

The Supreme Court - June 14, 2018

The Supreme Court of the United States issued two decisions today:

Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co., No. 16-1220: Petitioner Animal Science Products and other U.S.-based purchasers of Vitamin C brought a class-action against Chinese corporations that manufacture and export Vitamin C, alleging price and quantity fixing in violation of the Sherman Act. The Chinese sellers moved to dismiss under the act of state doctrine, the foreign sovereign compulsion doctrine, and international comity, arguing that Chinese law required them to fix the price and quantity of Vitamin C. The Ministry of Commerce of the People's Republic of China also filed an amicus brief supporting the Chinese sellers' position. The District Court rejected the Chinese sellers' argument, recognizing that the Ministry's brief was "entitled to substantial deference," but determining that Chinese law did not require the sellers' conduct. After a jury verdict for the plaintiffs, the Chinese sellers appealed to the Second Circuit, which reversed on the basis of the higher level of deference it accorded to the Ministry. Today, the Court vacated and remanded, holding that a federal court should accord respectful consideration to a foreign government's submission, but as reflected by Federal Rule of Civil Procedure 44.1, is not bound to accord conclusive effect to the foreign government's statements.

The Court's decision is available [here](#).

Minnesota Voters Alliance v. Mansky, No. 16-1435: Minnesota law provides that a "political badge, political button, or other political insignia may not be worn at or about the polling place." Minn. Stat. §211B.11(1). "Political" is not defined in the statute, and in the 2010 Election, county officials distributed an "Election Day Policy" to election judges as to what fell within the apparel ban. On election day, certain individuals were asked by election judges to conceal their "Please I. D. Me" buttons and Tea Party-related T-shirts. This led to the apparel ban being challenged on First Amendment grounds, and the District Court and Eighth Circuit both found the law to be constitutional on its face and as

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applied. The facial claim was petitioned to this Court, which today reversed, holding that under the standard applicable to nonpublic forums, Minnesota was pursuing a permissible objective in prohibiting voters from wearing particular kinds of expressive apparel while inside the polling place, but drew an unreasonable line due to its failure to articulate some sensible basis for distinguishing what may come in from what must stay out.

The Court's decision is available [here](#).