**CAPTION:** **CITY OF** **CINCINNATI V. FOURTH NATIONAL REALTY, LLC**

**03-29-23**

APPEAL NO.: C-220209

TRIAL NO.: A-1503539

KEY WORDS: CIVIL PROCEDURE – CONSTITUTIONAL LAW/CIVIL – FIRST AMENDMENT – FREE SPEECH – COMMERCIAL SPEECH – SIGN/ADVERTISING RESTRICTIONS – LEAST-RESTRICTIVE MEANS

SUMMARY:

The trial court did not abuse its discretion when it denied defendant’s motion for leave to amend and supplement its answer and counterclaims after the parties had filed competing motions for summary judgment and defendant could not justify its one-year delay in seeking leave.

Defendant’s free-speech rights were not violated by plaintiff city’s zoning code that restricted off-site signs in plaintiff’s downtown development district because the zoning-code restrictions targeted commercial speech, the restrictions directly advanced plaintiff’s substantial interests in aesthetics and safety, and the restrictions were no more extensive than necessary.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BOCK, J.; CROUSE, P.J., and WINKLER, J., CONCUR.