

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO, *et al.*,
Plaintiffs,
v.
CITY OF OAKLAND, *et al.*,
Defendants.

No. C-06-5517 EMC

**ORDER DENYING INTERVENOR'S
MOTION TO MODIFY PERMANENT
INJUNCTION**
(Docket No. 485)

Currently pending before the Court is Intervenor Feld Entertainment, Inc.'s motion to modify the permanent injunction. A hearing was held on the motion on October 26, 2012. For the reasons stated on the record, the Court hereby **DENIES** Feld's motion.

As the Court noted at the hearing, Feld seeks to modify the injunction based on a recent incident in which Plaintiffs and/or their associates allegedly assaulted and harassed Feld employees. However, the permanent injunction in the case need not be modified because it does not permit or suggest that Plaintiffs have the right to engage in any such activity. Rather, the injunction simply gives Plaintiffs access to certain areas "in order to conduct their free speech activity (*i.e.*, videotaping, displaying signs, leafletting, or otherwise protesting)." Docket No. 235 (R&R at 12), *adopted by* Docket No. 240 (order). Nothing about the injunction bars Feld from seeking a remedy (based, *e.g.*, on state criminal law or state tort law) if Plaintiffs engage in unlawful conduct such as assault, battery, or damaging property. Indeed, that Feld was able to obtain a temporary restraining

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

order from a state court based on Plaintiffs' actions that took place on August 7, 2012, demonstrates that Feld has adequate remedies to protect its rights.

This order disposes of Docket No. 485.

IT IS SO ORDERED.

Dated: November 1, 2012


EDWARD M. CHEN
United States District Judge