

# Wiley Rein Secures First Amendment Victory for the Wireless Industry

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In a First Amendment victory for the Wireless Industry, a federal judge in San Francisco has blocked implementation of a San Francisco ordinance requiring cell phone retailers to post and disseminate city-mandated warnings in stores and at the point of sale about unsubstantiated risks from cell phones, ruling that the warnings convey an "untrue and misleading" impression that "cell phones are dangerous and that they have somehow escaped the regulatory process." Wiley Rein, which has represented CTIA-The Wireless Association® (CTIA) in this matter since 2010, had argued on the industry's behalf.

John Walls, Vice President, Public Affairs at CTIA, said of the ruling, "Today the federal district court in the Northern District of California held that the requirements of San Francisco's cell phone warning regime, as currently drafted, violate the First Amendment. The court properly determined that the City cannot constitutionally require retailers to hang posters in their stores or paste stickers on cell phone display materials in order to convey the City's selective messages about cell phone safety and cell phone use. The court also found that the 'fact sheet' created by the City was both misleading and alarmist and that the City could not require retailers to distribute this 'fact sheet' without significant changes."

Wiley Rein's Andrew McBride, Josh Turner, Megan Brown and Brendan Carr are among the counsel for CTIA in this matter. Andrew McBride argued the First Amendment issues at the PI hearing on October 20, 2011.

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