

City Attorney Jan Goldsmith
April 30, 2013



Contact: Jonathan Heller
(619) 533-4782
JHeller@sandiego.gov

CITY ATTORNEY UPDATE

U.S. DISTRICT COURT DISMISSES LAWSUIT OVER PARK ACCESS

A federal court has dismissed a lawsuit against the City of San Diego over the process for granting special-event permits during the summer.

U.S. District Judge Gonzalo P. Curiel last week granted the City's motion to dismiss a case filed by FreePB.org that challenged the City's summer moratorium on special events on Constitutional grounds. FreePB.org had argued that the permit process violated its rights under the First Amendment (Freedom of Speech) and Fourteenth Amendment (Equal Protection), and the Court disagreed.

The Court concluded that FreePB.org was subject to the ordinance only because it sought to include alcohol in its event — an activity that is not protected by the Constitution.

The City's summer moratorium prevents new special events in certain parks during the summer to allow the general public greater accessibility to these parks. The City has a waiver process to allow for exceptions.

"Obviously the City's parks and beaches are a key part of what makes San Diego special," said City Attorney Jan Goldsmith. "This ruling reinforces our position that public access to these parks and beaches is being handled in a just and fair manner."

The City's case was argued by Deputy City Attorney Glenn Spitzer.

PAUL COOPER APPOINTED ASSISTANT CITY ATTORNEY

Deputy City Attorney Paul Cooper has been promoted to the position of Assistant City Attorney. He will be in charge of special projects for the Civil Advisory Division and will report directly to Goldsmith.

Cooper began his career in the City Attorney's office in 1993 as a prosecutor in the Criminal Division. In 1996, he was asked to head the office's nationally recognized Domestic Violence and Child Abuse Unit.

In 1997, he transferred to the Office's Civil Division and became supervisor of the unit that advises the San Diego Police Department.

In 2003, Cooper became the Special Advisor and Assistant to Police Chief William Lansdowne. He returned to the City Attorney's Office last year and has been working in the Public Safety and Employment Unit.

In addition to a law degree from Brigham Young University, he received a Master's Degree in Public Administration from the University of Southern California.

City Attorney Update

April 30, 2013

Page 2 of 2

“Mr. Cooper’s depth of experience with the City of San Diego as a prosecutor, police legal advisor and special advisor to the Chief of Police make him uniquely qualified to help manage and guide our office going forward. We are fortunate to have his leadership,” Goldsmith said.

Cooper will fill the position left vacant by former Assistant City Attorney Tricia Pummill, who retired last month.

#