

The Supreme Court – June 22, 2022

by Ian Blodger

Yesterday, the Supreme Court of the United States issued five decisions:

Marietta Memorial Hospital Employee Health Benefit Plan v. DaVita Inc., No. 20-1641: This case concerns the interpretation of the Medicare Secondary Payer Act's (MSPA) anti-discrimination provisions regarding individuals with end-stage renal disease. The MSPA provides, among other things, that a group health plan "may not differentiate in the benefits it provides between individuals having end stage renal disease and other individuals covered by such plan." The question in this case is whether a group health plan that provides limited benefits for outpatient dialysis—but does so uniformly for all plan participants—violates the MSPA. The Sixth Circuit held that the MSPA authorizes disparate-impact liability and the plan's limited payments for dialysis treatment had a disparate impact on individuals with end-stage renal disease. In a 7-2 opinion authored by Justice Kavanaugh, the Supreme Court reversed, holding that the MSPA does not authorize disparate-impact liability and the plan's coverage terms for dialysis do not violate the MSPA because they apply uniformly to all plan participants. Justice Kagan filed an opinion dissenting in part, in which Justice Sotomayor joined.

View the Court's [decision](#).

Carson v. Makin, No. 20-1088: The State of Maine has a tuition assistance program that helps defray the cost of tuition for secondary schools in rural areas, where the school district lacks a public secondary school. The program, however, limited payments to those schools that are "nonsectarian." Petitioners challenged the "nonsectarian" requirement, arguing it was a violation of the Free Exercise Clause and the Establishment Clause of the First Amendment. The District Court rejected the challenge, and the First Circuit affirmed. In a 6-3 decision authored by Chief Justice Roberts, the Supreme Court held that Maine's "nonsectarian" requirement for otherwise generally

Related People

- Ian Blodger

Related Capabilities

- Appellate
- Healthcare Litigation
- Commercial Litigation
- Government Enforcement & Corporate Investigations
- Banking & Financial Institutions

available tuition assistance payments violates the Free Exercise Clause. The Supreme Court reasoned that the effect of the Maine “nonsectarian” provision was to disqualify some private schools from funding solely because they are religious. Justice Breyer dissented, joined by Justices Kagan and Sotomayor, arguing that the Court’s decision requires a State to fund religious education, which was a departure from earlier decisions.

View the Court's [decision](#).

United States v. Washington, No. 21-404: This case involves the federal government’s challenge to a Washington state worker’s compensation law governing federal contract workers at the “Hanford Site,” which was once used to develop nuclear weapons. The law makes it easier for federal contract workers at Hanford to establish entitlement to workers’ compensation. The United States challenged the law, arguing that it violates the Supremacy Clause by discriminating against the federal government. The District Court upheld the law, and the Ninth Circuit affirmed. In a unanimous decision authored by Justice Breyer, the Supreme Court reversed. After first concluding that the case had not been mooted, the Court held that Washington’s workers’ compensation law is unconstitutional under the Supremacy Clause because it facially discriminates against the federal government and does not fall within the scope of the federal waiver of immunity in 40 U.S.C. §3172.

View the Court's [decision](#).

Schoop v. Twyford, No. 21-511: In this case, Raymond Twyford brought a habeas petition, challenging his conviction for aggravated assault, arguing that his counsel’s failure to introduce evidence of a head injury he received years earlier constituted ineffective assistance of counsel. As part of his habeas petition, Twyford sought an order compelling the prison to transport him to a hospital for medical testing that may have supported his claims for post-conviction relief. The District Court granted Twyford’s motion, determining that the order was appropriate under the All Writs Act, which authorizes federal courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. §1651(a). The District Court rejected the State’s argument that the evidence Twyford hoped to obtain would not be useful to his habeas case. The Court of Appeals affirmed. In a 5-4 decision authored by Chief Justice Roberts, the Court held that a transportation order that allows a prisoner to search for new evidence is not “necessary or appropriate in aid of” a federal court’s adjudication of a habeas corpus action when the prisoner has not shown that the desired evidence would be admissible in connection with a particular

claim for relief.

View the Court's [decision](#).

United States v. Taylor, No. 20-1459: This criminal case involves whether attempted robbery under the Hobbs Act qualifies as a “crime of violence” for purposes of a federal criminal statute, 18 U.S.C. §924(c). The answer is consequential because, if the offense qualifies as a “crime of violence,” the offender may face a second felony conviction and years or decades of additional imprisonment. The Fourth Circuit held that attempted Hobbs Act robbery does not qualify as a crime of violence under §924(c). In a 7-2 opinion authored by Justice Gorsuch, the Supreme Court affirmed, agreeing that attempted Hobbs Act robbery does not qualify as a crime of violence under §924(c)(3)(A). Justices Thomas and Alito filed separate dissenting opinions.

View the Court's [decision](#).

In addition to those five decisions, the U.S. Supreme Court also granted certiorari in two cases:

United States, ex. rel. Polansky v. Executive Health, No. 21-1052: This case concerns the scope of the government’s authority to dismiss a claim brought under the False Claims Act (FCA), 31 U.S.C. §§3729-3733. The question presented is: whether the government has authority to dismiss an FCA suit after initially declining to proceed with the action, and what standard applies if the government has that authority.

Bittner v. United States, No. 21-1195: This case involves the interpretation of the Treasury Secretary’s FBAR regulation, which requires the filing of a single annual report for anyone with an aggregate balance over \$10,000 in foreign accounts. 31 C.F.R. 1010.350(a), 1010.306(c). The question presented is whether a violation under the Act is the failure to file an annual FBAR (no matter the number of foreign accounts), or whether there is a separate violation for each individual account that was not properly reported.