

The Supreme Court - April 29, 2022

by Ian Blodger

Yesterday, the Supreme Court of the United States issued two decisions:

Cummings v. Premier Rehab Keller PLLC, No. 21-869: This case concerns whether emotional distress damages are recoverable in a private action to enforce the Rehabilitation Act of 1973 or the Affordable Care Act. The plaintiff in this case claimed that a failure to provide an ASL interpreter constituted discrimination on the basis of disability in violation of the Rehabilitation Act of 1973 and the Affordable Care Act. The District Court determined that the only compensable injuries caused by the defendant were emotional in nature, held that damages for emotional harm are not recoverable under either statute, and dismissed the complaint. The Fifth Circuit affirmed. In a 6-3 decision authored by Chief Justice Roberts, the Court affirmed, holding that emotional distress damages are not recoverable in a private action to enforce either the Rehabilitation Act of 1973 or the Affordable Care Act. Justice Kavanaugh wrote a short concurrence, joined by Justice Gorsuch, explaining that “Congress, not this Court, should extend [] implied causes of action and expand available remedies.” Justice Breyer dissented, joined by Justices Sotomayor and Kagan.

View the Court's [decision](#).

Bradley LeDure v. Union Pacific Railroad Company, No. 20-807: This case concerns when a locomotive is “in use” and therefore subject to the Locomotive Inspection Act (LIA). The plaintiff, a railroad employee, slipped and fell on a locomotive while it was parked in a railyard. A three-judge Seventh Circuit panel (including then-Judge Amy Coney Barrett) held that the locomotive was not in “use” at the time of the plaintiff’s injury because it was stationary and would be serviced before continuing on its journey. The Supreme Court deadlocked 4-4 on whether to affirm or reverse that decision. Accordingly, the Court issued a per curiam opinion, noting the judgment of the Seventh Circuit is affirmed by an equally divided Court.

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