

FIRST AMENDMENT

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”

— *The First Amendment to the United States Constitution*

The First Amendment is a nuanced area of law.

Our lawyers draft constitutionally sound regulations and ordinances and defend them in federal and state court. Our cases clarify existing law, support public agencies in crafting and defending their decisions, and address new, emerging areas of law, such as First Amendment auditors. We are called on to draft municipal codes that comply with reasonable time, place and manner restrictions in public protest, public forum, billboard/sign regulations, etc. Additionally, we draft policies and guidelines and offer training to local officials, public agency staff, and public entities so they can be prepared and familiar with this unique area of constantly evolving law.

Meyers Nave’s First Amendment team has specialty expertise with matters involving the convergence of First Amendment, land use, and zoning laws and regulations. Our high-profile cases frequently involve issues that attract intense media attention and public scrutiny, including matters of first impression. For example, during and after the COVID-19 pandemic, our firm defended counties, cities and public officials throughout California in federal and state court litigation challenging Shelter-In-Place Orders, Public Health Orders, and Reopening Plans.

Our litigation team tackles both the complex constitutional law issues in litigation as well as the practical enforcement issues that arise from restrictions placed on the operation of various establishments.

Our First Amendment Practice experience includes the following areas of expertise:

- Adult Use (and related Section 1983 claims)
- Billboards
- First Amendment Retaliation
- Loitering
- Newsracks
- Panhandling

PRACTICE CHAIR



Deborah
Fox
PRINCIPAL

ATTORNEYS

Deborah Fox
Catherine Carlisle
Matthew Nazareth
Jenny Riggs
Margaret Rosequist
Kristof Szoke
Lorien Giles

- Parade, Park, and Special Event Permits
- Picketing, Protests and Demonstrations
- Public Forum Provisions
- Public Health Orders, Executive Orders, Shelter-In-Place Orders and Reopening Plans (COVID-19)
- Religious Land Use and Institutionalized Persons Act (RLUIPA)
- Rules of Decorum
- Signage
- Solicitation
- Social Media
- Vending

EXPERIENCE

Los Angeles World Airports (LAWA) – Protest Policy at LAX

Counsel to LAWA on forum status and the regulation of access and protest at the airport, in the secure areas and in the public ones, where the First Amendment and labor law meet on the same curb.

The COVID Orders, Defended into Precedent.

Defended shelter-in-place orders, public-health orders, and reopening plans for counties, cities, and public officials statewide, producing published decisions (*Gish v. Newsom* (9th Cir. 2021) 987 F.3d 891; *Cross Culture Christian Center v. Newsom* (E.D. Cal. 2020) 445 F.Supp.3d 758).

The Venice Boardwalk

Shaped and defended the City of Los Angeles' Venice Boardwalk ordinance through multiple waves of litigation in the trial courts and the Ninth Circuit, including a remand in which all remaining claims were dismissed and the dismissal was upheld on appeal.

An Ordinance Drafted, Then Enforced

Obtained a permanent injunction for the City of Chula Vista closing a club operating in violation of zoning codes, together with the City's cost bill, in a case that validated the constitutionality of the adult zoning and licensing ordinance Meyers Nave drafted.

Culver City – Westfield Shopping Mall Sign Program and Free Speech Policy

Rendered legal advice for Culver City on its master sign program, onsite/offsite provisions, and signage issues at the Westfield shopping mall, including drafting free speech policy guidelines and adult use provisions.

City of Anaheim – OCVIBE First Amendment and Constitutional Law

Strategy

Meyers Nave is currently advising and strategizing with the City of Anaheim to address various First Amendment and California state law issues at play with the \$4 billion OCVIBE public-private development project.

County of Alameda – Pechenuk v. County of Alameda, et al

Alameda County, Pechenuk v. County of Alameda, et al. Currently representing the County of Alameda, individual members of the County's Board of Supervisors, and senior County officials in politically sensitive federal litigation instigated by an unsuccessful candidate for State Assembly. Plaintiff alleged a Section 1985(3) claim against the County Defendants as well as the California Secretary of State for conspiracy to violate her First Amendment rights by allegedly precluding her from effectively monitoring the balloting process for the State Assembly race. The County Defendants moved to dismiss the complaint in December of 2023 on the grounds that Plaintiff could not demonstrate the requisite animus against a protected class, that Plaintiff's claims were barred under the intra-agency conspiracy rule, and further that Plaintiff could not state a predicate First Amendment violation. The District Court agreed, and granted the County Defendants' motion in its entirety, dismissing the case with prejudice. Following Plaintiffs' appeal, the matter is now pending before the Ninth Circuit.

City of Anaheim – Gaetz v. City of Riverside – Rally-Cancellation

Defense (First Amendment Litigation)

Meyers Nave resolved politically charged federal litigation brought against the City of Anaheim by Representative Matt Gaetz, Marjorie Taylor Greene, and their fundraising committees over the cancellation of a planned fundraising rally in July 2021. Plaintiffs alleged Section 1983 First Amendment claims against the City of Anaheim and the City of Riverside, and Section 1985(3) conspiracy claims against the municipal defendants and numerous non-profit and political group defendants, including the NAACP and the League of Women Voters.

In early 2024 the firm filed and argued a motion to dismiss on behalf of the City, arguing that there was no municipal action to support the Section 1983 claim and that the Section 1985(3) claims lacked any basis for racial animus, third-party standing, or factual support for conspiracy. The case was then resolved by settlement.

City of Modesto – Pacific Media Workers Guild et al. v. City of Modesto – Straight Pride Rally Protest Ordinance Challenge (E.D. Cal. No. 2:26-cv-01623-JAM-CKD)

Pacific Media Workers Guild v. City of Modesto (E.D. Cal. No. 2:26-cv-01623-JAM-CKD). Meyers Nave represents the City of Modesto and its police chief against an ACLU constitutional challenge to the City's provisions barring face coverings and combat gear at public protests. The firm advised the City in adopting the ordinance, which regulates public protests to preserve public safety in response to increased violence and heightened tensions. The ACLU has moved for a preliminary injunction against the regulations.

City of Oceanside – BGT Media v. City of Oceanside: Anti-SLAPP

Litigation

Successfully defended the City against claims stemming from its rejection of a digital billboard application in a City right-of-way after a competitive RFP and subsequent zoning amendments. Meyers Nave secured a complete dismissal through demurrer and an anti-SLAPP motion, with judgment for the City and an award of attorneys' fees.

City of San Leandro – International Church of Foursquare Gospel v. City of San Leandro (RLUIPA)

632 F.Supp.2d 925 (N.D. Cal. 2008), rev'd. 634 F.3d 1037 (9th Cir. 2011); amended and rehearing denied, 2011 U.S. App. LEXIS 8505 (9th Cir. April 22, 2010); denied 2011 U.S. LEXIS 5458 (Oct. 3, 2011). Represented San Leandro in the evolving area of Religious Land Use and Institutionalized Persons Act ("RLUIPA") addressing a mega church within its community. The matter was resolved through federal mediation and settled.

Municipal Client – Public Protest/Demonstration Regulations and Billboard Regulation Revisions

Currently working with a municipal client to advise and make revisions to regulations governing public protests and demonstrations, as well as advising on revisions to billboard regulations. Meg also drafts and updates ordinances for solicitation, loitering, panhandling, vending, leafleting, signs, billboards, medians, and public events, with a focus on constitutionality and future litigation risk.

Straight Pride event in the City of Modesto

Provided the City with First Amendment advice regarding the National Straight Pride Coalition's application for a permit to hold a rally in the City. Drafted an ordinance restricting the weaponization of water bottles, protest signs and the like and imposing further time, place and manner restrictions to forestall violence that accompanied straight pride events in other cities.

City of La Habra – Gammoh v. City of La Habra – Adult Use Restriction Ordinance Upheld

Gammoh v. City of La Habra. Successfully defended the City of La Habra's adult use restrictions on off-stage performances ("lap dances") and obtained a Ninth Circuit published decision that serves as the touchstone by which all operating standards are judged throughout the country.

Regency Outdoor Advertising v. Community Redevelopment Agency of the City of Los Angeles

Defense of the Agency and individually named defendants in federal court against claims of inverse condemnation, equal protection, First Amendment violations and damages in connection with billboard applications in various redevelopment project areas.

San Diego County Regional Airport Authority (SDCRAA) – PETA Anti-

SeaWorld Ads: Advertising Policy and First Amendment Compliance

In a matter that grabbed headlines, the firm provided strategic advice and drafted advertising policies and guidelines to withstand First Amendment scrutiny after PETA, backed by the ACLU, sued the Authority over its refusal to post anti-SeaWorld ads.

Paramount v. City of Los Angeles et. al

Defense of the Agency in federal First Amendment litigation challenging the Agency's and City's billboard regulations. Obtained a ruling dismissing the Agency from the case with prejudice on demurrer. Decision upheld on appeal to the Ninth Circuit.

First Amendment and Land Use Defense – City of Modesto, Adult-Use Federal Defense

Dismissal obtained before discovery began in federal claims brought by the operator of a proposed adult business, along with advice to Modesto and Ventura on revisions to adult-use ordinances, including urgency and moratorium ordinances.

County of San Bernardino – adult use ordinance and amortization provision (four federal civil rights lawsuits)

Defense of County in four federal civil rights lawsuits challenging the County's adult use ordinance and amortization provision; transactional assistance on applications for amortization extensions.

Cities of El Monte, La Habra, and San Leandro – RLUIPA zoning ordinance review

Legal advice regarding application for religious institution and review of zoning ordinance as to compliance with RLUIPA.