

THE REAL DEAL

Ex-Firefighter Withdraws Appeal in Ground Zero Mosque Saga

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By Katherine Clarke



From left: Former firefighter Timothy Brown, his attorney Brett Joshpe, Soho Properties developer Sharif El-Gamal and his attorney Adam Leitman Bailey

Retired New York City firefighter Timothy Brown has withdrawn his appeal of a Supreme Court decision preventing him from taking action to prevent construction of Soho Properties' proposed Islamic mosque and community center in Lower Manhattan, *The Real Deal* has learned.

Brown initially filed suit in New York State Supreme Court in October 2010, challenging a Landmarks Preservation Commission ruling from August 2010 that denied Landmark status for the 150-year old Burlington Coat factory building at the site. He had argued that the landmarking of the building would prevent the establishment of an Islamic prayer room at the site.

Attorneys for Sharif El-Gamal's Soho Properties, argued in court papers that Brown lacked any legal standing to sue, as he failed to demonstrate how he personally would be injured by the LPC ruling. A judge finally dismissed the lawsuit last July but a notice of appeal was later filed. Brown withdrew the appeal April 13.

Brett Joshpe, an attorney for Brown, told *The Real Deal* that his client had achieved what he had set out to accomplish and had thus withdrawn the motion to appeal.

“Basically, we achieved our primary objective, which was to raise public awareness of the issue. My client felt he had achieved his goal and it was time to move on. As a Sept. 11 survivor, who lost more than 100 friends [that day,] it was absolutely a victory,” Joshpe said.

Another factor in Brown’s decision to drop the appeal, Joshpe added, was that Soho Properties lacks the necessary funds, approximately \$17 million, to build the Islamic community center at the site. It’s been reported that El-Gamal is exploring building a multi-use development at the project instead, including condominiums, a hotel and office tower.

“It was clear that the aspirational project is not going forward,” Joshpe said.

Adam Leitman Bailey, Soho Properties’ attorney, said that, even if the project does not go ahead as previously planned, the end of the suit represents a victory for “New York City real estate and the first amendment.”

He enthused: “An adversary has been defeated. Without any other recourse or appeal left, the freedom of religion once again reigns supreme in New York. The legal work is over.”

El-Gamal did not immediately respond to requests for comment.