d Cir. 2002).

First, the Township’s generalized concerns for traffic on Ridge Road, App.142, 413–14, 417, 502, are not a compelling interest. “[T]raffic safety and [] flow constitute[]” only “significant—not compelling—governmental interests” unless the government has a robust accident record, see *McTernan*, 564 F.3d at 650–51 (citations omitted). The Township identified no accident history or concrete safety record that could elevate its ordinary traffic concerns into a compelling interest. Appx.149. Instead, the only traffic evidence below was Holy Trinity’s Traffic Study concluding that the Shrine requires no improvements to Ridge Road, a conclusion that the Township’s traffic engineer agreed with. *Supra* pp.19; Appx.149 (“No concerns with the [] Traffic Study were identified by the Township’s Traffic Engineer”). Relatedly, the Township did not tie its “broadly formulated” traffic interests to Holy Trinity’s proposed activities specifically, *Ramirez*, 595 U.S. at 427; see also *Mast*, 141 S. Ct. 2430 (Gorsuch, J., concurring), and has not shown

that Holy Trinity’s proposal would cause those traffic issues, Appx.149, 796–97, 800, 885.

Second, the Township referenced the “limited explanation of the Shrine’s possible impacts,” Appx.13 (District Court’s Opinion), regarding “the volume of [visitors],” Appx.416 (Township’s witness), but that is not compelling either. In the Township’s view, Holy Trinity had not yet supplied enough detail about the Shrine’s future operations and effects—such as the number of visitors, scale of events, and potential traffic and safety impacts—so the Township lacked information to approve the Rezoning Application. Appx.215, 432–33, 804. But the Zoning Code does not the Township receiving all details about the Shrine at this initial stage; rather, “the request to rezone had to come first.” Appx.428; *see also* Appx.148, 274–77. Instead, the Zoning Code contemplates Holy Trinity providing more details later in its processes. *Supra* pp.12–13. Specifically, at the major-land-use-approval stage, Holy Trinity would have to (among other requirements) submit a satisfactory traffic-impact analysis and site plans, *supra* pp.12; and at the conditional-use-approval stage, the Township could have imposed legitimate (RLUIPA-consistent) conditions to mitigate its concerns, *supra* pp.12–13. While the Township

apparently wished to ignore its Zoning Code and hold Holy Trinity to higher standards not applicable at this stage, that desire cannot be a compelling interest.

Third, “one of the reasons,” Appx.215, for the Township’s denial was its “animosity” or “disapproval of [Holy Trinity’s] religious beliefs,” *Masterpiece Cakeshop v. Colo. C.R. Comm’n*, 584 U.S. 617, 634–39 (2018). Commissioner Cupples-Wisniowski testified that Holy Trinity had not “been honest with us”—*i.e.*, the Board—that the Shrine may have been “a shrine for Pro Life,” that Holy Trinity may “do all kinds of things for unwed mothers,” Appx.215–16, and that it would be “appropriate” to reject a project “because of the religious views of the [a]pplicant” or “the nature of the religious service to be held in the building,” Appx.221–22. Commissioner Cupples-Wisniowski then disclosed in her post-hearing email that this religious animus motivated the denial: the Township “dodged a bullet” and averted “a disaster” by refusing to allow Holy Trinity to build a Shrine dedicated to its pro-life religious views. Appx.874. Such “hostility” to religion is constitutionally verboten, *Masterpiece Cakeshop*, 584 U.S. at 634–38, and so cannot be a valid basis for the Township’s denial.

The Township also fails to satisfy strict-scrutiny’s narrow-tailoring prong—and cannot clear strict scrutiny for this independent reason—as it had multiple “other means of achieving its desired goal[s]” without denying Holy Trinity’s application. *Holt*, 574 U.S. at 364–65; *accord Tenafly*, 309 F.3d at 172; *Westchester Day Sch.*, 504 F.3d at 353.

Put simply, the Township “had the opportunity to approve the application subject to conditions, but refused.” *Westchester Day Sch.*, 504 F.3d at 353. The Township could address its traffic concerns by imposing legitimate traffic-related conditions as part of its approval or during the subsequent zoning processes. *Id.* In particular, the major-land-use-approval process requires a traffic-impact analysis, and the Township had the authority to impose legitimate RLUIPA-consistent traffic-safety conditions at the conditional-use-approval step. Appx. 965–77. Both of those steps would have come *after* the approval of the Rezoning Application. Appx. 148, 428, 929–35, 965–77.

Further, the Township could have postponed its vote to allow Holy Trinity to supplement its application concerning the so-called “missing” information. While the Zoning Code does not require Holy Trinity to provide information like a more comprehensive traffic study at this stage,

Appx.865–77, the Township giving Holy Trinity the opportunity to provide that information or conditioning approval on receiving that information would have been less restrictive for strict-scrutiny purposes than denying the Rezoning Application outright, *Westchester Day Sch.*, 504 F.3d at 353. Indeed, two Commissioners suggested this possibility at the hearing before eventually voting to deny the Rezoning Application. Appx.81–86.

3. The District Court’s treatment of Holy Trinity’s RLUIPA substantial-burden-provision claim was wrong.

To begin, the District Court apparently declined to apply strict scrutiny because, in its view, Holy Trinity had “not clearly established that [the Township’s] conduct imposed a substantial burden on its religious exercise.” Appx.13. But Holy Trinity demonstrated a substantial burden, *supra* pp.38, and, respectfully, the District Court offered no reasoning to support its contrary conclusion.

Nevertheless, the District Court also appeared to conclude that the Township had a compelling interest because Holy Trinity’s proposed “amendments would attach to the land itself, extending beyond its current owners.” Dkt.1-2 at 8. At most, this is a concern for “potentially

more problematic requests down the line”—that is, the operation of planned cultural centers by other organizations—not a compelling interest as to Holy Trinity. *Ramirez*, 595 U.S. at 433. In other words, the Township’s professed concern was a glut of religious shrines as conditional uses, despite Mr. Caun never having seen such an application in twenty-seven years as Collier Township’s Director of Planning, Zoning & Land Development. Appx.145, 418–19. Setting aside the absurdity of this “concern,” the Township could have addressed it later in the process set forth in the Zoning Code by imposing conditions to eliminate the “more problematic requests,” *id.*, the Township may have anticipated, *Westchester Day Sch.*, 504 F.3d at 353.

The District Court also erred by applying the heightened standard for “mandatory injunctive relief.” Appx.11. That heightened standard applies only when an injunction would “alter the status quo” by compelling affirmative action before resolving the merits. *Acierno v. New Castle Cnty.*, 40 F.3d 645, 653 (3d Cir. 1994). But Holy Trinity seeks no such order. It does not ask the Court to require the Township to issue final approval for construction, waive neutral health-and-safety requirements, or exempt the Shrine from ordinary later-stage land-use

review. Appx.12, 118. Nor does Holy Trinity seek an injunction “to enable the Shrine Project to be constructed.” Appx.12. Rather, as Holy Trinity clarified at the preliminary-injunction hearing below, the injunction that it seeks is to enjoin enforcement of the Zoning Code “to preclude the [Rezoning Application] that would lay the foundation for it to move forward” through the “multiple steps that would have to happen before the [Shrine was] built.” Appx.446–47. That requested relief is prohibitory, not mandatory, as it does not force the Township to do anything, but merely stops the Township from doing something it has no right to do. *See Satanic Temple, Inc. v. Saucon Vall. Sch. Dist.*, 671 F. Supp. 3d 555, 566 (E.D. Pa. 2023).

The District Court also stated that Holy Trinity “conceded that a higher standard” applied here. Appx.12. However, this misunderstands Holy Trinity’s statements, when placed in context. While Holy Trinity agreed with the District Court at the hearing that “there is a higher standard for awarding preliminary injunctive relief in a situation such as this where” the request seeks “more than maintenance of the status quo,” Appx.447, Holy Trinity did not understand that to mean that the higher standard for mandatory injunctions applied here. That is why in

this same colloquy, Holy Trinity disavowed the notion that it seeks “essentially mandatory relief,” as its requested injunction does not seek “affirmative relief permitting the church to go forward with the [S]hrine [P]roject” regardless of the other “multiple steps that would have to happen before the project could actually be built.” Appx.446.

In any event, Holy Trinity would satisfy this heightened standard. It showed its right to relief is “indisputably clear,” Appx.12, because the record showed the Township’s denial prevented Holy Trinity from progressing to the Zoning Code’s next information-intensive steps, *supra* pp.38, and in doing so derailed Holy Trinity’s fundraising efforts, *supra* pp.25. And, as explained, *supra* pp.38–43, the Township failed to justify that denial under strict scrutiny. Moreover, the evidence also showed both facial and as-applied unequal treatment of Holy Trinity, *infra* pp.46–54. Holy Trinity thus showed its clear entitlement to relief from the Township’s unlawful denial.

B. Holy Trinity Is Likely To Prevail On Its RLUIPA Equal-Terms-Provision Claim

1. RLUIPA’s equal-terms provision provides that “[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a

nonreligious assembly or institution.” 42 U.S.C. § 2000cc(b)(1). In *Lighthouse Institute for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253 (3d Cir. 2007), this Court articulated a five-element test for an equal-terms claim: (1) the plaintiff is a religious institution, (2) subject to a land-use regulation that (3) treats the religious institution “on less than equal terms with” (4) a nonreligious institution that (5) “causes no lesser harm to the interests the regulation seeks to advance.” *Id.* at 270. Notably, neither a substantial-burden inquiry nor strict scrutiny applies. *Id.* at 269.

The third through fifth elements comprise the key inquiry, as the first two elements are undisputed. To answer that inquiry, *Lighthouse* requires an equal-terms plaintiff to “identify a better-treated secular comparator that is similarly situated in regard to the objectives of the challenged regulation.” 510 F.3d at 268. The secular comparator need not comprise the “same combination of uses,” *id.* at 264, but its use must be “no less harmful to the governmental objectives in enacting the regulation,” *id.* at 269; *see also Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (per curiam) (“[W]hether two activities are comparable . . . must be judged against the asserted government interest that justifies the

regulation at issue.”). So, if the secular comparator’s land use is “no less harmful” to the regulatory purpose of the challenged regulation than the religious land use, then “that regulation—without more—fails.” *Lighthouse*, 510 F.3d at 269.

To determine the “regulatory purpose” of a land-use regulation, courts look to objective evidence of what the local government designed the regulation to accomplish. *Id.* at 270. This includes “documented” statements of regulatory purpose, *id.*, and the regulation’s own structure—especially the list of uses the ordinance permits or excludes, *id.* at 272–73. Thus, in *Lighthouse*, where it was “not apparent from the allowed uses why a church would cause greater harm to regulatory objectives than [permitted uses],” the plaintiff-appellant was entitled to summary judgment on that equal-terms claim. *Id.*; *see also Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163, 1175 (9th Cir. 2011).

2. Here, the Township’s Zoning Code and its denial of the Rezoning Application violates RLUIPA’s equal-terms provision in two different ways.

First, as an independent and entirely sufficient matter, the Zoning Code violates RLUIPA's equal-terms provision on its face. *See Lighthouse*, 510 F.3d at 266. The Zoning Code does not permit a "church" to exist as of right in *any* of its 15 districts, Appx.235–36, although each district permits any number of secular uses as of right, *e.g.*, Appx.918–19 (list of permitted uses for PEDD). For example, an R-1 district allows a "church" as a conditional use, while a "kennel" and "public recreation" are permitted uses. Appx.929–35. Further, in a PEDD, "church" is not a permitted or conditional use at all, while "commercial recreation" (including ice rinks and amusement parks), "health club," "major business or professional office," and "commercial schools" are permitted uses. Appx.917–22. Thus, churches always need the Township's permission to exist, while many secular entities—from amusement parks with screaming guests to kennels with barking dogs—do not. RLUIPA does not permit the Township's Zoning Code to treat churches "less well" than *every* permitted secular use, as to *all* "regulatory purpose[s]." *See Lighthouse*, 510 F.3d at 266 (emphasis omitted).

Second, the Shrine advances (or, at minimum, does not harm) the regulatory purpose of the PEDD at least as well as comparable secular institutions. *See id.* at 264.

The PEDD’s purpose is “to promote economic development on large undeveloped tracts in a campus-style atmosphere, allowing for a compatible mix of uses that encourages an integrated living and working environment while preserving adequate buffers between dissimilar uses.” Appx.917–22. To that end, a PEDD includes various permitted uses including “office[s],” amusement parks, amphitheaters, and country clubs—among others. Appx.917–22, 936–64; *supra* pp.13–14. And a PEDD allows as conditional uses “hotel,” “research park,” “retirement community,” and the like. Appx.917–22; *supra* pp.14.

The Shrine accords with those purposes. The Shrine would encompass multiple structures in a campus-style setting on a large, undeveloped tract of land. Appx.917–22, 936–64; *Supra* pp.16–17. The Shrine would include spaces for prayer, liturgy, education, pilgrimages, reflection, and respite, *supra* pp.16–17—uses that fit comfortably within the PEDD’s contemplated mix of campus-style institutional, recreational, educational, and gathering uses, Appx.917–22, 936–64. That is, these

purposes of worship, education, and respite correspond well with many secular uses in a PEDD, including a “recreational complex,” “office park,” amphitheaters, and “commercial school.” Appx.917–64. The Shrine would also promote economic development, as it would have a gift shop and could host events—in addition to the economic development from the building itself. Appx.648. And the proposed Shrine’s design, set back from the road, integrated with the cemetery, and preserving plenty of green space, would preserve “adequate space between dissimilar uses.” See Appx.610 (aerial drawing of Shrine proposal).

Compare the Shrine to the nearby Carpenters Complex, and the Shrine aligns well with the PEDD’s regulatory purposes. See *Lighthouse*, 510 F.3d at 266–67. Both the Carpenters Complex and the Shrine would be large campus-style developments (with the Carpenters Complex being three times larger than the Shrine). Appx.151, 610. Both are accessible only via Ridge Road, such that any purported concerns about traffic apply equally to the Carpenter’s Complex. Appx.152, 610. And both would regularly assemble individuals for purposes of fellowship, education, personal development, and engagement, see Appx.144, 151–52, 368—including union meetings and national political events for the Carpenters

Complex and worship services and retreats for the Shrine, *supra* pp.15–17.

Thus, the Carpenters Complex and the Shrine are “similarly situated *as to the regulatory purpose*,” yet the Zoning Code and the Township’s denial of Holy Trinity’s Rezoning Application have treated Holy Trinity “less well than” the Carpenters Complex. *Lighthouse*, 510 F.3d at 266. This “violate[s] the Equal Terms provision.” *Id.*

3. The District Court rejected Holy Trinity’s RLUIPA equal-terms claim, without at all discussing the facial argument that Holy Trinity had made or explaining why the other allowable uses in the PEDD are not comparable. Instead, the District Court just noted the Township’s argument that the Carpenters Complex is not an appropriate comparator because the process to build the Complex did not require a rezoning amendment or the creation of a new permitted use in the PEDD. Appx.13. That fails for two reasons.

First, focusing on the differences in the zoning-approval processes for the Shrine and the Complex misunderstands the inquiry. *Lighthouse* instructs that a secular comparator is appropriate if it “is similarly situated *as to the regulatory purpose* of the regulation in question,” 510

F.3d at 264 (emphasis added), not whether the comparator is similarly situated as to the *zoning-approval process*, *contra* Appx.13. Indeed, the difference in processes applicable to the Complex and the Shrine only highlight the equal-terms violation here. Holy Trinity had to propose a new permitted use in the PEDD because the Zoning Code does not allow churches or materially similar religious uses as of right in the PEDD—or anywhere else. *Supra* pp.14. Thus, Holy Trinity’s need to seek a Zoning Code amendment and conditional-use approval is part of the equal-terms-provision problem, not a reason to reject the Church’s equal-terms-provision claim.

Second, the Township’s argument noted by the District Court below fails to explain why the Carpenters Complex is not a proper comparator under *Lighthouse*. Had the District Court applied *Lighthouse*’s regulatory-purpose inquiry, *Lighthouse*, 510 F.3d at 266, it would have recognized that the Carpenters Complex and the Shrine are similarly situated, *see supra* pp.51–52. The Carpenters Complex is a large campus-style secular institutional use in the PEDD, with classrooms, meeting space, and assembly functions. *Supra* pp.15. The Shrine likewise would be a campus-style religious institutional use on a large

undeveloped tract, with worship, education, and gathering functions. *Supra* pp.16–17. Because the Township prefers secular institutional and assembly uses like the Carpenters Complex while refusing comparable religious use by Holy Trinity, the Township treats Holy Trinity on less than equal terms and thereby violates RLUIPA’s equal terms provision.

C. Holy Trinity Is Likely To Prevail On Its Free-Exercise-Clause Claim

For many of the same reasons that Holy Trinity is likely to succeed on its two RLUIPA claims, it is also likely to succeed on its Free Exercise Clause claim.

1. Under the Free Exercise Clause, the government may not “burden” sincere religious exercise—even “incidentally”—with laws or actions that are neither “neutral” or “generally applicable” unless it can satisfy “strict scrutiny.” *Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021). A law or action is not neutral if its “object” is “to infringe upon or restrict practices because of their religious motivation.” *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993), or if the government “proceeds in a manner intolerant of religious beliefs or restricts practices because of their religious nature,” *Fulton*, 593 U.S. at 533. A law or action is not generally applicable if it “prohibits religious

conduct while permitting secular conduct that undermines the government's asserted interests in a similar way," *id.* at 534, or if it "treat[s] any comparable secular activity more favorably than religious exercise," *Tandon*, 593 U.S. at 62.

When a law or government action burdens religious exercise and is not neutral or not generally applicable, that law or action violates the Free Exercise Clause unless the government can satisfy strict scrutiny. *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 525–26 (2022); *see also Fulton*, 593 U.S. at 533, 540–42; *accord Blackhawk v. Pennsylvania*, 381 F.3d 202, 208 (3d Cir. 2004) (Alito, J.) (citation omitted) (“[W]hen the government makes a value judgment in favor of secular motivations, but not religious motivations, the government’s actions must survive [strict] scrutiny.”). The government only survives such scrutiny if it shows that the law or action “advances interests of the highest order and is narrowly tailored to achieve those interests.” *Fulton*, 593 U.S. at 541 (citations omitted); *see supra* pp.34–35 (discussing the same strict-scrutiny test that applies under RLUIPA’s substantial-burden provision).

Notably, a plaintiff asserting a free-exercise claim against a law or government action that is not neutral or not generally applicable need

not show that the challenged law or action *substantially* burdens the plaintiff's sincere religious exercise. There "is no substantial burden requirement when government discriminates against religious conduct" via a law or action that is not neutral or generally applicable. *Tenaflly*, 309 F.3d at 170 (citing *Lukumi*, 508 U.S. at 531–47). Instead, under those circumstances, all the plaintiff must show is that the law "burden[s] religion," even if only "incidentally." *Fulton*, 593 U.S. at 532. Indeed, to conclude otherwise "would make petty harassment of religious institutions and exercise immune from the protection of the First Amendment." *Tenaflly*, 309 F.3d at 170 (citations omitted).

2. Here, Holy Trinity is likely to prevail on its Free Exercise Clause claim, largely for the same reasons as its RLUIPA substantial-burden-provision and equal-terms-provision claims.

The Township burdened Holy Trinity's religious exercise by denying the Rezoning Application, for the reasons articulated above. *Supra* pp.37–38. That denial prevents Holy Trinity from developing its Property with the Shrine for worship, religious education, pilgrimage, prayer, and respite. *Supra* pp.17, 37–38. And although that burden is substantial, *supra* pp.37–38, Holy Trinity need only show that it

incidentally burdens its religious exercise here—which it plainly does—given that the Township’s denial of the Rezoning Application was neither neutral nor generally applicable, *Fulton*, 593 U.S. at 433; *Kennedy*, 597 U.S. at 525; *Tenafly*, 309 F.3d at 165, as explained immediately below.

The Township’s zoning regime is not generally applicable because it “treat[s] any comparable secular activity more favorably than religious exercise,” *Tandon*, 593 U.S. at 62, and because it “prohibits religious conduct while permitting secular conduct that undermines the government’s asserted interests,” *Fulton*, 593 U.S. at 534. The Zoning Code allows many secular uses as of right throughout the Township but nowhere does it allow churches as of right. *Supra* pp.13–14. That is not a neutral law. *Fulton*, 593 U.S. at 534 (explaining a law that “prohibits religious conduct while permitting secular conduct that undermines the government’s asserted interests in a similar way” is not generally applicable). This lack of general applicability is even starker in the PEDD, which “permit[s]” diverse “secular conduct,” *id.*—like amusement parks, amphitheaters, country clubs, and commercial schools, *supra* pp.13–14—that would “undermine the [Township’s] asserted interests [in a PEDD] in a similar way” as the Shrine, *Fulton*, 593 U.S. at 534. Like

those other permitted uses in the PEDD, the Shrine would use the land for gathering, education, and community engagement. *Supra* pp.16–17. That contrast is especially stark when comparing the (prohibited) Shrine to the (permitted) Carpenters Complex, which is a large, secular, campus-style complex in a PEDD on the same road as the Shrine. *Supra* pp.51–52.

The Township’s decision was also not neutral, *Fulton*, 593 U.S. at 533, *Lukumi*, 508 U.S. at 533; accord *Blackhawk*, 381 F.3d at 208 (Alito, J.), because the record shows that the denial was motivated, at least in part, by animus toward Holy Trinity’s religious views and mission, Appx.215–16, 221–23, 873–75. Commissioner Cupples-Wisniowski testified that Holy Trinity had not “been honest” with the Township about the Shrine’s possible pro-life motivations, Appx.215–16, and that it would be “appropriate” to reject a project “because of the religious views of the [a]pplicant,” Appx.221–22, or based on “the nature of the religious service to be held in the building,” Appx.223. Members of the public echoed those concerns about Fr. Charron’s religious views, Appx.820, 830, and the Commissioners did not disavow those objections before unanimously denying the Rezoning Application, Appx.845–50.

Finally, and most dramatically, Commissioner Cupples-Wisniowski confirmed all this in her post-hearing email to the Board, referring to a pro-life speech by Fr. Charron and stating that the Board “dodged a bullet” because approval “[c]ould have been a disaster.” Appx.873–75.

The Township cannot satisfy either prong of the strict-scrutiny review that must apply here, *see, e.g., Kennedy*, 597 U.S. at 525–26—for the same reasons given above with respect to the RLUIPA substantial-burden-provision claim, *supra* pp.38–43. The Township’s generalized concerns for traffic on Ridge Road and its claimed need for additional details about the Shrine, *supra* pp.40–41, are not interests of “the highest order,” *Fulton*, 593 U.S. at 541. And the Township’s interest in rebuking Holy Trinity’s pro-life religious views, *supra* pp.42–43, are constitutionally forbidden, *Masterpiece Cakeshop*, 484 U.S. at 634–38. Nor is the Township’s denial “narrowly tailored.” *Fulton*, 593 U.S. at 541. As explained above, the Township could have pursued any bona fide need for more information about traffic, visitors, site impacts, or the like at the subsequent stages of the Zoning Code process—as the Zoning Code expressly contemplates. *Supra* pp.12–13. At minimum, the Township could have postponed its vote to allow Holy Trinity to assemble and

submit those additional materials, although this would run contrary to the process laid out in the Zoning Code itself. *Supra* pp.12–13.

3. In the Order below, the District Court denied Holy Trinity’s requested injunction based on its free-exercise claim without providing any analysis. Appx.13–14. Specifically, the District Court concluded, without reasoning, that “Holy Trinity . . . has not clearly established . . . that the Zoning Ordinance at issue was not neutral or generally applicable.” Appx.13–14. Respectfully, that conclusory assertion does not rebut Holy Trinity’s powerful merits showing set forth above. *Supra* pp.33–60.

II. A Preliminary Injunction Is Necessary To Prevent Irreparable Harm To Holy Trinity

A. A plaintiff satisfies the irreparable-harm factor by showing a likely injury that cannot be adequately remedied after the litigation through money damages or other remedies at law. *See Instant Air Freight Co. v. C.F. Air Freight, Inc.*, 882 F.2d 797, 801 (3d Cir. 1989). That standard is satisfied when challenged government action infringes free-exercise rights, whether protected by the Free Exercise Clause or by RLUIPA. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury,” *Roman*

Cath. Diocese of Brooklyn v. Cuomo, 592 U.S. 15, 19 (2020) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)), including the right to the free exercise of religion, *Tenaflly*, 309 F.3d at 178. Thus, a plaintiff who shows a likely First Amendment violation has also established irreparable injury. See *K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist.*, 710 F.3d 99, 113 (3d Cir. 2013); *Child Evangelism Fellowship of N.J. Inc. v. Stafford Twp. Sch. Dist.*, 386 F.3d 514, 524–25 (3d Cir. 2004).

The same principles apply in the RLUIPA context. The deprivation of the “right to engage in protected religious exercise” under RLUIPA inflicts a “spiritual rather than pecuniary” harm. *Ramirez*, 595 U.S. at 433. Indeed, multiple Circuits have analogized RLUIPA (or its sister statute, RFRA) to the Free Exercise Clause, concluding that a violation of RLUIPA alone demonstrates irreparable harm, just like a violation of the Free Exercise Clause. See, e.g., *Korte*, 735 F.3d at 666 (RFRA); see generally *Mack*, 63 F.4th at 232 n.18.

B. Here, the Township’s denial of Holy Trinity’s rezoning application for the Shrine inflicts multiple irreparable harms on Holy Trinity.

First, the Township’s denial deprives Holy Trinity of free-exercise rights protected by the First Amendment. *Supra* Part I.C. That loss alone constitutes irreparable harm, with no further showing required. *See Roman Cath. Diocese*, 592 U.S. at 19.

Second, the same reasoning applies with respect to the Township’s infringement of Holy Trinity’s RLUIPA rights. RLUIPA protects Holy Trinity’s right to make a religious use of its Property, and the Township’s denial prevents Holy Trinity from exercising its religion by building the Shrine. *Supra* Part I.A; *supra* pp.37–38. That deprivation inflicts “spiritual rather than pecuniary” harm because it denies Holy Trinity the “right to engage in protected religious exercise,” *Ramirez*, 595 U.S. at 433, similar to Holy Trinity’s Free Exercise Clause claim, *see Korte*, F.3d at 666; *Opulent Life Church v. City of Holly Springs, Miss.*, 697 F.3d 279, 295 (5th Cir. 2012); *Mack*, 63 F.4th at 232.

Third, the Township’s denial prevents Holy Trinity from fundraising for the Shrine during this litigation, and that lost time pursuing this essential aspect of the project cannot be recovered. Appx.394, 408–09, 809. As Fr. Charron explained, in un rebutted testimony, it is “important to have the zoning approval in place before

[Holy Trinity] can go fundraise,” as Holy Trinity “cannot go to donors in good faith” “without the preliminary approvals” at issue here, Appx.409. Thus, by preventing Holy Trinity from moving forward with fundraising now, the Township has delayed the construction of a religiously motivated project central to Holy Trinity’s mission. Appx.394, 408–09, 809. Money damages, even if available from the Township, could not restore these lost years of fundraising, planning, building, and ultimately using the Shrine. Appx.408–09.

C. The District Court’s irreparable-harm analysis is wrong.

The District Court did not address Holy Trinity’s free-standing argument—supported by Supreme Court and Circuit precedent which the District Court also failed to address—that the deprivation of its First Amendment and RLUIPA religious-exercise rights itself constitutes irreparable harm. Appx.14–16.

Instead, the District Court rejected Holy Trinity’s irreparable-harm showing because Holy Trinity waited “more than a year” to file this case after the Township denied its rezoning application. Appx.14. But when assessing delay, courts consider whether the time between the challenged action and the request for injunctive relief was attributable to

reasonable negotiations or efforts to resolve the dispute without litigation. *See Times Mirror Mags., Inc. v. L.V. Sports News, L.L.C.*, 212 F.3d 157, 169–70 (3d Cir. 2000). That is what happened here. After the Township denied the Shrine application, Holy Trinity spent months developing and submitting the “really scaled down” Chapel Project in an effort to “work within” the existing Zoning Code. Appx.381–82. Then, in June 2025, the Township approved the Chapel Project only with conditions that violated Holy Trinity’s religious mission, *supra* pp.23–24, leaving Holy Trinity no practical choice but to sue. In those circumstances, Holy Trinity acted reasonably, and the period spent attempting to resolve the matter through the Township’s own land-use process does not undermine irreparable harm. *See Times Mirror*, 212 F.3d at 169–70.

Finally, in this Court’s denial of Holy Trinity’s injunction-pending-appeal motion, this Court stated that such relief was “not necessary to prevent irreparable injury or preserve the status quo,” Dkt.21 at 1, especially given the Court’s order for expedited briefing and argument. Importantly, the irreparable-harm inquiry for purposes of the preliminary-injunction analysis is different than the inquiry at the

injunction-pending-appeal stage. The inquiry at the injunction-pending-appeal stage is harm *during the appeal*, while the inquiry for the preliminary-injunction analysis is harm *during the entirety of the litigation*. As explained above, *supra* pp.63–64, Holy Trinity plainly suffers such harm during the years that this litigation may continue—including because of its *per se* arguments—even if its harms were not sufficiently grave at the injunction-pending-appeal stage.

III. The Balance Of The Equities And The Public Interest Strongly Favor Granting Preliminary-Injunctive Relief

A. The final two factors “merge” where “the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). Neither the government nor the public has any legitimate interest in violating the Free Exercise Clause, U.S. Const. art. VI, cl.2; *Tenafly*, 309 at 178; *Smith v. City of Atlantic City*, 138 F.4th 759, 779 (3d Cir. 2025), or RLUIPA, U.S. Const. art. VI, cl.2; *see ACLU v. Ashcroft*, 322 F.3d 240, 251 n.11 (3d Cir. 2003); *see also, e.g., Book People, Inc. v. Wong*, 91 F.4th 318, 341 (5th Cir. 2024); *Korte*, 735 F.3d at 666 (RFRA); *Opulent Life*, 697 F.3d at 295 (RLUIPA). Further, “[i]f a plaintiff proves both a likelihood of success on the merits and irreparable injury, it almost always will be the case that

the public interest favors preliminary relief.” *Issa v. Sch. Dist. of Lancaster*, 847 F.3d 121, 143 (3d Cir. 2017) (citations omitted).

B. Here, Holy Trinity has established that the denial of its Rezoning Application likely violates not only the Free Exercise Clause, but also RLUIPA, a statute whose protections “strike at the very heart of the First Amendment’s guarantee of religious liberty,” *Roman Cath. Diocese*, 592 U.S. 14, 19–20 (2020), and provides “heightened statutory protection” for First Amendment rights, *Smith v. Johnson*, 202 F. App’x 547, 549 (3d Cir. 2006). Neither the Township nor the public has any legitimate interest in the enforcement of that denial during this case. Moreover, Holy Trinity carried its burden on the likelihood-of-success and irreparable-harm factors, further showing “that the public interest favors preliminary relief.” *Issa*, 847 F.3d at 143. Finally, the Township’s attempts to justify its denial based upon disapproval of Holy Trinity’s pro-life religious views, *supra* pp.42–43, also powerfully and independently places the equities in favor of an injunction, *see Masterpiece Cakeshop*, 584 U.S. at 634–38.

C. The District Court incorrectly considered these factors.

The District Court credited the Township’s general interest in “carrying out its enacted Zoning Ordinance,” Appx.15–16, and concluded that zoning is “one of the bastions of local control, largely free of federal intervention,” Appx.15 (quoting *Congregation Kol Ami v. Abington Twp.*, 309 F.3d 120, 135 (3d Cir. 2002)). But whatever might be said about those “broadly formulated interests” in the abstract, they cannot justify infringing Holy Trinity’s rights under the First Amendment and RLUIPA. *Ramirez*, 595 U.S. at 427; *Nunez*, 117 F.4th at 147.

The District Court also described Holy Trinity’s requested injunction as “unduly broad” and “amorphous” because it “functionally seek[s] a bar on conduct that would prevent Holy Trinity from executing any project.” Appx.16. Respectfully, Holy Trinity’s proposed injunction is sufficiently and narrowly defined to allow Holy Trinity to make progress toward building the Shrine, including to fundraise and prepare the necessary submissions to build the Shrine. Specifically, Holy Trinity requests an order enjoining the Township from: (1) enforcing its Zoning Code to deny the Rezoning Application during this appeal and (2) enforcing its Zoning Code to prohibit it from moving forward with its Shrine project in a manner that the Zoning Code currently allows

comparable secular uses in the PEDD Zone as a matter of right. R.2, R.4 at 22.

In denying Holy Trinity’s injunction-pending-appeal motion, this Court concluded that such interim relief was “not necessary to . . . preserve the status quo.” Dkt.21 at 1. At the preliminary-injunction stage, however, considerations of the status quo are different. Holy Trinity’s longstanding free-exercise rights under RLUIPA and the First Amendment establish the “last peaceable, noncontested” status quo, and it is the Township’s denial of the Rezoning Application in violation of those pre-existing rights that disrupts the status quo. *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 729 (3d Cir. 2004). Indeed, any other conclusion would preclude any RLUIPA claimant from ever obtaining preliminary-injunctive relief when seeking to develop its land for religious use, which plainly contradicts the law. *See Cath. Healthcare Int’l, Inc. v. Genoa Charter Twp., Mich.*, 82 F.4th 442, 450–51 (6th Cir. 2023) (affirming preliminary injunction to enjoin enforcement of regulation banning religious gatherings on a religious organization’s property); *Opulent Life Church*, 697 F.3d at 299 (reversing denial of preliminary injunction that sought to enjoin enforcement of church-

specific zoning restrictions); *Digrugilliers v. Consol. City of Indianapolis*, 506 F.3d 612, 618 (7th Cir. 2007) (reversing denial of preliminary injunction that sought to enjoin enforcement of zoning law restricting religious uses in a zoning district without a variance).

In any event, granting Holy Trinity a preliminary injunction and allowing it to proceed further along the process under the Zoning Code would disrupt nothing for status-quo purposes. Again, preliminarily enjoining the Township from denying Holy Trinity's Rezoning Application on the record here would *not* entitle Holy Trinity actually to build the Shrine. *Supra* pp.19–20. Instead, such preliminary-injunctive relief would simply permit Holy Trinity to proceed through the Zoning Code's process—including by providing any project-specific information it may legitimately require, consistent with RLUIPA. *Supra* pp.12–13.

CONCLUSION

This Court should reverse the District Court's denial of Holy Trinity's Motion For Preliminary Injunction and direct the entry of a preliminary injunction in favor of Holy Trinity.

Dated: July 7, 2026

Respectfully Submitted,

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COMBINED CERTIFICATIONS

I hereby certify that:

1. At least one of the attorneys whose name appears on the foregoing brief, including the undersigned, is a member of the bar of this Court, as required by Local Rule 28.3(d).

2. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B), because it contains 12,962 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

3. This brief complies with the typeface requirement of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this brief has been prepared using Microsoft Word in a proportionally spaced typeface (Century Schoolbook) in size 14 font.

4. The text of the electronic versions of this Brief and Joint Appendix filed on ECF are identical to the text of the paper copies filed with the Court.

5. The electronic versions of the Brief and Joint Appendix on ECF were virus-checked using Microsoft Defender Antivirus (current version 1.453.463.0), and no virus was detected.

/s/ Joshua D. Davey
JOSHUA D. DAVEY

CERTIFICATE OF SERVICE

On this 7th day of July, 2026, I filed the foregoing Brief with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users, and thereafter caused seven copies of the foregoing Brief to be served via United States First Class Mail, on the following:

Clerk's Office
U.S. Court of Appeals for the Third Circuit
21400 U.S. Courthouse
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Philadelphia, PA 19106-1790

Dated: July 7, 2026

/s/ Joshua D. Davey
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