

## The Supreme Court - July 2, 2020

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Today, the Supreme Court of the United States granted certiorari in the following cases:

**Nestlé USA, Inc. v. Doe I**, No. 19-416; **Cargill, Inc. v. Doe I**, No. 19-453: 1) Whether an aiding and abetting claim against a domestic corporation brought under the Alien Tort Statute, 28 U.S.C. §1350, may overcome the extraterritoriality bar where the claim is based on allegations of general corporate activity in the United States and where plaintiffs cannot trace the alleged harms, which occurred abroad at the hands of unidentified foreign actors, to that activity. 2) Whether the presumption against extraterritorial application of the Alien Tort Statute is displaced by allegations that a U.S. company generally conducted oversight of its foreign operations at its headquarters and made operational and financial decisions there, even though the conduct alleged to violate international law occurred in—and the plaintiffs’ suffered their injuries in—a foreign country. 3) Whether the Judiciary has the authority under the Alien Tort Statute to impose liability on domestic corporations, particularly in a private action.

**Hungary v. Simon**, No. 18-1447: May the district court abstain from exercising jurisdiction under the Foreign Sovereign Immunities Act for reasons of international comity, where former Hungarian nationals have sued the nation of Hungary to recover the value of property lost in Hungary during World War II, and where the plaintiffs made no attempt to exhaust local Hungarian remedies?

**Germany v. Philipp**, No. 19-351: 1) Whether the “expropriation exception” of the Foreign Sovereign Immunities Act, 28 U.S.C. §1605(a)(3), which abrogates foreign sovereign immunity when “rights in property taken in violation of international law are in issue,” provides jurisdiction over claims that a foreign sovereign has violated international human-rights law when taking property from its own national within its own borders, even though such claims do not implicate the established international law governing states’ responsibility for takings of property. 2) Whether the doctrine of international comity is unavailable in cases against foreign sovereigns, even in cases of considerable historical and political significance to the foreign sovereign, and even where the foreign nation has

### Related Capabilities

- Appellate
- International Arbitration & Litigation

a domestic framework for addressing the claims.

**Dept. of Justice v. House Comm. on Judiciary**, No. 19-1328: Whether an impeachment trial before a legislative body is a “judicial proceeding” under Rule 6(e)(3)(E)(i) of the Federal Rules of Criminal Procedure.