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Most Recent Summaries

Criminal Law & Procedure, Sentencing

US v. Marrero-Marrero, No. 13-2101

Sentences and convictions for participation in a drug trafficking conspiracy, 21 U.S.C. sections 846, 841(a)(1) and 841(b)(1)(A)(ii), and conspiring to import a controlled substance, 21 U.S.C. sections 963, 952, 960(a)(1) and 960(b)(1)(B), are affirmed over sufficiency of the evidence challenges.

Intellectual Property, Copyright, Trademark

Colon-Lorenzana v. South American Restaurants Corp., No. 14-1698

In a lawsuit over the trademarking and continued sale of a chicken sandwich, alleging violations of the Lanham Act and Copyright Act, the district court's order dismissing the federal claims and declination of jurisdiction over the supplemental Puerto Rico law claims is affirmed where: 1) there was no violation of the Copyright Act because neither the name "Pechu Sandwich" nor the recipe are eligible for copyright protection; and 2) the complaint fails to sufficiently plead that defendant committed fraud in the procurement of a federal trademark for the sandwich.

Civil Procedure, Class Actions

Bais Yaakov of Spring Valley v. ACT, Inc., No. 14-1789

In a putative class action, a rejected and withdrawn offer of settlement of the named plaintiff's individual claims made before the named plaintiff moved to certify a class did not divest the court of subject matter jurisdiction by mooted the named plaintiff's claims.

Criminal Law & Procedure

US v. Gouse, No. 14-1499

Conviction for being a felon in possession of a firearm, which indictment was initially dismissed due to a violation of the Interstate Agreement on Detainers (IAD), is affirmed, where the IAD violation in the first federal case, paired with the government's alleged attempt to circumvent the IAD in the second federal case, did not require reversal.

Banking Law, Civil Procedure, Sanctions

In Re: JPMorgan Chase Bank, N.A., No. 14-8015

In a mandamus proceeding, asking the court to intervene in what essentially is a discovery dispute within an underlying putative class action per a provision of the Bank Security Act, 31 U.S.C. section 5318(g), and related regulations: 1) the petition for writ of mandamus is denied due to Chase's failure to demonstrate a clear entitlement to the relief sought; and 2) the motion for sanctions is denied, and the motion for leave to file a joint supplemental appendix is granted.

Civil Procedure

Garayalde-Rijos v. Municipality of Carolina, No. 14-2347

On second appeal from the district court, over whether the defendant's offer of judgment under Federal Rule of Civil Procedure 68 was properly accepted by the plaintiff such that the district court did not err in entering judgment for the plaintiff, the judgment is affirmed where, because plaintiff filed a timely acceptance, the district court's entry of judgment was correct regardless of what took place in the contested series of exchanges between the parties in the time between the offer of judgment and plaintiff's acceptance.

Civil Procedure, Injury & Tort Law

West v. Bell Helicopter Textron, No. 14-2168

In a case arising out of a helicopter accident and involving Federal Rule of Civil Procedure 60(b)(3), which allows a party to ask for a new trial on the grounds that an opponent has committed "misconduct" during discovery, alleging that defendant withheld discoverable information directly responsive to plaintiff's document requests, the matter is remanded for further proceedings where the district court misconstrued the requirements of the Rule 60(b)(3) burden-shifting inquiry set forth in *Anderson v. Cryovac, Inc.*, 862 F.2d 910 (1st Cir. 1988).