



Written by [Raven Clabough](#) on June 4, 2021

California to Pay \$2M+ in Settlement With Churches over Discriminatory COVID Restrictions

The state of California has agreed to not discriminate against houses of worship with coronavirus restrictions and will pay more than \$2 million in legal settlements in two major cases that ultimately forced the state to allow churches to reopen.

Attorneys with the Thomas More Society and LiMandri & Jonna LLP reached settlements this week in *South Bay United Pentecostal Church, et al. v. Newsom, et al.* and *Father Trevor Burfitt v. Newsom, et al.*, Life Site News reported. California agreed to enter into permanent injunctions that prohibit the state from ever imposing discriminatory restrictions on houses of worship anywhere in California. The state also agreed to pay \$2,150,000 in attorneys' fees to settle both cases.



Photo: Photo: MattGush/iStock/Getty Images Plus

Thomas More Society Special Counsel Charles LiMandri said of the resolutions, "The permanent injunctions in these cases uphold and protect one of the most cherished principles of our republic: The Free Exercise of Religion."

South Bay United Pentecostal Church and Kern County Catholic priest Trevor Burfitt separately sued Governor Gavin Newsom for banning indoor religious gatherings while retail stores and public transit were able to operate at limited capacity. South Bay United's case reached the United States Supreme Court, where it secured a major victory in February.

The Supreme Court has consistently ruled in favor of religious freedoms since November 2020, when it [ruled](#) against limitations on New York's houses of worship in *Roman Catholic Diocese of Brooklyn v. Cuomo*. The high court ruled against California's COVID restrictions [five times](#) before the state ultimately lifted all capacity limitations on houses of worship.

The attorneys noted the significance of both *South Bay United* and *Burfitt* and their settlements.

Thomas More Special Counsel Paul Jonna observed, "The settlement terms in these cases track the United States Supreme Court's seminal holding in *South Bay v. Newsom*, and the basic constitutional principle is simple and now cemented into permanent statewide injunctions. Restrictions on churches cannot be more severe than restrictions on retail."

"The injunction in *Burfitt* was the first of its kind in the country, anticipating what the Supreme Court would later hold definitively, that houses of worship must receive the same treatment as the most favored secular comparators. If favored businesses are allowed 100% occupancy during a pandemic, so must churches be allowed," said Christopher Ferrara of the Thomas More Society.



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Gov. Gavin Newsom's office issued a statement referencing the settlements.

"These settlements resolve the cases while providing clarity and certainty to the public around the public health standards applicable to places of worship following recent rulings by the U.S. Supreme Court," it read.

"Governor Newsom has always put the health and well-being of Californians first, resulting in the lowest positivity rates in the country and over 37 million shots in arms—more than any other state," the statement continued. "California has led the nation in safely reopening because our decisions are based on what the science and data tell us, and we will continue to do so as we look beyond the Blueprint."

But regardless of what the "science" revealed, California was learning quickly it could no longer violate First Amendment rights under the guise of protecting the public health.

Newsweek noted there were several other cases in the works that served as reminders to Newsom and state officials that California cannot continue to impose unconstitutional and discriminatory restrictions without penalty:

The [settlements] come on the heels of an order last month by a California District Court approving Liberty Counsel's settlement of a lawsuit on behalf of Pasadena's Harvest Rock Church and Harvest International Ministry against the state of California. That case involved three emergency injunctions pending appeal at the Ninth Circuit Court of Appeals, two oral arguments before a panel of three judges, and two orders from the U.S. Supreme Court, including an injunction pending appeal issued by the high court on February 4, 2021. It was ultimately ruled that the governor must pay Liberty Counsel \$1,350,000 in reimbursement of attorney's fees and costs....

Meanwhile, attorneys LiMandri and Jonna are now set to prosecute and defend cases on behalf of Pastor John MacArthur and Grace Community Church. Later this month, the Los Angeles Superior Court will hear the Thomas More Society's motion to dissolve an unconstitutional preliminary injunction entered against the church.

California has announced it would be lifting all COVID restrictions on June 15, citing falling COVID-19 rates and widespread vaccinations.

And while the settlements pertain only to restrictions issued for the COVID-19 pandemic, lawyers for the churches believe the state is unlikely to impose such discriminatory restrictions in the future because of *South Bay United* and other Supreme Court rulings.

"I think they've gotten the guidance they've needed from the U.S. Supreme Court," Jonna said.

"If there's ever another emergency that justifies restricting churches, then it has to be in parity with retail," Jonna added.



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