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**FIRST AMENDMENT - CALIFORNIA**

## Dowd v. City of Los Angeles

**United States District Court, C.D. California - August 7, 2013 - Not Reported in F.Supp.2d - 2013 WL 4039043**

Plaintiffs – performers who make their living on the Venice Beach Boardwalk – filed a lawsuit raising facial and as-applied challenges to the 2006 and 2008 versions of LAMC § 42.15 and its implementing Public Expression Permit Program Rules, which govern the use of the Boardwalk.

Plaintiffs argued that the regulations violate the First and Fourteenth Amendments. The facial challenges to the 2008 ordinance at issue were threefold: First, Plaintiffs argued that the permitting and designated performance space system was not a reasonable time, place and manner restriction and granted unbridled discretion to licensing authorities. Second, Plaintiffs asserted that the ordinance's use of the phrase "inextricably intertwined" rendered it unconstitutionally vague. Third, Plaintiffs claimed that the amplified sound ban was not a reasonable time, place, and manner restriction.

The District Court:

- Granted summary judgment in favor of City on the 2006 Ordinance;
- Granted summary judgment in favor of City on the Permit and Lottery system, the height restriction, the rotation requirement, and the sunset requirement;
- Granted summary judgment in favor of Plaintiffs on the amplified sound ban; and
- Granted summary judgment in favor of City on the facial constitutionality of the Rules of Decorum under the United States Constitution, but granted summary judgment in favor of Plaintiffs on their as-applied challenge to the Rules of Decorum under the United States Constitution and the California constitution.
- The court declined to issue a preliminary injunction but found that the provisions of the Rules of Decorum at issue here are constitutional only when there is an actual disruption beyond a per se breach of the Rules.

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