

Revealing Decision by Supreme Court

By Reg P. Wydeven
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During this economic downturn, I have written several articles about its impact on the legal world. One such article was about businesses that benefited from the recession, such as collection agencies, bars and the yoga industry. Adult-oriented businesses have seen a similar boon, but lately they haven't been getting much help.

First, I wrote an article a while back about a Pennsylvania woman who was arrested after she was discovered dancing at a strip club while collecting workers' compensation for an injury she suffered at her waitressing job. She was charged with two counts of workers' compensation fraud and one count of theft. Apparently, hers was one of the biggest busts in workers' compensation fraud history.

Earlier this month the robed justices of the United States Supreme Court made a decision that impacts the business of disrobing. The Court refused to hear an appeal made by a consortium of strip clubs seeking to overturn a tax on adult-oriented businesses.

In 2004, the state of Utah enacted the "Sexually Explicit Business and Escort Services" tax, which levies a ten percent tax on the adult industry. The tax covered everything associated with adult-oriented businesses, from admission fees to services and products, but also clothing and even food sold at the establishments. Revenues generated by the tax were used to support the rehabilitation of sex offenders.

The strip clubs challenged the constitutionality of the tax, claiming it was overly broad and difficult to bare. The tax was upheld by the Utah Supreme Court, claiming the tax did not violate the businesses' First Amendment rights. In turn, the strippers petitioned the Supreme Court to hear their plea.

Because the Supreme Court refused to hear the case, the tax will be upheld by default. Many other states have been closely monitoring this case and may implement similar taxes as a result.

To add injury to insult, one strip club is being sued, in addition to having to worry about potential new taxes. In 2008, Michael Ireland, a patron of the Cheetah Club in West Palm Beach, Florida, sued the establishment after a dancer's stiletto heel stabbed him in the eye.

In his deposition, Ireland testified that the dancer was walking across the stage when she apparently felt someone touch her. She spun around, causing her shoe to fly off. Its metal heel struck Ireland in the eye socket, shattering it and left him needing extensive surgery to repair it. Talk about an eye-catching outfit.

Ireland suffered from vision problems and pain after the injury. Accordingly, the Cheetah Club's insurance company agreed to settle the lawsuit with Ireland by purportedly paying him \$600,000.

In other related news, and to keep you abreast of current events, schools across the country have begun banning pink rubber wristbands designed to raise breast cancer awareness. School officials have implemented the bans, claiming the wristbands' message, "I ♥ boobies" is inappropriate.

The Keep A Breast Foundation, a California-based nonprofit organization, created and marketed the wristbands to raise breast cancer awareness among youth. The company has sold over 2 million of them so far, with the proceeds going toward breast cancer research and education programs. The charity's efforts have lately ramped up, as October is National Breast Cancer Awareness Month.

The American Civil Liberties Union has joined the fight, claiming students have a First Amendment Right to wear the wristbands. Hopefully this case doesn't end up in the Supreme Court, but the controversy at least raises awareness about a serious disease.

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