

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

████████████████████

Civil Action No. _____

Plaintiff,
v.

DEMAND FOR JURY TRIAL

**TOWN OF BRIGHTON, NEW YORK;
and WILLIAM W. MOEHLE, Brighton
Town Supervisor, sued in his official capacity,**

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES

Plaintiff ██████████ (“Plaintiff” or ██████████ by and through counsel, brings this complaint for relief against the Town of Brighton, New York, and William W. Moehle, Brighton Town Supervisor, sued in his official capacity (collectively “Defendants”), and alleges as follows:

I. INTRODUCTION

1. This is a civil rights action brought under 42 U.S.C. § 1983 challenging Defendants’ more than two-year-long refusal to allow Plaintiff ██████████ to erect a privately sponsored Nativity display in the Twelve Corners town square in Brighton, New York (the “Square”)—a public square that the Town has, for years, opened to private holiday displays, most prominently an annual Menorah sponsored by Chabad Lubavitch.

2. Despite the Town’s well-documented practice of permitting private religious displays in the Square during the winter holiday season, Defendants have, for more than two years, ignored, evaded, and effectively denied ██████████ repeated, good-faith requests to erect a Nativity scene celebrating the Christian origins of Christmas.

3. Having opened the Square as a public forum to private religious expression—as evidenced by the prominent annual display of a Menorah, complete with a sign disclaiming government sponsorship—the Town may not deny [REDACTED] request to erect a display reflecting his own religious viewpoint.

4. Town officials have denied [REDACTED] request by repeatedly refusing to meaningfully engage with him—failing to return phone calls, failing to act on a certified letter, avoiding an in-person meeting, and never providing any written criteria, application, or defined process by which [REDACTED] could seek approval for his Nativity display. This sustained pattern of non-response, spanning multiple Christmas seasons, constitutes a de facto denial of [REDACTED] constitutional rights to free speech, free exercise of religion, and equal protection of the law.

5. On June 12, 2026, counsel for [REDACTED] sent Defendants a written demand letter detailing these violations and requesting written assurances, no later than June 22, 2026, that [REDACTED] would be permitted to erect his Nativity display in the Square during the 2026 Christmas season. As of the filing of this Complaint, Defendants have failed to provide the requested assurances or to otherwise substantively respond.

6. [REDACTED] brings this action to vindicate his constitutional rights and to ensure that he, like the sponsors of the Menorah before him, may erect his religious display in the Square in time for the upcoming 2026 Christmas season.

II. PARTIES

7. Plaintiff [REDACTED] is an adult resident of the Town of Brighton, Monroe County, New York.

8. Defendant Town of Brighton, New York (“Town”) is a municipal corporation organized under the laws of the State of New York, located in Monroe County, New York. Acting through its Town Board, Town Supervisor, and other officials and employees, the Town owns, controls, and regulates the use of the Twelve Corners town square, including decisions regarding private displays erected there.

9. Defendant William W. Moehle is the Town Supervisor of Brighton, New York. As Town Supervisor, Defendant Moehle is the Town’s chief executive officer and is responsible for overseeing Town operations and personnel, including decisions and practices regarding access to and use of Town property such as the Twelve Corners town square. Defendant Moehle is sued in his official capacity only.

10. As Town Supervisor, Defendant Moehle also serves as one of the five members of the Town Board and presides over all meetings of the Town Board.

11. At all relevant times, Defendant Moehle possessed final decision-making authority, or meaningful authority, to direct Town personnel regarding requests for use of Town property and access to the Square.

12. The actions and omissions described herein were undertaken pursuant to the Town's policies, practices, customs, or decisions of officials possessing final policymaking authority for the Town.

III. JURISDICTION AND VENUE

13. This civil rights action raises federal questions under the United States Constitution, particularly the First and Fourteenth Amendments, enforceable under the Civil Rights Act, 42 U.S.C. § 1983, *et seq.*

14. This Court has original jurisdiction over these federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.

15. This Court has the authority to award the requested damages pursuant to 28 U.S.C. § 1343; the requested declaratory relief under 28 U.S.C. §§ 2201 and 2202; the requested injunctive relief under 28 U.S.C. § 1343 and Fed. R. Civ. P. 65; and costs and attorneys' fees under 42 U.S.C. § 1988.

16. Under 28 U.S.C. § 1391, venue is proper in this district because the events described herein occurred in this district and/or Defendants reside in this district.

IV. FACTUAL BACKGROUND

A. The Twelve Corners Town Square as a Forum for Private Holiday Displays

17. The Square is a public square located in Brighton, New York, owned, maintained, and operated by the Town.

18. For many years, the Town has permitted private organizations to erect unattended holiday displays in the Square during the winter holiday season.

19. Each December, an organization erects a Menorah in the Square to celebrate Hanukkah.

20. The Menorah display includes a sign expressly disclaiming government sponsorship, stating "Happy Chanukah From Chabad," and further stating that "[t]he display of this Menorah is fully sponsored by Chabad Lubavitch. The Town of Brighton has not sponsored or assisted in this display." An image of said sign follows:



21. The Town’s longstanding practice of permitting this privately sponsored religious display in the Square has been documented in numerous news stories, including video coverage in which a rabbi discusses the Menorah display and in which Defendant Moehle himself appears speaking at a Menorah lighting event. The following image is from a Facebook post by Defendant Moehle,

available

at

[https://www.facebook.com/photo/?fbid=10159409105567274&set=pcb.10159409108197274:](https://www.facebook.com/photo/?fbid=10159409105567274&set=pcb.10159409108197274)



22. By permitting the Menorah’s annual erection—an unattended, privately sponsored religious display—in the Square, the Town has opened the Square as a forum for private religious expression during the winter holiday season.

23. Defendants have never informed Plaintiff that his proposed display differed from the Menorah display in any material respect relating to public safety, space limitations, duration, aesthetics, or administrative concerns.

24. [REDACTED] has observed other religious displays in the Square as well, such as a banner displayed for the Muslim holiday Ramadan. An image of that banner follows:



25. The Town has historically permitted members of the public and private organizations to use the Square for civic, cultural, and holiday-related expression.

26. The Square is, at minimum, a designated public forum for such private holiday displays.

27. Given its character as a public square historically associated with public assembly, the Square is also a traditional public forum.

B. [REDACTED] Repeated, Good-Faith Efforts to Obtain Permission for a Nativity Display

28. [REDACTED] wishes to erect a privately sponsored, life-size lighted Nativity scene

in the Square during the Christmas season, on the same basis that the Town has permitted the Menorah. This display would be unobtrusive and not obstruct any other activities in the Square.

29. On December 22, 2023, [REDACTED] left a voicemail message for Bridgette Monroe, Assistant to the Supervisor, inquiring about the process for obtaining permission to erect a Nativity display in the Square. Neither Defendant Moehle nor anyone else responded to his voicemail.

30. On December 29, 2023, [REDACTED] visited the Town offices in person and spoke with two different Town employees or officials about setting up a Nativity scene during the Christmas holiday. The first was a female employee named Tracy; the second was then-Commissioner of Public Works, Evert Garcia.

31. During his conversation with Tracy on December 29, 2023, Tracy confirmed that the Town owns the Twelve Corners Square and that the Menorah was a private display.

32. [REDACTED] then inquired of Tracy how he would go about obtaining permission to set up a Nativity scene. Tracy indicated she was unsure of the process.

33. During their conversation, Evert Garcia, Commissioner of Public Works, entered the room, and [REDACTED] asked Commissioner Garcia how he should go about obtaining permission to set up a Nativity scene.

34. Commissioner Garcia then informed [REDACTED] that any such request would need to be submitted to the Town Supervisor and indicated that he would speak with Defendant Moehle and get back to [REDACTED] left his name and contact information.

35. [REDACTED] never heard back from Commissioner Garcia or anyone else employed by or representing the Town.

36. Throughout 2024, [REDACTED] made numerous additional attempts to reach Defendant Moehle and other Town officials and employees to obtain clarification on the process for erecting a temporary Nativity display, including by leaving voicemails with Mr. Garcia, Matt Beeman, Superintendent of Parks, and Bridgette Monroe, Assistant to the Town Supervisor.

37. On January 5, 2024, [REDACTED] left voicemails for Commissioner Garcia and Matt Beeman. They did not return his calls.

38. On January 23, 2024, at approximately 2:30 p.m., [REDACTED] called the Town Supervisor's office and spoke with Bridgette Monroe, and requested a meeting with Defendant Moehle to discuss setting up a Nativity display. Ms. Monroe promised to look into the matter and contact [REDACTED] the following day. Ms. Monroe never contacted him as promised.

39. On May 31, 2024, at approximately 11:00 a.m., [REDACTED] called and left a voicemail with Ms. Monroe requesting an appointment with Defendant Moehle. Once again, [REDACTED] call was ignored, and no one returned it.

40. On or about August 17, 2024, [REDACTED] sent a certified letter to Defendant Moehle requesting a meeting to discuss his request. Once again, [REDACTED] was ignored, and neither Defendant Moehle nor anyone else acting on behalf of the Town responded to the letter.

41. On August 26, 2024, [REDACTED] visited Defendant Moehle's office in person during normal business hours in an effort to discuss his request. Rather than meet with [REDACTED] Defendant Moehle went into his office and instructed Ms. Monroe to speak with [REDACTED] in his stead.

42. During his August 26, 2024, visit to Defendant Moehle's office, [REDACTED] saw his certified letter to Defendant Moehle sitting face-up on Ms. Monroe's desk. Ms. Monroe

informed [REDACTED] that Defendant Moehle would be the one to give final approval on setting up the Nativity, but that she did not have any information to provide on the matter.

43. Approximately one month later on or about September 27, 2024, Ms. Monroe called [REDACTED] to inform him that his request would be reviewed and would be responded to within two months' time. Once again, no one from the Town ever returned his call.

44. Another Christmas season passed without any response from the Town regarding [REDACTED] request.

45. On or about September 10, 2025, [REDACTED] prepared a detailed packet of information regarding his request and personally delivered the packet to the Town's office with the request that it be delivered to Mr. Mancuso, Town Attorney, since Defendant Moehle had refused to respond to all prior requests. A Town employee, Margaret Lull, accepted the packet of information, date-stamped it, and promised to deliver it to Mr. Mancuso.

46. The packet of information prepared by [REDACTED] included the following: (1) a letter from [REDACTED] to Mr. Mancuso dated September 10, 2025 (attached hereto as Exhibit A); (2) another copy of [REDACTED] August 17, 2024, letter to Defendant Moehle (attached hereto as Exhibit B); (3) a log of [REDACTED] prior attempts to contact Town officials, including Defendant Moehle, to obtain permission to set up a Nativity on the Square during the Christmas season; and (4) a FAQ information sheet prepared by the American Center for Law & Justice outlining the law regarding private displays on public property.

47. Upon delivering the packet, [REDACTED] requested to meet with Mr. Mancuso, or, in the alternative, Ms. Monroe. Ms. Lull informed [REDACTED] that neither was present in the Town's office but promised to deliver the packet of information directly to Mr. Mancuso at the Town meeting scheduled for that evening.

48. Once again, the Town ignored [REDACTED] request.

49. On or about October 20, 2025, at approximately 2:54 p.m., [REDACTED] telephoned Mr. Mancuso and left a voicemail requesting a decision on his Nativity display for the 2025 holiday season.

50. Once again, the Town ignored his request.

51. On March 12, 2026, [REDACTED] again called Mr. Mancuso. He was again transferred to Ms. Monroe, who again promised to follow up with Defendant Moehle and Mr. Mancuso.

52. Also on March 12, 2026, and following his telephone conversation with Ms. Monroe, [REDACTED] followed up with an email to Ms. Monroe and copied Defendant Moehle, Sara Krusenstjerna (Chief of Staff), Town Attorney Mancuso, and David Dollinger (Deputy Town Attorney), referencing his attempts over the past two and a half years to obtain a decision from the Town regarding his request to set up a Nativity display. [REDACTED] attached copies of his August 17, 2024, letter to Defendant Moehle and his September 10, 2025, letter to Town Attorney Mancuso. A true and accurate copy of the March 12, 2026, email is attached hereto as Exhibit C.

53. As with every prior attempt, [REDACTED] email and request were ignored. No Town official ever followed up.

54. In total, over a period of more than two years and across at least two Christmas seasons, [REDACTED] made repeated, persistent, good-faith efforts—by phone, in person, and by certified mail—to obtain the Town's permission to erect a Nativity display in the Square.

55. At every turn, Defendant Moehle and other Town officials either ignored him outright or passed him from one official to another without ever providing a response.

56. At no point did any Town official provide [REDACTED] with an application form, written policy, permitting procedure, submission deadline, decision-making criteria, or other mechanism by which his request could be formally considered. Nor did any Town official identify any additional information necessary to evaluate his request.

57. The Town has never provided [REDACTED] with a denial of his request, an approval of his request, or even an acknowledgment of any defined process by which his request would be considered.

58. Because Defendants failed to identify any procedure through which Plaintiff could obtain a decision, and because Town officials repeatedly ignored or deflected his requests over a period spanning multiple Christmas seasons, any further efforts to secure approval outside judicial intervention would have been futile.

C. The Town's De Facto Denial and the June 2026 Demand Letter

59. On June 12, 2026, counsel for [REDACTED] sent a written demand letter to Defendant Moehle, detailing the Town's more than two years of unconstitutional inaction. The letter demanded written assurances, by June 22, 2026, that [REDACTED] would be permitted to erect a Nativity display in the Square for the 2026 Christmas season.

60. As of the filing of this Complaint, Defendants have not provided the requested assurances or otherwise substantively responded to the demand letter.

61. The Town's persistent refusal to engage with [REDACTED] and respond to formal legal requests constitutes a de facto denial of his request to erect a Nativity display on the same terms as the Menorah.

62. Unless restrained, Defendants will continue to violate [REDACTED] constitutional rights and deny him the opportunity to erect his Nativity display during the upcoming 2026 Christmas season, causing him irreparable harm for which there is no adequate remedy at law.

V. CAUSES OF ACTION

Count I Violation of the First Amendment Right to Freedom of Speech – Viewpoint Discrimination (U.S. Const. amend. I; 42 U.S.C. § 1983)

63. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs as fully set forth herein.

64. Pursuant to 42 U.S.C. § 1983, Plaintiff brings this claim against Defendants for acting under color of state law to deprive him of his First Amendment right to freedom of speech.

65. The Square is open and accessible to the public and serves as a central gathering place within the Town.

66. The Town has historically permitted members of the public and private organizations to use the Square for civic, cultural, and holiday-related expression.

67. The Town has not limited use of the Square to government speech or government-sponsored displays.

68. Through its longstanding practice of permitting privately sponsored holiday displays, including religious displays accompanied by disclaimers expressly disavowing government sponsorship, the Town has opened the Square for private expressive activity and religious expression.

69. The Square is a public forum.

70. At minimum, it is a designated public forum that the Town has opened for private religious and secular expression, including unattended holiday displays such as the Menorah.

71. In a designated or traditional public forum, the government may not exclude speech based on viewpoint absent a compelling interest, and may only impose reasonable content-neutral time, place, and manner restrictions.

72. Religious displays, including Nativity scenes and Menorahs, constitute protected private speech under the Free Speech Clause when displayed in a public forum on the same terms as other private speech.

73. By permitting the Chabad-sponsored Menorah to be erected in the Square each year while refusing, ignoring, and failing ever to act on [REDACTED] repeated requests to erect a Nativity display, Defendants have discriminated against [REDACTED] protected speech on the basis of its religious viewpoint.

74. Defendants have no compelling interest that justifies this viewpoint-based exclusion.

75. Defendants' conduct constitutes unconstitutional viewpoint discrimination prohibited by the Free Speech Clause of the First Amendment, as incorporated against the states through the Fourteenth Amendment.

76. Defendants' conduct also does not constitute a reasonable time, place, and manner restriction.

77. As a direct and proximate result of Defendants' viewpoint discrimination, [REDACTED] has suffered, and will continue to suffer, irreparable injury for which there is no adequate remedy at law, as well as damages in an amount to be determined by the evidence and this Court.

78. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to declaratory relief, injunctive relief, monetary damages, and reasonable attorneys' fees and costs.

Count II
Violation of the First Amendment Right to Free Exercise of Religion
(U.S. Const. amend. I; 42 U.S.C. § 1983)

79. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs as fully set forth herein.

80. Pursuant to 42 U.S.C. § 1983, Plaintiff brings this claim against Defendants for acting under color of state law to deprive him of his First Amendment right to free exercise of religion.

81. [REDACTED] sincerely believes that publicly displaying a Nativity scene depicting the birth of Jesus Christ is an expression of his Christian faith and a religious exercise central to his observance of the Christmas season.

82. The First Amendment prohibits government action that is not neutral and generally applicable toward religious conduct.

83. Defendants' conduct is neither neutral nor generally applicable. The Town permits an annual, privately sponsored religious display celebrating Hanukkah, yet has refused for more than two years to act on [REDACTED] materially similar request to erect a privately sponsored religious display celebrating Christmas.

84. This disparate treatment of one private religious display in favor of another, without any legitimate, let alone compelling, interest, substantially burdens [REDACTED] sincerely held religious beliefs and his ability to express them in the same public forum the Town has opened to other faiths.

85. Defendants have no compelling interest that justifies this burden on [REDACTED] religious exercise, and even if they did, their inaction and selective treatment of religious displays are not narrowly tailored to serve any such interest.

86. Defendants' conduct violates the Free Exercise Clause of the First Amendment, as incorporated against the states through the Fourteenth Amendment.

87. As a direct and proximate result, [REDACTED] has suffered and will continue to suffer irreparable injury for which there is no adequate remedy at law, as well as damages in an amount to be determined by the evidence and this Court.

88. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to declaratory relief, injunctive relief, monetary damages, and reasonable attorneys' fees and costs.

Count III
Violation of the Fourteenth Amendment Right to Equal Protection
(U.S. Const. amend. XIV; 42 U.S.C. § 1983)

89. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs as fully set forth herein.

90. Pursuant to 42 U.S.C. § 1983, Plaintiff brings this claim against Defendants for acting under color of state law to deprive him of his Fourteenth Amendment right to equal protection of the laws.

91. The Equal Protection Clause prohibits the government from treating similarly situated persons differently without sufficient justification, and applies with particular force where the differential treatment is based on the religious viewpoint of the speaker.

92. [REDACTED] and the private sponsors of the Menorah are similarly situated in all material respects: both have sought, or seek, to erect an unattended, privately sponsored religious display celebrating a winter holiday in the same public square while disclaiming government sponsorship.

93. Despite these similarities, Defendants have permitted the annual Menorah display for years, while refusing for more than two years to grant [REDACTED] repeated requests to erect his Nativity display.

94. This differential treatment is based on the religious identity and viewpoint of Plaintiff, his proposed Nativity display, and the religious holiday being commemorated—not on any neutral, content-independent criterion.

95. Defendants have no rational, let alone compelling, basis for treating [REDACTED] request differently from the Menorah sponsors' continued use of the Square.

96. Defendants' conduct violates the Equal Protection Clause of the Fourteenth Amendment.

97. As a direct and proximate result, [REDACTED] has suffered and will continue to suffer irreparable injury for which there is no adequate remedy at law, as well as damages in an amount to be determined by the evidence and this Court.

98. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to declaratory relief, injunctive relief, monetary damages, and reasonable attorneys' fees and costs.

Count IV
Violation of the Establishment Clause of the First Amendment
(U.S. Const. amend. I; 42 U.S.C. § 1983)

99. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs as fully set forth herein.

100. Pursuant to 42 U.S.C. § 1983, Plaintiff brings this claim against Defendants for acting under color of state law to deprive him of his First Amendment right to be free from governmental establishment of religion, as incorporated against the states through the Fourteenth Amendment.

101. Defendants have permitted an annual, privately sponsored Menorah display in the Square while refusing, ignoring, and failing to act on Plaintiff's materially similar request to display a Nativity scene in the same location.

102. The clearest command of the Establishment Clause is that the government may not officially prefer one religion, religious denomination, or faith tradition over another.

103. By selectively permitting private religious expression celebrating Hanukkah while denying Plaintiff's religious expression celebrating Christmas, Defendants have conveyed and effected governmental preference for one faith tradition over another.

104. Defendants have used government authority to favor the expression of one religious denomination while excluding the expression of another religious denomination.

105. This differential treatment lacks a constitutionally adequate justification and gives preference to one religion, religious denomination, or faith tradition over another.

106. Defendants' preferential treatment of private religious displays in the Square is inconsistent with the Establishment Clause and our Nation's history and traditions of denominational neutrality.

107. Plaintiff does not seek the removal of the Menorah or the exclusion of Jewish religious expression. Rather, Plaintiff seeks neutral and even-handed treatment of his Nativity display.

108. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to declaratory relief, injunctive relief, monetary damages, and reasonable attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1. Declare that Defendants' policy, practice, and conduct in refusing to permit [REDACTED] to erect a Nativity display in the Twelve Corners town square violate the First and Fourteenth Amendments to the United States Constitution;
2. Issue injunctive relief ordering Defendants to permit [REDACTED] to erect a life-size Nativity display in the Twelve Corners town square during the 2026 Christmas season, and during each Christmas season thereafter, on the same terms applicable to other private religious holiday displays;
3. Award Plaintiff compensatory or, in the alternative, nominal damages for the violation of his constitutional rights;
4. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
5. Grant such other and further relief as the Court deems just and proper.

Plaintiff demands a trial by jury of all issues so triable.

Dated: July 21, 2026

Respectfully submitted,

/s/ Nathan J. Moelker

NATHAN J. MOELKER**

[REDACTED]
CHRISTINA A. COMPAGNONE**

[REDACTED]
THE AMERICAN CENTER FOR LAW &
JUSTICE

[REDACTED]
ABIGAIL SOUTHERLAND**

[REDACTED]
AMERICAN CENTER FOR LAW & JUSTICE

[REDACTED]
[REDACTED]
[REDACTED]

/s/ Raymond Dague
Raymond Dague
DAGUE LAW OFFICE

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ATTORNEYS FOR PLAINTIFF

** Motion for Admission Pro Hac Vice Forthcoming