

Atheists Launch Legal Attack Against Hawaii Churches

Two Oahu churches have filed an appeal of a trial court's decision to keep a baseless lawsuit filed by two atheists alive. Alliance Defending Freedom attorneys and an ADF-allied attorney represent the churches, One Love Ministries and Calvary Chapel Oahu.

In May, the court dismissed the most critical aspects of the atheists' lawsuit, which falsely accuses the churches of defrauding the government simply for paying agreed-upon rent to the public schools in which they meet. The court later reconsidered that dismissal and allowed the atheists' case to proceed. The court also allowed the churches to appeal.

"The only thing these churches have done is serve the schools and bring great benefit to their surrounding communities. They don't deserve to be dragged through court any longer by two people who are seeking financial gain by attacking these congregations," said ADF Senior Legal Counsel Erik Stanley. "The trial court's initial instinct to gut this lawsuit of its substance was correct. We will now ask the appeals court to definitively dismiss this baseless complaint."

Mitchell Kahle and Holly Huber filed their original lawsuit with Hawaii's Circuit Court of the First Circuit under the state's False Claims Act. The law allows "whistleblowers" with inside information to expose fraudulent billing by government contractors; however, the lawsuit included no evidence of false statements or fraud by the churches. The court therefore dismissed the lawsuit in January but allowed Kahle and Huber to amend their complaint within 45 days of the dismissal order if they believed they could sufficiently allege any violation of the False Claims Act.

The two filed an amended complaint within that time frame. In May, the court dismissed the heart of that case, *Kahle v. One Love Ministries*, as well but reversed itself in an October order that allowed the case to proceed because of conflicting case law surrounding a federal statute similar to Hawaii's. Noting the uncertainty, the court allowed the churches to appeal to Hawaii's Intermediate Court of Appeals so that it can consider the reach of the state law and whether the lawsuit should be entirely dismissed.

"Congregations serving the neediest in their communities deserve better than trumped-up accusations stemming from a clear hostility to churches," added co-counsel James Hochberg of Honolulu, one of more than 2,500 private attorneys allied with ADF. "We trust that the appeals court will come to the right conclusion so that these churches can continue with their important work without any further harassment."

In the meantime, Kahle and Huber have relocated to Michigan and have now brought a similarly baseless complaint against a memorial cross in that state.