

Verbal Requirements in Initiative Advertising

Residents for The Beverly Hills

Garden & Open Space Initiative v. City of Beverly Hills

(Fernando M. Olguin, C.D. Cal. 2:16-cv-5532)

Proponents of a Beverly Hills initiative in the November 8, 2016, general election concerning a condominium tower development filed a federal complaint in the Central District of California on July 25, six days after the initiative was approved for the ballot, challenging a requirement that the proponents devote so much of their advertising to a description of the initiative prepared by city officials.¹ With their complaint, the plaintiffs filed an application for a temporary restraining order.²

On the following day, Judge Fernando M. Olguin ordered the city to respond to the application by August 1, with an optional reply filed by August 3.³ Instead, the parties filed a proposed stipulated injunction on August 1 reducing the amount of specified text required in the plaintiffs' advertising.⁴ Judge Olguin issued the stipulated injunction on August 2.⁵

On November 8, the initiative failed.⁶ The parties stipulated to a dismissal of the action on November 14.⁷

1. Complaint, *Residents for The Beverly Hills Garden & Open Space Initiative v. City of Beverly Hills*, No. 2:16-cv-5532 (C.D. Cal. July 25, 2016), D.E. 1.

2. Temporary Restraining Order Application, *id.* (C.D. Cal. July 25, 2016), D.E. 6.

3. Minutes, *id.* (July 26, 2016), D.E. 13 (also ordering service of the complaint on the city by 5:00 p.m. on July 27).

4. Stipulation, *id.* (Aug. 1, 2016), D.E. 22.

5. Order, *id.* (Aug. 2, 2016), D.E. 23.

6. See Sarah Parvini, *Two Development Measures Rejected*, L.A. Times, Nov. 10, 2016, at B8.

7. Stipulation, *Residents for The Beverly Hills Garden & Open Space Initiative*, No. 2:16-cv-5532 (C.D. Cal. Aug. 14, 2016), D.E. 24.