

The Supreme Court Update - October 4, 2024

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

Today, the Supreme Court of the United States granted certiorari in 15 cases:

Waetzig v. Halliburton Energy Solutions, No. 23-971: This case concerns the intersection between Federal Rule of Civil Procedure 41, which allows a party to voluntarily dismiss a claim, and Federal Rule of Civil Procedure 60(b), which allows courts to “relieve a party from a final judgment, order, or proceeding.” The question presented is: Whether a Rule 41 voluntary dismissal without prejudice is a “final judgment, order, or proceeding” under Rule 60(b).

Cunningham, et al. v. Cornell University, et al., No. 23-1007: This case addresses the standard for pleading a prohibited-transaction claim under ERISA. The question presented is: Whether a plaintiff can state a claim by alleging that a plan fiduciary engaged in a transaction constituting a furnishing of goods, services, or facilities between the plan and a party in interest, as proscribed by 29 U.S.C. § 1106(a)(1)(C), or whether a plaintiff must plead and prove additional elements and facts not contained in the provision’s text.

Ames v. Ohio Dept. of Youth Services, No. 23-1039: This case involves the pleading requirements of a Title VII employment discrimination claim. The question presented is: Whether, in addition to pleading the other elements of Title VII, a majority-group plaintiff must show “background circumstances to support the suspicion that the defendant is that unusual employer who discriminates against the majority.”

Thompson v. United States, No. 23-1095: This case addresses the scope of federal criminal fraud statute, 18 U.S.C. § 1014. The question presented is: Whether 18 U.S.C. § 1014, which prohibits making a “false statement” for the purpose of influencing certain financial institutions and federal agencies, also prohibits making a statement that is misleading but not false.

Smith & Wesson Brands v. Estados Unidos Mexicanos, No. 23-1141: This case interprets the federal Protection of Lawful Commerce in Arms Act, which generally

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prohibits lawsuits against firearms companies stemming from the actions of individuals using their products. The question presented is: Whether a lawsuit by the Mexican government against U.S. gun manufacturers, arguing that they had aided and abetted the illegal sales of guns to traffickers for cartels in Mexico, should go forward.

FDA v. R.J. Reynolds Vapor Co., No. 23-1187: This case addresses “forum shopping” concerns in a case involving an e-cigarette company challenging FDA regulations by filing suit in the Fifth Circuit Court of Appeals, rather than the Fourth Circuit, which is the North Carolina-based company’s home forum. The question presented is: Whether a manufacturer can file a petition for review in a circuit where it does not reside or have its primary place of business as long as it is joined by a seller of its products located within that circuit.

CC/Devas Ltd. V. Antrix Corp.; Devas Multimedia Private Ltd. v. Antrix Corp., Nos. 23-1201, 24-17: These consolidated cases interpret the Foreign Sovereign Immunities Act (FSIA), which establishes the procedures and criteria for suing foreign sovereign states or entities in United States courts. The question presented is: Whether plaintiffs must prove minimum contacts before federal courts can assert personal jurisdiction over foreign states sued under the Foreign Sovereign Immunities Act.

McLaughlin Chiropractic Associates v. McKesson Corp., No. 23-1226: This case addresses when federal courts are required to follow a federal agency’s legal interpretation under the Hobbs Administrative Orders Review Act (Hobbs Act). In this case, the Federal Communications Commission (FCC) issued a 2019 decision holding that online faxes are not governed by the Telephone Consumer Protection Act (TCPA) in the same manner as physical faxes are. The question presented is: Whether in this case the Hobbs Act required the district court to accept the FCC’s legal interpretation of the TCPA.

Barnes v. Felix, No. 23-1239: This case interprets the Fourth Amendment’s protections against the use of “unreasonable” force, and the evidence courts can consider in deciding whether a police officer’s use of force was reasonable. The question presented is: Whether courts should apply the “moment of the threat” doctrine, which looks only at the narrow window in which a police officer’s safety was threatened to determine whether his actions were reasonable, in evaluating claims that police officers used excessive force.

BLOM Bank SAL v. Honickman, No. 23-1259: This case considers the relationship between Federal Rule of Civil Procedure 15(a), which governs the ability to amend a complaint, and Federal Rule of Civil Procedure 60(b)(6), which allows a party to seek relief from a final judgment, order, or proceeding. The question presented is: Whether the stringent standard of Rule 60(b)(6), requiring the showing of extraordinary circumstances to justify the reopening of a final judgment, applies to a post-judgment request to vacate a judgment so that an amended complaint can be filed.

Nuclear Regulatory Commission v. Texas; Interim Storage Partners v. Texas, Nos. 23-1300, 23-1312: These consolidated cases concern federal agency powers to license

a Texas temporary nuclear waste storage site. The questions presented are: (1) Whether the Hobbs Act, which authorizes a “party aggrieved” by an agency’s “final order” to petition for review in a court of appeals, allows nonparties to obtain review of claims asserting that an agency order exceeds the agency’s statutory authority; and (2) whether the Atomic Energy Act of 1954 and the Nuclear Waste Policy Act of 1982 permit the Nuclear Regulatory Commission to license private entities to temporarily store spent nuclear fuel away from the nuclear-reactor sites where the spent fuel was generated.

Perttu v. Richards, No. 23-1324: This case addresses the Seventh Amendment’s jury trial rights under the Prison Litigation Reform Act. The question presented is: Whether, in cases subject to the PLRA, prisoners have a right to a jury trial concerning the exhaustion of their administrative remedies when disputed facts regarding exhaustion are intertwined with the underlying merits of their claim.

Gutierrez v. Saenz, No. 23-7809: This case considers whether a capital defendant has standing to challenge a Texas law that governs postconviction DNA testing. The question presented is: Whether Article III standing requires a particularized determination of whether a specific state official will redress the plaintiff’s injury by following a favorable declaratory judgment.