

# **JOINT STATEMENT OF THE TABERNACLE COMMUNITY BAPTIST CHURCH AND THE CITY OF EAST POINT**

Pastor Nathaniel Smiley and the Tabernacle Community Baptist Church have reached a settlement with the City of East Point in the Federal lawsuit pending before the U.S. District Court for the Northern District of Georgia, *Tabernacle Community Baptist Church v. City of East Point*.

Both parties are pleased with the settlement and are happy to have resolved their differences. Although the City denied and continues to deny any and all liability to the Church, it and its officers are pleased they were able to resolve this matter without years of protected litigation. Pastor Smiley is also pleased with the result, noting that “This is a win-win result for both sides and we appreciate the City’s willingness to repeal the ordinance, which will help ensure that other Houses of Worship will also be able to freely exercise their religion.”

The case stemmed from Church’s efforts to buy a building in the City of East Point for use as a place of worship. The City, however, denied the necessary building permits, bringing the project to a halt. The City based its denial on City Code § 10-2056(h), which, at the time, specifically barred churches and other places of worship from using buildings previously used for commercial purposes. Pastor Smiley and the Church filed suit claiming that the City had illegally discriminated against them because of their religion in violation of State and Federal law. They lawsuit sought a repeal of the ordinance and damages for the harm caused by the City’s actions.

The parties have now reached an agreement to settle the Church’s claims. Of most importance is that the City has repealed City Code § 10-2056(h). As a result, the City no longer bars churches from using former commercial properties as places of worship, so long as all other legal requirements are met. Pastor Smiley and the Church are represented by the ACLU, as well as attorneys from the law firm of King & Spalding LLP. The City of East Point is represented by lawyers for Hawkins & Parnell LLP.