

WE NAVIGATE CLIENTS THROUGH ACTIONS NECESSARY TO USE AUTHORITY WHILE HONORING INDIVIDUAL RIGHTS ON ISSUES OF GREAT PUBLIC INTEREST.



DEBORAH J. FOX

Chair, First Amendment Practice Group

Deborah is recognized as one of California's foremost experts on First Amendment issues, particularly those affecting the public sector. She has obtained precedent-setting rulings in state and federal court at both the trial and appellate levels. Deborah's cases frequently involve issues that attract intense media attention.

Deborah is a Senior Fellow of the Litigation Counsel of America and has received the AV Preeminent rating from Martindale-Hubbell since 2004. Additional ranking honors include "Top 100 Lawyers in California" (*Daily Journal*, 2020), "Top Litigators & Trial Lawyers in Los Angeles," (*Los Angeles Business Journal*, 2019, 2020), "Top Women Attorneys in Los Angeles" (*Los Angeles Business Journal*, 2020), "75 Most Influential Women Lawyers in Los Angeles" (*Los Angeles Business Journal*, 2019), "Top Women Lawyers in California" (*Daily Journal*, 2018), Southern California Super Lawyer (*Super Lawyers Magazine*, 2017-2021), "Top Rated Lawyers in Land Use and Zoning" (Martindale-Hubbell, 2013-2018), "Women Leaders in the Law" (Martindale-Hubbell, 2013-2015) and "Top Women Litigators" (*Daily Journal*, 2007, 2009).

With a full grasp of the First Amendment's nuances, Meyers Nave attorneys frequently address the interconnection of local government with free speech, right to assemble, and religious freedoms. Some of the issues we advise on are public protests, RLUIPA, signs and billboards, and adult uses. We always look at the big picture so clients understand the impact of their legal decisions on their communities.

With the understanding of the sensitive and intricate nature of First Amendment rights, our multi-disciplinary team drafts constitutionally sound regulations and defends them in federal and state courts to protect client actions as local government bodies. We draft and defend decisions, ordinances and policies on issues such as the following:

- Adult use (and Section 1983 claims)
- Billboards and signage
- News rack ordinances
- Picketing, protests and demonstrations
- Parade, park, and special event permits
- Public forums, rules of decorum provisions
- Religious Land Use and Institutionalized Persons Act (RLUIPA)
- Loitering, solicitation, panhandling, vending
- Social media

COVID-19 LITIGATION

Meyers Nave is defending counties, cities and public officials in federal and state court litigation challenging Shelter In Place Orders, Public Health Orders, and Reopening Plans related to the coronavirus pandemic. We have obtained victories at the district and appellate court levels.

Our litigation team is tackling both the complex constitutional law issues in litigation as well as the practical enforcement issues arising from restrictions placed on the operation of churches, gyms, restaurants, wine bars, brew pubs, lodging establishments, nail salons, and other businesses. We are also defending local government entities in class actions that request the refund of various fees, permits and taxes paid by businesses that are closed or operating under various restrictions.

OUTDOOR ADVERTISING

Every day our team advises and litigates on the constitutional validity of outdoor advertising regulations—from controversial political messaging on donation bins and bus benches to large digital billboards and supergraphics on buildings and along freeways. We ensure our public agency clients' restrictions have ironclad defensibility by setting reasonable prohibitions and maintaining neutrality in order to address concerns of traffic safety and visual blight.

The matters we handle stem from the full spectrum of forums—traditional (park, streets, sidewalks), non-public (prisons, jails, military bases), designated (universities, schools, theaters) and limited (libraries, license plates). We also advise clients on regulating on-site versus off-site business signs, designating sign districts and drafting specific plans that regulate signage.

ADULT USE

While the First Amendment prohibits an outright ban of adult businesses such as bookstores, video stores and cabarets, cities can regulate these businesses via zoning ordinances, permits and regulations—setting boundaries of reasonable time, place and manner restrictions.

We defend cities' adult use permitting and operational standards in addition to related Section 1983 claims.

As advice counsel, we proactively update and refine cities' adult use permitting regulations to mitigate and reduce potential adverse secondary effects (crime, neighborhood blight, etc.), with the end goal being to protect the community and promote peaceful operation and patronizing of adult businesses.

First Amendment Services

- Adult use
- RLUIPA
- Public policy
- Public protests
- Public forum provisions
- Parade and park permits
- Zoning and sign ordinances
- Sign districts
- Sign regulation in specific plans
- Newsrack ordinances
- Billboard regulation

RLUIPA

The Religious Land Use and Institutionalized Persons Act is a sensitive and difficult legal challenge that public entities face. The federal law prohibits governments from imposing land use regulations that place a substantial burden on religious activity unless there is a “compelling governmental interest.”

Our team has scored important wins for public entities that have rejected plans proposed by religious institutions. Outside the courtroom, we advise cities and counties on applications by religious institutions. We review zoning ordinances, including classifications of “place of assemblies,” to ensure they comply with RLUIPA and are constitutionally sound.

PUBLIC PROTESTS

We advise cities on the authority to regulate demonstrations. We draft municipal codes that clearly define how groups can assemble on public property and impose reasonable time, place and manner restrictions. We help local officials balance constitutional rights with concerns for health, safety, property damage and shared use of public property as they pursue actions in their communities’ best interests.

REPRESENTATIVE EXPERIENCE

- *California New Business Bureau, Inc. v. County of San Bernardino*. After the U.S. Supreme Court’s decision in *Reed v. Town of Gilbert*, Meyers Nave drafted a constitutionally sound solicitation ordinance for the County regarding soliciting business on the grounds around the County’s Hall of Justice. When that ordinance was challenged by CNBB, Meyers Nave obtained a complete victory in court for the County.
- *City of Chula Vista Bay & E, Inc.* In a civil trial representing the City of Chula Vista, Meyers Nave obtained a permanent injunction to close a strip club that had violated zoning codes. The case validated the constitutionality of the City’s adult zoning and licensing regulations, which Meyers Nave drafted.

- *Best Supplement Guide v. Newsom*. In a victory for counties, cities and public officials, on October 27, 2020 Judge Mendez of the U.S. District Court, Eastern District, granted the County of San Joaquin and the City of Lodi’s joint motion to dismiss in full, without leave to amend, a gym’s challenge to COVID-19 related Public Health Orders that placed limits on the gym’s operations. Agreeing with Meyers Nave, the Court found that the gym had not identified any constitutionally protected right that was being infringed by the city and county Orders and that the law and the circumstances of plaintiffs’ situation had not changed since the Court’s May 22, 2020 order which denied plaintiff’s request for a TRO and a preliminary injunction.
- *BGT Media vs. City of Oceanside*. Meyers Nave obtained dismissals of various claims in a dispute regarding the City’s rejection of BGT Media’s application to operate a digital billboard on a City right-of-way. Meyers Nave also filed an anti-SLAPP motion with a companion demurrer and prevailed, resulting in a judgment in full for Oceanside.
- *Davidson I and II v. City of Culver City*. Meyers Nave defended the City in First Amendment litigation asserting a variety of constitutional challenges to the City’s regulations of signs, pennants, and banners in the public right-of-way. The Ninth Circuit also affirmed the trial court’s award of over \$90,000 in attorneys’ fees to the City for a frivolous case.
- *Zuvich v. City of Los Angeles*. Meyers Nave defended the City against a group of five plaintiffs who wanted to vend items on the Venice Boardwalk and also claimed their artistic expression was unconstitutionally restricted. Plaintiffs raised constitutional challenges to the City’s ordinance and sought millions of dollars in damages. Meyers Nave prevailed on summary judgment and the Ninth Circuit affirmed in full.