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Government Contracts, Government Law, Attorney's Fees, ERISA

Merit Construction Alliance v. City of Quincy, No. 13-2189

In a challenge to defendant-city's ordinance that requires bidders on municipal public works projects to engage in a bona fide apprentice training program registered with the Massachusetts Department of Labor Standards, summary judgment in favor of plaintiffs and award of attorney fees is: 1) affirmed in part, where the district court properly concluded that the apprentice training requirement was preempted by the Employee Retirement Income Security Act of 1974 (ERISA); but 2) reversed in part and remanded, where the attorney fees were not authorized under ERISA, and the district court must consider, in the first instance, whether any fees beyond the \$20,725 conceded by the City are awardable under 42 U.S.C. section 1988(b) and, if so, in what amount.

Criminal Law & Procedure

US v. Rodriguez, No. 13-1805

Defendant's convictions and sentence for distributing cocaine base are affirmed, where: 1) the district court did not abuse its discretion by having the alternates present in the courtroom with the jury; 2) the district court did not err by placing the alternates in the jury box during the audio playback; 3) defendant cannot establish prejudice resulting from the district court's decision to have the jury confer in the courtroom as to which portions of the video it wanted to replay; 4) the district court did not err by failing to instruct the jury that it could not draw a negative inference from the fact that law-enforcement officers possessed photographic images of defendant; and 5) defendant's sentence as a career criminal does not violate the Sixth Amendment prohibition against judicial fact finding.