
California Table Grape Commission Prevails in 12-Year-Long Lawsuit

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WilmerHale recently won a major victory for California Table Grape Commission in a 12-year-long lawsuit against it in the Eastern District of California.

The case involved the constitutionality of a state program that uses assessments imposed by law on all grapes grown in California to fund advertising and other efforts to increase demand for California grapes. On March 31, 2008, the District Court granted summary judgment in favor of the Commission, rejecting a First Amendment challenge to the program on multiple grounds. The court first ruled that the speech at issue is “government speech” that can be funded by assessments without implicating the First Amendment. The court also held that the Commission’s use of assessments for advertising was constitutional even if it implicated the First Amendment because advertising is simply one component of the Commission’s broader program of demand-enhancing activities.

The WilmerHale legal team was led by partners [Seth Waxman](#), Randy Moss, and [Todd Zubler](#) and counsel Brian Boynton.