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Gaming Law Frontier

Fishing v. Pritzker, No. 13-1776

Following a National Oceanic and Atmospheric Administration (NOAA) determination that plaintiff was liable for trawling in a restricted gear area in violation of Magnuson-Stevens Fishing Conservation and Management Act regulations, plaintiff was fined and suspended one-quarter of the seasonal fishing days under its permit. The district court's decision upholding the NOAA decision is affirmed, where, though the case against plaintiff is not ironclad, the NOAA did not act irrationally nor without minimally sufficient support in the record to conclude that plaintiff's vessel plotted in the restricted area.

Civil Procedure, Class Actions

Romulus v. CVS Pharmacy, No. 14-1937

In this case involving the removal time periods and mechanisms of the Class Action Fairness Act (CAFA), the district court granted the plaintiffs' motion to remand a putative class action for wage and hour violations. The remand order is reversed, where: 1) defendant's second notice of removal was timely under 28 U.S.C. section 1446(b)(3); 2) under CAFA, federal courts have jurisdiction over a class action if the amount in controversy exceeds \$5 million; 3) defendant sufficiently demonstrated that the amount in controversy exceeds \$5 million; and 4) the time limits in section 1446(b) apply when the plaintiffs' pleadings or the plaintiffs' other papers provide the defendant with a clear statement of the damages sought or with sufficient facts from which damages can be readily calculated.

Labor & Employment Law

Lydon v. Local 103, International Broth, No. 13-2009

Dismissal of plaintiff's retaliation suit against defendant-union is affirmed, where: 1) count 1's Labor-Management Relations Act discrimination claim basically mimics the discrimination allegations in count 3's unfair-representation claim, and must be co-considered to the extent that the two counts sync up; 2) on count 2's Labor-Management Reporting and Disclosure Act claim, plaintiff alleges no facts plausibly suggesting action by the union as an entity, nor that the actions resulted from an established disciplinary process; and 3) the solicitation system does not arbitrarily discriminate, as it is open to

every member and can be used exclusively or along with the seniority system, and thus plaintiff's unfair-representation claim falls short of the plausibility standard.