

THE MEDIA COALITION INC

275 SEVENTH AVENUE • SUITE 1504 • NEW YORK, NEW YORK 10001
PHONE: 212-587-4025 • FAX: 212-587-2436 • WWW.MEDIACOALITION.ORG

DAVID HOROWITZ
Executive Director

LEGAL BENEFITS: AMICUS BRIEFS

Media Coalition members frequently submit amicus briefs on First Amendment issues that affect the interests of business. We circulate the amicus briefs to our members, who then choose to sign the brief at their discretion.

In recent years, Media Coalition has submitted amicus briefs in support of its members and in a broad range of cases of concern to them:

- *U.S. v. Stevens*, 533 F.3d 218 (3d Cir. 2008) (en banc), cert. granted, 129 Sup. Ct. 1984 (2009) Media Coalition submitted an amicus brief on behalf of its members, independent and documentary filmmakers, and other writers groups arguing that a law banning depictions of intentional harm to animals would create a new class of speech exempt from First Amendment protection. The brief also refuted the government's assertion that it could ban speech it determines has "low value" and causes social harm. The case was argued in October 2009, and we await a decision.
- *VSDA v. Schwarzenegger*, 556 F.3d 950 (9th Cir. 2009) Media Coalition submitted an amicus brief on behalf of some of its members arguing that the state may not ban minors from accessing video games with violent themes. The brief also argued that the state cannot require producers to label such video games with an "18." The Ninth Circuit affirmed the lower court's ruling that the law is unconstitutional.
- *ACLU v. Mukasey*, 534 F.3d 181 (3d Cir. 2008), cert. den. 129 Sup. Ct. 1032 (2009) Media Coalition submitted a brief to the Third Circuit Court of Appeals agreeing with the District Court that the Child Online Protection Act was overbroad and that there were less restrictive means available to parents to prevent minors from accessing content on the Internet. Media Coalition offered amicus support at each stage of the litigation from trial court to two hearings before the Supreme Court.
- *ESA v. Swanson*, 519 F.3d 768 (8th Cir. 2007) Media Coalition submitted an amicus brief on behalf of some members to the Eighth Circuit Court of Appeals arguing that the state may not restrict the sale or rental of video games based on violent content, nor can a state enforce a voluntary ratings system. The Eighth Circuit affirmed the lower court's ruling that the law is unconstitutional.
- *Lyle v. Warner Brothers*, 94 P.3d 476 (Cal. 2004) In response to a sexual harassment suit brought by Amaani Lyle, a writers' assistant for the television show *Friends*, Warner Brothers argued that sexually explicit jokes and discussion were a necessary part of the creative process of the show. In a lengthy decision, the California Supreme Court dismissed the portion of the lawsuit addressed by the Media Coalition's brief on statutory grounds.

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