

The Supreme Court - June 28, 2018

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

Obduskey v. McCarthy & Holthus LLP, No. 17-1307: Whether the Fair Debt Collection Practices Act applies to non-judicial foreclosure proceedings.

Fourth Estate Public Benefit Corp. v. Wall-Street.com, No. 17-571: Whether “registration of [a] copyright claim has been made” within the meaning of 17 U.S.C. § 411(a) when the copyright holder delivers the required application, deposit, and fee to the Copyright Office, as the Fifth and Ninth Circuits have held, or only once the Copyright Office acts on that application, as the Tenth and Eleventh Circuits have held.

Merck Sharp & Dohme Corp. v. Albrecht, No. 17-290: Whether a state-law failure-to-warn claim is preempted when the FDA rejected the drug manufacturer’s proposal to warn about the risk after being provided with the relevant scientific data; or whether such a case must go to a jury for conjecture as to why the FDA rejected the proposed warning.

Herrera v. Wyoming, No. 17-532: Whether Wyoming’s admission to the Union or the establishment of the Bighorn National Forest abrogated the Crow Tribe of Indians’ 1868 federal treaty right to hunt on the “unoccupied lands of the United States,” thereby permitting the present-day criminal conviction of a Crow member who engaged in subsistence hunting for his family.

Gamble v. United States, No. 17-646: Whether the Court should overrule the “separate sovereigns” exception to the Double Jeopardy Clause.

Nieves v. Bartlett, No. 17-1174: Whether probable cause defeats a First Amendment retaliatory-arrest claim under 42 U.S.C. § 1983.

Franchise Tax Board of California v. Hyatt, No. 17-1299: Whether *Nevada v. Hall*, 440 U.S. 410 (1979), which permits a sovereign State to be haled into another State’s courts without its consent, should be overruled.

Related Capabilities

- Appellate
- Bankruptcy & Financial Restructuring
- Healthcare Litigation
- Indian & Alaska Native
- Trademark, Copyright + Advertising

