

The Supreme Court - July 2, 2021

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

Hughes v. Northwestern University, No. 19-1401: Whether allegations that a defined-contribution retirement plan paid or charged its participants fees that substantially exceeded fees for alternative available investment products or services are sufficient to state a claim against plan fiduciaries for breach of the duty of prudence under ERISA, 29 U.S.C. §1104(a)(1)(B).

American Hospital Assn v. Becerra, No. 20-1114: 1) Whether Chevron deference permits Health and Human Services to set Medicare reimbursement rates for specified covered outpatient drugs based on acquisition cost and vary such rates by hospital group if it has not collected adequate hospital acquisition cost survey data. 2) Whether petitioners' suit challenging HHS's adjustments is precluded by 42 U.S.C. §1395l(t)(12).

Gallardo v. Marstiller, No. 20-1263: Whether the federal Medicaid Act provides for a state Medicaid program to recover reimbursement for Medicaid's payment of a beneficiary's past medical expenses by taking funds from the portion of the beneficiary's tort recovery that compensates for future medical expenses.

Becerra v. Empire Health Foundation, No. 20-1312: Whether the Secretary of Health and Human Services has permissibly included in a hospital's Medicare fraction all of the hospital's patient days of individuals who satisfy the requirements to be entitled to Medicare Part A benefits, regardless of whether Medicare paid the hospital for those particular days.

CVS Pharmacy, Inc. v. Doe, No. 20-1374: 1) Whether section 504 of the Rehabilitation Act, and by extension the Patient Protection and Affordable Care Act ("ACA"), provides a disparate-impact cause of action for plaintiffs alleging disability discrimination. 2) If section 504 and the ACA create disparate-impact claims, whether such claims extend to the facially neutral terms and conditions of health insurance plans.

Related Capabilities

- Appellate
- ERISA Litigation
- Healthcare & Life Sciences
- Healthcare Litigation
- Healthcare Transactions & Regulations
- Securities & Financial Services Litigation & Enforcement

Cummings v. Premier Rehab Keller, P.L.L.C., No. 20-219: Whether the compensatory damages available under Title VI and the statutes that incorporate its remedies include compensation for emotional distress.

Pivotal Software, Inc. v. Superior Court of California, No. 20-1541: Whether the Private Securities Litigation Reform Act's discovery-stay provision applies to a private action under the Securities Act in state or federal court, or solely to a private action in federal court.

Carson v. Makin, 20-1088: Does a state violate the Religion Clauses or Equal Protection Clause of the United States Constitution by prohibiting students participating in an otherwise generally available student-aid program from choosing to use their aid to attend schools that provide religious, or "sectarian," instruction?

United States v. Taylor, No. 20-1459: Whether 18 U.S.C. 924(c)(3)(A)'s definition of "crime of violence" excludes attempted Hobbs Act robbery, in violation of 18 U.S.C. 1951(a).