

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Paramount Media Group, Inc. v. Village of Bellwood

Paramount Media Group, Inc. v. Village of Bellwood, 929 F.3d 914 (7th Cir. 2019) · No. No. 17-1562 · Decided July 16, 2019

SUMMARY

Paramount Media Group's challenge to a village's billboard permit ban was dismissed: its claim for injunctive relief became moot after it lost its lease, and its damages claims for First Amendment and due process violations were time-barred under Illinois's two-year statute of limitations. The equal protection class-of-one claim failed because Paramount and its competitor were not similarly situated, as they made different lease offers to the village. The village was immune from Sherman Act claims under *Parker v. Brown*, and even if a market-participant exception existed, Paramount failed to prove anticompetitive effects or define a relevant geographic market.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	SYKES, Circuit Judge; RIPPLE; SYKES; SCUDDER
JURISDICTION	Federal
DECIDED	July 16, 2019
DOCKET	No. 17-1562
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. No. 13 C 3994 — Jorge L. Alonso, Judge.
STANDARD OF REVIEW	We review a summary judgment de novo, viewing the record in the light most favorable to Paramount. <i>Kuttner v. Zaruba</i> , 819 F.3d 970, 975 (7th Cir. 2016). Summary judgment is appropriate when 'there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.' FED. R. CIV. P. 56(a).
PRECEDENTIAL VALUE	Published
PARTIES	Paramount Media Group, Inc. v. Village of Bellwood and Image Media Advertising, Inc.

TOPICS

civil procedure

summary judgment

equal protection

first amendment

PRACTICE AREAS

Appellate

Constitutional Law

Antitrust

Civil Procedure

QUESTIONS PRESENTED

1. Whether Paramount's claim for injunctive relief from the sign ban is moot
2. Whether Paramount's damages claims for First Amendment and due process violations are time-barred
3. Whether Paramount's equal protection claim fails because it was not similarly situated to Image Media
4. Whether the Village is immune from antitrust claims under *Parker v. Brown*
5. Whether Paramount's Sherman Act § 1 claim fails for lack of evidence of anticompetitive effects or conspiracy
6. Whether Paramount's Sherman Act § 2 claim fails for lack of evidence of monopoly power in a relevant market

HOLDINGS

1. Paramount's claim for injunctive relief is moot because it lost its lease and cannot build a billboard regardless of the ban.
2. The damages claims are time-barred because they accrued in 2009 when the ban was adopted, but Paramount sued in 2013, beyond Illinois's two-year statute of limitations.
3. Paramount and Image Media were not similarly situated because their offers to the Village were different: Paramount offered \$1,140,000 in installments over 40 years, while Image Media offered a lump sum of \$800,000.
4. The Village is immune from antitrust claims because billboard regulation is a traditional area of local governmental activity for home-rule municipalities under Illinois law, and state law allows municipalities to lease property.
5. Paramount's § 1 claim fails because it did not offer proof of anticompetitive effects or a conspiracy; it only alleged harm to itself, not to the competitive process.
6. Paramount's § 2 claim fails because it did not define the relevant market beyond municipal boundaries and offered no evidence of barriers to competition from adjacent areas.

FACTUAL BACKGROUND

In 2005 Paramount leased a highway-adjacent property in Bellwood to build a billboard but never applied for a local permit. In 2009 the Village banned new billboard permits. In 2012 the Village exempted village-owned property from the ban. Paramount offered to lease a village-owned parcel, but the Village accepted a lump-sum offer from Image Media. Paramount later lost its lease on the original property when the Sodhis cancelled the lease after Image Media contracted with them.

PROCEDURAL HISTORY

Paramount sued the Village and Image Media alleging First Amendment, equal-protection, due-process, Sherman Act, and state-law violations. The district court granted summary judgment for defendants on the federal claims and relinquished supplemental jurisdiction over the state-law claims. Paramount appealed.

DISPOSITION

affirmed

CASES CITED

- Kuttner v. Zaruba, 819 F.3d 970, 975 (7th Cir. 2016)
- Chafin v. Chafin, 568 U.S. 165, 172 (2013)
- Lujan v. Defs. of Wildlife, 504 U.S. 555, 560 (1992)
- Alvarez v. Smith, 558 U.S. 87, 92 (2009)
- Johnson v. Winstead, 900 F.3d 428, 434 (7th Cir. 2018)
- Geinosky v. City of Chicago, 675 F.3d 743, 747 (7th Cir. 2012)
- D.S. v. E. Porter Cty. Sch. Corp., 799 F.3d 793, 799 (7th Cir. 2015)
- Monarch Beverage Co. v. Cook, 861 F.3d 678, 682 (7th Cir. 2017)
- Parker v. Brown, 317 U.S. 341 (1943)
- Town of Hallie v. City of Eau Claire, 471 U.S. 34, 39 (1985)
- Scadron v. City of Des Plaines, 606 N.E.2d 1154, 1159, 1164-65 (Ill. 1992)
- City of Columbia v. Omni Outdoor Advert., Inc., 499 U.S. 365, 382-83 (1991)
- Ohio v. Am. Express Co., 138 S. Ct. 2274, 2283-84 (2018)
- Deppe v. NCAA, 893 F.3d 498, 501 (7th Cir. 2018)
- NYNEX Corp. v. Discon, Inc., 525 U.S. 128, 135 (1998)
- Endsley v. City of Chicago, 230 F.3d 276, 282 (7th Cir. 2000)
- Toys 'R' Us, Inc. v. FTC, 221 F.3d 928, 937 (7th Cir. 2000)
- Isr. Travel Advisory Serv., Inc. v. Isr. Identity Tours, Inc., 61 F.3d 1250, 1252 (7th Cir. 1995)
- Mullis v. Arco Petroleum Corp., 502 F.2d 290, 296 (7th Cir. 1974)
- Bianchi v. McQueen, 818 F.3d 309, 323 n.7 (7th Cir. 2016)
- Koehler v. Packer Grp., Inc., 53 N.E.3d 218, 245 (Ill. App. Ct. 2016)

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