

The Supreme Court - December 13, 2021

by Ian Blodger

On Friday, December 10, the Supreme Court of the United States granted certiorari in the following cases:

Southwest Airlines Co. v. Latrice Saxon, No. 21-309: This case, involving the Federal Arbitration Act, presents the following question: Whether workers who load or unload goods from vehicles that travel in interstate commerce, but do not physically transport such goods themselves, are interstate “transportation workers” exempt from the Federal Arbitration Act.

ZF Automotive US, Inc. v. Luxshare, Ltd., No. 21-401; **AlixPartners, LLP v. The Fund for Protection of Investors' Rights in Foreign States**, No. 21-518: These consolidated cases present the following questions: (1) Whether 28 U.S.C. § 1782(a), which permits litigants to invoke the authority of United States courts to render assistance in gathering evidence for use in “a foreign or international tribunal,” encompasses private commercial arbitral tribunals. (2) Whether an ad hoc arbitration to resolve a commercial dispute between two parties is a “foreign or international tribunal” under 28 U.S.C. § 1782(a) where the arbitral panel does not exercise any governmental or quasi-governmental authority.

Narkis Aliza Golan v. Isacco Jacky Saada, No. 20-1034: This case, involving the Hague Convention on the Civil Aspects of International Child Abduction, presents the following question: Whether, upon finding that return to the country of habitual residence places a child at grave risk, a district court is required to consider ameliorative measures that would facilitate the return of the child notwithstanding the grave risk finding.

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