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U.S. 1ST CIRCUIT COURT OF APPEALS

Constitutional Law, Government Law, Property Law & Real Estate

### **Watchtower Bible and Tract Society of New York, Inc. v. Somoza Colombani, No. 13-1605**

In these consolidated cases, two corporations operated by the governing body of the Jehova's Witnesses brought suit against defendants because they could not access certain gated residential communities in Puerto Rico for door-to-door ministry due to the Controlled Access Law (CAL) which allows municipalities to authorize neighborhood associations to erect gates enclosing public streets. An injunction instituting a remedial scheme requiring that all CAL gates be manned so that they can be opened for door-to-door access upon request (and allowing unmanned gates given specific justification) is affirmed in major part, modified in some aspects, and remanded for further proceedings, where: 1) the current remedial scheme is not immutable, and endorsement rests on the understanding that the district court will undertake periodic reviews of the scheme's operation; and 2) the district court is in the best position to ensure that the remedial scheme remains both equitable and effective in practice and, if not, to tweak it.

Debt Collection, Property Law & Real Estate, Bankruptcy Law

### **Castagnaro v. Bank of New York Mellon, No. 14-1195**

In this case, the issue of whether New Hampshire law requires a foreclosing entity to hold both mortgage and note before it can exercise a power of sale under N.H. Rev. Stat. Ann. section 479:25 has splintered into two distinct questions: whether either the common law or state statute mandates the unity of the two, and if so, whether parties can override the baseline rule by agreement. The questions are certified to the New Hampshire Supreme Court, where controlling state precedent does not provide definitive guidance on how to resolve these queries, and since consequential federalism interests are implicated.