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U.S. 1ST CIRCUIT COURT OF APPEALS

Commercial Law, Constitutional Law

### **Van Wagner Boston v. Davey, No. 13-2087**

In this First Amendment case, plaintiffs are companies engaged in the business of erecting and displaying billboards and other outdoor signage, and plaintiffs seek to challenge a Massachusetts regulatory scheme that imposes various restraints on signage and signage companies. Dismissal of plaintiffs' First Amendment claim for lack of standing is reversed, where the complaint plausibly alleges that plaintiffs are subject to a regulatory permitting scheme that grants an official unbridled discretion over the licensing of their expressive conduct and poses a real and substantial threat of censorship.

Civil Procedure, Education Law

### **Lebron v. Commonwealth of Puerto Rico, No. 13-2078**

Dismissal of plaintiff-parents' suit against the Commonwealth of Puerto Rico and the Puerto Rico Department of Education for alleged discrimination and retaliation against their disabled child is affirmed, where: 1) regardless of whether plaintiffs' claims overlay completely with their Individuals with Disabilities Education Act claim, plaintiffs have not sufficiently pleaded either discrimination or retaliation, and therefore dismissal of the Americans with Disabilities Act, Rehabilitation Act, and 42 U.S.C. section 1983 claims was proper; and 2) plaintiffs offer no authority or reasoning as to why sovereign immunity would not extend to the Puerto Rico causes of action brought in this case under state law.