

The Supreme Court Update - June 30, 2025

by Ian Blodger, Jessica M. Leano, and Brock Huebner

On June 30, 2025, the Supreme Court of the United States Granted Certiorari to Seven Cases:

M & K Employee Solutions, LLC v. Trustees of the IAM National Pension Fund, No. 23-1209:

This case interprets a provision of the Employee Retirement Income Security Act of 1974 ("ERISA") that requires employers exiting an underfunded multiemployer pension plan to make a withdrawal penalty covering its share of the plan's underfunding. The question presented is: Whether the 29 U.S.C. § 1391's instruction to compute withdrawal liability "as of the end of the plan year" requires a multiemployer pension plan to base the computation on the actuarial assumptions to which its actuary subscribed at the end of the year, or allows the plan to use different actuarial assumptions that were adopted after the end of the year.

Cox Communications, Inc. v. Sony Music Entertainment, No. 24-171: This case addresses potential copyright infringement liability for internet service providers. The questions presented are: (1) Whether the U.S. Court of Appeals for the Fourth Circuit erred in holding that a service provider can be held liable for "materially contributing" to copyright infringement merely because it knew that people were using certain accounts to infringe and did not terminate access, without proof that the service provider affirmatively fostered infringement or otherwise intended to promote it; and (2) whether the Fourth Circuit erred in holding that mere knowledge of another's direct infringement suffices to find willfulness under 17 U.S.C. § 504(c).

FS Credit Opportunities Corp. v. Saba Capital Master Fund, Ltd., No. 24-345: This case concerns the interpretation of the Investment Company Act ("ICA"). The question presented is: Whether Section 47(b) of the ICA, 15 U.S.C. § 80a-46(b), creates an implied private right of action.

Urias-Orellana v. Bondi, No. 24-777: This immigration case addresses the standard of review applied by a federal court of appeals when analyzing a Board of Immigration Appeals' judgment. The question presented is: Whether a federal court of appeals must

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- Ian Blodger
- Jessica M. Leano
- Brock Huebner

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defer to the Board of Immigration Appeals' judgment that a given set of undisputed facts does not demonstrate mistreatment severe enough to constitute "persecution" under 8 U.S.C. § 1101(a)(42).

Enbridge Energy, LP v. Nessel, No. 24-783: This case involves the Michigan Attorney General's state-court lawsuit to shut down Enbridge Energy, LP's cross-border energy pipeline that transports gas between the U.S. and Canada for environmental concerns. Enbridge sought to remove the case to federal court more than two years after it was filed in state court. The question presented is: Whether district courts have the authority to excuse the 30-day procedural time limit for removal in 28 U.S.C. § 1446(b)(1).

Isabel Rico v. United States, No. 24-2662: This case concerns the "fugitive tolling" doctrine, which provides that criminal defendants should not receive credit toward prison sentences for the time that they are not behind bars. A majority of the U.S. Courts of Appeals have held that the doctrine pauses the clock on supervised release when a defendant absconds, while two have held that the doctrine should not apply when the defendant is on supervised release. The question presented is: Whether the fugitive-tolling doctrine applies in the context of supervised release.

National Republican Senatorial Committee v. Federal Election Commission: This case involves Congress's restrictions on how much a political party can spend on campaign advertising when done in cooperation with the party's own candidates. The question presented is: Whether the limits on coordinated party expenditures in 52 U.S.C. § 30116 violate the First Amendment, either on their face or as applied to party spending in connection with "party coordinated communications" as defined in 11 C.F.R. § 109.37.