

**UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

Lighthouse Rescue Mission, Inc,  
a Mississippi Non-profit Corporation,

Plaintiff,

Hon: Keith Starrett  
Magistrate Judge Michael T. Parker  
Case No.: 2:12-CV-00184-KS-MTP

v.

The City of Hattiesburg, Mississippi,  
a Mississippi Municipal Body,

Defendant.

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**PLAINTIFF’S MOTION FOR PERMANENT INJUNCTION**

Plaintiff Lighthouse Rescue Mission, Inc. (“Lighthouse”), hereby requests, by and through its attorneys, *Dalton & Tomich, plc*, that this Court, pursuant to the Fair Housing Act, 42 U.S.C. § 3613(c) (the “FHA”), the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc *et seq.* (“RLUIPA”), and the U.S. and Mississippi Constitutions, grant its Motion for Permanent Injunction.

Lighthouse is a nondenominational Christian congregation located within Defendant City of Hattiesburg, Mississippi (“Defendant” or “City”). Lighthouse’s ministry provides shelter, religious training, and counseling to women who are in recovery from a previous drug or alcohol addiction. Lighthouse is also the only facility in the City that allows women to bring their children to live with them while participating in the ministry.

In furtherance of this ministry, Lighthouse purchased a former school building (the “Property”) in the City in 2005 and proceeded to renovate portions of the Property into an overnight shelter. After learning the Property’s zoning did not allow for overnight stay, which is

critical for recovering addicts, Lighthouse followed the advice of City officials and applied for a zoning change that would allow the Property to accommodate overnight guests. Despite its earlier recommendation to take this avenue, the City's Planning Commission rejected the application and the City Council upheld the rejection on appeal. Lighthouse next applied for a Use Permit Upon Review seeking permission to use the Property for both religious assembly purposes and as an overnight shelter. Following the Planning Commission's suggestion, the City Council approved the Use Permit only for religious assembly, prohibiting Lighthouse from providing overnight stay at the Property and effectively proscribing Lighthouse from engaging in a central tenet of its religious ministry.

In response to the City's denial of the zoning change and Use Permit, Lighthouse brought suit against the City in this Court alleging violations of the FHA, RLUIPA, and the United States and Mississippi constitutions. Lighthouse now requests that this Court grant it injunctive relief to require that the City approve its proposed use of the Property as an overnight shelter.

Under the FHA, the Court may grant injunctive relief if it finds a discriminatory housing practice has occurred. 42 U.S.C. § 3601 *et seq.* Further, under RLUIPA, the Court has the authority to grant "appropriate relief," which includes injunctive relief, to a prevailing party. 42 U.S.C. § 2000cc-2. This includes the authority to rescind unlawful land use decisions command the issuance of the very same permits that were wrongfully denied.

Lighthouse has shown it has a likelihood of success on the merits of its claims, and that it has suffered and continues to suffer irreparable harm to several fundamental rights, including the free exercise of religion. The balance of hardships clearly tilts in favor of granting the injunction to protect Lighthouse's First Amendment rights, which would also serve the public interest.

Plaintiff relies upon the facts and legal arguments more fully set out in the attached Brief in Support of this Motion.

Therefore, Lighthouse respectfully requests this Honorable Court GRANT its motion to permanently enjoin the City from denying Lighthouse the right to use its Property for overnight stay. Lighthouse further requests that this Court enter an Order that permanently enjoins the City from enforcing its Land Use Code, Building Code, or any other code to prevent Lighthouse from operating its drug and alcohol addiction recovery services as proposed, including overnight stay for women and their children. Finally, Lighthouse requests an Order that the City process and issue all permits and grant all other rights and privileges to Plaintiff to use the Property for its religious exercise, including the option of overnight stay.

Respectfully submitted,

**Dalton & Tomich plc**

/Daniel P. Dalton

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Dated: August 15, 2013

**Certificate of Service**

I HEREBY CERTIFY that I have on this 15<sup>th</sup> day of August, 2013, served a copy of the foregoing on counsel for all parties to this proceeding by operation of the Court's CM/ECF system.

/s/ Daniel P. Dalton

Attorney for Plaintiff