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Brighton Residents Against Violence to Children, Inc. v. Wortman (Challenging misuse of zoning laws to stop abortion services)

App. Div., 4th Dept., Index No. CA-02-00134, 00135 (amicus).

This case involves the misuse of local zoning laws to prevent a doctor from providing abortion services.

In October 2001, anti-choice activists in Brighton, NY obtained a decision from a local judge reversing the town's zoning approvals for the office of **Dr. Morris Wortman**. The judge ruled that because Dr. Wortman provides abortions, his office should not have been approved under the local zoning laws as a "medical office." The Town of Brighton appealed.

On behalf of Family Planning Advocates and Planned Parenthood in the Rochester region, the RRP and Planned Parenthood Federation of America filed an amicus brief in the Appellate Division in support of the town's and Dr. Wortman's appeal. The amicus brief argued that the lower court's decision violated town and state law, and was unconstitutional in the way it singled out the provision of abortion services.

On April 4, 2003, the Appellate Division reversed the lower court and dismissed the anti-choice group's challenge for lack of standing, claiming that any speculative injury to the petitioners stemming from the threat of violence by abortion protesters cannot outweigh "the valid interests underlying local zoning and land use ordinances." The court wrote, "Simply stated, opposition to abortion cannot serve as a lawful basis for challenging zoning decisions."

Attorneys involved in this case include Rebekah Diller, Anna Schissel, Roger Evans.