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**For Immediate Release
June 10, 2010**

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Ninth Circuit Sides with Redondo Beach Against Day Laborers

Los Angeles (June 10, 2010) – Yesterday, in a landmark Federal Court decision, the United States Court of Appeals for the Ninth Circuit upheld the constitutionality of a Redondo Beach Ordinance, which was enacted in response to traffic and safety problems related to persons soliciting employment on City streets.

The language of the Redondo Beach Ordinance was expressly based on a Phoenix anti-solicitation ordinance upheld by the Ninth Circuit in *ACORN v. City of Phoenix*. The Ordinance made it unlawful for any person to stand on a street or highway and solicit employment, business, or contributions from an occupant of any motor vehicle. The City of Redondo Beach went to great lengths in 1987 to draft an ordinance, which balanced individual free speech rights with the City's interests in maintaining a safe, clean environment for residents, business owners and visitors.

The City was represented by City Attorney Mike Webb and Eugene P. Ramirez, David J. Wilson and Julie M. Fleming of Manning & Marder, Kass, Ellrod, Ramirez LLP. "This is a great decision for a city that bases its anti-solicitation statute on a prior Ninth Circuit decision," said Eugene Ramirez. "The Court has validated the City's efforts in battling the day laborer issue."

The Ninth Circuit stated they have previously upheld a virtually identical ordinance against a constitutional challenge filed by ACORN against the City of Phoenix. "This affirms that the rule of law applies to everyone," said Mike Webb upon reading the decision.

This decision lifts the previous court order restraining the Redondo Beach Police Department from enforcing this ordinance.