The Supreme Court - March 20, 2018

The Supreme Court of the United States issued one decision today:

Cyan, Inc. v. Beaver County Employees Retirement Fund, No. 15-1439: Respondents are three pension funds and an individual who purchased shares of Cyan, Inc. in an initial public offering. The respondent investors brought a class action against Cyan in California Superior Court after the stock declined in value. The complaint did not allege any state law claims. Instead, it alleged that Cyan's offering documents violated the Securities Act of 1933 ("1933 Act") because they contained material misstatements. Cyan moved to dismiss for lack of subject matter jurisdiction, arguing that the Securities Litigation Uniform Standards Act of 1998 ("SLUSA"), under its "except clause" amendment to §77v(a)'s concurrent jurisdiction grant, stripped state courts of the power to adjudicate 1933 Act claims in covered class actions. The trial court denied the motion, and the state appellate courts declined to review the ruling. Today, the Court affirmed, holding that SLUSA did nothing to strip state courts of their longstanding jurisdiction to adjudicate class actions alleging only 1933 Act violations, and neither did SLUSA authorize removing such suits from state to federal court.

The Court's decision is available here.

Yesterday, the Supreme Court granted certiorari in the following case:

Nielsen v. Preap, No. 16-1363: Whether a criminal alien becomes exempt from mandatory detention under 8 U.S.C. §1226(c) if, after the alien is released from criminal custody, the Department of Homeland Security does not take him into immigration custody immediately.

Related Capabilities

- Appellate
- Securities & Financial Services Litigation & Enforcement