



Margaret W. Rosequist
Of Counsel

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Practice Groups

First Amendment
Trial and Litigation
Land Use

California Bar Number

203790

Education

University of California at Hastings College of the Law, JD, *cum laude*, Order of the Coif, Thurston Society, and American Jurisprudence Award in Constitutional Law and Evidence

Colorado College, BA Political Economy

Margaret (Meg) Rosequist is a member of Meyers Nave's First Amendment Practice and Trial & Litigation Practice. Her experience focuses on both litigation and advisory work with an emphasis on complex constitutional law issues, as well as matters involving land use, zoning, the California Public Records Act, and the Brown Act. Meg's practice includes trial and appellate work in state and federal courts, as well as administrative hearings and other proceedings before regulatory agencies. Meg is often at the forefront of nuanced legal issues, such as the emerging rules regarding government engagement with the public at the intersection of the First Amendment and social media. Her work on matters of first impression also includes defending government entities and officials in litigation by churches and businesses against Shelter In Place Orders related to the coronavirus pandemic.

Meg has extensive experience providing guidance on drafting and updating policies and regulations to meet complex requirements under First Amendment jurisprudence and to be well positioned against possible future litigation challenging such regulations. Her advisory work includes a comprehensive range of regulations and ordinances relating to loitering, solicitation, panhandling, vending, picketing, leafleting, signs, billboards, newsracks, parades and other special events. In consideration of new rulings in the First Amendment arena, Meg has recently drafted ordinances for the regulation of digital billboards, roadway medians, commercial solicitation, and public events.

Meg's current defense of counties, cities and public officials in new state and federal court litigation challenging COVID-19 related Shelter in Place Orders and Reopening Plans involves churches, gyms, nail salons, lodging establishments and restaurants disputing restrictions placed on the operation of their organizations. The issues involve complex constitutional questions regarding local and state governmental powers during public health and safety emergencies intertwined with alleged violations of various rights under the California and U.S. Constitutions, ranging

from First Amendment freedoms of expression, religion and assembly to civil rights claims for alleged violations of the due process and equal protection clauses to economic claims under the takings and commerce clauses. Meg's work has resulted in precedent-setting victories at both the district and appellate court levels, including published decisions, which deny plaintiffs' attempts to block enforcement of such Orders and Reopening Plans.

Meg's litigation victories include *California New Business Bureau, Inc. v. County of San Bernardino* (Case No. CIVDS 1616334, Nov. 8, 2016). After the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, Meg assisted in drafting a constitutionally sound commercial solicitation ordinance for the County of San Bernardino. When that ordinance was challenged by CNBB, Meyers Nave obtained a complete victory in court for the County. CNBB brought suit after it received four administrative citations for violating the ordinance by soliciting business on the grounds around the County's Hall of Justice. Meyers Nave successfully argued that the area around the Hall of Justice was not a public forum and the Superior Court denied CNBB's request for an injunction.

Meg also advises cities and counties regarding responding to Public Records requests. One case involved successfully defending the Los Angeles Memorial Coliseum and its Commission in high-profile litigation alleging Brown Act and Public Records Act violations related to the Commission's negotiations with the University of Southern California over a long-term lease for the Coliseum. The petitioners charged the Commission with violating open meeting laws during negotiations with USC and failing to provide all documents responsive to hundreds of CPRA requests by the *LA Times* relating to all aspects of Coliseum operations and finances. Meg also represented the City of Walnut Creek in one of the first cases involving the question of whether SB 1421, which became effective Jan. 1, 2019, applies to peace officer personnel records created prior to that date or only to such records created after that date.

Meg also co-authored the amicus brief on behalf of the League of California Cities, California State Association of Counties and American Planning Association California Chapter in the pivotal case of *Lamar Central Outdoor, L.L.C. v. City of Los Angeles*. Lamar involved the constitutionality of billboard regulations under the California constitution. In a major victory, the Second Appellate District upheld the ability of California cities and counties to continue using the onsite/offsite and commercial/noncommercial distinctions as a regulatory tool in their sign codes.

Meg is a frequent presenter and author on First Amendment issues and has published articles and presented at numerous conferences hosted by the International Municipal Lawyers Association, League of California Cities, and County Counsels' Association of California, among others. Meg also recently wrote an article for the League of California Cities' Western City magazine that analyzes the Supreme Court's decision in *Reed v. Town of Gilbert*. Meg regularly assists municipal clients in addressing the challenges of updating their sign codes and solicitation regulations to comply with the standards set forth in *Reed*.

Publications and Presentations

- Author, “Ninth Circuit Offers Some Guidance On When An Elected Official’s Speech Can Form The Basis For A First Amendment Retaliation Claim,” Meyers Nave Client Alert, April 26, 2022
- Presenter, “Dos and Don’ts for Advertising On Buses and Other Municipal Property,” International Municipal Lawyers Association, July 27, 2021
- Presenter, “COVID-19 Litigation: Public Health Orders, and Related Legal Challenges,” International Municipal Lawyers Association webinar, July 20, 2021
- Presenter, “Social Media and First Amendment: What are the Rules of Engagement?” General Manager Leadership Summit, California Special Districts Association, June 29, 2021
- Author, “SCOTUS Vacates Second Circuit Decision Finding President Trump’s Prior Twitter Ban Violated the First Amendment,” Meyers Nave Client Alert, April, 8, 2021
- Presenter, “Social Media, First Amendment and Government: What Are the New Rules of Engagement?” San Diego County Bar Association webinar hosted by the Government Law Section, March 24, 2021
- Presenter, “COVID-19 Health Orders/Phased Reopening: Litigation and Enforcement,” City Attorney’s Association of San Diego County webinar, February 25, 2021
- Author, “COVID-19 Litigation Update: Federal Judge Dismisses Gym's Complaint, Finding No Viable Constitutional Challenge to Public Health Orders,” *North County Lawyer*, December 2020
- Presenter, “COVID-19 Litigation: Public Health Orders, Phased Reopening Plans and Enforcement Challenges,” County Counsels’ Association of California webinar, December 10, 2020
- Author, “SCOTUS Blocks New York’s COVID-19 Limits on Houses of Worship: California is Next for SCOTUS with *Harvest Rock Church v. Newsom*,” Meyers Nave Client Alert, November 30, 2020
- Author, “Roman Catholic Diocese of Brooklyn Asks SCOTUS to Block New York’s COVID-19 Restrictions on Houses of Worship,” Meyers Nave Client Alert, November 13, 2020
- Author, “Federal Judge Dismisses Mega-Gym’s Complaint, Finds No Viable Constitutional Challenge to Public Health Orders,” Meyers Nave Client Alert, November 2, 2020
- Presenter, “Social Media and Government: What are the Emerging Rules of Engagement?,” League of California Cities Annual Conference, October 8, 2020
- Presenter, “COVID-19 Phased Reopening: State and Local Code Enforcement Issues and Related First Amendment Challenges,” League of California Cities COVID-19 webinar series, August 25, 2020

- Author, “Shelter In Place and Reopening Plan Litigation: SCOTUS Again Rejects Request for Emergency Application on Religious Services Restrictions,” Meyers Nave Client Alert, July 30, 2020
- Presenter, “How To Tackle First Amendment Issues Amidst Shelter In Place Orders: Navigating A City Attorney’s New Normal,” City Attorneys Association of Los Angeles County webinar, July 23, 2020
- Author, “Shelter In Place and Reopening Plan Litigation: SCOTUS Rejects Request for Judicial Intervention Regarding California’s Restrictions on Religious Services,” Meyers Nave Client Alert, June 9, 2020
- Presenter, “Shelter In Place and Reopening Plan Litigation: Tips and Strategies for the New Wave of Legal Challenges Facing Counties and Cities,” Meyers Nave webinar, June 4, 2020
- Presenter, “Tips and Defenses to Litigating the First Amendment,” International Municipal Lawyers Association webinar, February, 2020
- Author, “*Knight v. Trump*: Second Circuit Sets Rules on Blocking Followers from Social Media Accounts,” Meyers Nave Client Alert, August 7, 2019
- Author, “Rules of Engagement for Today’s Digital Town Square: May Elected Officials Block or Regulate Users on Their Social Media Accounts?,” *North County Lawyer*, August, 2019
- Author, “Rules of Engagement for Today’s Digital Town Square: May Elected Officials Block or Regulate Users on Their Social Media Accounts?,” *North County Lawyer*, August, 2019
- Author, “President Trump’s Blocking of Followers on Twitter Found Unconstitutional by Second Circuit,” Meyers Nave Client Alert, July 2019
- Presenter, “May Public Officials Block or Regulate Participation on Social Media Accounts?,” Meyers Nave webinar, May, 2019
- Presenter, “Public Records Act Issues, Including Production of Sheriff IA Records and Update on SB 1421,” County Counsels’ Association of California Sheriff’s Work Group Conference, 2019
- Author, “Social Media and Government: What Are the New Rules of Engagement?,” *The Recorder*, September 27, 2018
- Author, “Public Records & Public Forums: How to Apply Established Case Law with Rapidly Emerging Social Media Platforms,” League of California Cities City Attorneys’ Spring Conference, 2018
- Author, “*Reed*’s Impact on Solicitation Ordinances: Regulating Content, Conduct or Communication?,” League of California Cities Annual Conference paper, September, 2017
- Author, “Ninth Circuit Addresses Unattended Collection Bins and Upholds Oakland’s Ordinance as Content Neutral,” Meyers Nave Client Alert, May, 2017

- Presenter, “Sign Regulation in the Wake of *Reed v. Town of Gilbert*,” Los Angeles County, Office of County Counsel, 2016
- Presenter, “Recent Developments in First Amendment Law: Panhandling and Solicitation Regulations,” Greater Inland Empire Municipal Law Association, 2016
- Author, “Recent Developments in First Amendment Law: Panhandling and Solicitation Regulations,” International Municipal Lawyers Association Annual Conference paper, 2016
- Author, “Temporary Directional Signs Lead U.S. Supreme Court to the Strictest First Amendment Scrutiny,” *Western City*, February 2016
- Presenter, “Sign Regulation in the Wake of *Reed v. Town of Gilbert*,” League of California Cities webinar, 2016
- Presenter, “First Amendment: What can Cities do to Regulate Signs in the Wake of the SCOTUS *Reed* Decision?” City Attorneys Association of Los Angeles County, 2015
- Presenter, “First Amendment: Solicitation/Panhandling,” International Municipal Lawyers Association webinar, 2015
- Presenter, “Panhandling & Prayer: Regulating Conduct Under Recent Case Law ,” League of California Cities Annual Conference, 2014
- Presenter and Author, “Sign Regulations and the First Amendment: Navigating Developments in the Law,” International Municipal Lawyers Association webinar and paper, March 2014

Representative Experience

First Amendment/Litigation

- *County of Los Angeles: LA Clippers Arena Litigation.* Represented the Consolidated Oversight Board of the Second District of Los Angeles County, which includes the Inglewood Successor Agency of the Redevelopment Agency, in litigation relating to a dispute over a potential new home for the Los Angeles Clippers. Madison Square Garden Co. (MSG), which owns the Forum, alleged that the City of Inglewood and its mayor tricked MSG into giving up its long-term lease and purchase option on 15 acres of parking space near the Forum because the City and the mayor were allegedly secretly negotiating with the Clippers to build a new and competing arena on that land less than 1.5 miles from the Forum. The lawsuits alleged violations of the Brown Act and the California Environmental Quality Act. The litigation was dismissed when Clippers owner Steve Ballmer completed his \$400-million purchase of the Forum from MSG, thus ending a dispute that started when the Clippers announced their arena project.
- *City of Walnut Creek/SB 1421.* Represented the City of Walnut Creek in one of the first cases involving the question of whether SB 1421, which became effective Jan. 1, 2019, applies to peace officer personnel records created prior to that date or only to such records created after that date. The City of Walnut Creek received PRA requests from the ACLU and a media coalition that included a request for records created prior to Jan. 1, 2019. The City

determined that it should produce the records but the Police Officers Association filed suit to prevent the release of pre-Jan. 1, 2019 records. The trial court's ruling and the appellate court's ruling on a writ of supersedeas found that records created prior to Jan. 1, 2019 are subject to disclosure under the PRA. Meyers Nave positioned the City to avoid potential attorneys' fees relating to the underlying PRA action through a litigation strategy in which the City's legal position was that it had decided to produce the records but was stayed from doing so by the courts. Once the trial court and appellate court stays were lifted, the City began producing records.

- *Gish v. Newsom, Cross Culture Christian Center v. Newsom, Best Supplement Guide v. Newsom/ County of Yolo, Best Supplement Guide v. Newsom/ County of San Joaquin, Disbar v. Newsom, Tuck's Restaurant v. Newsom, RPC Systems v. Amador County, Excel Fitness Fair Oaks v. Newsom, Abshire v. Newsom, and Brookfields v. County of Sacramento.* Defending numerous counties, cities and public officials throughout California in federal and state court litigation challenging Shelter In Place Orders, Public Health Orders and Reopening Plans related to the coronavirus pandemic. Plaintiffs in these cases are single and/or multiple churches, gyms, nail salons, restaurants, wine bars, brew pubs, lodging establishments, and other businesses challenging various restrictions that are placed on the operation of their organizations, as well as individual plaintiffs challenging limitations on travel and assembly rights during the pandemic. These cases also include challenges to enforcement citations and fines that have been issued due to violations of such Orders and Plans, as well as defending local government entities in class actions that request the refund of business and licensing fees, permits and taxes paid by organizations that are closed or are operating under various restrictions. The issues involve complex constitutional questions regarding local and state governmental powers during public health and safety emergencies intertwined with alleged violations of various rights under the California and U.S. Constitutions, ranging from First Amendment freedoms of expression, religion and assembly to civil rights claims for alleged violations of the due process and equal protection clauses to economic claims under the takings and commerce clauses. Meyers Nave has obtained precedent-setting victories at both the district and appellate court levels. Published decisional victories in these cases include *Gish, Cross Culture Christian Center, Best Supplement Guide* and *Disbar*.
- *California New Business Bureau, Inc. v. County of San Bernardino.* After the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, Meyers Nave drafted a constitutionally sound solicitation ordinance for the County of San Bernardino. When that ordinance was challenged by CNBB, Meyers Nave obtained a complete victory in court for the County. CNBB brought suit after it received four administrative citations for violating the ordinance by soliciting business on the grounds around the County's Hall of Justice. Meyers Nave successfully argued that the area around the Hall of Justice was not a public forum, and the Superior Court denied CNBB's request for an injunction.
- *Lamar Central Outdoor, LLC v. City of Los Angeles.* Authored amicus brief on behalf of the League of California Cities, California State Association of Counties and American Planning Association California Chapter in a case involving constitutionality of billboard regulations. In a major victory for municipalities throughout the state, the Second Appellate District overruled the lower court thus preserving the ability of California cities and counties to

continue using the onsite/offsite and commercial/noncommercial distinctions as a regulatory tool in their sign codes.

- *Zuwich v. City of Los Angeles*. Successfully defended the City against a group of five plaintiffs who wanted to vend items on the Venice Boardwalk and also claimed that their artistic expression was unconstitutionally restricted. The plaintiffs raised numerous constitutional challenges to the City's boardwalk ordinance and sought millions of dollars in damages. Meyers Nave prevailed on summary judgment and the Ninth Circuit affirmed in full.
- *Davidson I and II v. City of Culver City*. Defense of the City in First Amendment litigation asserting a variety of constitutional challenges to the City's regulations of signs, pennants and banners in the public right-of-way. Obtained a motion to dismiss and the Ninth Circuit affirmed in full validating the City's ban on all signs attached to fixtures in, on, or over the public right-of-way. In addition, in an unusual ruling, the Ninth Circuit affirmed the trial court's award of over \$90,000 in attorneys' fees to the City for a frivolous case.
- *Domd v. City of Los Angeles*. Meyers Nave represented the City in a case brought by 13 plaintiffs who challenged the City's ordinance that regulates activity at the Venice Boardwalk. Two of the plaintiffs also asserted claims that the City violated their First Amendment rights in its enforcement of the Rules of Decorum at City Council meetings. The U.S. District Court issued a ruling on cross motions for summary judgment in June 2013, upholding all of the challenged provisions of the Boardwalk regulation with the exception of the ban on amplified sound in certain sections of the west side of the Boardwalk. The court also upheld the City's Rules of Decorum against plaintiffs' facial challenge, but found a few instances in which the City Council had enforced the Rules against the two plaintiffs without sufficient disruption of the meeting to make the enforcement justified.
- *Hunt v. City of Los Angeles*. This Venice Boardwalk case was on remand from a published decision with a potential for a second trial on a challenge to a Boardwalk regulation that had not been addressed in the first trial. Meyers Nave successfully argued that the plaintiff had waived his claims under the challenged regulation by not taking action to raise them in the first trial, resulting in a dismissal of all remanded claims that was upheld by the Ninth Circuit on appeal.
- *Regency Outdoor Advertising v. Community Redevelopment Agency of the City of Los Angeles*. Defense of the Agency and individually named defendants in federal court against claims of inverse condemnation, equal protection, First Amendment violations and damages in connection with billboard applications in various redevelopment project areas.
- *Paramount v. City of Los Angeles et. al.* Defense of the Agency in federal First Amendment litigation challenging the Agency's and City's billboard regulations. Obtained a ruling dismissing the Agency from the case with prejudice on demurrer. Decision upheld on appeal to the Ninth Circuit.
- *In Plain Sight Media v Community Redevelopment Agency of the City of Los Angeles*. Federal court action involving as applied challenge and constitutional challenge to Agency's ordinance regulating signs in the Hollywood Redevelopment Area.

First Amendment/Transactional

- *Straight Pride event in the City of Modesto.* Provided the City with First Amendment advice regarding the National Straight Pride Coalition's application for a permit to hold a rally in the City. Drafted an ordinance restricting the weaponization of water bottles, protest signs and the like and imposing further time, place and manner restrictions to forestall violence that accompanied straight pride events in other cities.
- *City of Newark.* Legal advice and analysis regarding funding of Dia De Los Muertos Festival and compliance with First Amendment Establishment Clause jurisprudence.
- *City of South San Francisco.* Legal advice regarding display of menorah at City Hall.
- *City of Moreno Valley.* Legal advice and analysis of risk regarding donating discretionary funds to church event at public park under the California Constitution No Aid Clause and the Establishments Clauses of California and United States Constitutions.
- *Town of Windsor.* Draft ordinance and findings for regulation of medians in compliance with First Amendment jurisprudence.
- *County of San Bernardino.* Draft ordinance and findings for regulation of commercial activity on Hall of Records Campus in compliance with First Amendment jurisprudence.
- *City of Culver City.* Legal advice and revisions to sign ordinance and Free Speech Policy Guidelines. Advise on billboard restrictions and permissibility of revenue sharing. Legal advice regarding regulations of public fora and limited public fora.
- *City of Tracy.* Legal advice regarding electronic billboards and sign regulations.
- *Cities of Dublin, Palmdale, Modesto, and other firm clients:* Legal advice regarding revisions to sign codes in the wake of Supreme Court ruling in *Reed v. Town of Gilbert*.
- *City of Fort Bragg.* Legal advice and analysis of legal risk regarding city signage program.
- *Cities of Riverside, Fresno and other firm clients.* Provide legal advice on regulations of parks, permissibility of special permit, parade permits and sign ordinances, for compliance with First Amendment.
- *San Diego County Regional Airport Authority.* Legal Advice regarding airport advertising regulations and compliance with First Amendment jurisprudence.
- *Port of San Diego.* Draft newsrack provisions and legal analysis of potential viable time, place and manner restrictions on newsracks in compliance with First Amendment jurisprudence.

Public Records Act and Brown Act Litigation

- *City of Walnut Creek/SB 1421.* Represented the City of Walnut Creek in one of the first cases involving the question of whether SB 1421, which became effective Jan. 1, 2019, applies to peace officer personnel records created prior to that date or only to such records created after that date. The City of Walnut Creek received PRA requests from the ACLU and a media coalition that included a request for records created prior to Jan. 1, 2019. The City

determined that it should produce the records but the Police Officers Association filed suit to prevent the release of pre-Jan. 1, 2019 records. The trial court's ruling and the appellate court's ruling on a writ of supersedeas found that records created prior to Jan. 1, 2019 are subject to disclosure under the PRA. Meyers Nave positioned the City to avoid potential attorneys' fees relating to the underlying PRA action through a litigation strategy in which the City's legal position was that it had decided to produce the records but was stayed from doing so by the courts. Once the trial court and appellate court stays were lifted, the City began producing records.

- *County of Los Angeles LA Clippers Arena Litigation.* Represent the Consolidated Oversight Board of the Second District of Los Angeles County, which includes the Inglewood Successor Agency of the Redevelopment Agency, in litigation relating to a dispute over a potential new home for the Los Angeles Clippers. Madison Square Garden Co. (MSG), which owns the Forum, alleges that the City of Inglewood and its mayor tricked MSG into giving up its long-term lease and purchase option on 15 acres of parking space near the Forum because the City and the mayor were allegedly secretly negotiating with the Clippers to build a new and competing arena on that land less than 1.5 miles from the Forum. The lawsuit alleges violations of the Brown Act and the California Environmental Quality Act.
- *City of Los Angeles.* Successfully defended the Los Angeles Memorial Coliseum and its Commission in high-profile litigation alleging Brown Act and California Public Records Act violations related in part to the Commission's negotiations with the University of Southern California over a long-term lease for the Coliseum.
- *Yosemite Alpine Community Service District.* Advise on an adverse court ruling issued prior to Meyers Nave representation, structure successful strategy to respond, provide responsive documents to a Public Records Act request to avoid contempt finding, and resolve litigation.
- *Animal Legal Defense Fund v. City of Livingston.* Successfully advised the City in a California Public Records Act (CPRA) dispute to effectively and efficiently resolve the case.
- *City of El Cerrito and other firm clients.* Legal advice regarding responding to CPRA requests.
- *Westfield.* Legal advice regarding signage dispute with Caltrans and CPRA requests regarding the same.

Land Use and Post-Redevelopment Matters

- *Los Angeles County Metropolitan Transportation Authority (MTA).* Successfully negotiated an advanced utilities agreement while concurrently proactively drafting a writ action and researching critical preemption issues regarding MTA's permit applications with the City of Beverly Hills. MTA — operator of the nation's third-largest transit system by ridership — sought to build a tunnel under the Beverly Hills High School for part of the Westside Subway Extension Project (Purple Line).
- *County of San Bernardino Auditor Controller.* Successfully defend County-Auditor Controller in multiple writ actions brought by Inland Valley Development Agency regarding the distribution of former tax increment funds after the enactment of the Dissolution Law.

- *County of Los Angeles Dissolution Law Issues*. Advise County on issues related to deferral repayments, interest rate payments, and time limits and caps under the Dissolution Law.
- *County of Los Angeles and People of the State of California v. Fishback and ABC Waste Management*. Achieved a closely watched victory for the County of Los Angeles in a final ruling that awarded \$6.6 million in attorneys' fees, sanctions and civil penalties plus permanent injunctive relief in a case that involved the illegal transport and dumping of concrete and other construction debris in an ecologically sensitive region in the Santa Susana Mountains. Relying on drone surveillance and more than 500 exhibits, Meyers Nave initially obtained a preliminary injunction banning all Class 6 trucks and higher from the illegal waste disposal operation, along with additional restrictions including requiring defendant to post No Dumping signs and submit a conditional use permit and engineered grading application to address hillside stability issues. After granting our motion for summary judgment, the Court ordered briefing on the appropriate remedies. The Court's subsequent ruling granted a permanent injunction banning Class 6 and higher trucks, the most effective deterrent for the County to halt the dumping and parades of trucks through the canyon. Civil penalties and attorneys' fees were awarded in the amount of \$6,638,192.33. For violating the County's Zoning, Grading, and Building Codes, the Court assessed civil penalties of \$4,893,000. For violating the state Unfair Competition Law, the Court assessed an additional penalty of \$800,000. The Court also awarded the County \$945,192.33 in attorneys' fees.
- *Palmer v. Community Redevelopment Agency of the City of Los Angeles*. Civil rights challenge by a developer whose project was delayed due to need for environmental review. Also alleged various Section 1983 claims including equal protection violations. Obtained ruling on summary judgment in federal court rejecting the due process and other civil rights challenges resulting from the Agency's requirements that an environmental document be completed on an historic structure. Matter was successfully settled resulting in a phased mixed-use project.