



# 2011

## APPELLATE MOOT COURT COMPETITION

### BRIEFING ORDER

\*DO NOT RISK DISQUALIFICATION! COMPETITORS ARE NOT ALLOWED TO RECEIVE ANY HELP ON THE PROBLEM BEFORE THEIR BRIEF IS SUBMITTED (BRIEFS ARE DUE JANUARY 24, 2011.) PRIOR TO THE DEADLINE, COMPETITORS MAY ONLY DISCUSS THE PROBLEM WITH THEIR TEAMMATE AND NO ONE ELSE, INCLUDING PROFESSORS, COACHES, STUDENTS, COLLEAGUES, OR ANY OTHER INDIVIDUAL.

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

QUINTON RICHARDSON,	§	
	§	
Plaintiff/Appellant,	§	Civil Action No. 10cv00416
	§	
v.	§	
	§	
CITY OF WINTHROP,	§	
MASSACHUSETTS,	§	
	§	
Defendant/Appellee.	§	

**BRIEFING ORDER**

Plaintiff/Appellant filed a complaint challenging the Defendant/Appellee's Municipal Code section 6.04.090 declaring all "'pit bull' variety of terrier" to be "vicious" and banning them from the city on the grounds that it violates the Fourteenth Amendment of the U.S Constitution as both unconstitutionally vague and an infringement of his substantive due process rights. Defendant/Appellee moved for summary judgment. The District Court granted summary judgment in favor of Defendant/Appellee, finding that section 6.04.090 is not impermissibly vague, either facially or as applied here, and does not violate Plaintiff/Appellant's substantive due process rights. Plaintiff/Appellant has appealed these findings.

Each party is directed to brief the following questions:

1. Did the district court err when it ruled that Winthrop Municipal Code section 6.04.090, designating all "'pit bull' variety of terrier" as *per se* vicious and thus banning them, is not unconstitutionally vague on its face or as applied to the Plaintiff under the Fourteenth Amendment to the U.S. Constitution and does not violate the overbreadth doctrine?

2. Did the district court err when it ruled that Winthrop Municipal Code section 6.04.090, designating all “‘pit bull’ variety of terrier” as *per se* vicious and thus banning them, does not violate substantive due process under the Fourteenth Amendment to the U.S. Constitution?

The parties’ briefs shall be limited to these issues, but the parties are not limited in their briefing to the arguments or authority upon which the district court relied. For the purposes of briefing and arguments, the parties may cite only legal authority dated before October 15, 2010.

IT IS SO ORDERED this 28<sup>th</sup> day of September, 2010.

Hon. Peter Rascal  
United State Circuit Judge