

The Supreme Court Update - October 3, 2025

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

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

Exxon Mobil Corp. v. Corporación Cimex, S.A., No. 24-699: This case concerns the Cuban Liberty and Democratic Solidarity Act of 1996 ("LIBERTAD Act"), which is also referred to as the Helms-Burton Act. The LIBERTAD Act allows Americans who had property seized by the Cuban government to seek damages from entities that used the seized property. This case seeks to clarify federal court jurisdiction over LIBERTAD Act cases. The question presented is: Whether the LIBERTAD Act abrogates foreign sovereign immunity in cases against Cuban instrumentalities, or whether parties proceeding under that act must also satisfy an exception under the Foreign Sovereign Immunities Act.

Havana Docks Corporation v. Royal Caribbean Cruises, Ltd., No. 24-983: This case addresses a separate issue presented by the LIBERTAD Act. The question presented is: Whether a plaintiff under Title III of the LIBERTAD Act must prove that the defendant trafficked in property confiscated by the Cuban government as to which the plaintiff owns a claim, or instead that the defendant trafficked in property that the plaintiff would have continued to own at the time of trafficking in a counterfactual world "as if there had been no expropriation."

Wolford v. Lopez, No. 24-1046: This case involves a Hawaii law that bars carrying guns on private property without the property owner's permission. The question presented is: Whether the Ninth Circuit erred in holding, in direct conflict with the Second Circuit, that Hawaii may presumptively prohibit the carry of handguns by licensed concealed carry permit holders on private property open to the public unless the property owner affirmatively gives express permission to the handgun carrier.

Montgomery v. Caribe Transport II, LLC, No. 24-1238: This case addresses a circuit split related to 49 U.S.C. § 14501(c)(1)-(2)(A), a federal law that expressly preempts state laws "related to a price, route, or service of any motor carrier ... or any motor

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private carrier, broker, or freight forwarder with respect to the transportation of property,” but has an exception for a state’s safety regulatory authority with respect to motor vehicles. The question presented is: Whether § 14501(c) preempts a state common-law claim against a broker for negligently selecting a motor carrier or driver.

Pung v. Isabella County, Michigan, No. 25-95: This case concerns the method for calculating property owners’ rights to surplus proceeds beyond the amount owed in taxes and fees, when their property is foreclosed and sold by the government. The questions presented are: (1) Whether taking and selling a home to satisfy a debt to the government, and keeping the surplus value as a windfall, violates the Takings Clause of the Fifth Amendment when the compensation is based on the artificially depressed auction sale price rather than the property’s fair market value; and (2) whether the forfeiture of real property worth far more than needed to satisfy a tax debt but sold for a fraction of its real value constitutes an excessive fine under the Eighth Amendment, particularly when the debt was never actually owed.