

**VIRGINIA:**

**IN THE CIRCUIT COURT OF GRAYSON COUNTY**

**Case No:** \_\_\_\_\_

**THE ORACLE INSTITUTE,**  
a Virginia nonstock, nonprofit corporation,

**AMETHYST ACRES, LLC,**  
a Virginia limited liability company, and

**LAURA M. GEORGE,**

*Plaintiffs,*

v.

**BOARD OF SUPERVISORS OF GRAYSON COUNTY,**  
governing body of the Grayson County, Virginia, and

**BOARD OF ZONING APPEALS OF GRAYSON COUNTY,**  
a unit, subdivision or agency of the Grayson County, Virginia,  
and

**GRAYSON COUNTY, VIRGINIA,**  
a political subdivision of the Commonwealth of Virginia, and

**THOMAS M. MAYNARD,** individually and in his official  
capacity as member of the Board of Supervisors of Grayson  
County, and

**LARRY K. BARTLETT,** individually and in his official  
capacity as member of the Board of Supervisors of Grayson  
County, and

**JOE VAUGHN,** individually and in his official  
capacity as member of the Board of Supervisors of Grayson  
County, and

**DOUGLAS K. CARRICO,** individually and in his official  
capacity as member of the Board of Supervisors of Grayson  
County, and

**BRENDA K. SUTHERLAND,** individually and in her official  
capacity as member of the Board of Supervisors of Grayson

VALIDATE CASE PAPERS  
RCPT : 10000003381  
DATE : 07/09/10 TIME: 16:02  
CASE : 077CL10000101-00  
ACCT : ORACLE INSTITUTE  
AMT. : \$296.00

County, and

**LISA BARKER**, individually and in her official capacity as Zoning Administrator of the Grayson County,

*Defendants.*

### COMPLAINT

COME NOW the Plaintiffs, THE ORACLE INSTITUTE, AMETHYST ACRES, LLC, and LAURA M. GEORGE, by and through the undersigned counsel, and submit their Complaint against the named Defendants. Plaintiffs allege and aver as follows:

#### **NATURE OF THE CASE**

1. This case centers on the denial by the Board of Supervisors of Grayson County, Virginia, of a special use zoning permit (hereinafter, "SUP") for a retreat center and ten cabins after (a) the County Planning Commission had given its approval, and (b) the only opposition was on impermissible religious grounds. The denial constituted a flagrant violation of the Plaintiffs' rights to religious freedom, freedom of speech, and equal protection of the law under the First and Fourteenth Amendments to the United States Constitution, the Religious Land Use and Institutionalized Persons Act (hereinafter "RLUIPA"), the Virginia Constitution, Art. I, §§ 12 and 16, and the general laws of the Commonwealth of Virginia.

2. Plaintiffs' proposed project had been approved by the County Planning Commission. The application then came before the Board of Supervisors. At that hearing numerous local ministers, pastors and their congregation members vociferously opposed the project based upon the religious beliefs and philosophy of The Oracle Institute and Laura George.

3. The Board of Supervisors initially was going to deny the SUP without giving a reason, then stated that the reason was that the proposal would adversely affect the public health and safety of the community and was incompatible with the view shed of the New River. Plaintiffs contend, the decision is, *inter alia*: (a) unsupported by and contrary to the evidence and facts, (b) pretextual, (c) arbitrary and capricious, and (d) discriminatory.

4. In accordance with Grayson County Zoning Ordinance § 6.1-3(e), Plaintiffs appealed to the County Board of Zoning Appeals, which denied Plaintiffs' appeal stating that it does not have jurisdiction or authority to hear an appeal.

#### **PARTIES**

5. Plaintiff The Oracle Institute (hereafter, "Oracle") is a nonstock, nonprofit corporation created and existing under the laws of the Commonwealth of Virginia and a 501(c)(3) educational charity under the Internal Revenue Code. As an educational charity, Oracle is dedicated to increasing spiritual enlightenment and evolution through examination of and meditation on the scriptures and teachings of the world's religions. Oracle also operates a nonprofit press that publishes books on comparative religion and universal moral principles.

6. Plaintiff Amethyst Acres, LLC (hereafter, "Amethyst"), is a limited liability company created and existing under the laws of the Commonwealth of Virginia. Amethyst is the record owner in fee of the real property that is the subject of this petition.

7. Plaintiff Laura M. George (hereafter, "George") is the president of Oracle and managing member of Amethyst.

8. Defendant Board of Supervisors of Grayson County (hereinafter, “Board” or “BOS”) is the governing body of Grayson County, Virginia. In all respects set forth herein, the Board acted under color of the law of the Commonwealth of Virginia.

9. Defendant Board of Zoning Appeals of Grayson County (hereinafter, “BZA”) is a unit, agency or subdivision of Grayson County, Virginia. In all respects set forth herein, the BZA acted under color of the law of the Commonwealth of Virginia.

10. Defendant Grayson County, Virginia (hereafter, the “County”), is a political subdivision of the Commonwealth of Virginia. The actions of the County that are the subject of this Complaint were undertaken by the duly-elected Board of Supervisors of the County and the Board of Zoning Appeals of the County. In all respects set forth herein, the County acted under color of the law of the Commonwealth of Virginia.

11. Thomas M. Maynard is and was at all times relevant to this Complaint a duly-elected member of the Board of Supervisors of Grayson County, Virginia. Maynard is sued in this action in both his official and individual capacities. In all respects set forth herein, Maynard acted under color of the law of the Commonwealth of Virginia.

12. Larry K. Bartlett is and was at all times relevant to this Complaint a duly-elected member of the Board of Supervisors of Grayson County, Virginia. Bartlett is sued in this action in both his official and individual capacities. In all respects set forth herein, Bartlett acted under color of the law of the Commonwealth of Virginia.

13. Joe Vaughn is and was at all times relevant to this Complaint a duly-elected member of the Board of Supervisors of Grayson County, Virginia. Vaughn is sued in this action in both his official and individual capacities. In all respects set forth herein, Vaughn acted under color of the law of the Commonwealth of Virginia.

14. Douglas K. Carrico is and was at all times relevant to this Complaint a duly-elected member of the Board of Supervisors of Grayson County, Virginia. Carrico is sued in this action in both his official and individual capacities. In all respects set forth herein, Carrico acted under color of the law of the Commonwealth of Virginia.

15. Brenda K. Sutherland is and was at all times relevant to this Complaint a duly-elected member of the Board of Supervisors of Grayson County, Virginia. Sutherland is sued in this action in both her official and individual capacities. In all respects set forth herein, Sutherland acted under color of the law of the Commonwealth of Virginia.

16. Lisa Barker is the duly-appointed Zoning Administrator for Grayson County, Virginia. Barker is sued in this action in both her official and individual capacities. In all respects set forth herein, Barker acted under color of the law of the Commonwealth of Virginia.

### **JURISDICTION**

17. This Court has concurrent jurisdiction over the claims under the Constitution and laws of the United States, and under the Supremacy Clause of U.S. Const. Art. 6, this Court is obligated to exercise jurisdiction over the claims under federal law set forth herein.

18. This Court has jurisdiction over the claims under the Constitution and laws of the Commonwealth of Virginia set forth herein under Va. Code §§ 15.2-2285(F), 15.2-2314, and 17.1-513.

## FACTS

19. Amethyst is the owner of 11.031 acres of real property, Tax Map Number 71-A-48C (hereafter the “Property”), which is situated within the territorial jurisdiction of the County and along the New River. Amethyst, in conjunction with Oracle and pursuant to the plans of George in furtherance of the educational, spiritual and religious purposes of Oracle, desires to develop upon the Property a retreat center to be known as the “Oracle Retreat Center.”

20. The Property is within a district zoned Rural Farm (RF) under the County’s Zoning Ordinance, Title 56 of the County’s Code of Ordinances, and the zoning map adopted by the Board.

21. Under § 3.1-2 of the County’s Zoning Ordinance, special uses in the RF district, which are permitted upon approval of a Special Use Permit (“SUP”), include: recreational facilities; schools; churches or places of worship; lodges with seven bedrooms or more; community centers; and rural commercial recreational uses.

22. On March 23, 2010, Plaintiffs made an application for an SUP to the County Zoning Administrator to allow development and use of the Property as the Oracle Retreat Center.

23. The development proposed in the SUP application involves erection of a central retreat center and ten cabins on the Property, all of which was within density limitations set forth in § 3.1-3 of the County Zoning Ordinance.

24. The proposed uses for the Oracle Retreat Center set forth in the SUP application included the following, all of which are allowed with an SUP under § 3.1-2 of the County Zoning Ordinance:

- a) Recreational Activities: such as camping, kayaking on the New River, and hiking;

- b) Community Classes: such as environmental protection and sustainability; health and fitness, culture and the arts, spirituality and religion;
- c) Community Library: with multiple volumes on health, gardening, cooking, science, physics, history, philosophy, sociology, spirituality, and religion;
- d) Nature Retreats: with guests staying at the cabins; and
- e) Occasional Special Events: such as a wedding or concert.

25. In accordance with the County Zoning Ordinance and Virginia statutes, the application was referred to the County Planning Commission for review.

26. Under § 5.5-2(a) of the County Zoning Ordinance, the County Planning Commission shall recommend approval of an SUP application “if it determines the proposed development is in full compliance with the standards set forth in Section 5.5-3[.]”

Moreover, Section § 5.5 of the County Zoning Ordinance states in pertinent part:

“Such special uses are deemed to be generally appropriate to the district or districts to which they are assigned under this ordinance, and reasonably harmonious with the uses permitted in said districts **as a matter of right**, provided that the location and design of the site in each case is determined by the Planning Commission to be in accord with the standards herein set forth.” [Emphasis added]

27. On May 18, 2010, the public hearing was held before the County Planning Commission. At the conclusion of the hearing, the Planning Commission unanimously approved the SUP application and recommended its approval, with a single condition requiring a partial widening of the driveway leading to the central retreat center, per Virginia Department of Transportation standards.

28. In accordance with County Zoning Ordinance § 5.5-2(a), the County Planning Commission’s report recommending approval of the SUP application was submitted to the Board.

29. On June 10, 2010, a public hearing on the SUP application was held before the Board. Approximately 175 persons attended the hearing.

30. Over a dozen local ministers and over twenty-five of their parishioners addressed the Board concerning the SUP application. The statements made by these persons concerned objections to the religious beliefs and philosophy of Oracle and George. These persons insisted that the Board should deny the SUP application because of the religious beliefs and philosophy of Oracle and George.

31. All of the pastors who addressed the Board expressed religious views in opposition to Oracle and urged the Board not to allow Oracle to locate in the community because Oracle's inter-faith beliefs and religious philosophy do not mesh with the Christian beliefs of the community. Some pastors read from the Bible and opined that Oracle and George are against God. Specifically, Oracle was called a "cult" and George was called a "heretic" and "communist."

32. Several speakers quoted passages from books published by Oracle and from the Oracle website, asserting that the views contained in these passages were contrary to Christian principles.

33. One speaker, Doug Stoneman, expressed the view that it was not in the best interest of the County to allow Oracle to come the County, and he stated that if the Board approved the SUP application, this would be the last term for the Board members.

34. Other speakers brought their children to the podium and suggested that Oracle would have a negative influence on children.

35. George spoke in response to the statements in opposition to the SUP application by explaining that she wanted to bring the Oracle Retreat Center to the County because of its caring people. She added that Oracle espouses the "Golden Rule" – we should all do our best to serve God and to love our neighbors as prescribed by Jesus.



36. When the public hearing portion of the session closed, Board Supervisor Joe Vaughan moved to deny the SUP application. Supervisor Brenda Sutherland seconded the motion.

37. Before a Board vote, however, Supervisor Mike Maynard asked the other Board members why the permit was being denied. Maynard stated that George was entitled to understand the basis for any denial. Supervisor and Board Chairman Larry Bartlett disagreed with Maynard and said that the Board had no obligation to explain its decision. Maynard replied that the Board always provides a reason for denying a permit and that the County was setting itself up for a lawsuit by not providing George with a valid reason for denying the permit.

38. Chairman Bartlett then began to question George about the adequacy of the road leading to the property. George responded that the Virginia Department of Transportation already had visited the site and given preliminary approval of the driveway conditioned upon widening the driveway where it meets the state road. George also reminded the Board that this already was a condition of the permit as approved by the Planning Commission. She added that the developer of the project would meet all building code requirements for the road and make any improvements deemed necessary for safety and convenience.

39. At the prompting of County Administrator Jonathan Sweet, Chairman Bartlett then rephrased the motion to deny the SUP on the grounds that the Oracle Retreat Center would adversely affect the public health and safety of the community and was incompatible with the view shed of the New River.

40. A roll call vote was then taken, and the Board unanimously voted 5-0 in favor of denying the SUP application.

41. It is relevant to this matter that in 2009, the Board approved a special use permit application for a project known as “Spirit Harbor,” a trailer park community for retired Christians. The Spirit Harbor property also is located in an RF district and also is situated along the New River. That project involved the construction of approximately 150 modular, movable homes on 150 acres, which is the same density ratio as the development proposed by Plaintiffs. Although the Planning Commission recommended denial of the Spirit Harbor special use permit, the Board approved the application, ostensibly because of the Christian beliefs of the Spirit Harbor developers.

42. Also relevant to the present matter is a decision made by the Board in 2007, which approved the construction of a state prison along the New River on land located in an RF district. In fact, the prison site was located directly across the New River from George’s home and the subject Property, and development of the prison included plans to condemn George’s home and the Property in order to build a new bridge from the state maintained road over the New River to the prison site. George, along with other adjacent land owners, decided to sue the Board, and George was the lead plaintiff in a proposed Circuit Court case styled, George v. Grayson County Board of Supervisors. A copy of the draft complaint was sent to the Board in advance of filing. Ultimately, the suit was not filed because the Board and the Commonwealth of Virginia agreed to move the prison off the proposed New River site.

43. Under County Zoning Ordinance § 5.5-2(a), the County has reserved to the Board the right to issue special use permits as authorized by Va. Code § 15.2-2286(A)(3). Under Va. Code § 15.2-2201, a “special exception” is defined to include a “special use permit.”

44. Under County Zoning Ordinance § 6.1-3(e), the BZA is empowered and authorized to “[h]ear and decide appeals from the decision of the . . . Board of Supervisors concerning conditional use permits and special exceptions[.]”

45. On June 25, 2010, the Plaintiffs filed an appeal of the Board’s decision denying the SUP application in accordance with County Zoning Ordinance § 6.1-3(e).

46. In a letter dated June 28, 2010, County Zoning Administrator Lisa Barker, declined to accept the Plaintiffs’ appeal to the BZA asserting that the BZA does not have jurisdiction to review the Board’s decision denying the SUP application and that jurisdiction to review that decision lies with the circuit court.

47. The SUP application of Amethyst, Oracle and George met all criteria for approval set forth in the County Zoning Ordinance and its approval, as recommended by the County Planning Commission, was wholly consistent with sound zoning practices.

48. The Board’s refusal to follow the recommendation of the County Planning Commission and its decision to deny the SUP application was arbitrary, capricious and unreasonable as it was not based upon any valid or reasonable concern for the public health, safety or welfare and no evidence or substantial argument was presented to the Board at the June 10, 2010, hearing indicating that approval of the SUP application was contrary to the public health, welfare or safety or contrary to good zoning practices.

49. Far from being based upon any reasonable or substantial ground relating to the public health, safety or welfare, the Board’s decision to deny the SUP application was based upon an invidious animus against the religious beliefs and philosophy of Oracle and George, as expressed by the vast majority of persons speaking at the June 10, 2010 hearing and shared and/or adopted by the members of the Board. As such, the decision was unreasonable, arbitrary and capricious.

50. The Board's decision to deny the SUP application also was discriminatory in that it was based upon an invidious animus against the religious beliefs and philosophy of Oracle and George and was different from the treatment afforded to similarly situated SUP applications, such as the Christian Spirit Harbor project.

51. With regard to the Board's assertion that the Oracle Retreat Center, which is to be located on a wooded lot, might impair the view shed of the New River, the Board's decision to deny the SUP application also is patently unreasonable, arbitrary and capricious in that such a concern was not at issue when the Board approved the construction of a state prison on the banks of the New River, there was no evidence to that effect, and it is not in fact true.

52. As a direct and proximate result of the unlawful actions of Defendants, Plaintiffs are, have been and will continue to suffer injury and irreparable injury by reason of Defendants' actions which blocked their ability to proceed with the Project upon which considerable time, effort and funds have been expended. In addition to the lost time, effort and expense, Plaintiffs will incur additional expense as the result of delays; Plaintiffs have been barred and deprived of the benefits of operating the proposed project; AND Plaintiffs have lost the value of the use of the land involved. Laura George has suffered substantial emotional distress, including but not limited to worry and anxiety. Defendants will continue their unlawful actions unless enjoined by this Court, and monetary damages will be insufficient to fully and adequately compensate Plaintiffs. The character of Defendants' conduct demonstrates that they are likely to engage in similar conduct and in retaliatory conduct in the future unless enjoined by order of the Court. An injunction, in addition to monetary damages is in the public interest.

**COUNT I**  
**RLUIPA – 42 U.S.C. §§ 2000cc et seq.**

53. Plaintiffs reallege and incorporate by reference the allegations of each paragraph preceding Count I.

54. The County zoning ordinances and land use restrictions under which the Plaintiffs applied for an SUP and under which Defendants acted in denying the SUP application, thereby preventing the Plaintiffs from developing the Oracle Retreat Center, constitute land use regulations and the implementation thereof for purposes of 42 U.S.C. § 2000cc(a)(2).

55. The Defendants' denial of the Plaintiffs SUP application constitutes "the application" of a "land use regulation" that "limits or restricts a claimant's use or development of land (including a structure affixed to the land)" for purposes of 42 U.S.C. § 2000cc-5(5).

56. The Plaintiffs' intended, desired, and proposed use of the subject property constitutes a religious exercise by the Plaintiffs.

57. The Plaintiffs are persons, a religious assembly or institutions, for purposes of 42 U.S.C. § 2000cc(a)(1).

58. The Defendants' refusal to approve the SUP application has and continues to impose a substantial burden upon the Plaintiffs' religious exercise.

59. The Defendant's denial of the SUP application was not in furtherance of any compelling governmental interest.

60. The Defendants' denial of the SUP application, even if supported by a compelling governmental interest, is not the least restrictive means of furthering that interest.

61. The Defendants have treated the Plaintiffs on less than equal terms with non-religious persons, institutions or assemblies with respect to the implementation of the County's zoning and land use regulations and ordinances, in that the Defendants have denied the Plaintiffs' SUP application when the Defendants have, in the past, approved the SUP applications of similarly situated non-religious institutions or assemblies.

62. The Defendants have discriminated against the Plaintiffs on the basis of religion with respect to the implementation of the County's zoning and land use restrictions and ordinances, in that Defendants denied the Plaintiffs' SUP application because of the religious beliefs of the Plaintiffs.

63. In violating RLUIPA, the Defendants acted with evil motive or intent, and with reckless or callous indifference for the federally-protected rights of the Plaintiffs.

64. The Defendants' denial of the Plaintiffs' SUP application violates RLUIPA, 42 U.S.C. § 2000cc(a) and (b) and the Plaintiffs are entitled to appropriate relief under 42 U.S.C. §§ 1983 and 2000cc-2(a).

**COUNT II**  
**42 U.S.C. § 1983**  
**Deprivation of First Amendment Rights to Free Exercise of Religion**

65. Plaintiffs reallege and incorporate by reference the allegations of each paragraph preceding Count I.

66. The Defendants deprived the Plaintiffs of their rights under the First Amendment to the United States Constitution to free exercise of religion by denying the Plaintiffs' SUP application on the basis of the Plaintiffs' religious beliefs and practices and Plaintiffs' actions in furtherance of their religious beliefs and practices.

67. The Defendants acted under color of the law of the Commonwealth of Virginia in depriving the Plaintiffs of their First Amendment rights to free exercise of religion.

68. The deprivation of the Plaintiffs' First Amendment rights to free exercise of religion was caused by and resulted from a policy adopted by and attributable to the Board and County.

69. In depriving the Plaintiffs of their First Amendment rights to free exercise of religion, the Defendants acted with evil motive or intent, and with reckless or callous indifference for the federally-protected rights of the Plaintiffs.

70. The Plaintiffs have and continue to suffer harm as a result of the deprivation of their First Amendment rights to free exercise of religion caused by the Defendants and are entitled to relief under 42 U.S.C. § 1983.

**COUNT III**  
**42 U.S.C. § 1983**  
**Deprivation of First Amendment Rights to Free Speech**

71. Plaintiffs reallege and incorporate by reference the allegations of each paragraph preceding Count I.

72. The Defendants deprived the Plaintiffs of their rights under the First Amendment to the United States Constitution to free speech by denying the Plaintiffs' SUP application on the basis of and in retaliation for the Plaintiffs' speech and expression protected by the First Amendment

73. The Defendants acted under color of the law of the Commonwealth of Virginia in depriving the Plaintiffs of their First Amendment rights to free speech and expression.

74. The deprivation of the Plaintiffs' First Amendment rights to free speech of speech was caused by and resulted from a policy adopted by and attributable to the Board and County.

75. In depriving the Plaintiffs of their First Amendment rights to free speech, the Defendants acted with evil motive or intent, and with reckless or callous indifference for the federally-protected rights of the Plaintiffs.

76. The Plaintiffs have and continue to suffer harm as a result of the deprivation of their First Amendment rights to free speech caused by the Defendants and are entitled to relief under 42 U.S.C. § 1983.

**COUNT IV**  
**42 U.S.C. § 1983**

**Deprivation of Fourteenth Amendment Rights to Equal Protection of the Law**

77. Plaintiffs reallege and incorporate by reference the allegations of each paragraph preceding Count I.

78. The Defendants deprived the Plaintiffs of their rights under the Fourteenth Amendment to the United States Constitution to equal protection of the law by denying the Plaintiffs' SUP application on the basis of the Plaintiffs' religious beliefs and practices and on the basis of speech and expression engaged in by the Plaintiffs protected by the First Amendment.

79. The Defendants acted under color of the law of the Commonwealth of Virginia in depriving the Plaintiffs of their Fourteenth Amendment rights to equal protection of the law.

80. The deprivation of the Plaintiffs' Fourteenth Amendment rights to equal protection of the law was caused by and resulted from a policy adopted by and attributable to the Board and County.



81. In depriving the Plaintiffs of their Fourteenth Amendment rights to equal protection of the law, the Defendants acted with evil motive or intent, and with reckless or callous indifference for the federally-protected rights of the Plaintiffs.

82. The Plaintiffs have and continue to suffer harm as a result of the deprivation of their Fourteenth Amendment rights to equal protection of the law caused by the Defendants and are entitled to relief under 42 U.S.C. § 1983.

**COUNT V**  
**Violation of Va. Const. Art. I, § 16**

83. Plaintiffs reallege and incorporate by reference the allegations of each paragraph preceding Count I.

84. The Defendants deprived the Plaintiffs of their rights under Va. Const. Art. I, § 16, by denying the Plaintiffs' SUP application on the basis of the Plaintiffs' religious beliefs and practices and Plaintiffs' actions in furtherance of their religious beliefs and practices.

85. The Defendants acted under color of the law of the Commonwealth of Virginia in depriving the Plaintiffs of their rights to free exercise of religion.

86. The deprivation of the Plaintiffs' rights under Va. Const. Art. I, § 16 to free exercise of religion was caused by and resulted from a policy adopted by and attributable to the Board and County.

87. The Plaintiffs have and continue to suffer harm as a result of the deprivation of their rights to free exercise of religion was caused by the Defendants and are entitled to appropriate relief.

**COUNT VI**  
**Violation of Va. Const. Art. I, § 12**

88. Plaintiffs reallege and incorporate by reference the allegations of each paragraph preceding Count I.

89. The Defendants deprived the Plaintiffs of their rights under Va. Const. Art. I, § 12 to free speech by denying the Plaintiffs' SUP application on the basis of and in retaliation for the Plaintiffs' constitutionally protected speech and expression.

90. The Defendants acted under color of the law of the Commonwealth of Virginia in depriving the Plaintiffs of their constitutional rights to free speech.

91. The deprivation of the Plaintiffs' constitutional rights to free speech was caused by and resulted from a policy adopted by and attributable to the Board and County.

92. The Plaintiffs have and continue to suffer harm as a result of the deprivation of their constitutional rights to free speech caused by the Defendants and are entitled to appropriate relief.

**COUNT VII**  
**Action Challenging Denial of SUP Application under Va. Code § 15.2-2285(F)**

93. Plaintiffs reallege and incorporate by reference the allegations of each paragraph preceding Count I.

94. The actions and decision of the Board and the County in denying the SUP application were (a) in violation of applicable zoning ordinances, (b) unsupported by the record or facts, (c) for untrue and pretextual reasons, (c) arbitrary and capricious, (d) discriminatory, (e) willful, malicious, grossly negligent, wanton, reckless, in bad faith and for false and fraudulent reasons, and (f) in retribution for George's prior filing of a lawsuit opposing the proposed prison.

## **COUNT VIII**

### **Review of Action of BZA under Va. Code § 15.2-2314**

95. Plaintiffs reallege and incorporate by reference the allegations of each paragraph preceding Count I.

96. The BZA unlawfully denied the appeal of Plaintiffs without providing a hearing and review on the merits.

### **RELIEF REQUESTED**

WHEREFORE, Plaintiffs request the Court enter judgment granting the following relief against each Defendant jointly and severally, and in the case of individuals in both their governmental and individual capacities:

a) finding and declaring that the Defendants' denial of the Plaintiffs' SUP Application violated RLUIPA, deprived the Plaintiffs of their rights to free exercise of religion, free speech and the equal protection of the law under the United States Constitution;

b) finding and declaring that the Defendants' denial of the Plaintiffs' SUP application violated the Plaintiffs' rights to the free exercise of religion and free speech under the Virginia Constitution;

c) granting the Plaintiffs a mandatory injunction requiring and ordering the Board, County and individual defendants to grant the SUP application forthwith;

d) granting Plaintiffs an injunction barring Defendants from future actions against Plaintiffs violating the rights violated herein, and barring Defendants from any retaliatory action against Plaintiffs as a result of Plaintiffs bringing this suit or asserting the rights asserted herein;

e) pursuant to Va. Code § 15.2-2285(F), review the decision of the Board denying the Plaintiffs' SUP application, conduct a hearing, and at the conclusion of the hearing enter an order finding that the Board's decision was arbitrary, capricious, unreasonable, unlawful and/or discriminatory and enter an order: (1) reversing the decision of the Board; (2) directing that the Board and other Defendants take action to promptly approve the Plaintiffs SUP application; (3) under Va. Code § 15.2-2314, directing that the Board and County pay the reasonable costs and expenses, including but not limited to attorneys' fees and expenses, incurred by the Plaintiffs in connection with the bringing and prosecution of these proceedings;

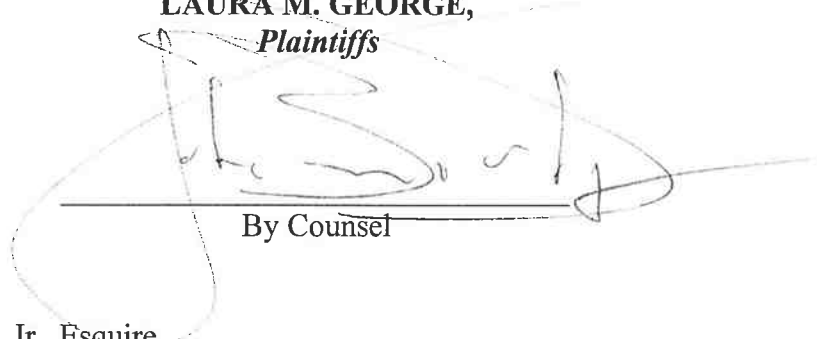
f) pursuant to Va. Code § 15.2-2314, issue a writ of certiorari to review the decision of the Board of Zoning Appeals and Lisa Barker denying the Plaintiffs' appeal of the Board of Supervisors denial of Plaintiffs' SUP application, conduct a hearing, and at the conclusion of the hearing enter an order: (1) reversing the decision of the Board of Zoning Appeals, (2) directing that the Board of Zoning Appeals promptly and fairly consider the merits of Plaintiffs' appeal,

g) awarding the Plaintiffs compensatory damages in the amount of \$100,000 and punitive damages of \$200,000 with pre-judgment and post-judgment interest;

h) awarding the Plaintiffs reasonable costs and attorney's fees and expenses; and

i) such other and further relief against the Defendants as is just and appropriate.

Respectfully submitted,  
**THE ORACLE INSTITUTE,  
AMETHYST ACRES, LLC, and  
LAURA M. GEORGE,**  
*Plaintiffs*



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