

David Rosenberg Wins First Amendment Case

Successfully represented the City of Hermitage in First Amendment case before the 3rd Circuit. The judges agreed with David's argument that Mercer Outside Advertising LLC lacked standing to pursue 1st and 14th Amendments claims against the Hermitage. Mercer applied to construct billboards in Hermitage and the applications were denied. Mercer claimed, among other things, that Hermitage violated its right to free speech. Initially, the District Judge in the Western District of Pennsylvania granted Hermitage's Motion to dismiss. The District Court did not consider Hermitage's argument regarding standing, but did agree with David arguments on the merits of the Constitutional claims and dismissed the case. The Third Circuit, in a Non-Precedential Opinion, wrote that the case had become "extraordinarily complicated" and noted that the Circuit Court had not addressed Hermitage's lack of standing argument, instead deciding the case on the merits of the convoluted arguments raised by Mercer. The matter was remanded to the District Court to clarify its order and the action against Hermitage has now been dismissed.