

# Kelley Drye & Warren Files Lawsuit for Mayfair House Challenging West Hollywood's Ordinance Banning the Sale of Apparel Containing Fur

October 4, 2013

September 21, 2013 was the effective date for an Ordinance passed by the City Council of West Hollywood, California, which subject to certain exemptions, makes "it unlawful for anyone to sell, import, export, trade or distribute" any new clothing product made wholly or partly of animal fur by any means anywhere in the City. The Ordinance, which the City has touted as "one of the first of its kind in the United States," makes violators of the Ordinance subject both to administrative penalties and fees, and misdemeanor criminal sanctions of fines, jail time, or both.

On September 25, 2013, Kelley Drye & Warren filed a lawsuit in Los Angeles federal district court on behalf of Mayfair House, a specialty clothing and accessory retail store located in West Hollywood, which challenges the lawfulness of the Ordinance, and seeks a permanent injunction against its enforcement. The 18 page, five-count Complaint claims that the Ordinance violates both the Constitutions of the State of California and of the United States.

The Complaint alleges that the Ordinance is unlawful and void under the California Constitution because it constitutes an *ultra vires* act of the City. California's Constitution vests the state legislature with the exclusive authority to enact legislation relating to the protection of wildlife, and that authority includes the power to pass laws regulating the market for products of wildlife. Thus, the City had no authority under the California Constitution to enact the Ordinance. Additionally, the Complaint alleges that the Ordinance is unlawful and void under the California Constitution because it conflicts with, and thus is preempted by, state law.

Finally, the Complaint alleges that the Ordinance violates the Due Process Clause of the U.S. Constitution because, among other things, various aspects of the Ordinance, such as its definition of "fur" and "fur product," make its prohibitions vague.

The case is being handled jointly by Kelley Drye's Washington, D.C. and Los Angeles offices. The litigation team in D.C. is being led by partners [Laurence J. Lasoff](#) and [Ira T. Kasdan](#).

The case has already garnered press attention with articles in the [L.A. Times](#) and other local and national media. Click on the link below to view a copy of press release that was issued by Mayfair House after the filing of the Complaint.