



Association of Directory Publishers

R. Lawrence Angove
President & Chief Executive Officer

Seattle Update:

BIA/Kelsey's Take on Ninth Circuit's Comments

July 25, 2011

To: All North American ADP Members

Fr: Larry

Re: "Seattle Court Gives Hope to Yellow Pages Publishers"

For your review, below is yesterday's article on court action in Seattle.

BIA/Kelsey article:

[Seattle Court Gives Hope to Yellow Pages Publishers](#)

By: [Elise Simmons](#) 26 July 2011

It's been an uphill battle for Dex Media West, SuperMedia and the Yellow Pages Association since they [filed suit](#) in November 2010 against the city of Seattle's restrictive opt-in ordinance. Last month, a federal judge [granted](#) partial summary judgment to the city, dismissing the publishers' First Amendment and Commerce Clause claims. In addition, he separately refused their demands for an injunction against the ordinance.

But a glimmer of hope surfaced after the publishers presented their claims for emergency relief to a three-judge appellate panel earlier this month. Judge Edward Korman directed his inquiry to

the city of Seattle's counsel. In particular, he questioned why the city's new rule did not apply to all junk mail.

"There are many publications that are given out to which your ordinance doesn't apply," Korman [said](#) as reported by Courthouse News Service. "It only applies to Yellow Pages. Why isn't this a form of discrimination?" he asked. Larry Angove, president and chief executive officer for the Association of Directory Publishers, told BIA/Kelsey that he believes the request for injunction against the opt-in ordinance will be granted on appeal.

"The comments of the Ninth Circuit panel as reported in the press validate the industries logical and legal arguments that the Seattle ordinance is both discriminatory and in violation of publishers' First Amendment rights," Angove said.