Today's Key First Amendment Battles

Who Gets to Say It and Who Gets to Stop It

Amer Ahmed, Anne Champion, Apratim Vidyarthi

February 14, 2024

GIBSON DUNN

Roadmap

01 **Gag Orders: Bringing Disorder to First Amendment Case Law**

02 **The Rumors of My Demise Were Greatly Exaggerated**

- *New York Times v. Sullivan*
- Section 230

03 **Social Media, Analogue Court**

04 **First Amendment Leftovers**

Gag Orders

Bringing Disorder to First Amendment Case Law

01

Candidate Trump Threatens Courts' Ability to Conduct Orderly Proceedings

GIBSON DUNN

IF YOU GO AFTER ME, I'M COMING AFTER YOU!

… He then shared with his over six million social media followers on Truth Social his view that the district court judge is a 'fraud dressed up as a judge,' 'a radical Obama hack,' and a 'biased, Trump-hating judge'…

… The day after Trump's … post, one of his supporters called the district court judge's chambers and said: 'Hey you stupid slave n[****]r * If Trump doesn't get elected in 2024, we are coming to kill you, so tread lightly b[***]h *** You will be targeted personally, publicly, your family, all of it.**

… He labeled the prosecutors in the case 'deranged,' 'thugs,' and 'lunatics'…

… Mr. Trump also took aim at potential witnesses named in the indictment, including former Vice President Michael Pence, whom he accused of going to the 'Dark Side'…

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

DONALD J. TRUMP,

Defendant.

Criminal Action No. 23-257 (TSC)

OPINION AND ORDER

All interested parties in this matter, including the parties and their counsel, are prohibited from making any public statements, or directing others to make any public statements, that target (1) the Special Counsel prosecuting this case or his staff; (2) defense counsel or their staff; (3) any of this court's staff or other supporting personnel; or (4) any reasonably foreseeable witness or the substance of their testimony.

Donald J. Trump
@realDonaldTrump

I don't think Mark Meadows would lie about the Rigged and Stollen 2020 Presidential Election merely for getting IMMUNITY against Prosecution (PERSECUTION!) by Deranged Prosecutor, Jack Smith. BUT, when you really think about it, after being hounded like a dog for three years, told you'll be going to jail for the rest of your life, your money and your family will be forever gone, and we're not at all interested in exposing those that did the RIGGING — If you say BAD THINGS about that terrible "MONSTER," DONALD J. TRUMP, we won't put you in prison, you can keep your family and your wealth, and, perhaps, if you can make up some really horrible "STUFF" a out him, we may very well erect a statue of you in the middle of our decaying and now very violent Capital, Washington, D.C. Some people would make that deal, but they are weaklings and cowards, and so bad for the future our Failing Nation. I don't think that Mark Meadows is one of them, but who really knows? MAKE AMERICA GREAT AGAIN!!!

7.7k ReTruths **27k** Likes

Oct 24, 2023 at 9:43 PM

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued November 20, 2023 Decided December 8, 2023

No. 23-3190

UNITED STATES OF AMERICA,
APPELLEE

v.

DONALD J. TRUMP,
APPELLANT

Appeal from the United States District Court
for the District of Columbia
(No. 1:23-cr-00257-1)

For the reasons outlined above, this record establishes the imminence and magnitude, as well as the high likelihood, of harm to the court's core duty to ensure the fair and orderly conduct of a criminal trial and its truth-finding function. That significant and imminent threat to the core functioning of the judicial branch reflected in this record constitutes a compelling interest. *See Nixon*, 418 U.S. at 712–713; *In re Murphy-Brown*, 907 F.3d 788, 797 (4th Cir. 2018) ("Ensuring fair trial rights is a compelling interest * * * when there is a 'reasonable likelihood' that a party would be denied a fair trial without the order under challenge.") (quoting *In re Russell*, 726 F.2d 1007,

Specifically, the Order is affirmed to the extent it prohibits all parties and their counsel from making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding. The Order is also affirmed to the extent it prohibits all parties and their counsel from making or directing others to make public statements about—(1) counsel in the case other than the Special Counsel, (2) members of the court's staff and counsel's staffs, or (3) the family members of any counsel or staff member—if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is highly likely to result. We vacate the Order to the extent it covers speech beyond those specified categories. *See* 28 U.S.C. § 2106.

Donald J. Trump
@realDonaldTrump · Nov 18, 2023

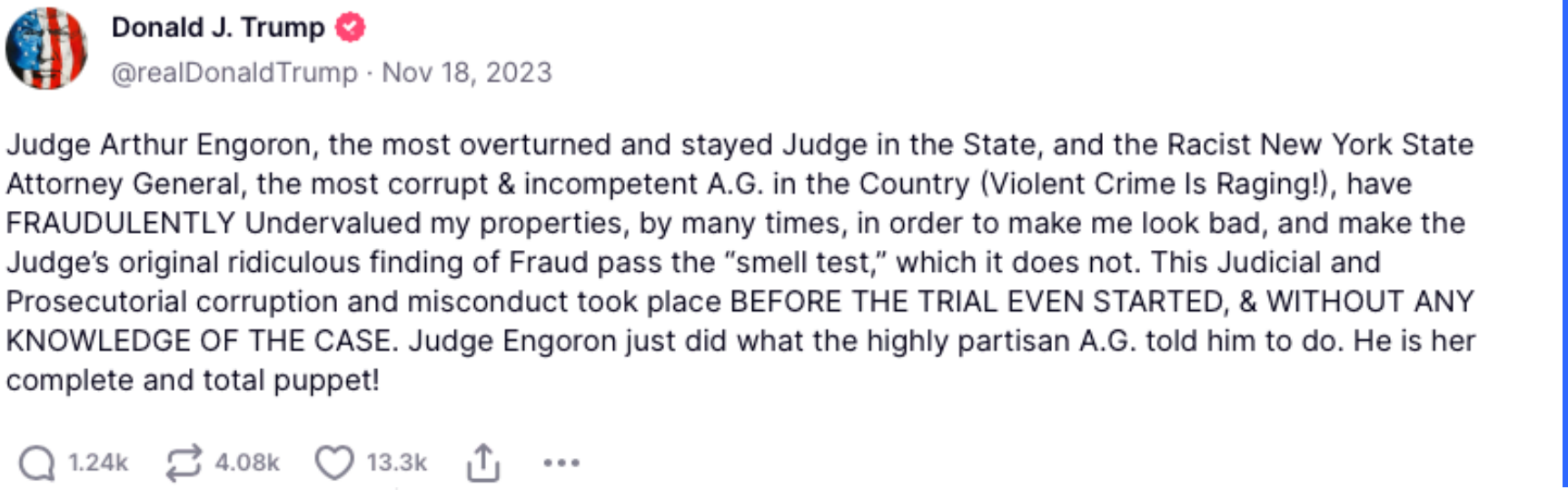
"Engoron's 'Co-Judge' Law Clerk, Allison Greenfield, Attended Anti-Trump Events Endorsing Biden & Tish James, Spurred on By Impeachment Leader Dan Goldman." thenationalpulse.com/2023/11/1...

Engoron's 'Co-Judge' Law Clerk, Allison Greenfield, Attended Anti-Trump Events Endorsing Biden & Tish James, Spurred on By...

Allison Greenfield, law clerk to Judge Arthur Engoron, has been recently involved with leading anti-Trump organizations in New York City, and has even

The National Pulse+

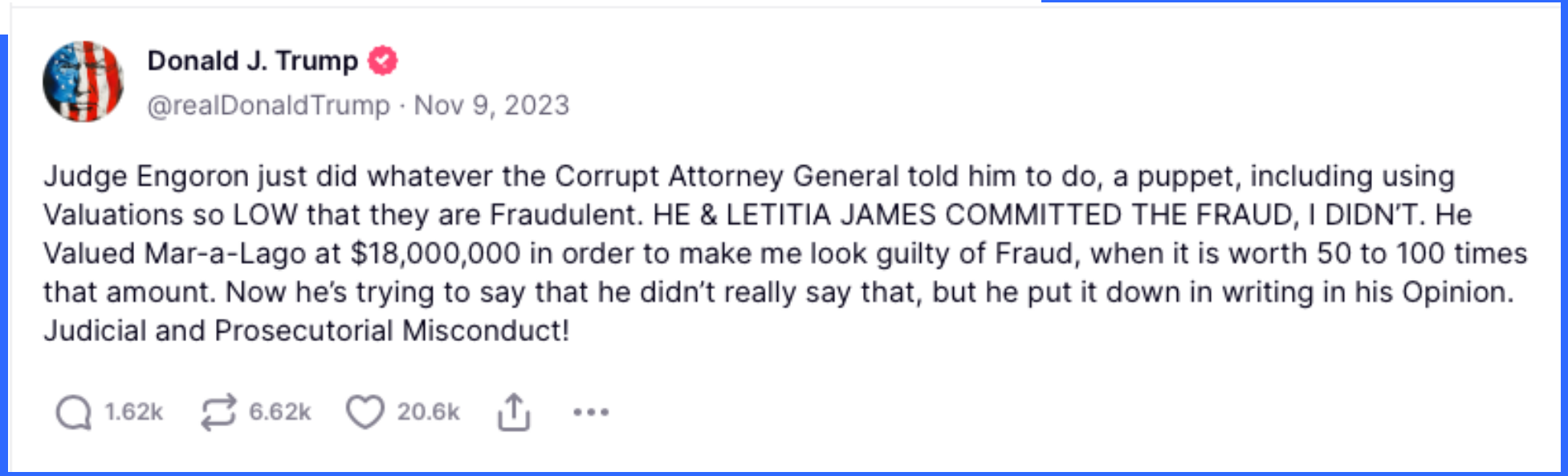
902 2.92k 7k



Donald J. Trump
@realDonaldTrump · Nov 18, 2023

Judge Arthur Engoron, the most overturned and stayed Judge in the State, and the Racist New York State Attorney General, the most corrupt & incompetent A.G. in the Country (Violent Crime Is Raging!), have FRAUDULENTLY Undervalued my properties, by many times, in order to make me look bad, and make the Judge's original ridiculous finding of Fraud pass the "smell test," which it does not. This Judicial and Prosecutorial corruption and misconduct took place BEFORE THE TRIAL EVEN STARTED, & WITHOUT ANY KNOWLEDGE OF THE CASE. Judge Engoron just did what the highly partisan A.G. told him to do. He is her complete and total puppet!

1.24k 4.08k 13.3k



Donald J. Trump
@realDonaldTrump · Nov 9, 2023

Judge Engoron just did whatever the Corrupt Attorney General told him to do, a puppet, including using Valuations so LOW that they are Fraudulent. HE & LETITIA JAMES COMMITTED THE FRAUD, I DIDN'T. He Valued Mar-a-Lago at $18,000,000 in order to make me look guilty of Fraud, when it is worth 50 to 100 times that amount. Now he's trying to say that he didn't really say that, but he put it down in writing in his Opinion. Judicial and Prosecutorial Misconduct!

1.62k 6.62k 20.6k

222 A.D.3d 505
Supreme Court, Appellate Division,
First Department, New York.

In the Matter of Donald J. **TRUMP** et al., Petitioners,
v.
Hon. Arthur F. **ENGORON**, etc., et al., Respondents.

1443
|
Index No. 452564/22
|
Case No. 2023-05859
|
Entered: December 14, 2023

1 "Consider this statement a gag order forbidding all parties from posting, emailing, or speaking publicly about any members of my staff" (Transcript of October 3, 2023 at 271, lines 1–3).

2 "I hereby order that all counsel are prohibited from making any public statements, in or out of court, that refer to any confidential communications, in any form between my staff and me" (Supplemental Limited Gag Order, November 3, 2023 at 3).

Donald J. Trump
@realDonaldTrump

Crooked Joe Biden's Prosecutorial Thug, Deranged Jack Smith, who is fighting viciously to damage his corrupt bosses Political Opponent, ME, much as they do in Third World Countries, wants to take away my right of Free Speech. He doesn't want me to speak about the Rigged and Stollen Presidential Election of 2020, where the Evidence is MASSIVE & CONCLUSIVE, or Nancy Pelosi's turning down 10,000 troops for January 6th, which would have quickly ended any problems, or why and how the Unselect Committee of Political Thugs & Misfits illegally deleted and destroyed all information and evidence pertaining to their findings, which we were going to use in our defence. Why isn't Deranged Jack investigating them for this destruction of important documents that were vital to my defense in any upcoming or potential trial? Because under Crooked Joe Biden we have become a two tiered system of INJUSTICE!

5.91k ReTruths **19.7k** Likes Dec 28, 2023 at 7:52 AM

Donald J. Trump

@realDonaldTrump · 11h

REMEMBER, ALL OF THOSE TRIALS, AND ALL OF THAT LITIGATION YOU CONSTANTLY READ AND HEAR ABOUT, FEDERAL, STATE, & LOCAL - CRIMINAL & CIVIL - IS BROUGHT TO YOU BY CROOKED JOE BIDEN, AND HIS THUGS AT THE DOJ, IN ORDER TO INTERFERE WITH THE PRESIDENTIAL ELECTION OF 2024. THIS HAS NEVER HAPPENED SO BLATANTLY IN THE USA BEFORE, ONLY IN THIRD WORLD COUNTRIES. WATCH FOR IT, THE RADICAL LEFT DEMOCRATS NEW WAY OF CHEATING. THEY ARE DESTROYING OUR COUNTRY — BUT WE WILL WIN & MAKE AMERICA GREAT AGAIN!!!

1.66k 4.71k 16.9k

The Rumors of My Demise Were Greatly Exaggerated

New York Times v. Sullivan

Section 230

02

The New York Times.

NEW YORK, TUESDAY, MARCH 29, 1960.

"The growing movement of peaceful mass demonstrations by Negroes is something new in the South, something understandable. . . . Let Congress heed their rising voices, for they will be heard."

—New York Times editorial
Saturday, March 19, 1960

Heed Their Rising Voices

As the whole world knows by now, thousands of Southern Negro students are engaged in widespread non-violent demonstrations in positive affirmation of the right to live in human dignity as guaranteed by the U. S. Constitution and the Bill of Rights. In their efforts to uphold these guarantees, they are being met by an unprecedented wave of terror by those who would deny and negate that document which the whole world looks upon as setting the pattern for modern freedom. . . .

In Orangeburg, South Carolina, when 400 students peacefully sought to buy doughnuts and coffee at lunch counters in the business district, they were forcibly ejected, tear-gassed, soaked to the skin in freezing

protagonists of democracy. Their courage and amazing restraint have inspired millions and given a new dignity to the cause of freedom.

Small wonder that the Southern violators of the Constitution fear this new, non-violent brand of freedom fighter . . . even as they fear the upswelling right-to-vote movement. Small wonder that they are determined to destroy the one man who, more than any other, symbolizes the new spirit now sweeping the South—the Rev. Dr. Martin Luther King, Jr., world-famous leader of the Montgomery Bus Protest. For it is his doctrine of non-violence which has inspired and guided the students in their widening wave of sit-ins; and it this same Dr. King who founded and is

of others—look for guidance and support, and thereby to intimidate *all* leaders who may rise in the South. Their strategy is to behead this affirmative movement, and thus to demoralize Negro Americans and weaken their will to struggle. The defense of Martin Luther King, spiritual leader of the student sit-in movement, clearly, therefore, is an integral part of the total struggle for freedom in the South.

Decent-minded Americans cannot help but applaud the creative daring of the students and the quiet heroism of Dr. King. But this is one of those moments in the stormy history of Freedom when men and women of good will must do more than applaud the rising-to-glory of others. The America whose good

New York Times v. Sullivan

GIBSON DUNN

Counterman v. Colorado

- *Counterman* involved a prosecution under a Colorado anti-stalking law that prohibited: "repeatedly . . . mak[ing] any form of communication with another person" in "a manner that would cause a reasonable person to suffer serious emotional distress."
- In a 7-2 ruling delivered by Justice Kagan, the Court held that in order to satisfy the First Amendment, the state must show in a true-threat case that defendant had subjective understanding of his statements' threatening nature, at a minimum, that he had "reckless disregard" for their threatening nature.

SUPREME COURT OF THE UNITED STATES

Syllabus

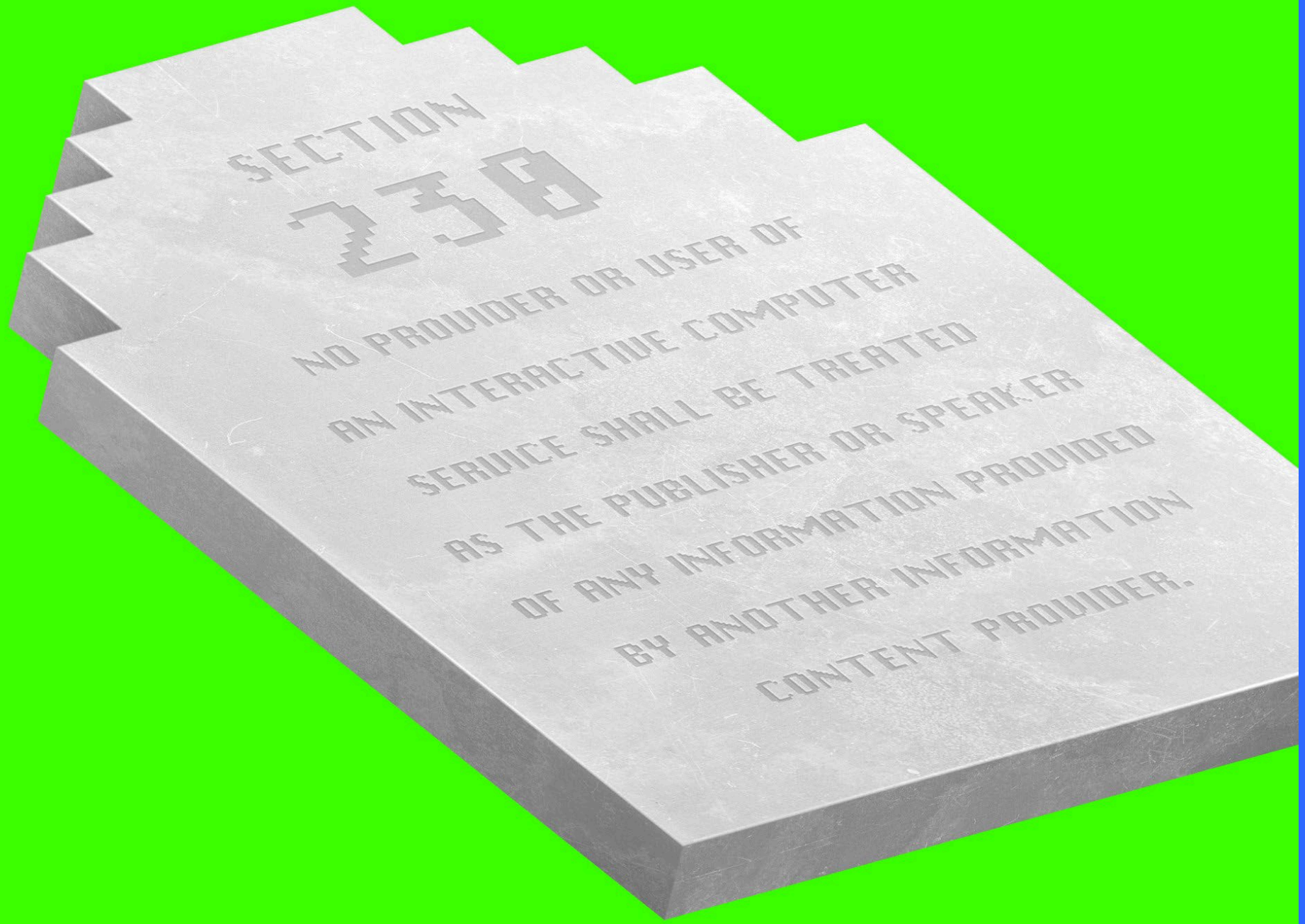
COUNTERMAN *v.* COLORADO

CERTIORARI TO THE COURT OF APPEALS OF COLORADO

No. 22–138. Argued April 19, 2023—Decided June 27, 2023

"The First Amendment, we have concluded, requires that we protect some falsehood in order to protect speech that matters."

Using a recklessness standard also fits with the analysis in our defamation decisions. As noted earlier, the Court there adopted a recklessness rule, applicable in both civil and criminal contexts, as a way of accommodating competing interests. See *supra*, at 7–8. In the more than half-century in which that standard has governed, few have suggested that it needs to be higher—in other words, that still more First Amendment "breathing space" is required. *Gertz*, 418 U. S., at 342. And we see no reason to offer greater insulation to threats than to defamation. See *Elonis*, 575 U. S., at 748 (opinion of ALITO, J.). The societal



Section 230: Close Calls at the High Court

GIBSON DUNN

Section 230(c)

(c)Protection for “Good Samaritan” blocking and screening of offensive material

- **(1)Treatment of publisher or speaker:** No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.
- **(2) Civil liability:** No provider or user of an interactive computer service shall be held liable on account of—
- (A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
- (B) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph (1).

Storm Clouds for CDA Section 230? *Knight v. Trump* (2021)

Internet platforms of course have their own First Amendment interests, but regulations that might affect speech are valid if they would have been permissible at the time of the founding. See *United States* v. *Stevens*, 559 U. S. 460, 468 (2010). The long history in this country and in England of restricting the exclusion right of common carriers and places of public accommodation may save similar regulations today from triggering heightened scrutiny—especially where a restriction would not prohibit the company from speaking or force the company to endorse the speech. See *Turner Broadcasting System, Inc.* v. *FCC*, 512 U. S. 622, 684 (1994) (O'Connor, J., concurring in part and dissenting in part); *PruneYard Shopping Center* v. *Robins*, 447 U. S. 74, 88 (1980). There is a fair argument that some digital platforms are sufficiently akin to common carriers or places of accommodation to be regulated in this manner.

[5]Threats directed at digital platforms can be especially problematic in the light of 47 U. S. C. §230, which some courts have misconstrued to give digital platforms immunity for bad-faith removal of third-party content. *Malwarebytes, Inc.* v. *Enigma Software Group USA, LLC*, 592 U. S. ___, ___–___ (2020) (THOMAS, J., statement respecting denial of certiorari) (slip op., at 7–8). This immunity eliminates the biggest deterrent—a private lawsuit—against caving to an unconstitutional government threat.

For similar reasons, some commentators have suggested that immunity provisions like §230 could potentially violate the First Amendment to the extent those provisions pre-empt state laws that protect speech from private censorship. See Volokh, Might Federal Preemption of Speech-Protective State Laws Violate the First Amendment? The Volokh Conspiracy, Reason, Jan. 23, 2021. According to that argument, when a State creates a private right and a federal statute pre-empts that state law, "the federal statute is the source of the power and authority by which any private rights are lost or sacrificed." *Railway Employees* v.

The analogy to common carriers is even clearer for digital platforms that have dominant market share. Similar to utilities, today's dominant digital platforms derive much of their value from network size. The Internet, of course, is a network. But these digital platforms are networks within that network. The Facebook suite of apps is valuable largely because 3 billion people use it. Google search—at 90% of the market share—is valuable relative to other search engines because more people use it, creating data that Google's algorithm uses to refine and improve search results. These network effects entrench these companies.

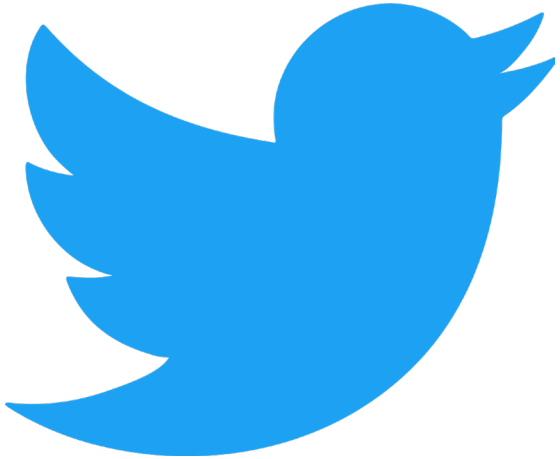
Storm Clouds for CDA Section 230?
Malwarebytes v. Enigma (2020)

Courts have also departed from the most natural reading of the text by giving Internet companies immunity for their own content. Section 230(c)(1) protects a company from publisher liability only when content is "provided by *another* information content provider." (Emphasis added.) Nowhere does this provision protect a company that is itself the information content provider. See *Fair Housing Council of San Fernando Valley* v. *Roommates.Com, LLC*, 521 F. 3d 1157, 1165 (CA9 2008). And an information content provider is not just the primary author or creator; it is anyone "responsible, *in whole or in part*, for the creation or development" of the content. §230(f)(3) (emphasis added).

But from the beginning, courts have held that §230(c)(1) protects the "exercise of a publisher's traditional editorial functions—such as deciding whether to publish, withdraw, postpone or *alter* content." *E.g., Zeran*, 129 F. 3d, at 330 (emphasis added); cf. *id.,* at 332 (stating also that §230(c)(1) protects the decision to "edit"). Only later did courts wres-

Gonzalez v. Google and *Twitter v. Taamneh*

- Both of these cases involved tort claims under the Justice Against Sponsors of Terrorism Act.
- Claim (generally) = Social media platform directly or secondarily liable for terrorist attacks abroad by virtue of hosting content supporting groups behind those attacks.
- Both in Ninth Circuit, which reaches a different outcome in the two cases.



Ninth Circuit

Gonzalez v. Google

- Section 230 provides the rule of decision
- 230 applies: Domestic application, not impliedly repealed by JASTA, or precluded by 230(e)(1) saving clause for criminal prosecutions
- § 230 immunity: Google's "content-neutral" algorithm is a "neutral tool" (*Dyroff*) and entitled to immunity
- Revenue-sharing claims dismissed for failure to state a claim under 18 U.S.C. § 2333

Twitter v. Taamneh

- 9th Cir. concludes that Taamneh plaintiffs adequately stated a claim for aiding-and-abetting liability under ATA
- *Halberstam* standards govern, court walks through factors
- Did not address §230: District court in Taamneh did not reach 230, and Taamneh plaintiffs only appealed the dismissal of the ATA (aiding-and-abetting) claim

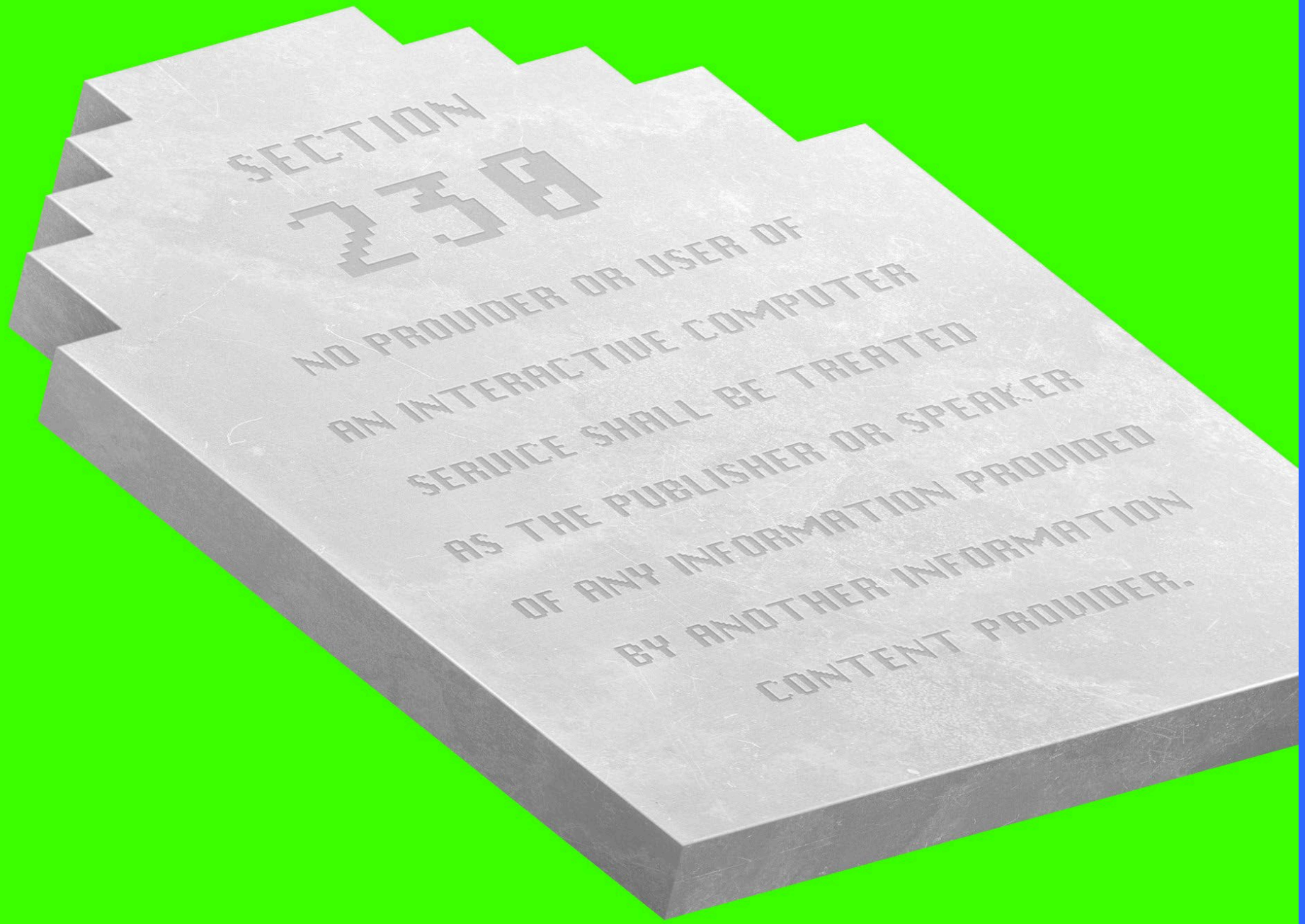
Supreme Court

Gonzalez v. Google

- SCOTUS granted certiorari to review the 9th Circuit's application of Section 230
- But because SCOTUS found that the complaint in *Taamneh* failed to state a claim for aiding-and-abetting, they hold that the complaint here similarly states "little, if any" claim for relief
- SCOTUS then declines to address § 230, instead vacating and remanding the case to be reconsidered in light of *Taamneh*

Twitter v. Taamneh

- The text of JASTA and previous case law on aiding-and-abetting liability do not support holding Twitter liable in the circumstances alleged
- Key question was whether Twitter's conduct constituted aiding and abetting by "knowingly providing substantial assistance" to ISIS
- SCOTUS walks through 9th Circuit's application of *Halberstam* and finds that the nexus between defendants and the Reina attack was too far removed
- SCOTUS does not address Section 230



Section 230: An End-run by the States?

GIBSON DUNN

Moody v. NetChoice (11th Cir.)

- ***Florida S.B. 7072*** → (i) Restrictions on content-based decisions about what user-generated material can appear on platform; (ii) individualized explanation mandate for affected users; (iii) general-disclosure requirement on content-moderation protocols.
- Applies to "[s]ocial media platform[s]" that have "annual gross revenues in excess of $100 million" or "at least 100 million monthly individual platform participants."
- The law's provisions can be enforced either by the State or through private suits for damages and injunctive relief.
- Eleventh Circuit affirms in part decision granting PI.

NetChoice v. Paxton (5th Cir.)

- ***Texas H.B. 20*** → (i) Restrictions on content-based decisions about what user-generated material can appear on platform; (ii) individualized explanation mandate for affected users; (iii) general-disclosure requirement on content-moderation protocol.
- Applies to social-media platforms that have "more than 50 million active users in the United States in a calendar month."
- H.B. 20 can be enforced in suits for declaratory or injunctive relief by users and by the Texas AG.
- Fifth Circuit in a 2-1 ruling dissolves the PI because NetChoice unlikely to succeed on merits.

Consolidated *NetChoice* Cases

- **Eleventh Circuit:** "[S]ocial-media platforms' content-moderation activities" are "'speech' within the meaning of the First Amendment," so restrictions are subject to either strict or intermediate First Amendment scrutiny."
  - "S.B. 7072's content-moderation restrictions do not further any substantial governmental interest."
- **Fifth Circuit**: Content-moderation activities are "not speech." Instead, those activities are "censorship" that States may freely regulate without implicating the First Amendment.
  - Even under First Amendment, H.B. 20's content-moderation restrictions "satisf[y] intermediate scrutiny."
- SG brief urging review as to the platforms' challenges to (i) content-moderation restrictions and (ii) individualized-explanation requirements.

The *NetChoice* Cases: SG Position

SG's reasoning places social media platforms squarely in the mold of publishers making "**editorial**" and "**expressive**" choices when they moderate content.

> In a variety of contexts, this Court has held that "the presentation of an edited compilation of speech generated by other[s]" is protected by the First Amendment. *Hurley* v. *Irish-American Gay, Lesbian & Bisexual Grp. of Boston, Inc.*, 515 U.S. 557, 570 (1995). Such activity "is a staple of most newspapers' opinion pages, which, of course, fall squarely within the core of First Amendment security." *Ibid.* (citing *Miami Herald Publishing Co.* v. *Tornillo*, 418 U.S. 241, 258 (1974)).

The *NetChoice* Cases: SG Position

Like publishers, parade organizers, and cable operators, the companies that run the major social-media platforms "are in the business of delivering curated compilations of speech" created by others. *Moody* Pet. App. 26a. And when the major platforms select, exclude, arrange, or otherwise moderate the content they present to the public, they are exercising the same sort of "editorial discretion" this Court "recognized in *Miami Herald*, *PG&E*, *Turner*, and *Hurley*." *Paxton* Pet. App. 129a-130a (Southwick, J., concurring in part and dissenting in part).

Indeed, given the torrent of content created on the platforms, one of their central functions is to make choices about which content will be displayed to which users, in which form and which order. The act of culling and curating the content that users see is inherently expressive, even if the speech that is collected is almost wholly provided by users. A speaker "'does not forfeit constitutional protection simply by combining multifarious voices' in a single communication." *303 Creative LLC* v. *Elenis*, 143 S. Ct. 2298, 2313 (2023) (quoting *Hurley*, 515 U.S. at 569). And especially because the covered platforms' only products are displays of expressive content, a government requirement that they display different content—for example, by including content they wish to exclude or organizing content in a different way—plainly implicates the First Amendment.

The *NetChoice* Cases: SG Position

- Content-moderation restrictions are not general regulations of conduct that only incidentally burden speech; instead, the laws are **"directed at the communicative nature"** of the major platforms' editorial activities and thus must be "justified by the substantial showing of need that the First Amendment requires."
- The laws fail intermediate scrutiny because the alleged state interests are illusory.
- The platforms' scale and reach may make them "'enviable' outlet[s] for speech," 303 Creative, 143 S. Ct. at 2315, but the States' asserted interest in favoring some speakers over others is inconsistent with the First Amendment.

The *NetChoice* Cases: Flashpoints

- Do the restrictions implicate speech?
  - Extending the *Pruneyard* rule to social media?
  - Treating platforms as “common carriers” such that the restrictions get only rational review?
  - Treating platforms as “public accommodations” such that the restrictions get only rational review?
- What is the alleged State interest?
- Is this regulatory regime substantially related those important state interests?
  - Line-drawing problems if the issue is the untouchable market power of these platforms.
- When these are national or international platforms, can one or two states dictate content moderation policies for the nation/globe?

MCLE Certificate Information

- Approved for 1.0 hour General PP credit.
- CLE credit form must be submitted by **Wednesday, February 21st.**
- Form Link: https://gibsondunn.qualtrics.com/jfe/form/SV_9Rie8ICWOE68Q3I
  - Most participants should anticipate receiving their certificate of attendance in four to eight weeks following the webcast.
- **Please direct all questions regarding MCLE to CLE@gibsondunn.com.**

Social Media, Analog Court

Social Media as the Public Square

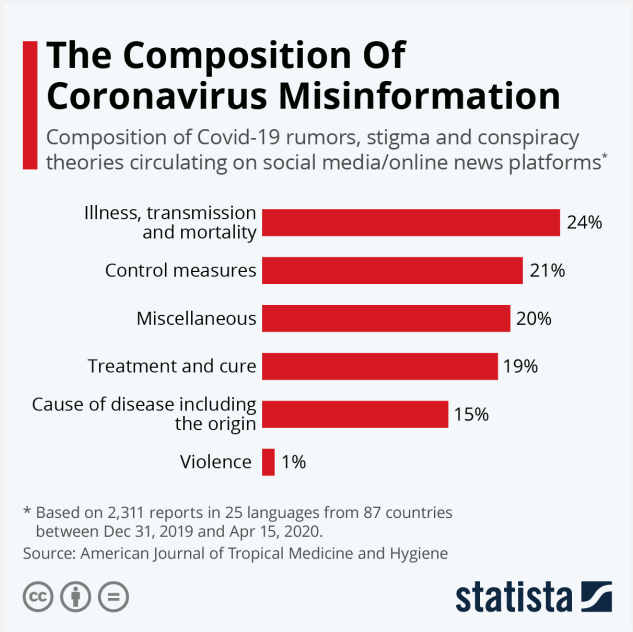
Jawboning on Social Media

03

O'Connor-Ratcliff v. Garnier and *Lindke v. Freed*

Does a public official engage in state action subject to the First Amendment by blocking an individual from the official's personal social media account, which the official uses to communicate about job-related matters with the public?

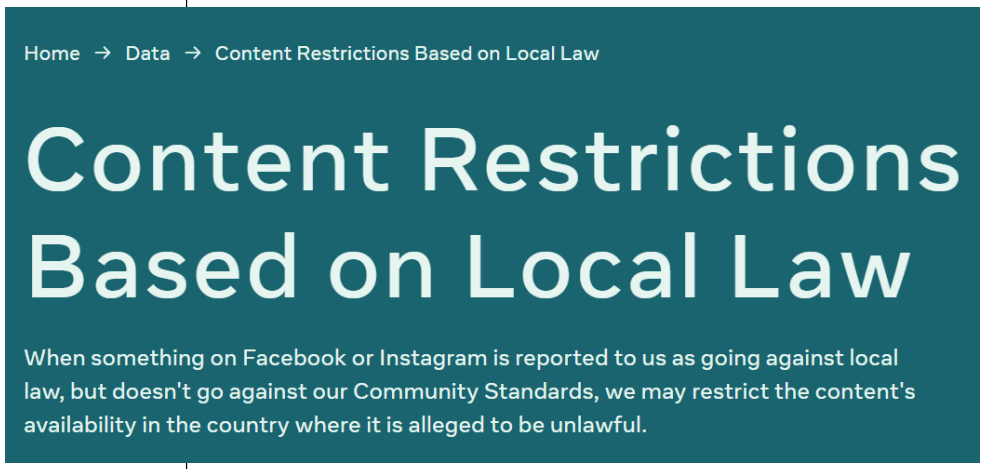
Murthy v. Missouri

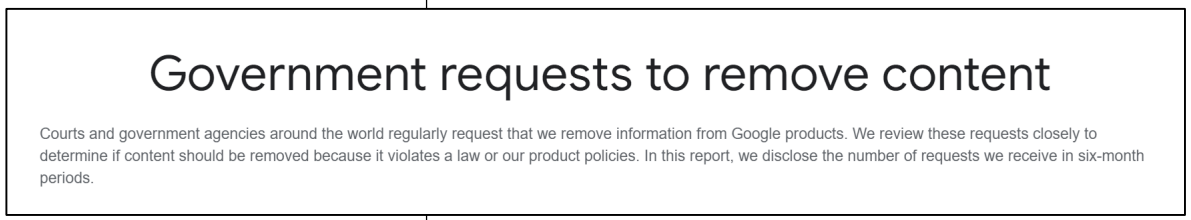


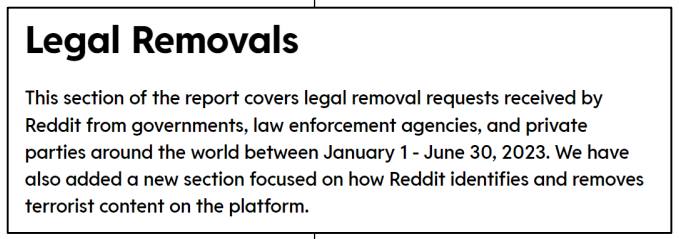
Whether the government's challenged conduct transformed private social-media companies' content-moderation decisions into state action and violated respondents' First Amendment rights.

Murthy v. Missouri (Fifth Circuit)

- "For the last few years—at least since the 2020 presidential transition—a group of federal officials has been in regular contact with nearly every major American social-media company about the spread of 'misinformation' on their platforms."
- Key analyses:
  - Causation
  - Coercion versus encouragement
  - Joint state action doctrine versus entanglement doctrine
  - First Amendment rights of public figures







First Amendment Leftovers

NRA v. Vullo

Florida Things

04

NRA v. Vullo

Andrew Cuomo
@andrewcuomo

The regulations NY put in place are working. We're forcing the NRA into financial jeopardy. We won't stop until we shut them down.
rollingstone.com/politics/polit...

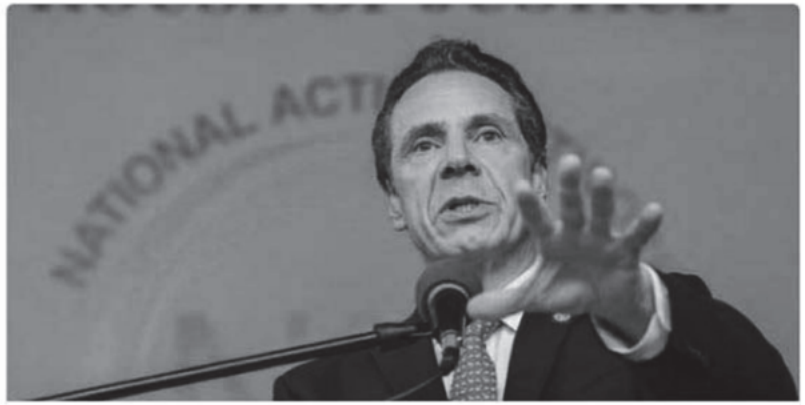
1:57 PM - Aug 3, 2018

17 Retweets **4** Quotes **54** Likes

Andrew Cuomo
@NYGovCuomo

The NRA is an extremist organization.

I urge companies in New York State to revisit any ties they have to the NRA and consider their reputations, and responsibility to the public.



New York governor presses banks, insurers to weigh risk of NRA ties

New York Governor Andrew Cuomo on Thursday ramped up pressure on banks and insurers to revisit whether their ties to the National Rifle Association and other gun reuters.com

8:58 AM - 20 Apr 2018

290 Retweets **936** Likes

Florida: the ~~Sunshine~~ Bans State

Don’t Say Gay bill: *Equality Florida v. Florida State Bd. of Educ.* (dismissed for standing)

Drag Show Bans: *Griffin v. HM Florida-ORL (*injunction upheld by Supreme Court)

Stop WOKE Act: *Pernell v. Board of Governors; Novoa v. Diaz* (injunction in effect)

Book bans: *Pen American Center, Inc. v. Escambia Cnty. Sch. Bd.* (decision pending)

Speaker Bios

05

200 Park Avenue, New York, NY 10166-0193 USA

+1 212.351.2427

aahmed@gibsondunn.com

Amer S. Ahmed

Partner / New York

Amer S. Ahmed is a partner in the New York office of Gibson, Dunn & Crutcher. He is a member of Gibson Dunn's Litigation; Trials Practice; Appellate and Constitutional Law; and Media, Entertainment and Technology Practice Groups. Amer's practice focuses on representing institutional and individual clients in a variety of high-profile litigation matters at the investigatory, trial, and appellate levels, ranging from witness preparation to product-liability actions, white-collar criminal defense, and commercial disputes.

Amer has played a lead role in many First Amendment and defamation disputes. Among other matters, he has successfully defended *The Washington Post* against a libel lawsuit in federal court, won a complete dismissal of defamation claims against a leading social media company, advised technology companies on compliance issues under Section 230 of the Communications Decency Act, prosecuted defamation claims on behalf of a high-profile businessman based on a worldwide smear campaign, and is representing the online publication *Media Matters for America* in its defense of a defamation case lodged by X Corp.

Amer authored the practice guide on *Defamation and Reputation Management in the USA* on Lexology. Amer graduated from Columbia Law School where he was named a Harlan Fiske Stone Scholar and served as an articles editor of the *Columbia Law Review*. He received his Bachelor of Arts in Human Biology, with distinction, from Stanford University, where he was a President's Scholar and was elected to the Phi Beta Kappa Society.

Amer is a member of Gibson Dunn's New York Diversity Committee. He is admitted to practice in the State of New York and the District of Columbia, as well as in the Supreme Court of the United States; the United States Courts of Appeals for the District of Columbia Circuit, Second Circuit, and Fourth Circuit; the United States District Court for the District of Columbia; and the United States District Courts for the Southern and Eastern Districts of New York.

Amer's full biography can be viewed here.

EDUCATION

Columbia University
Juris Doctor

Stanford University
Bachelor of Arts

200 Park Avenue, New York, NY 10166-0193 USA

+1 212.351.5361

achampion@gibsondunn.com

Anne M. Champion

Partner / New York

Anne M. Champion is a partner in the New York office of Gibson, Dunn & Crutcher. She is a member of the Transnational Litigation, Media Law, and International Arbitration practice groups.

Anne has played a lead role in a wide range of high stakes litigation matters, including several high profile First Amendment disputes. She represented CNN's Jim Acosta and White House Correspondent Brian Karem in successful suits to reinstate their White House press passes, and Mary Trump in her defeat of an attempt to block publication of her best-selling book about the former President, Too Much and Never Enough: How My Family Created the World's Most Dangerous Man, for which The American Lawyer recognized her along with Ted Boutrous and Matthew McGill as Litigators of the Week.

She was previously recognized as Litigator of the Week for the successful defeat of a petition to confirm an $18 billion sham Egyptian arbitration award against Chevron Corporation and Chevron USA, Inc. She has been recognized by Lawdragon as among the "500 Leading Litigators in America," by Chambers USA 2023 for General Commercial Litigation, and Benchmark Litigation, which named her to its 2022 list of the "Top 250 Women in Litigation."

Anne earned her Bachelor of Science in physics with distinction from the University of Iowa and received the James A. Van Allen and the Myrtle K. Meier awards for excellence in physics. She earned her Juris Doctor, summa cum laude, from George Washington University School of Law, where she was the recipient of the Raymond F. Hossfeld Merit Scholarship. Following law school, Anne clerked for the Honorable Max Rosenn on the United States Court of Appeals for the Third Circuit.

Anne is admitted to practice in the courts of the State of New York, the United States District Courts for the Southern, Eastern, and Northern Districts of New York, the Eastern District of Texas, and the United States Courts of Appeals for the Second Circuit, the D.C. Circuit, and the Federal Circuit.

Anne's full biography can be viewed here.

EDUCATION

The George Washington University
Juris Doctor

City University of New York (CUNY)
Master of Arts

University of Iowa
Bachelor of Science

CLERKSHIPS

U.S. Court of Appeals, 3rd Circuit

200 Park Avenue, New York, NY 10166-0193 USA

+1 332.253.7620

avidyarthi@gibsondunn.com

Apratim Vidyarthi

Associate / New York

Apratim Vidyarthi is a litigation associate in the New York office of Gibson, Dunn & Crutcher. His practice focuses on white collar, law firm defense, technology, and appellate and constitutional law, with a focus on First Amendment law.

Apratim is involved in several First Amendment matters, including representing *Media Matters for America* in its defense against Twitter/X Corp's defamation litigation(s), defending a former White House official's public speech calling out social media platforms' hosting of misinformation about COVID vaccines, and defending a large technology company against a mandatory data-sharing bill. Apratim also maintains an active First Amendment pro bono docket, having recently filed amicus briefs in *Gonzalez v. Trevino* at the Supreme Court and in *Pernell v. Lamb* in the Eleventh Circuit, and defending a Jewish divorcee's First Amendment rights to protest their ex-husbands' refusals to grant permissions to divorce.

Apratim graduated *cum laude* from the University of Pennsylvania Law School, where he served as Philanthropy Editor on the board of the *University of Pennsylvania Law Review*, was a Littleton Fellow, and received the Fred G. Leebron Memorial Prize for his writing in constitutional law. He received a Master's in Engineering from Carnegie Mellon and Bachelors degrees in Nuclear Engineering and Applied Mathematics from the University of California, Berkeley. He is admitted to practice in the State of New York, the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the Eleventh Circuit.

Apratim's full biography can be viewed here.

EDUCATION

University of Pennsylvania
Juris Doctor

Carnegie Mellon University
Master of Science

University of California - Berkeley
Bachelor of Arts

University of California - Berkeley
Bachelor of Science