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15	UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA						
16	CENTRAL DISTRICT OF CALIFORNIA						
17	GINA CARANO,		Case No	o. 2:24-cv-010	009-SPG-SK		
18	Plaintiff,			DANTS TH			
19	V.				Y, LUCASFILM JCKLEBERRY		
20	THE WALT DISNEY CON	ЛРАNY	, INDUS	TRIES (US)	INC.'S NOTICE		
21	LUCASFILM LTD. LLC, and		OF SUL	OF SUPPLEMENTAL AUTHORITY			
22	HUCKLEBERRY INDUST INC.,	RIES (	US)				
23	Defendants.		Judge:	Hon. Sherilyn	Peace Garnett		
24	Derendants.						
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					EFENDANTS' NOTICE OF LEMENTAL AUTHORITY 2:24-CV-01009-SPG-SK		

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## **NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants The Walt Disney Company, Lucasfilm Ltd. LLC, and Huckleberry Industries (US) Inc. (collectively, "Defendants") respectfully submit this Notice of Supplemental Authority to alert the Court to a recent decision 5 supporting Defendants' Motion to Dismiss Plaintiff's Complaint for Failure to State 6 a Claim, ECF No. 33.

7 On July 1, 2024, the Supreme Court of the United States issued an opinion in 8 Moody v. NetChoice, LLC, attached as Exhibit A. The First Amendment analysis in 9 Part III of the Court's opinion is relevant to the parties' motion-to-dismiss 10 arguments. In particular, the Supreme Court held:

- That "ordering a party to provide a forum for someone else's views implicates the First Amendment" if "the regulated party is engaged in its own expressive activity, which the mandated access would alter or disrupt." Op. 14.
- 15 • That "the First Amendment offers protection when an entity engaging in 16 expressive activity, including compiling and curating others' speech, is 17 directed to accommodate messages it would prefer to exclude," and that 18 the challenged laws "target[] those expressive choices" by "forcing the 19 [plaintiffs] to present and promote content on their feeds that they regard as objectionable." Op. 17, 24. 20

21 That none of the analysis "changes just because a compiler includes most • 22 items and excludes just a few," and that "[i]ndeed, that kind of focused 23 editorial choice packs a peculiarly powerful expressive punch." Op. 18; 24 see Op. 24 ("That those platforms happily convey the lion's share of posts 25 submitted to them makes no significant First Amendment difference." 26 The language quoted above confirms that Disney has a right to exclude speech that 27 alters its expressive activity, that the First Amendment protects its decision to

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1	decline to accommodate messages it would prefer to exclude, and that it does not
2	lose its First Amendment right simply because it allowed others' speech. Disney
3	stands ready to provide briefing on these issues if ordered by the Court.
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2	Dated. July 5, 2024	O MELVENT & MIERS EEI
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21		Huckleberry Industries (US) Inc.
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