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Criminal Law & Procedure, Sentencing

US v. Melendez, No. 13-1899

In this case, defendant was convicted of conspiracy to distribute five kilograms or more of cocaine and was sentenced to 144 months' imprisonment. Defendant contends that the district court's responses to two jury questions, as well as its determinations during sentencing, were erroneous. The judgment is affirmed, where: 1) the district court instructed the jury that its verdict must be unanimous; 2) there is no indication that the jurors failed to understand that drug weight was an element of the offense that the Government had to prove beyond a reasonable doubt; 3) because defendant participated in a two-person conspiracy, the jury necessarily made an individualized drug-weight determination; and 4) the district court's decision to deny defendant a two-level sentence reduction for acceptance of responsibility is not erroneous, as defendant chose to contest the drug weight, which was the core of the case.

Contracts, Dispute Resolution & Arbitration

T G Plastics Trading Co. v. Toray Plastics, No. 14-1500

Judgment finding defendant liable for breach of a Settlement Agreement that was entered to resolve a pending lawsuit (and that required defendant to sell certain materials exclusively through plaintiff and to pay plaintiff a twelve percent commission on all sales of the materials thereby generated) is affirmed, where: 1) it was not an abuse of discretion for the district court to allow plaintiff to amend its complaint to add a jury demand, as the issues in this case were suited to jury determination and it was reasonable for plaintiff to delay its request for a jury trial until it became clear that settlement would not be forthcoming; and 2) the evidence suggests that both parties understood the term "aged film" to mean film thirteen months old or older, or at least a reasonable jury could so conclude (thus, "aged film" is covered by the Settlement Agreement).

Education Law, Civil Procedure, Contracts, Labor & Employment Law

Claudio de-Leon v. Ayala, No. 13-1198

In this case, plaintiffs appeal the dismissal of plaintiffs' Title VII pregnancy and sex discrimination claim and Appellants' supplemental state law claims due to a forum selection clause contained in Claudio's employment contract that precludes adjudication in federal court. Judgment dismissing the case with prejudice is affirmed but modified to expressly permit re-filing in the appropriate forum, where: 1) the forum selection clause is applicable and enforceable; and 2) the district court should have dismissed the case without prejudice as it is the practice of this circuit for dismissals due to forum selection clauses to be dismissed without prejudice so that the case may be re-filed in the appropriate forum.