

The Supreme Court - January 21, 2020

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

Ford Motor Co. v. Montana Eighth District Court, No. 19-368; **Ford Motor Co. v. Bandemer**, No. 19-369: Whether the specific personal jurisdiction requirement that the plaintiff's claims "arise out of or relate to" the non-resident defendant's forum activities is met when none of the defendant's forum contacts caused the plaintiff's claims, such that the plaintiff's claims would be the same even if the defendant had no forum contacts.

Little Sisters of the Poor v. Pennsylvania, No. 19-431; **Trump v. Pennsylvania**, No. 19-454: These cases concerning the Patient Protection and Affordable Care Act's ("ACA") contraceptive-coverage mandate present the following questions: 1) Whether a litigant who is directly protected by an administrative rule and has been allowed to intervene to defend it lacks standing to appeal a decision invalidating the rule if the litigant is also protected by an injunction from a different court. 2) Whether the federal government lawfully exempted religious objectors from the regulatory requirement to provide health plans that include contraceptive coverage. 3) Whether the Departments of Health and Human Services, Labor, and the Treasury (collectively, "agencies") had statutory authority under the ACA and the Religious Freedom Restoration Act of 1993, 42 U.S.C. §2000bb *et seq.*, to expand the conscience exemption to the contraceptive-coverage mandate. 4) Whether the agencies' decision to forgo notice and opportunity for public comment before issuing the interim final rules in October 2017 expanding the exemption to the mandate, rendered the final rules—which were issued after notice and comment—invalid under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, 701 *et seq.* 5) Whether the court of appeals erred in affirming a nationwide preliminary injunction barring implementation of the final rules.

Chiafalo v. Washington, No. 19-465; **Colorado Department of State v. Baca**, No. 19-518: 1) Whether enforcement of a Washington State law that threatens a fine for presidential electors who vote contrary to how the law directs, RCW 29A.56.340 (2016),

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is unconstitutional because a) a State has no power to legally enforce how a presidential elector casts his or her ballot; and b) a State penalizing an elector for exercising his or her constitutional discretion to vote violates the First Amendment. 2) Whether a presidential elector who is prevented by their appointing State from casting an Electoral College ballot that violates state law lacks standing to sue their appointing State because they hold no constitutionally protected right to exercise discretion. 3) Does Article II or the Twelfth Amendment forbid a State from requiring its presidential electors to follow the State's popular vote when casting their Electoral College ballots?