

First Circuit Opinion Summaries by Findlaw

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

Most Recent Summaries

FINDLAW DAILY OPINION SUMMARIES U.S. 1ST CIRCUIT COURT OF APPEALS

Civil Rights, Constitutional Law

Thayer v. City of Worcester, 13-2355

The district court's denial of a preliminary injunction against enforcing two city ordinances prohibiting coercive or risky behavior by panhandlers, other solicitors, and demonstrators seeking the attention of motor vehicle drivers, is affirmed, where: 1) the district court was correct in finding that the restrictions were not based on the content of the speech within the terms of First Amendment doctrine so the ordinances are therefore subject to scrutiny as content-neutral time, place, and manner regulations; 2) plaintiffs have failed to make the prima facie showing necessary to trigger the government's burden of proving that the ordinances survive intermediate scrutiny; 3) plaintiffs have provided no evidence suggesting a discriminatory pattern in defendant-city's enforcement of either ordinance; and 4) plaintiffs' due process claims fail.

Administrative Law, Civil Procedure, Injury & Tort Law, Insurance Law

Universal Insurance Company v. Office of the Insurance Commissioner, 12-2455

Dismissal of plaintiff's action requesting declaratory relief regarding its insurance coverage obligations is affirmed, where the district court properly determined that: 1) the issues raised in the federal court action had been previously litigated in an administrative action before defendant Office of the Insurance Commissioner (OIC); and thus, 2) the action was barred on res judicata grounds.

Civil Procedure, Class Actions, Consumer Protection Law, Injury & Tort Law, Insurance Law

CE Design, Ltd. v. American Economy Insurance Co., 13-1080

In an appeal from the dismissal of an action for declaratory judgment on defendant-insurer's duty to defend its insured in an underlying action alleging violations of the Telephone Consumer Protection Act (TCPA), the Illinois Consumer Fraud and Deceptive Business Practices Act, and common law conversion, the matter is remanded with instruction to dismiss for lack of federal jurisdiction, where plaintiff's claim in this action does not meet the \$75,000 amount in-controversy requirement for diversity jurisdiction.

Administrative Law, Civil Rights, Constitutional Law, Government Law, Labor & Employment Law

Reyes-Perez v. State Insurance Fund Corp., 13-1375

Summary judgment in favor of defendants in plaintiff's action alleging that his public career position with Puerto Rico's State Insurance Fund Corporation (SIFC) was improperly annulled following a change in administration, is affirmed, where: 1) assuming plaintiff has made a prima facie case, defendants were entitled to summary judgment on the basis of the "Mt. Healthy defense," which requires proving by a preponderance of the evidence that the governmental agency would have taken the same action against the employee even in the absence of the protected conduct; and 2) plaintiff has failed to produce any evidence that undermines defendants' proffered nondiscriminatory reasons for his reclassification and later termination.

Civil Procedure, Commercial Law, Injury & Tort Law

Cascade Yarns, Inc. v. Cashmere and Camel Hair Manufacturers Institute, 13-2302

In an action in which plaintiff alleged that defendant made false representations about the cashmere content of its yarns, the district court properly denied plaintiff's motion to enforce a subpoena served on Cashmere and Camel Hair Manufactures Institute (CCMI), a nonprofit corporation that offers confidential tests of the fiber content of cashmere samples to its members, as well as retailers and suppliers of cashmere and camel hair goods, where: 1) the discovery order was plainly not based on an incorrect legal standard or a misapplication of the law; and 2) the district court's factual findings, including that CCMI was a disinterested party to the Washington action, are also supported by the record.