

# 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. The amicus briefs are circulated among the 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:**

- ***VSDA v. Schwarzenegger*, 556 F.3d 950 (9<sup>th</sup> Cir. 2009)** Media Coalition submitted an amicus brief on behalf of some of its members arguing that the state may not ban video games with violent themes to minors. The brief also argued that the state cannot require producers to label games 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 (3<sup>d</sup> 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 (8<sup>th</sup> 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.
- ***ESA v. Blagojevich*, 469 F. 3d 641 (7<sup>th</sup> Cir. 2006)** Media Coalition submitted an amicus brief in support of the plaintiffs to the Seventh Circuit Court of Appeals in this case when Illinois appealed a District Court decision that found a ban on video games with sexual or violent content was unconstitutional. The brief addressed parts of the law requiring retailers to label the video games and post signs and the fact that the law missed part of the test for what materials are considered harmful to minors, failing to include a test about the literary, artistic, political or scientific value of a work. The Seventh 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.

The Media Coalition is a trade association that defends the First Amendment rights of publishers, booksellers, and librarians, recording, motion picture and video games producers, recording, video, and video game retailers, and consumers in the United States.

American Booksellers  
Foundation for Free  
Expression

Association of American  
Publishers, Inc.

Comic Book Legal  
Defense Fund

Entertainment Consumers  
Association

Entertainment Merchants  
Association

Entertainment Software  
Association

Freedom to Read  
Foundation

Independent Book  
Publishers Association

Motion Picture  
Association of America,  
Inc.

National Association of  
Recording Merchandisers

Recording Industry  
Association of America,  
Inc.

Chair

Chris Finan  
American Booksellers  
Foundation for Free  
Expression

Immediate Past Chair  
Sean Devlin Bersell  
Entertainment Merchants  
Association

Treasurer

Sally Jefferson  
Entertainment Software  
Association

General Counsel

Michael A. Bamberger  
Sonnenschein Nath &  
Rosenthal LLP