marchers off the streets and onto the sidewalks, unchecked by any requirement to explain the reasons for doing so or to provide some forum for appealing the chief's decision. We therefore hold that the parade ordinance is facially unconstitutional." The ordinance allowed officials to restrict access to the streets whenever such a restriction was in the undefined "interest of" traffic and pedestrian safety. This language gave officials "less guidance and more leeway" than the standards the Supreme Court and the Ninth Circuit had previously approved, especially since the ordinance had no requirement that the reason for the restriction be articulated, or any mechanism for direct administrative or judicial review. In finding the ordinance to be invalid, the court also pointed to the implementation of the ordinance: as applied, the ordinance seemed to be akin to a permit scheme that allowed the deciding official to grant or deny a permit for speech; further, the police had been enforcing the ordinance "as though it authorized denying permits (relegating marchers to the sidewalks as normal pedestrians), although the City has repeatedly claimed that all permits must be granted." *Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality v. City of Seattle*, 550 F. 3d 788 (9th Cir. 2008).

License Plates—Whose Speech?

Illinois permitted vehicle owners in the state to have, for a fee, specialized license plates that included a specific message or symbol. State law provided that at least 10,000 applications had to be received for each new license plate before the Secretary of State issued the specialized plates. Although the law did not specifically require it, the Secretary of State traditionally referred to the state legislature for enabling legislation concerning the plates. Choose Life Illinois (CLI) was a nonprofit agency that collected more than 25,000 signatures towards obtaining approval for a specialty license plate with the words "Choose Life." The Secretary informed CLI that he could not issue the plate without approval by the Illinois General Assembly. For the next few years, CLI tried to gather support in the Assembly for the license plate; however, the proposal died in a subcommittee. CLI then bought a First Amendment free speech claim against the Secretary, alleging that the refusal to approve the plates constituted viewpoint discrimination within a government-created forum for private speech. The district court granted summary judgment for CLI, stating that the Secretary did not need enabling legislation; further, the specialty-plate program established a forum for private speech, and excluding CLI's message of "Choose Life" was impermissible viewpoint discrimination.

The U.S. Court of Appeals for the Seventh Circuit addressed the questions of whether the messages on specialty license plates were the government's own speech, or private speech; if they were private speech, did the exclusion of CLI's proposed language violate the Free Speech Clause of the First Amendment? First, it held the message on the plates was private, not government, speech, siding with the position taken by the Ninth and Fourth Circuits. The specialty plates "serve[d] as mobile billboards for the organizations and like-minded vehicle owners to promote their causes and also [were] a lucrative source of funds." Although the State and the organization shared editorial control, the organization typically developed the plate design and the slogan or symbol that went on the license plate. In addition, the plates themselves were "most closely associated with the drivers and the sponsoring organizations, and the driver [was] the ultimate communicator of the message." The court next determined that the plates constituted a nonpublic forum, due to the fact that their primary purpose was vehicle identification, not facilitating an exchange of ideas, and because the plates themselves were "heavily regulated by policy and practice." Finding a nonpublic forum, the court reviewed CLI's exclusion from the specialty-plate program under a reasonableness standard. The exclusion was reasonable, as "[a]lthough the messages on [the plates were] not governmental speech, they [were] reasonably viewed as having the State's stamp of approval…it [was] reasonable for the State to maintain a position of neutrality on the subject of abortion." *Choose Life Illinois, Inc. v. White*, 547 F. 3d 853 (7th Cir. 2008).

Personnel and Employment

Employee Screening and Errors in Reports

Pendergrass was employed by a pharmacy, Rite Aid. He was suspected of theft and aggressively questioned about merchandise losses by the store's loss prevention officer. Pendergrass claimed that the officer coerced him into signing a false written statement. Subsequently, in January 2006, Pendergrass was fired for unexplained merchandise losses, fraudulent transactions, and other related infractions. At the same time, the employer published a report of the incident with ChoicePoint, a "data aggregation company that operates as a private intelligence service to government and industry." Employers accessed its database through the Internet or in other ways. The report apparently referred to "Cash Register Fraud and Theft of Merchandise," with a total theft amount of $7,313.00. This listing, Pendergrass alleged, resulted in him being turned away when he sought employment with CVS, Walgreens, and Target. One prospective employer advised him of the bad report. In January 2008, Pendergrass sued, alleging violations of the Fair Credit Reporting Act (FCRA) by Rite Aid and ChoicePoint, and raising a defamation claim under Pennsylvania law against Rite Aid and ChoicePoint. He alleged his employer had made the report "with malice or willful intent to injure [him]" and specifically intended to prevent him from getting future employment. He further alleged that ChoicePoint repeatedly republished the defamatory report, with the result that the plaintiff was "branded a thief" and unable to obtain employment. Rite Aid sought to dismiss the defamation claim on the basis that the applicable statute of limitations barred the claim. In Pennsylvania, the statute of limitations for defamation claims was one year from the date of publica-