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**FIRST AMENDMENT - NEW JERSEY**

## Buck Foston's New Brunswick LLC v. Cahill

**United States District Court, D. New Jersey - September 27, 2013 - Slip Copy - 2013 WL 5435289**

Plaintiffs brought Federal and New Jersey State constitutional claims of against City.  Plaintiff was a New Jersey limited liability company, was formed to own and operate a restaurant and sports bar to be named “Buck Foston’s” in the City of New Brunswick. Plaintiffs claimed that City’s alleged delay in the review and then denial of Buck Foston’s LLC’s application for a liquor license transfer: (1) were in retaliation for Plaintiffs’ exercise of commercial speech protected by the First Amendment in naming their proposed restaurant “Buck Foston’s”; (2) deprived Plaintiffs of the equal protection of law under the Fourteenth Amendment by treating the application differently than those of other similarly situated bars/restaurants; and (3) violated the corresponding provisions of the New Jersey State Constitution (Article I, Paragraph 6, and Article I, Paragraph 1, respectively).

The District Court ruled that there was a genuine issue of material fact sufficient to survive Defendants’ Motion for Summary Judgment on Plaintiffs’ First Amendment Retaliation Claim.

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