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Bird Marella Defends Law Requiring the Use of Condoms in Pornographic Films

Bird Marella attorneys Tom Freeman and Mitch Kamin and the AIDS Healthcare Foundation are representing the proponents of Measure B, the "Safer Sex in the Adult Film Industry Act," which requires adult film performers to wear condoms while filming within Los Angeles County.

The porn industry unsuccessfully challenged the constitutionality of Measure B in federal district court and has now taken the fight to the Ninth Circuit Court of Appeals. Bird Marella and the AIDS Healthcare Foundation have filed appellate briefs in the case, *Vivid Entertainment v. Fielding*, arguing that **(1)** the U.S. Supreme Court's landmark decision in *Hollingsworth v. Perry*, dismissing the Prop 8 proponents' appeal of the district court opinion establishing constitutional protection for gay marriage for lack of Article III standing, does not preclude ballot proponents from defending their successful initiatives as intervening defendants or intervening appellees; and **(2)** the Measure B condom-use requirement does not violate the constitutional right to free speech. Oral argument has been scheduled for March 3, 2014, in Pasadena.