

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

11108670

Plaintiffs,

SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

Defendants.

FILED

JUL 27 2011


COUNTY CLERKS OFFICE
NEW YORK

To the above-named Defendant, Brian Jordan, Church of the Holy Name of Jesus, 207 West 96th Street, New York, New York, 10025:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Mathey
Mathey Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
matheylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs, SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

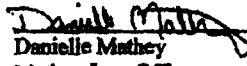
Defendants.

To the above-named Defendant, Church of the Holy Name of Jesus, 207 West 96th Street, New York, New York, 10025:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 26 day of July, 2011, Green River, Wyoming.


Danielle Mathey
Mathey Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
matheylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs, SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

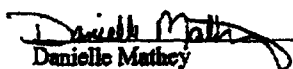
Defendants.

To the above-named Defendant, World Trade Center Properties, LLC, Corporation
Service Company, 80 State Street, Albany, NY 12207-2543:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Mathew
Mathew Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
mathewlawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

**AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual**

Index No. _____

Plaintiffs,

SUMMONS

-against-

Date Index No. Purchased:

**PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual**


Defendants.

To the above-named Defendant, National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., Attention: General Counsel, One Liberty Plaza, 20th Floor, New York, New York, 10006:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Mathey
Mathey Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
matheylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs,

SUMMONS

-against-

Date Index No. Purchased: _____

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

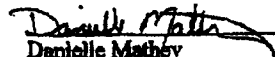
Defendants.

To the above-named Defendant, Lower Manhattan Development Corporation, Lower Manhattan Development Corporation, Attention: General Counsel, One Liberty Plaza 20th Floor, New York, New York, 10006:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Mathey
Mathey Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
matheylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs,

SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual


Defendants.

To the above-named Defendant, Silverstein Properties, Inc, Corporation Services Company, 80 State Street, Albany, New York, 12207-2543:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Mathey
Mathey Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
matheylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs, SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

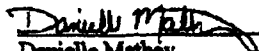
Defendants.

To the above-named Defendant, Mayor Michael R. Bloomberg, in his official capacity,
City of New York, 100 Church Street, New York, New York, 10007:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Mathéy
Mathéy Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
mathéylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs,

SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual


Defendants.

To the above-named Defendant, City of New York, 100 Church Street, New York, New York, 10007:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Mathey
Mathey Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax

matheylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs,

SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

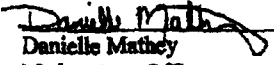
Defendants.

To the above-named Defendant, Governor Chris Christie, in his official capacity, State of New Jersey, New Jersey Department of State, 225 W. State Street, Trenton, New Jersey:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Mathey
Mathey Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
matheylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs,

SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

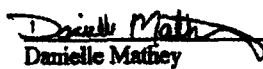
Defendants.

To the above-named Defendant, State of New Jersey, New Jersey Department of State,
225 W. State Street, Trenton, New Jersey:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.


Danielle Math
Math Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
mathlawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Index No. _____

Plaintiffs, SUMMONS

-against-

Date Index No. Purchased:

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

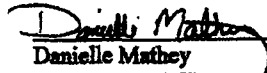
Defendants.

To the above-named Defendant Port Authority of New York and New Jersey, Secretary of State, Department of State's office, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is: CPLR § 504, which is that one of the Defendants is the City of New York and the cause of action arose in New York County.

DATED this 25 day of July, 2011, Green River, Wyoming.



Danielle Mathey
Mathey Law Office
P.O. Box. 1060
Green River, WY 82935
(307) 875-5872 - phone
(307) 875-8857 - fax
matheylawoffice@qwestoffice.net
*Attorney for Plaintiffs American Atheists,
Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart.*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

11108670

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Plaintiffs,

COMPLAINT

-against-

Index# _____

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual.

Defendants.

FILED

JUL 27 2011

COUNTY CLERK'S OFFICE
NEW YORK

Plaintiffs, American Atheists, Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart, by and through undersigned counsel,
and for their Complaint and cause of action against the defendants herein,
state as follows:

1. The causes of action alleged herein arose in the County of New York, City and State of New York.
2. This action arises under the Constitution and laws of New York and the Constitution of the United States of America.
3. Plaintiff American Atheists, Inc. (hereinafter "American Atheists") is a not-for-profit 501(c)(3) corporation, with its principal place of business in the State of New Jersey. American Atheists is a nationwide movement, having among its goals the defense of the civil liberties of Atheists and the total, absolute separation of government and religion. Many members of American Atheists are residents, citizens, and taxpayers of the United States and the State of New York. Many of American Atheists' members have seen the cross, either in person or on television, and are being subjected to and injured in consequence of having a religious tradition not their own imposed upon them through the power of the state. As such, each of these members has standing to sue in this case; American Atheists therefore has standing to sue on their behalf. Moreover, the interests American Atheists seeks to protect in the instant Complaint are germane to its purpose as an organization committed to preventing the intrusion of government and church into each other.
4. Plaintiffs Jane Everhart, Dennis Horvitz, and Kenneth Bronstein, and Mark Panzarino (hereinafter "named plaintiffs") are each residents, citizens, and taxpayers of the United States and the State of New York, living in New York City. Named plaintiffs have seen the cross, either in person or on television,

and are being subjected to, and injured in consequence of having, a religious tradition that is not their own imposed upon them through the power of the state, in violation of the First and Fourteenth Amendments to the Constitution of the United States, and in violation of Sections 3 and 11 of the Constitution of the State of New York.

5. Plaintiffs Dennis Horvitz and Kenneth Bronstein are members of American Atheists and are Atheists reared in the Jewish tradition. They find the cross, a symbol of Christianity, offensive and repugnant to their beliefs, culture, and traditions, and allege that the symbol marginalizes them as American citizens.
6. Plaintiff Jane Everhart is a member of American Atheists and is an Atheist with a Catholic background. She finds the use of governmental action to place a cross within the September 11 Memorial and Museum, which was designed to memorialize all casualties of the World Trade Center, to be an insult to every non-Christian survivor of that attack.
7. Plaintiff Mark Panzarino is a member of American Atheists. Plaintiff Mark Panzarino was brother to Frank Joseph Panzarino, an inactive Marine reservist who assisted in the rescue work for two weeks after the September 11, 2001 terrorist attack on the World Trade Center (hereinafter the "9/11 attack"). Assisting in the rescues took its toll on his health, and Frank Joseph Panzarino succumbed to weakened lung syndrome in 2005. As a survivor of the 9/11 attack and family member of one of the brave responders to the 9/11 attack, Mark Panzarino is appalled that the state

has permitted a symbol of Christianity to represent a tragedy that affected all Americans. The Panzarinos unequivocally do not wish for a cross to represent Frank Joseph Panzarino's sacrifice unless it is a Lutheran Cross.

8. Defendant Port Authority of New York and New Jersey (hereinafter "Port Authority") is a bi-state port district established in 1921 pursuant to an interstate compact between New York and New Jersey. Upon information and belief, the Port Authority is headquartered in New York and owns the property upon which the World Trade Center Memorial is located. The Port Authority is one of the entities actively developing and constructing the National September 11 Memorial and Museum.
9. Defendant State of New Jersey (hereinafter "New Jersey") is a state that since 1787, has been a part of the United States of America (hereinafter "United States") and is subject to the Constitution thereof. New Jersey established the Port Authority pursuant to an interstate compact with New Jersey and continues to maintain it as a bi-state port district.
10. Defendant Chris Christie is the Governor of New Jersey, with supervisory authority over the Port Authority. He is sued here in his official capacity.
11. Defendant City of New York is a municipal corporation duly incorporated and existing pursuant to the laws of the State of New York. The City of New York owns portions of the land on which the National September 11 Memorial and Museum is situated.

12. Defendant Michael R. Bloomberg is the Mayor of the City of New York. He is sued here in his official capacity.
13. Defendant Silverstein Properties, Inc. (hereinafter "Silverstein") is organized under the laws of the State of New York and has a principal place of business in New York. Silverstein holds the lease for the site of the National September 11 Memorial and Museum from the Port Authority and is one of the entities responsible for developing and constructing the National September 11 Memorial and Museum.
14. Defendant Lower Manhattan Development Corporation (hereinafter "LMDC") is a subsidiary of the Empire State Development Corporation, a New York State authority, and is organized under the laws of the State of New York. LMDC was founded in 2002 by then-Governor George Pataki and then-Mayor Rudolph Giuliani to plan the reconstruction of Lower Manhattan and distribute nearly \$10 billion in federal funds aimed at rebuilding downtown Manhattan. The LMDC sponsored the competition that resulted in the design for the World Trade Center Memorial and is one of the entities responsible for developing and constructing the National September 11 Memorial and Museum.
15. Defendant World Trade Center Memorial Foundation / National September 11 Memorial and Museum (hereinafter "WTC Memorial Foundation") is a 501(c)(3) corporation, with its principal place of business in the State of New York. The WTC Memorial Foundation is one of the

entities responsible for developing and constructing the National September 11 Memorial and Museum.

16. Defendant World Trade Center Properties, LLC (hereinafter "WTC Properties") is a wholly owned affiliate of Silverstein, organized under the laws of the State of New York, with its principal place of business in New York. WTC Properties is one of the entities responsible for developing and constructing the National September 11 Memorial and Museum.
17. The Church of the Holy Name of Jesus is a 501(c)(3) corporation, with its principal place of business in the State of New York. The Church of the Holy Name of Jesus is a Franciscan parish that was established on the Upper West Side of Manhattan. It, and its agents, are responsible for placing a religious symbol of Christianity on government-owned property in conjunction with a religious ceremony.
18. Brian Jordan is a Franciscan Friar who conducted a religious ceremony directed at placing a symbol of Christianity on government-owned property.
19. On September 11, 2001, the United States was attacked (the "9/11 Attack"), in an act of war, by religious fanatics in a faith-based initiative designed to "slay the pagans wherever ye find them" and because, as stated *inter alia* by those responsible for the attack, "You [Americans] separate religion from your policies, contradicting the pure nature which affirms Absolute Authority to the Lord and your Creator."
20. As a result of the 9/11 Attack, the World Trade Center in Manhattan, a site owned by the Port Authority and leased to Silverstein, was demolished.

21. Approximately two thousand seven hundred ninety-two individuals lost their lives to the 9/11 Attack.
22. Among the victims of the 9/11 Attack were, upon information and belief, 31 Muslim Americans, approximately 400-500 Jewish Americans, approximately 500 non-religious Americans, and an unknown number of Americans of other faiths.
23. Two days after the 9/11 Attack, construction workers found steel girders shaped like a cross standing in the rubble.
24. Defendant Jordan blessed the cross in October 2011, "after construction workers at the site told him they saw the cross as 'a sign that God never abandoned us at Ground Zero.'"¹
25. Christian services were frequently held at the site of the cross until it was removed to St. Peter's Roman Catholic Church, 22 Barclay St., Manhattan.
26. In the wake of the 9/11 Attack, various entities, including the defendants, made plans to build the September 11 Memorial and Museum on the site of the tragedy.
27. The September 11 Memorial and Museum will be on a site owned by the Port Authority. Thus, the Memorial and Museum and its exhibits are a government action.

¹ Jonathan Allen, "Steel girders shaped like cross headed back to Ground Zero," Reuters, July 18, 2011.

28. The September 11 Memorial and Museum will be largely funded with money from the government. Accordingly, actions taken by the September 11 Memorial and Museum also constitute governmental action.
29. In 2009, the September 11 Memorial and Museum received \$79,252,830 in unrestricted government funding. Total unrestricted funding for the September 11 Memorial and Museum for the year 2009 was \$132,636,458. Accordingly, government funding accounted for 59.75% of the September 11 Memorial and Museum's unrestricted funds.
30. In 2010, the September 11 Memorial and Museum received \$69,452,552 in unrestricted government funding. Total unrestricted funding for the September 11 Memorial and Museum for the year 2010 was \$117,853,126. Accordingly, government funding accounted for 58.93% of the September 11 Memorial and Museum's unrestricted funds.
31. In August 2010, Congress passed Public Law 111-221, ordering the National Mint to strike September 11 Commemorative Medals for purposes of sale to the public. Ten dollars from the sale of each medal are to be donated from the federal government to the September 11 Memorial and Museum.
32. Congress has, therefore, utilized its taxing and spending power to support the September 11 Memorial and Museum.
33. It is estimated that over 5,000,000 individuals will visit the September 11 Memorial and Museum every year. These individuals will include Muslim Americans, Jewish Americans, Hindu Americans, Buddhist Americans,

agnostic Americans, and atheist Americans. Many of these individuals have already lost a loved one to the 9/11 Attack or the subsequent wars in the Middle East.

34. Beginning in 2002, various groups proposed including the cross blessed by Defendant Jordan in the September 11 Memorial and Museum.

35. Plaintiff American Atheists opposed inclusion of a cross on the grounds that other religious groups were not given the opportunity for a similar faith-based memorial at the site of an American tragedy.

36. On multiple occasions, plaintiff American Atheists publicly offered to provide a memorial for the September 11 Memorial and Museum, at its own cost, to represent the approximately 500 non-religious victims of the attack on the World Trade Center.

37. Plaintiff American Atheists never received a response.

38. As of approximately July 15, 2011, widespread news coverage indicated that the defendants intended to move the cross blessed by Defendant Jordan in 2001 to the September 11 Memorial and Museum.

39. On July 22, 2011, plaintiff American Atheists again offered to place a memorial to the non-religious victims of the 9/11 attack in the September 11 Memorial and Museum, at its own expense.

40. As of the date of filing this complaint, no answer has been forthcoming.

41. On July 23, 2011, in a religious ceremony during which the cross was blessed a second time by Defendant Jordan, the cross was installed at the September 11 Memorial and Museum.

42. No other religious or non-religious group has been permitted a memorial.

First Cause of Action: Violations of the United States Constitution

43. Plaintiffs incorporate herein by reference paragraphs 1 through 42.
44. The installation of the cross at the September 11 Memorial and Museum is facially violative of the First Amendment to the Constitution of the United States of America, which mandates:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

45. The installation of the cross at the September 11 Memorial and Museum is facially violative of Section One of the Fourteenth Amendment to the Constitution of the United States of America, which mandates:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

46. The challenged cross constitutes an unlawful attempt to promote a specific religion on governmental land, diminishing the civil rights, privileges or capacities of Atheist Americans, Agnostic Americans, Jewish Americans,

Muslim Americans, and all others who are not Christian Americans. Because the challenged cross promotes Christianity over all other religions, it also denies non-Christian American equal protection under the laws of the land. As such, the challenged cross is repugnant to the Constitution of the United States.

47. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, dyspepsia, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.
48. As a direct and proximate result of the unconstitutional existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were victims of the 9/11 attack, is unconstitutional. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named plaintiffs also seek injunctive relieve

against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

Second Cause of Action: Violations of the Constitution of the State of New York

49. Plaintiffs incorporate herein by reference paragraphs 1 through 48.
50. The installation of the cross at the September 11 Memorial and Museum is facially violative of Article One, Section Three to the Constitution of the State of New York, which mandates:

The free exercise and enjoyment of religion profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind; and no person shall be rendered incompetent to be a witness on account of his or her opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

51. The installation of the cross at the September 11 Memorial and Museum is facially violative of Article One Section Eleven of the Constitution of the State of New York, which mandates:

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

52. The challenged cross constitutes an unlawful attempt to promote a specific religion on governmental land, diminishing the civil rights, privileges

or capacities of atheist Americans, agnostic Americans, Jewish Americans, Muslim Americans, and all others who are not Christian Americans. Because the challenged cross promotes Christianity over all other religions, it also constitutes discrimination against non-Christians by the defendants, who include firms, corporations, and agencies and/or subdivisions of the state. As such, the challenged cross is grossly and outrageously at variance with the Constitution of the State of New York.

53. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, dyspepsia, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.

54. As a direct and proximate result of the unconstitutional existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were victims of the 9/11 attack, is repugnant to the Constitution of the State of New York. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the

non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named plaintiffs also seek injunctive relief against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

Third Cause of Action: Violations of Article 4 Section 40 of New York's Civil Rights Act

55. Plaintiffs incorporate herein by reference paragraphs 1 through 54.
56. The installation of the cross at the September 11 Memorial and Museum is violative of Article 4 Section 40 of New York's Civil Rights Act, which mandates, *inter alia*:

All persons within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any places of public accommodations, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons.

57. The September 11 Memorial and Museum is included within Article 4 Section 40 of New York's Civil Rights Law, which specifically includes "any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course, or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public."
58. One of the advantages and/or privileges of the September 11 Memorial and Museum is the placement of and opportunity to view a memorial to the victims of the 9/11 attack.

59. In placing an item revered specifically as a symbol that "God never abandoned us at Ground Zero"² in the September 11 Memorial and Museum, the defendants have afforded Christian Americans the privilege of a faith-based memorial.

60. In ignoring other faiths' and non-religious based groups' attempts to place a similar memorial in the September 11 Memorial and Museum, the defendants have denied non-Christian Americans full and equal privileges within the museum, in violation of Article 4 Section 40 of New York's Civil Rights Act.

61. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, dyspepsia, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.

62. As a direct and proximate result of the existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were

² *Id.*

victims of the 9/11 attack, violates Article 4 Section 40-c of New York's Civil Rights Act. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named plaintiffs also seek injunctive relieve against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

Fourth Cause of Action: Violations of Article 4 Section 40-c(2) of New York's Civil Rights Act

63. Plaintiffs incorporate herein by reference paragraphs 1 through 62.
64. The installation of the cross at the September 11 Memorial and Museum is violative of Article 4 Section 40-c(2) of New York's Civil Rights Act, which mandates:
- No person shall, because of race, creed, color, national origin, sex, marital status, sexual orientation or disability, as such term is defined in section two hundred ninety-two of the executive law, be subjected to any discrimination in his or her civil rights, or to any harassment as defined in section 240.25 of the penal law, in the exercise thereof, by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.
65. In placing an item revered specifically as a symbol that "God never abandoned us at Ground Zero"³ in the September 11 Memorial and Museum, the defendants have afforded Christian Americans the privilege of a faith-based memorial.

³ *Id.*

66. In ignoring other faiths' and non-religious based groups' attempts to place a similar memorial in the September 11 Memorial and Museum, the defendants have discriminated against non-Christian Americans' civil rights.
67. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, dyspepsia, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.
68. As a direct and proximate result of the existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were victims of the 9/11 attack, violates Article 4 Section 40-c(2) of New York's Civil Rights Act. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named plaintiffs also seek injunctive relieve against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

WHEREFORE, plaintiffs pray and demand:

- A. For a judgment, finding, and declaration by the Court that the placement of the cross, without affording equal space to non-Christian Americans for similar memorials, violates the Constitution of the United States, the Constitution of the State of New York, and Article 4 Sections 40 and 40-c of New York's Civil Rights Law;
- B. For an injunction against continued display of the cross in the September 11 Memorial and Museum until such time as equal space is granted to non-Christian Americans for similar memorials;
- C. For such damages as may appear to be appropriate;
- D. For the costs of this action, together with reasonable attorney fees; and
- E. For any and all other relief, both legal and equitable, to which plaintiffs may appear to be entitled.

Dated this 26th day of July, 2011.

///

///

///

Respectfully submitted:


DANIELLE M. MATHEY
P.O. Box 1060
Green River, WY 82935
(307) 875-5872
mathey@lawoffice@qwestoffice.net
Counsel for Plaintiffs

Of Counsel:

EDWIN F. KAGIN*
KBA # 37136
National Legal Director
American Atheists, Inc.
P.O. Box 666
Union, KY 41091
(859) 384-7000
ekagin@atheists.org
Counsel for Plaintiffs

*Petition for Pro Hac Vice status pending.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Plaintiffs,

FIRST AMENDED COMPLAINT

-against-

Index #11-108670

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual.

Defendants.

FILED
AUG 15 2011
COUNTY CLERK'S OFFICE
NEW YORK

Plaintiffs, American Atheists, Inc.; Dennis Horvitz; Kenneth Bronstein;
Mark Panzarino; and Jane Everhart, by and through undersigned counsel, and
for their Complaint and cause of action against the defendants herein, state as
follows:

I. JURISDICTION AND VENUE

1. Plaintiffs seek declaratory and injunctive relief to require those responsible for the September 11 Memorial and Museum to remove a 20-foot cross from the Memorial and Museum or to provide equal space to memorials from other beliefs. Plaintiffs seek to redress the violation by Defendants, acting under color of state law, of Plaintiffs rights, privileges, and immunities secured by the First and Fourteenth Amendments to the United States Constitution, the Article One, Sections Three and Eleven of the New York Constitution, Article One, Sections Four and Five of the Constitution of the State of New York, New York's Civil Rights Act, and New Jersey's Civil Rights Act. As such, this action arises under the Constitution and laws of New York and New Jersey and the Constitution of the United States of America, and this Court has jurisdiction pursuant to NY Jud. Law § 140-B.
2. The causes of action alleged herein arose in the County of New York, City and State of New York. Four Plaintiffs reside in the City of New York. Venue is thus appropriate pursuant to CPLR § 503.

II. INTRODUCTION

3. On July 23, 2011, Defendants placed a 20-foot cross ("the cross") on land owned by the Port Authority of New York and New Jersey and/or the City of New York. The cross, which has been altered to more closely resemble a Latin cross and, upon information and belief, inscribed with

"Jesus" on its vertical beam, was placed into the planned September 11 Memorial and Museum in a televised ceremony that included its reconsecration and/or blessing by Defendant Brian Jordan. The display of this religious icon on government land violates the United States Constitution, the Constitutions of the States of New York and New Jersey, New York's Civil Rights Act, and New Jersey's Civil Rights Act. Plaintiffs bring this action against the Defendants seeking, *inter alia*, an order from this Court enjoining Defendants from continuing to allow a religious display on government-owned land in violation of the Establishment Clauses of all three above-mentioned Constitutions.

III. PARTIES

4. Plaintiff American Atheists, Inc. (hereinafter "American Atheists") is a not-for-profit 501(c)(3) corporation, with its principal place of business in the State of New Jersey. American Atheists is a nationwide movement, having among its goals the defense of the civil liberties of Atheists and the total, absolute separation of government and religion. Many members of American Atheists are residents, citizens, and taxpayers of the United States and the State of New York. Many of American Atheists' members have seen the cross, either in person or on television, and are being subjected to and injured in consequence of having a religious tradition not their own imposed upon them through the power of the state. As such, each of these members has standing to sue in this case; American Atheists therefore has standing to sue on their behalf.

Moreover, the interests American Atheists seeks to protect in the instant Complaint are germane to its purpose as an organization committed to preventing the intrusion of government and church into each other.

5. Plaintiffs Jane Everhart, Dennis Horvitz, and Kenneth Bronstein, and Mark Panzarino (hereinafter "named plaintiffs") are each residents, citizens, and taxpayers of the United States and the State of New York, living in New York City. Named plaintiffs have seen the cross, either in person or on television, and are being subjected to, and injured in consequence of having, a religious tradition that is not their own imposed upon them through the power of the state, in violation of the First and Fourteenth Amendments to the Constitution of the United States, and in violation of Article One Sections 3 and 11 of the Constitution of the State of New York and Article One Sections Four and Five of the Constitution of the State of New Jersey.
6. Plaintiffs Dennis Horvitz and Kenneth Bronstein are members of American Atheists and are Atheists reared in the Jewish tradition. They find the use of the cross, a Christian symbol, to represent all victims of the 9/11 Attacks to be offensive and repugnant to their beliefs, culture, and traditions, and allege that the symbol marginalizes them as American citizens.
7. Plaintiff Jane Everhart is a member of American Atheists and is an Atheist with a Catholic background. She finds the use of governmental action to place a cross within the September 11 Memorial and Museum,

which was designed to memorialize all casualties of the World Trade Center, to be an insult to non-Christian survivors of that attack.

8. Plaintiff Mark Panzarino is a member of American Atheists. Plaintiff Mark Panzarino was brother to Frank Joseph Panzarino, an Honorably Discharged Army National Guardsman who assisted in the rescue work for two weeks after the September 11, 2001 terrorist attack on the World Trade Center (hereinafter the "9/11 attack"). Assisting in the rescues took its toll on his health, and Frank Joseph Panzarino succumbed to weakened lung syndrome in 2005. As a survivor of the 9/11 attack and family member of one of the brave responders to the 9/11 attack, Mark Panzarino is appalled that the state has permitted a symbol of Christianity to represent a tragedy that affected all Americans. Mark Panzarino does not wish for any religious symbol to represent his brother's commitment to the United States or his sacrifice; rather, he feels a non-denominational symbol should be used to commemorate the site of an American tragedy.
9. Defendant Port Authority of New York and New Jersey (hereinafter "Port Authority") is a bi-state port district established in 1921 pursuant to an interstate compact between New York and New Jersey. Upon information and belief, the Port Authority is headquartered in New York and owns the property upon which the World Trade Center Memorial is located. The Port Authority is one of the entities actively developing and constructing the National September 11 Memorial and Museum.

10. Defendant State of New Jersey (hereinafter "New Jersey") is a state that since 1787, has been a part of the United States of America (hereinafter "United States") and is subject to the Constitution thereof. New Jersey established the Port Authority pursuant to an interstate compact with New Jersey and continues to maintain it as a bi-state port district.
11. Defendant Chris Christie is the Governor of New Jersey, with supervisory authority over the Port Authority. He is sued here in his official capacity.
12. Defendant Silverstein Properties, Inc. (hereinafter "Silverstein") is organized under the laws of the State of New York and has a principal place of business in New York. Silverstein holds the lease for the site of the National September 11 Memorial and Museum from the Port Authority and is one of the entities responsible for developing and constructing the National September 11 Memorial and Museum.
13. Defendant Lower Manhattan Development Corporation (hereinafter "LMDC") is a subsidiary of the Empire State Development Corporation, a New York State authority, and is organized under the laws of the State of New York. LMDC was founded in 2002 by then-Governor George Pataki and then-Mayor Rudolph Giuliani to plan the reconstruction of Lower Manhattan and distribute nearly \$10 billion in federal funds aimed at rebuilding downtown Manhattan. The LMDC sponsored the competition that resulted in the design for the World Trade Center Memorial and is one of the entities responsible for developing and constructing the National September 11 Memorial and Museum.

14. Defendant World Trade Center Memorial Foundation / National September 11 Memorial and Museum (hereinafter "WTC Memorial Foundation") is a 501(c)(3) corporation, with its principal place of business in the State of New York. The WTC Memorial Foundation is one of the entities responsible for developing and constructing the National September 11 Memorial and Museum.
15. Defendant World Trade Center Properties, LLC (hereinafter "WTC Properties") is a wholly owned affiliate of Silverstein, organized under the laws of the State of New York, with its principal place of business in New York. WTC Properties is one of the entities responsible for developing and constructing the National September 11 Memorial and Museum.
16. The Church of the Holy Name of Jesus is a 501(c)(3) corporation, with its principal place of business in the State of New York. The Church of the Holy Name of Jesus is a Franciscan parish that was established on the Upper West Side of Manhattan. It, and its agents, are responsible for placing a religious symbol of Christianity on government-owned property in conjunction with a religious ceremony.
17. Brian Jordan is a Franciscan Friar who conducted a religious ceremony directed at placing a symbol of Christianity on government-owned property.

IV. FACTS

18. On September 11, 2001, the United States was attacked (the "9/11 Attack"), in an act of war, by religious fanatics in a faith-based initiative

designed to "slay the pagans wherever ye find them" and because, as stated *inter alia* by those responsible for the attack, "You [Americans] separate religion from your policies, contradicting the pure nature which affirms Absolute Authority to the Lord and your Creator."

19. As a result of the 9/11 Attack, the World Trade Center in Manhattan, a site owned by the Port Authority and leased to Silverstein, was demolished.
20. Approximately two thousand seven hundred ninety-two individuals lost their lives to the 9/11 Attack.
21. Among the victims of the 9/11 Attack were, upon information and belief, 31 Muslim Americans, approximately 400-500 Jewish Americans, approximately 500 non-religious Americans, and an unknown number of Americans of other faiths.
22. Two days after the 9/11 Attack, exhausted and grief-stricken construction workers found a 2-ton, 20-foot high T-beam in the rubble of the World Trade Center. Christians among those construction workers regarded the cross as a supernatural artifact provided by a god. Shortly thereafter, they began worshipping it as a cross.
23. Defendant Jordan blessed the cross in October 2011, "after construction workers at the site told him they saw the cross as 'a sign that God never abandoned us at Ground Zero.'"¹

¹ Jonathan Allen, "Steel girders shaped like cross headed back to Ground Zero," Reuters, July 18, 2011.

24. Christian services were frequently held at the site of the cross until it was removed to St. Peter's Roman Catholic Church, 22 Barclay St., Manhattan.
25. In the wake of the 9/11 Attack, various entities, including the defendants, made plans to build the September 11 Memorial and Museum on the site of the tragedy.
26. Because of the government monies supporting the project, the federal provisions of the National Historic Preservation Act apply. To fulfill its obligations under Section 106 of the National Historic Preservation Act,² the Port Authority published a Memorandum of Agreement ("MOA") on March 22, 2005. The MOA called for the preservations of 84 columns from the north tower of the World Trade Center and 39 columns from the south tower. It also proposed to remove the cross from the World Trade Center site and store it with other artifacts of the World Trade Center.
27. Many individuals and entities, including Defendant Jordan, took offense at the idea of moving the cross. According to contemporaneous news sources, Defendant Jordan opposed moving the cross because (a) he learned of the plan through the newspaper rather than personal notification; (b) the plan was announced in April 2006, which Jordan

² Section 106 requires federal agencies to account for the effects of their *federally funded* activities on historic sites. 16 U.S.C. § 470f.

claimed ran afoul of Holy Week; and (c) the cross was "visual evidence that God never abandoned us at Ground Zero."³

28. As a result of the outcry, the cross was moved to St. Peter's Roman Catholic Church, where it was again blessed.
29. After the cross was moved, construction of the September 11 Memorial and Museum continued apace.
30. The September 11 Memorial and Museum will be on a site owned by the Port Authority. Thus, the Memorial and Museum and its exhibits are a government action.
31. The September 11 Memorial and Museum will be largely funded with money from the government. Accordingly, actions taken by the September 11 Memorial and Museum also constitute governmental action.
32. In 2009, the September 11 Memorial and Museum received \$79,252,830 in unrestricted government funding. Total unrestricted funding for the September 11 Memorial and Museum for the year 2009 was \$132,636,458. Accordingly, government funding accounted for 59.75% of the September 11 Memorial and Museum's unrestricted funds.
33. In 2010, the September 11 Memorial and Museum received \$69,452,552 in unrestricted government funding. Total unrestricted funding for the September 11 Memorial and Museum for the year 2010 was

³ Paul D. Colford, "Hand off 9-11 Cross. Outcry forces PA to ax beams plan," Daily News, April 12, 2006.

\$117,853,126. Accordingly, government funding accounted for 58.93% of the September 11 Memorial and Museum's unrestricted funds.

34. In August 2010, Congress passed Public Law 111-221, ordering the National Mint to strike September 11 Commemorative Medals for purposes of sale to the public. Ten dollars from the sale of each medal are to be donated from the federal government to the September 11 Memorial and Museum.
35. Congress has, therefore, utilized its taxing and spending power to support the September 11 Memorial and Museum.
36. It is estimated that over 5,000,000 individuals will visit the September 11 Memorial and Museum every year. These individuals will include Muslim Americans, Jewish Americans, Hindu Americans, Buddhist Americans, agnostic Americans, and atheist Americans. Many of these individuals have already lost a loved one to the 9/11 Attack or the subsequent wars in the Middle East.
37. Beginning in 2002, various groups proposed including the cross blessed by Defendant Jordan in the September 11 Memorial and Museum.
38. Plaintiff American Atheists opposed inclusion of a cross on the grounds that other religious groups were not given the opportunity for a similar faith-based memorial at the site of an American tragedy.
39. On multiple occasions, plaintiff American Atheists publicly offered to provide a memorial for the September 11 Memorial and Museum, at its

own cost, to represent the approximately 500 non-religious victims of the attack on the World Trade Center.

40. Plaintiff American Atheists never received a response.
41. As of approximately July 15, 2011, widespread news coverage indicated that the defendants intended to move the cross blessed by Defendant Jordan in 2001 to the September 11 Memorial and Museum.
42. On July 22, 2011, plaintiff American Atheists again offered to place a memorial to the non-religious victims of the 9/11 attack in the September 11 Memorial and Museum, at its own expense.
43. As of the date of filing this amended complaint, Plaintiff American Atheists' offer has not been accepted.
44. On July 23, 2011, in a religious ceremony during which the cross was blessed again by Defendant Jordan, the cross was installed at the September 11 Memorial and Museum.
45. Contemporary photos show that the cross has been altered to look more like a Latin cross since being found in 2001. Specifically, on information and belief, the upright I-beam of the cross has been cut and squared off and etched with "Jesus." The horizontal beam of the cross was cleaned, debris was removed, and new metal "debris," shaped to cloak part of the horizontal beam, was added.
46. This clear alteration, which is not present in other salvaged beams from the World Trade Center ruins, is, upon information and belief, the reason the cross was selected for display.

47. No other religious or non-religious group has been permitted a memorial.

First Cause of Action:
Violations of the United States Constitution

48. Plaintiffs incorporate herein by reference paragraphs 1 through 47.
49. The installation of the cross at the September 11 Memorial and Museum is facially violative of the First Amendment to the Constitution of the United States of America, which mandates:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

50. The installation of the cross at the September 11 Memorial and Museum is facially violative of Section One of the Fourteenth Amendment to the Constitution of the United States of America, which mandates:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

51. The challenged cross constitutes an unlawful attempt to promote a specific religion on governmental land, diminishing the civil rights, privileges or capacities of Atheist Americans, Agnostic Americans, Jewish Americans, Muslim Americans, and all others who are not Christian

Americans. Because the challenged cross promotes Christianity over all other religions, it also denies non-Christian American equal protection under the laws of the land. As such, the challenged cross is repugnant to the Constitution of the United States.

52. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.
53. As a direct and proximate result of the unconstitutional existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were victims of the 9/11 attack, is unconstitutional. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named

plaintiffs also seek injunctive relieve against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

Second Cause of Action:
Violations of the Constitution of the State of New York

54. Plaintiffs incorporate herein by reference paragraphs 1 through 53.
55. The installation of the cross at the September 11 Memorial and Museum is facially violative of Article One, Section Three to the Constitution of the State of New York, which mandates:

The free exercise and enjoyment of religion profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind; and no person shall be rendered incompetent to be a witness on account of his or her opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

56. The installation of the cross at the September 11 Memorial and Museum is facially violative of Article One Section Eleven of the Constitution of the State of New York, which mandates:

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

57. The challenged cross constitutes an unlawful attempt to promote a specific religion on governmental land, diminishing the civil rights, privileges or capacities of atheist Americans, agnostic Americans, Jewish

Americans, Muslim Americans, and all others who are not Christian Americans. Because the challenged cross promotes Christianity over all other religions, it also constitutes discrimination against non-Christians by the defendants, who include firms, corporations, and agencies and/or subdivisions of the state. As such, the challenged cross is grossly and outrageously at variance with the Constitution of the State of New York.

58. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.
59. As a direct and proximate result of the unconstitutional existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were victims of the 9/11 attack, is repugnant to the Constitution of the State of New York. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11

attack be placed within the September 11 Memorial and Museum near the cross. Named plaintiffs also seek injunctive relieve against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

Third Cause of Action:
Violations of Article 4 Section 40 of New York's Civil Rights Act

60. Plaintiffs incorporate herein by reference paragraphs 1 through 59.
61. The installation of the cross at the September 11 Memorial and Museum is violative of Article 4 Section 40 of New York's Civil Rights Act, which mandates, *inter alia*:

All persons within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any places of public accommodations, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons.

62. The September 11 Memorial and Museum is included within Article 4 Section 40 of New York's Civil Rights Law, which specifically includes "any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course, or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public."
63. One of the advantages and/or privileges of the September 11 Memorial and Museum is the placement of and opportunity to view a memorial to the victims of the 9/11 attack.

64. In placing an item revered specifically as a symbol that "God never abandoned us at Ground Zero"⁴ in the September 11 Memorial and Museum, the defendants have afforded Christian Americans the privilege of a faith-based memorial.
65. In ignoring other faiths' and non-religious based groups' attempts to place a similar memorial in the September 11 Memorial and Museum, the defendants have denied non-Christian Americans full and equal privileges within the museum, in violation of Article 4 Section 40 of New York's Civil Rights Act.
66. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.
67. As a direct and proximate result of the existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who

⁴ *Id.*

also were victims of the 9/11 attack, violates Article 4 Section 40-c of New York's Civil Rights Act. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named plaintiffs also seek injunctive relieve against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

Fourth Cause of Action:
Violations of Article 4 Section 40-c(2) of New York's Civil Rights Act

68. Plaintiffs incorporate herein by reference paragraphs 1 through 67.
69. The installation of the cross at the September 11 Memorial and Museum is violative of Article 4 Section 40-c(2) of New York's Civil Rights Act, which mandates:

No person shall, because of race, creed, color, national origin, sex, marital status, sexual orientation or disability, as such term is defined in section two hundred ninety-two of the executive law, be subjected to any discrimination in his or her civil rights, or to any harassment as defined in section 240.25 of the penal law, in the exercise thereof, by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.

70. In placing an item revered specifically as a symbol that "God never abandoned us at Ground Zero"⁵ in the September 11 Memorial and Museum, the defendants have afforded Christian Americans the privilege of a faith-based memorial.

⁵ *Id.*

71. In ignoring other faiths' and non-religious based groups' attempts to place a similar memorial in the September 11 Memorial and Museum, the defendants have discriminated against non-Christian Americans' civil rights.
72. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.
73. As a direct and proximate result of the existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were victims of the 9/11 attack, violates Article 4 Section 40-c(2) of New York's Civil Rights Act. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named

plaintiffs also seek injunctive relieve against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

Fifth Cause of Action:
Violations of the Constitution of the State of New Jersey

74. Plaintiffs incorporate herein by reference paragraphs 1 through 73.
75. The installation of the cross at the September 11 Memorial and Museum is facially violative of Article One, Section Four to the Constitution of the State of New Jersey, which mandates:

There shall be no establishment of one religious sect in preference to another; no religious or racial test shall be required as a qualification for any office or public trust.

76. The installation of the cross at the September 11 Memorial and Museum is facially violative of Article One Section Five of the Constitution of the State of New York, which mandates:

No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.

77. The challenged cross constitutes an unlawful attempt to promote a specific religion on governmental land owned, at least in part, by an entity overseen by the State of New Jersey. The challenged cross therefore diminishes the civil rights, privileges or capacities of atheist Americans, agnostic Americans, Jewish Americans, Muslim Americans, and all others who are not Christian Americans. Because the challenged cross promotes Christianity over all other religions, it also constitutes

discrimination against non-Christians by the defendants, who include firms, corporations, and agencies and/or subdivisions of the state. As such, the challenged cross is grossly and outrageously at variance with the Constitution of the State of New Jersey.

78. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.
79. As a direct and proximate result of the unconstitutional existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were victims of the 9/11 attack, is repugnant to the Constitution of the State of New Jersey. American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named plaintiffs also seek injunctive relieve against the

inclusion of the cross, together with nominal damages, costs, and attorney fees.

Sixth Cause of Action: Violations of New Jersey Statute 10:1-3

80. Plaintiffs incorporate herein by reference paragraphs 1 through 79.
81. The installation of the cross at the September 11 Memorial and Museum is violative of New Jersey Statute 10:1-3, which mandates, *inter alia*:

No owner, lessee, proprietor, manager, superintendent, agent or employee of any such place shall directly or indirectly refuse, withhold from, or deny to, any person any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from, or denied to, any person on account of race, creed, color, national origin, ancestry, marital status or sex, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, creed, color, national origin, ancestry, marital status or sex, is unwelcome, objectionable or not acceptable, desired or solicited.

82. The September 11 Memorial and Museum is included within New Jersey Statute 10:1-3 because the Port Authority is governed in part by the State of New Jersey. As such, its employees cannot act in violation of New Jersey law.
83. One of the advantages and/or privileges of the September 11 Memorial and Museum is the placement of and opportunity to view a memorial to the victims of the 9/11 attack.

84. In placing an item revered specifically as a symbol that "God never abandoned us at Ground Zero"⁶ in the September 11 Memorial and Museum, the defendants have afforded Christian Americans the privilege of a faith-based memorial.
85. In ignoring other faiths' and non-religious based groups' attempts to place a similar memorial in the September 11 Memorial and Museum, the Port Authority has denied non-Christian Americans full and equal privileges within the museum, in violation of New Jersey Statute 10:1-3.
86. The plaintiffs, and each of them, have suffered, are suffering, and will continue to suffer damages, both physical and emotional, from the existence of the challenged cross. Named plaintiffs have suffered, *inter alia*, symptoms of depression, headaches, anxiety, and mental pain and anguish from the knowledge that they are made to feel officially excluded from the ranks of citizens who were directly injured by the 9/11 attack and the lack of acknowledgement of the more than 1,000 non-Christian individuals who were killed at the World Trade Center.
87. As a direct and proximate result of the existence of the cross, plaintiffs have suffered, and will continue to suffer, damages for which they have no clear, speedy, or adequate remedy at law. Plaintiffs seek a declaration that the inclusion of a cross at the September 11 Memorial and Museum, in the absence of equal acknowledgment of those non-Christians who also were victims of the 9/11 attack, violates New Jersey Statute 10:1-3.

⁶ *Id.*

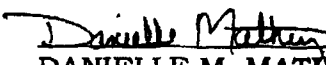
American Atheists seek injunctive relieve against inclusion of the cross and/or an order that a memorial to the non-religious Americans who fell victim to the 9/11 attack be placed within the September 11 Memorial and Museum near the cross. Named plaintiffs also seek injunctive relieve against the inclusion of the cross, together with nominal damages, costs, and attorney fees.

WHEREFORE, plaintiffs pray and demand:

- A. For a judgment, finding, and declaration by the Court that the placement of the cross, without affording equal space to non-Christian Americans for similar memorials, violates the Constitution of the United States, the Constitution of the State of New York, and Article 4 Sections 40 and 40-c of New York's Civil Rights Law;
- B. For an injunction against continued display of the cross in the September 11 Memorial and Museum until such time as equal space is granted to non-Christian Americans for similar memorials;
- C. For such damages as may appear to be appropriate;
- D. For the costs of this action, together with reasonable attorney fees; and
- E. For any and all other relief, both legal and equitable, to which plaintiffs may appear to be entitled.

Dated this 12th day of August, 2011.

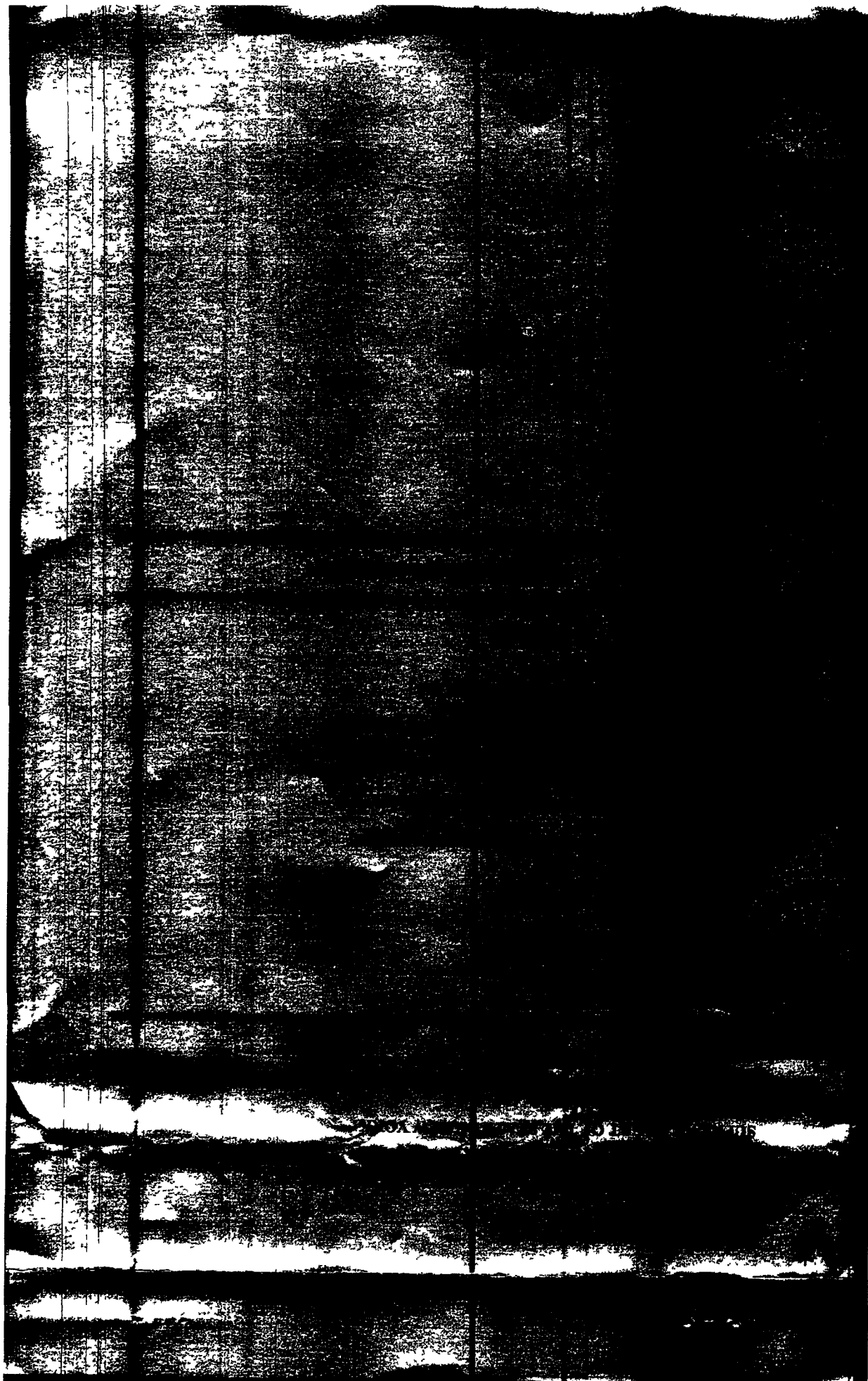
Respectfully submitted:


DANIELLE M. MATHEY
P.O. Box 1060
Green River, WY 82935
(307) 875-5872
matheylawoffice@gwestoffice.net
Counsel for Plaintiffs

Of Counsel:

EDWIN F. KAGIN*
KBA # 37136
National Legal Director
American Atheists, Inc.
P.O. Box 666
Union, KY 41091
(859) 384-7000
ekagin@atheists.org
Counsel for Plaintiffs

*Petition for *Pro Hac Vice* status pending.



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Plaintiffs,

-against-

Index# 11-108670

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual.

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the attached Affidavit of Danielle Mathey, sworn to on August 1, 2011, and the Verified Petition for Admission *Pro Hac Vice* of Edwin F. Kagin, with attached Exhibit 1, and upon all proceedings in this case to date, the plaintiffs will move this Court, at 9:30 A.M. on the 26th day of August, 2011 at the Courthouse, 60 Centre Street, New York, New York, in the Motion Support Courtroom, Room 130, for an

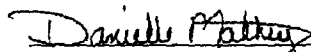
order, pursuant to the Civil Practice Law and Rules (CPLR), granting the following relief to the movants:

Granting Edwin F. Kagin *pro hac vice* admission to the New York State Bar in connection with the above-described Index #11-108670, and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Civil practice Law and Rules 2214(b), you are hereby required to serve copies of your answering affidavits on the undersigned no later than the seventh day prior to the date set above for the submission of this motion.

Dated this 12th day of August, 2011.

Respectfully submitted:


DANIELLE M. MATHEY
P.O. Box 1060
Green River, WY 82935
(307) 875-5872
matheylawoffice@qwestoffice.net
Counsel for Plaintiffs

To Defendants:

1. PORT AUTHORITY OF NEW YORK AND NEW JERSEY: General Counsel 225 Park Ave. S., New York, NY 10003; Ph. 212-435-6910; fax: 212-435-6610
2. STATE OF NEW JERSEY: Attorney General, 609-292-4925
3. GOVERNOR CHRIS CHRISTIE: Attorney General: 609-292-4925
4. SILVERSTEIN PROPERTIES, INC.: (Silverstein) Jonathan W. Knipe, General Counsel, 212-490-0666

5. LOWER MANHATTAN DEVELOPMENT CORPORATION: (out of country) Brad M. Sonnenberg, General Counsel, 4705 Center Blvd., Apt. 1808, Long Island, NY 11109 212-962-2300; 212-587-9755 (Goldie Weber)
6. WORLD TRADE CENTER MEMORIAL FOUNDATION/NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM: Jeffrey Tabak, Counsel to the Board of Directors 212-310-8343
7. WORLD TRADE CENTER PROPERTIES, LLC (Silverstein) Jonathan W. Knipe, General Counsel, 212-490-0666
8. CHURCH OF THE HOLY NAME OF JESUS: James P. McCabe, 1011 First Ave, Floor 11, New York, NY 10022; 212-371-1011 Ext. 2440; email: james.mccabe@archny.org
9. BRIAN JORDAN: James P. McCabe, 1011 First Ave, Floor 11, New York, NY 10022; 212-371-1011 Ext. 2440; email: james.mccabe@archny.org

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DAVID HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Plaintiffs,

-against-

VERIFIED PETITION FOR
ADMISSION *PRO HAC VICE*

Index# 11-108670

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

Defendants.

Edwin F. Kagin, being duly sworn, deposes and says:

I am an attorney admitted to practice in Kentucky. I am counsel to Plaintiff named in this action. I make this verified petition, in compliance with 22NYCRR §§ 520.11(a)(1) and 602.2(a), based upon personal knowledge.

1. I am a sole practitioner in Union, Kentucky and also the legal director for American Atheists, Inc. I have been admitted to practice law since 1972.

2. The primary focus of my practice is on First Amendment issues, with an emphasis on the Establishment Clause.

3. I have been retained to represent the Plaintiff in this action.

4. I am duly licensed as an attorney, and in good standing in the State of Kentucky. A Certificate of Good Standing from the relevant authorities within this state is attached as Exhibit 1.

5. I am not, nor have I ever been, subject to any ethical charge or grievance by or before the state bar, supreme court, or other appropriate adjudicative body within the State of Kentucky.

6. I have not previously been admitted to practice *pro hac vice* in this or any other court within New York State.

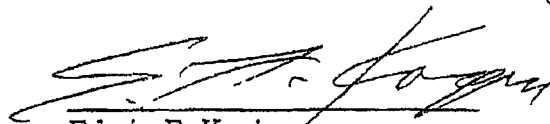
7. I possess the good moral character necessary to practice law in New York State.

8. I have reviewed, am familiar with, and shall comply with the standards of professional conduct applicable to members of New York State Bar. This includes the Rules of Court governing the conduct of attorneys, as well as the Rules of Professional Conduct, promulgated as joint rules of Appellate Divisions of the Supreme Court of New York.

9. In this matter, I have designated Danielle Mathey as New York local counsel.

10. I consent to the jurisdiction of New York's court for all issues arising from this representation.

DATED this 24th day of July, 2011.




Edwin F. Kagin
KBA # 37136
National Legal Director
American Atheists, Inc.
P.O. Box 666
Union, KY 41091
Phone: (859) 384-7000
Fax: (859) 384-7324
Email: ekagin@atheists.org
as counsel to the named
entities listed above

THE COMMONWEALTH OF Kentucky)
: ss.
STATE AT LARGE)

The foregoing document was subscribed and sworn to before me by
Edwin F. Kagin this 23rd day of July, 2011.

Witness my hand and official seal.



Notary Public
ID # 420262

My Commission Expires: May 19, 2014

KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1812

(502) 564-3795

FAX (502) 564-3225

www.kybar.org



OFFICERS

Margaret E. Keane
President

W. Douglas Myers
President-Elect

Thomas L. Rouse
Vice President

Bruce K. Davis
Past President

YOUNG LAWYERS
Rebekkah Bravo Rechter
Chair

EXECUTIVE DIRECTOR
John D. Meyers

BOARD OF GOVERNORS

Douglas C. Ballantine

Anita M. Britton

Douglass Farnsley

Jonathan Freed

William R. Garmer

James D. Harris, Jr.

Richard Hay

Sericta G. Jagers

David V. Kramer

Earl M. McGuire

Bobby Rowe

J. Stephen Smith

R. Michael Sullivan

M. Gail Wilson

THIS IS TO CERTIFY THAT

EDWIN F. KAGIN, JR.

10742 Sedco Drive

Post Office 559

Union, Kentucky 41091

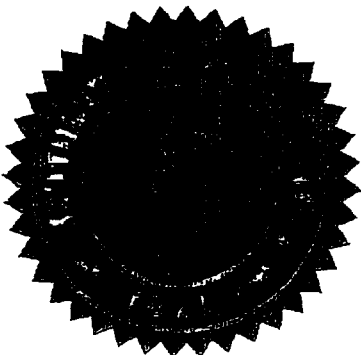
Membership No. 37136

is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 25th day of July, 2011.

JOHN MEYERS

REGISTRAR

By: Michele M. Pogrotsky
Michele M. Pogrotsky, Deputy Registrar



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DAVID HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Plaintiffs,

-against-

Index#11-108670

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual

Defendants.

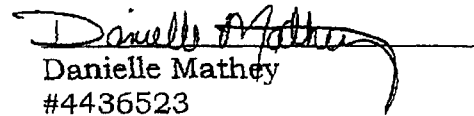
AFFIDAVIT OF DANIELLE MATHEY

DANIELLE M. MATHEY, Esq., being duly sworn, hereby deposes and says as follows:

1. I am an associate with the Mathey Law Office in Green River, Wyoming.
2. I am an attorney licensed and in good standing in the states of New York and Nevada. My petition to waive into the Wyoming Bar is not due to be considered until February 2012.
3. I am not, nor have I ever been, subject to any ethical charge or grievance by or before the State Bar, Supreme Court, or other appropriate adjudicative body within the State of New York.

4. I submit this affidavit in support of Edwin Kagin's motion to practice *pro hac vice* in the above-captioned matter.
5. I have agreed to associate with Mr. Kagin for purposes of pursuing the above-captioned matter and will serve as the attorney of record for those this matter. I also have agreed to be held responsible for all papers filed in this matter and the conduct of this action.
6. In my experience, Mr. Kagin has proven to be both competent and ethical. He has worked to familiarize himself with the CPLR and local rules, and will conduct himself according to the Code of Professional Responsibility throughout this action.
7. WHEREFORE, the affiant respectfully submits that Edwin Kagin be permitted to appear as counsel and advocate *pro hac vice* in this one case before the Court.

DATED this 1st day of August, 2011.


Danielle Mathey
#4436523
Mathey Law Office
P.O. Box 1060
Green River, WY 82935
Phone: (307) 875-5872
Fax: (307) 875-5188
Email: [matheylawoffice@qwest
office.net](mailto:matheylawoffice@qwestoffice.net)
*as counsel to the above-listed
plaintiffs.*

///

///

///

///

THE STATE OF WYOMING)
 : ss.
COUNTY OF SWEETWATER)

The foregoing document was subscribed and sworn to before me by
Danielle Mathey this 1st day of August, 2011.

Witness my hand and official seal.



Cheryl A. Mackrell
Notary Public

My Commission Expires: 1-16-12

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

For Court Clerk Use Only:

Supreme COURT, COUNTY OF New York
Index No: 11-108670 Date Index Issued: July 27, 2011

AMERICAN ATHEISTS, INC.;
DAVID HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Plaintiff(s)/Petitioner(s)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
CITY OF NEW YORK;
MAYOR MICHAEL R. BLOOMBERG, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/

Defendant(s)/Respondent(s)

MATRIMONIAL

- ☐ Contested
☐ Uncontested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJi Addendum.

TORTS

- ☐ Asbestos
☐ Breast Implant
☐ Environmental: _____ (specify)

☐ Medical, Dental, or Podiatric Malpractice
☐ Motor Vehicle
☐ Products Liability: _____ (specify)

☐ Other Negligence: _____ (specify)

☐ Other Professional Malpractice: _____ (specify)

☐ Other Tort: _____ (specify)

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see NOTE under Commercial]
☐ Emergency Medical Treatment
☐ Habeas Corpus
☐ Local Court Appeal
☐ Mechanic's Lien
☐ Name Change
☐ Pistol Permit Revocation Hearing
☐ Sale or Finance of Religious/Not-for-Profit Property
☒ Other: Constitutional/Civil Rights _____ (specify)

COMMERCIAL

- ☐ Business Entity (including corporations, partnerships, LLCs, etc.)
☐ Contract
☐ Insurance (where insurer is a party, except arbitration)
☐ UCC (including sales, negotiable instruments)
☐ Other Commercial: _____ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJi Addendum.

REAL PROPERTY: How many properties does the application include?

- ☐ Condemnation
☐ Foreclosure

Property Address: _____

Street Address City State Zip

NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJi Addendum.

- ☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____
☐ Other Real Property: _____ (specify)

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see NOTE under Commercial]
☐ CPLR Article 78 (Body or Officer)
☐ Election Law
☐ MHL Article 9.60 (Kendra's Law)
☐ MHL Article 10 (Sex Offender Confinement-Initial)
☐ MHL Article 10 (Sex Offender Confinement-Review)
☐ MHL Article 81 (Guardianship)
☐ Other Mental Hygiene: _____ (specify)

☐ Other Special Proceeding: _____ (specify)

STATUS OF ACTION OR PROCEEDING: Answer, Verdict, or Judgment entered? Answer, Verdict, or Judgment entered? Answer, Verdict, or Judgment entered?

YES NO

Has a summons and complaint or summons w/notice been filed?
Is this action/proceeding being filed post-judgment?

☒ ☐ If yes, date filed: July 27, 2011
☐ ☒ If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION:

Check ONE box only and enter additional information where indicated.

- ☐ Infant's Compromise
- ☐ Note of Issue and/or Certificate of Readiness
- ☐ Notice of Medical, Dental, or Podiatric Malpractice
- ☒ Notice of Motion
- ☐ Notice of Petition
- ☐ Order to Show Cause
- ☐ Other Ex Parte Application
- ☐ Poor Person Application
- ☐ Request for Preliminary Conference
- ☐ Residential Mortgage Foreclosure Settlement Conference
- ☐ Writ of Habeas Corpus
- ☐ Other (specify):

Date Issue Joined: _____

Relief Sought: Pro Hac Vice _____

Return Date: _____

Relief Sought: _____

Return Date: _____

Relief Sought: _____

Return Date: _____

Relief Sought: _____

Case Title	Index/Case No.	Court	Judge (If assigned)	Relationship to Instant Case

Un-Rep	Parties:	Attorneys	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	PORT AUTHORITY OF NEW YORK AND NEW JERSEY Last Name First Name Primary Role Defendant Secondary Role (if any)	Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. Last Name First Name Secretary of State, Dept. of State's Office Firm Name One Commerce Plaza, 99 Washington Ave Albany Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	STATE OF NEW JERSEY Last Name First Name Primary Role Defendant Secondary Role (if any)	Last Name First Name New Jersey State Dept Firm Name 225 W State Street Street Address Trenton City New Jersey State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	GOVERNOR CHRIS CHRISTIE Last Name First Name Primary Role Defendant Secondary Role (if any)	Last Name First Name New Jersey State Dept Firm Name 225 W State Street Street Address Trenton City New Jersey State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	CITY OF NEW YORK Last Name First Name Primary Role Defendant Secondary Role (if any)	Last Name First Name Andrew Firm Name 100 Church Street Street Address New York City New York State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: August 2, 2011

4436523

ATTORNEY REGISTRATION NUMBER

Danielle Mathey
SIGNATURE

Danielle Mathey

PRINT OR TYPE NAME

Print Form

Request for Judicial Intervention Addendum

Print Form

UCS-840A (3/2011)

Supreme COURT, COUNTY OF New York Index No: 11-108670

For use when additional space is needed to provide party or related case information.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	Bloomberg Last Name Michael R First Name Defendant Primary Role Secondary Role (if any):	Rasberg Last Name Andrew First Name City of New York Firm Name 100 Church Street Street Address New York City New York State 10007-2601 Zip +1 (212) 788-0303 Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	Silverstein Properties Last Name Defendant Primary Role Secondary Role (if any):	Corporate Services Company Firm Name 80 State Street Street Address Albany City New York State 12207-2543 Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Lower Manhattan Development Corpora Last Name Defendant Primary Role Secondary Role (if any):	Weber Last Name Goldie First Name One Liberty Plaza, 20th Floor Street Address New York City New York State 10006-1404 Zip +1 (212) 587-9755 Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	National September 11 Memorial and Mu Last Name Defendant Primary Role Secondary Role (if any):	General Counsel Firm Name One Liberty Plaza, 20th Floor Street Address New York City New York State 10006-1404 Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	World Trade Center Properties, LLC Last Name Defendant Primary Role Secondary Role (if any):	Corporation Service Company Firm Name 80 State Street Street Address Albany City New York State 12207-2543 Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	Church of the Holy Name of Jesus Last Name Defendant Primary Role Secondary Role (if any):	Church of the Holy Name of Jesus Firm Name 207 West 96th Street Street Address New York City New York State 10025-6337 Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

RELATED CASES: If any related actions or matters have been filed in any other court, please provide the following information:

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

Request for Judicial Intervention Addendum

-Print Form-

UCS-840A (3/2011)

Supreme

COURT, COUNTY OF New York

Index No: 11-108670

For use when additional space is needed to provide party or related case information.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	Jordan Last Name Brian First Name Primary Role: Defendant Secondary Role (if any):	Jordan Last Name Brian First Name Church of the Holy Name of Jesus Firm Name 207 West 96th Street Street Address New York City New York State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	

RELATED CASES: Instantly related actions; real party in interest actions; not dispositive of the merits and/or family law cases.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DAVID HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Plaintiffs,

-against-

Index#11-108670

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual.

Defendants.

PROPOSED ORDER FOR PRO HAC VICE APPLICATION

Edwin F. Kagin, Esq., having applied to this court for admission *pro hac vice* to represent plaintiffs, AMERICAN ATHEISTS, INC.; DAVID HORVITZ, an individual; KENNETH BRONSTEIN, an individual; MARK PANZARINO, an individual; and JANE EVERHART, an individual, in this action, and said dated August 1, 2011, an affidavit of Danielle Mathey, Esq., a member, of the Bar of the State of New York and attorney of record herein for plaintiffs, an affidavit of the applicant dated July 23, 2011, and a Certificate in Good Standing from the jurisdiction in which applicant was admitted to the practice of law, and the court having reviewed the foregoing submissions and due deliberation having been had, it is now therefore

ORDERED that the motion is granted on consent and Edwin F. Kagin, Esq. is permitted to appear and to participate in this action on behalf of Danielle Mathey; and it is further

ORDERED that he shall at all times be associated herein with counsel who is a member in good standing of the Bar of the State of New York and is attorney of record for the party in question and all pleadings, briefs and other papers filed with the court shall be signed by the attorney of record, who shall be held responsible and for such papers and for the conduct of this action; and it is further

ORDERED that, pursuant to Section 520.11 of the Rules of the Court of Appeals and Section 602.2 of the Rules of Appellate Division, First Department, the attorney hereby admitted *pro hac vice* shall abide by the standards of professional conduct imposed upon members of the New York Bar, including the Rules of the Courts governing the conduct of attorneys and Disciplinary Rules of the Code of Professional Responsibility; and it is further

ORDERED that he shall be subject to the jurisdiction of the courts of the State of New York with respect to any acts occurring during the course of his participation in this matter; and it is further

ORDERED that said counsel shall notify the court immediately of any matter or event in this or any other jurisdiction which affects his standing as a member of the Bar.

ENTER: _____

Judge of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

AMERICAN ATHEISTS, INC.;
DENNIS HORVITZ, an individual;
KENNETH BRONSTEIN, an individual;
MARK PANZARINO, an individual; and
JANE EVERHART, an individual

Plaintiffs,

-against-

Index# 11-108670

PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
STATE OF NEW JERSEY;
GOVERNOR CHRIS CHRISTIE, in his official capacity;
SILVERSTEIN PROPERTIES, INC.;
LOWER MANHATTAN DEVELOPMENT CORPORATION;
WORLD TRADE CENTER MEMORIAL FOUNDATION/
NATIONAL SEPTEMBER 11 MEMORIAL AND MUSEUM;
WORLD TRADE CENTER PROPERTIES, LLC;
CHURCH OF THE HOLY NAME OF JESUS; and
BRIAN JORDAN, an individual.

Defendants.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

I, Danielle Mathey, being duly sworn, depose and say: I am over 18 years of age and I represent Plaintiff in this case.

My mailing address is P.O. Box 1060, Green River, Wyoming, 82935.

On August 16, 2011, I served a true and correct copy of:

1. Request for Judicial Intervention;
2. Verified Petition for Admission *Pro Hac Vice*;
3. Affidavit of Danielle Mathey;
4. Proposed Order for *Pro Hac Vice* Application, and
5. Notice of Motion.

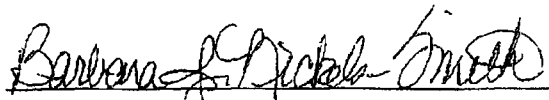
Upon the following by mailing same in a sealed envelope with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of Wyoming, addressed to the last-known address of the addressees indicated below:

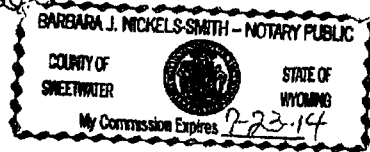
To Defendants:

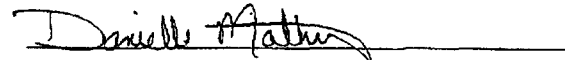
1. PORT AUTHORITY OF NEW YORK AND NEW JERSEY; General Counsel
225 Park Avenue South, New York, NY 10003; Phone: (212) 435-6910;
Fax: (212) 435-6610.
2. STATE OF NEW JERSEY; Office of the Attorney General, P.O. Box 080,
Trenton, NJ 08625-0080; Phone (609) 292-4925.
3. GOVERNOR CHRIS CHRISTIE; Office of the Governor, P.O. Box 001,
Trenton, NJ 08625; Phone: (609) 292-6000.
4. SILVERSTEIN PROPERTIES, INC.; Silverstein Properties Corporate
Office, 250 Greenwich Street, 38th Floor, New York, NY 10007; Phone
(212) 490-0666; Fax (212) 687-0067.
5. LOWER MANHATTAN DEVELOPMENT CORPORATION; One Liberty
Plaza, 20th Floor, New York, NY 10006 Phone: (212) 962-2300; Fax:
(212) 962-2431 or 2433.
6. WORLD TRADE CENTER MEMORIAL FOUNDATION / NATIONAL
SEPTEMBER 11 MEMORIAL AND MUSEUM; National September 11
Memorial & Museum at the World Trade Center, One Liberty Plaza, 20th
Floor, New York, NY 10006; Phone: (212) 312.8800; Fax: (212) 227.7931.

7. WORLD TRADE CENTER PROPERTIES, LLC; Jonathan W. Knipe, General Counsel, Silverstein Properties Inc., 7 World Trade Center, 250 Greenwich Street, New York, NY 10007; Phone: (212) 551-7360.
8. CHURCH OF THE HOLY NAME OF JESUS: James P. McCabe, 207 West 96th Street New York, NY 10025; Phone: (212) 749-0276; Fax: (212) 749-2045.
9. BRIAN JORDAN; James P. McCabe, Archdiocese of New York, 1011 First Avenue, Floor 11, New York, NY 10022; Phone: (212) 371-1011, Ext. 2440; email: james.mccabe@archny.org

DATED this 16th day of August, 2011.


Notary Public




Danielle Mathey