

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

KIMBERLY BILLUPS, MICHAEL )  
WARFIELD AND MICHAEL NOLAN, )  
 )  
 PLAINTIFFS, )  
 )  
 vs. )  
 )  
 CITY OF CHARLESTON, SOUTH )  
 CAROLINA, )  
 )  
 DEFENDANT. )  
 \_\_\_\_\_ )

**C.A. NO. 2:16-CV-00264-DCN**

**DEFENDANT CITY OF  
CHARLESTON’S MOTION FOR  
SUMMARY JUDGMENT**

The Defendant, City of Charleston, South Carolina (hereinafter the “City”, “Charleston” or “Defendant”), hereby moves for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Defendant is entitled to summary judgment on the ground that Plaintiffs can show no genuine issue of material fact which would entitle the Plaintiff to relief. Defendant’s Motion is further based on the following grounds:

- I. The City’s tour guide licensing ordinance is content-neutral and therefore subject to intermediate scrutiny.
- II. The City’s tour guide licensing ordinance survives intermediate scrutiny and does not violate the First Amendment.
  - A. The City has a substantial government interest in regulating tour guide licensure and the City’s licensing regime advances that interest.
  - B. Charleston’s tour guide licensing requirement is not an excessive burden on speech.
  - C. The tour guide licensing ordinance leaves open ample alternative channels of communication.

Defendant’s Motion is further supported by arguments and authorities cited in the Memorandum in Support of Defendant’s Motion for Summary Judgment filed herewith.

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Charleston, South Carolina

Dated: January 27, 2017