

Bond Case Briefs

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PUBLIC MEETINGS - PENNSYLVANIA

Marshall v. Amuso

United States District Court, E.D. Pennsylvania - November 17, 2021 - F.Supp.3d - 2021 WL 5359020

Attendees of school board meetings whose public comments were interrupted or terminated pursuant to board policies brought action against school district seeking preliminary injunction to prevent application of policies that restricted their speech at public meetings.

The District Court held that:

- Policies which prohibited certain comments constituted viewpoint discrimination, for purposes of as-applied challenge to policies under Free Speech Clause;
- Policies which restricted speech at public meetings were irreparably clothed in subjectivity and were thus unconstitutionally vague under First Amendment;
- Policies which restricted speech at public meetings were unconstitutionally overbroad in violation of Free Speech Clause;
- Policy which required attendees of board meetings to publicly state their home address before speaking during period for public comment was facially invalid under Free Speech Clause;
- Plaintiffs showed that they would suffer irreparable harm absent grant of preliminary injunction;
- District failed to show that they would suffer risk of irreparable harm due to preliminary injunction; and
- Balance of equities supported waiver of requirement for plaintiffs to pay injunction bond.