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

Evidence, Government Law

New Hampshire Right to Life v. United States Department of Health and Human Services, No. 14-1011

In this case, plaintiff filed a request under the Freedom of Information Act (FOIA) seeking documents related to the award of a federal grant by the Department of Health and Human Services directly to Planned Parenthood of Northern New England. The Department produced some documents, but withheld others. Judgment of the district court ruling that the Department properly withheld the subject documents is affirmed, where the subject documents fell under the FOIA exemptions for confidential commercial information, 5 U.S.C. Section 552(b)(4), and inter-or-intra agency memoranda, Section 552(b)(5).

Class Actions, Corp. Governance, Corporation & Enterprise Law, Securities Law

Sarnacki v. Golden, No. 14-1414

In this shareholder derivative suit, plaintiff Sarnacki asserts Nevada state-law claim against Smith & Wesson's officers and directors, including breach of fiduciary duties, wastes of corporate assets, and unjust enrichment. In reaction to earlier and parallel cases, Smith & Wesson's Board formed a Special Litigation Committee (SLC) to investigate and determine the viability of any of these claims and to make a recommendation to the Board whether to pursue any of these claims. The SLC recommended against filing any claims. The district court granted defendant's motion for summary dismissal on the basis of the SLC recommendation, and after limited discovery. The judgment is affirmed, where: 1) the Board has met its burden as to proving the independence of the SLC; 2) the SLC's investigation was reasonable and in good faith; and 3) the district court's decision to limit discovery was not an abuse of the court's discretion, as it was adequate to aid its review.

Criminal Law & Procedure, Sentencing

US v. Mullins, No. 13-2075

Conviction and sentence of defendant for conspiring to possess and distribute cocaine is affirmed, where: 1) the evidence was more than sufficient to support the verdict; 2) the jury instruction, as given, conveyed the substance of defendant's defense; 3) the drug quantity calculation was imprecise, but the court only held defendant accountable for a very conservative estimate of the drugs that he himself handled; and 4) imprecise drug quantity findings are upheld when they are based upon conservative estimates or favorable assumptions.

Rosaura Building Corp. v. Municipality of Mayaguez, No. 13-1676

In this case, plaintiff-corporation asserts that its First Amendment rights were violated by defendant-municipality and its mayor when it was denied a government contract. Summary judgment in favor of defendants is affirmed, where plaintiff fails to allege what protected activity, if any, it exercised and whether it was a substantial motivating factor in bringing about the mayor's purported retaliation.