

Utah responds to 'Deadpool' lawsuit, says alcohol and sexual content an 'explosive combination'

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Utah responds to `Deadpool` lawsuit

SALT LAKE CITY -- The state of Utah is asking a federal judge to dismiss a lawsuit filed over liquor and "Deadpool," insisting it is not suppressing First Amendment-protected ideas or expression, "only alcohol regulation aimed at decreasing adverse secondary effects."

In a court filing obtained by FOX 13, the Utah Attorney General's Office asked a judge to dismiss the lawsuit leveled by Brewvies. The Salt Lake City movie theater, which serves alcohol, sued the Utah Department of Alcoholic Beverage Control Commission after its liquor license was threatened with revocation for showing "Deadpool." Utah law forbids a liquor licensee from showing sexually explicit images or full nudity.

Brewvies sued, claiming the statute is unconstitutional and violates its First Amendment free speech rights. It has asked the judge to strike down the law.

In its motion for summary judgment, the Utah Attorney General's Office argues the law should remain in place because it reduces "adverse secondary effects."

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"Judicial opinions and alcohol experts confirm what is commonly known: that combining alcohol and sexual content is an 'explosive combination,' that can lead to sexual aggression and sexual violence, increased drinking, and reported and unreported crime," assistant Utah Attorney General Greg Soderberg wrote.

"The Statute's purpose and effect are to reduce these adverse secondary effects that result from combining alcohol and sexually explicit images."

The state argues that Brewvies' First Amendment free expression rights are only "slightly inconvenienced" by the law, but the public's access to protected speech "is not impeded at all." In the court filing, the attorney general's office noted that "Deadpool" was shown in other movie theaters across Utah and it was not censored. The state is merely engaging in lawful alcohol regulation.

"Plaintiff is free to show whatever sexually explicit R-rated films it chooses, so long as it does not serve alcohol at the same time, and individuals can see the same movies at other theaters," Soderberg wrote, adding:

"Plaintiff does not have a constitutional right to serve beer while showing movies."

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The DABC has agreed to take no action against Brewvies while the lawsuit is pending. The theater previously was fined for showing "The Hangover, Part II" and claims it was warned against showing "Ted 2" and "Magic Mike XXL" while serving alcohol.

Brewvies' owner, Cinemapub LLC, [has filed its own motion for summary judgment making a First Amendment argument](#). Brewvies lawyer, former Salt Lake City Mayor Rocky Anderson, has accused the DABC of "censorship." In a court filing, he attached a list of movies and master works of art he said could theoretically get the theater in trouble with alcohol regulators, including "Titanic," "Schindler's List," or "The Birth of Venus" or Michaelangelo's "David."

"They're really saying Botticelli's 'Birth of Venus' is going to make people go out and be sexually aggressive?" Anderson told FOX 13 on Friday. "These people need to get out."

Read the Utah Attorney General's filing here:

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