

The Supreme Court Update - November 25, 2024

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

On Friday, November 22, 2024, the Supreme Court of the United States dismissed one case and granted certiorari in two cases:

Facebook, Inc. v. Amalgamated Bank, No. 23-980: In June, the Court granted certiorari in this case to address the question of whether risk disclosures in federal securities filings are false or misleading when they do not disclose that a risk has materialized in the past, even if that past event presents no known risk of ongoing or future business harm. In a one sentence unsigned opinion, the Court dismissed as improvidently granted.

Federal Communications Commission v. Consumers' Research; Schools, Health & Libraries Broadband Coalition v. Consumers' Research, Nos. 24-354, 24-422: These consolidated cases address the constitutionality of the Federal Communications Commission's ("FCC") Universal Service Fund, which relies on fees from telecom companies to subsidize low-income and rural phone and internet services. The questions presented are: (1) Whether Congress violated the nondelegation doctrine by authorizing the FCC to determine, within the limits set forth in 47 U.S.C. § 254, the amount that providers must contribute to the Universal Service Fund; (2) whether the FCC violated the nondelegation doctrine by using the financial projections of the private company appointed as the fund's administrator in computing universal service contribution rates; and (3) whether the combination of Congress's conferral of authority on the FCC and the FCC's delegation of administrative responsibilities to the administrator violates the nondelegation doctrine. In granting certiorari, the Court also asked the parties to address whether these cases are moot in light of the challengers' failure to seek preliminary relief before the Fifth Circuit.

Related People

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Related Capabilities

- Appellate