

The Supreme Court Update - December 13, 2022

by Ian Blodger

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

Slack Technologies, LLC v. Pirani, No. 22-200: This case presents an issue of federal securities law. After the messaging software company, Slack, went public in 2019 via a “direct listing,” a purchaser of the public stock brought a putative securities class action against Slack, alleging misstatements and omissions in connection with the “direct listing.” The question presented is: Whether Sections 11 and 12(a)(2) of the Securities Act of 1933 require plaintiffs to plead and prove that they bought shares registered under the registration statement they claim is misleading.

Smith v. United States, No. 21-1576: This criminal case involves the right to be tried in a proper venue. The question presented is: Whether the proper remedy for the government’s failure to prove venue is an acquittal barring re-prosecution of the offense, as the U.S. Courts of Appeals for the 5th and 8th Circuits have held, or whether instead the government may re-try the defendant for the same offense in a different venue, as the U.S. Courts of Appeals for the 6th, 9th, 10th and 11th Circuits have held.

Samia v. United States, No. 22-196: This criminal case involves interpretation of the Sixth Amendment’s Confrontation Clause. The question presented is: Whether admitting a codefendant’s redacted out-of-court confession that immediately inculcates a defendant based on the surrounding context violates the defendant’s rights under the Confrontation Clause of the Sixth Amendment.

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