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FIRST AMENDMENT - NEW YORK

Jones v. Schneiderman

United States District Court, S.D. New York - September 30, 2013 - F.Supp.2d - 2013 WL 5452758

Organizers of professional mixed martial arts events, as well as professional mixed martial arts athletes, brought action against New York state attorney general and New York county district attorney alleging that statutory ban on combative sports violated their rights under the First and Fourteenth Amendments.

The District Court held that:

- Live-performance mixed martial arts were not expressive conduct;
- Statute provision prohibiting profiting from combative sports was not overbroad;
- Organizers and athletes stated a claim for vagueness as applied to competitors;
- Statute was not vague as applied to bar owners and gym owners;
- Statute was not facially vague; and
- Statute did not violate dormant Commerce Clause.

Live-performance, professional mixed martial arts were not expressive conduct protected under the First Amendment such that a statewide combative sport ban did not violate the right of mixed martial arts athletes to engage in expressive conduct, even though the sport communicated a particular message including the fighters' thoughts and feelings as to beauty, creativity, courage, skill and excellence in relation to the sport, as well as the fighters' personal stories, where the particularized message was not likely to be understood by its viewers since it was typically viewed as a competitive sport rather than a public performance, and it was not an inherently expressive activity.

Allegations that New York statute banning combative sports was inconsistently enforced, that some events produced by exempted organizations were allowed while others were not, and that state officials were unclear as to whether the statute amounted to a total ban, were sufficient to state a claim that the statute was unconstitutionally vague in violation of the Due Process Clause of the Fourteenth Amendment as applied to professional mixed martial arts events sanctioned by exempt organizations.