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BANKRUPTCY LAW

deBenedictis v. Brady-Zell, No. 13-9014

Dismissal of an adversary proceeding in the bankruptcy court in which the creditor-attorney asserted that the debtor incurred the debt through false and fraudulent representations and under false pretenses and was, therefore, nondischargeable, is affirmed, where the bankruptcy court did not err in concluding that the creditor-attorney had not proven by preponderant evidence that the promise to pay was either knowingly false when made or intended to deceive.

CIVIL RIGHTS, CONSTITUTIONAL LAW, GOVERNMENT LAW, INJURY & TORT LAW, PROPERTY LAW & REAL ESTATE

Snyder v. Gaudet, No. 12-1422

In a 42 U.S.C. section 1983 action alleging that defendants violated plaintiff's rights to equal protection when he was fined under a local land use ordinance for his use of his property after he fired an employee who was also a member of defendant's city council, the district court's denial of two individual defendants' motions for summary judgment is reversed and remanded, where: 1) plaintiff cannot prevail in showing differential treatment; and 2) because the defendant municipal officials did not violate any clearly established federal law, federal law provides no basis for making said officials pay damages.

CRIMINAL LAW & PROCEDURE, SENTENCING

US v. Kenney, No. 12-2451

Defendant's convictions and sentence for drug distribution, robbery, and firearm charges, entered following defendant's guilty plea, are affirmed, where: 1) although the district court may have been on notice that defendant struggled with mental illness generally, there is no abuse of discretion in the district court's failure to sua sponte order a hearing on the specific issue of competency; 2) defendant's plea colloquy was not deficient; 3) defendant's ineffective assistance of counsel claim fails; and 4) the district court did not err in imposing a ten-year mandatory minimum sentence.

CONTRACTS, INJURY & TORT LAW, INSURANCE LAW

Hansen v. Sentry Insurance Company, No. 13-1940

Summary judgment for defendant-insurer in a coverage dispute action in which plaintiff alleged that defendant-insurer should defend him in the underlying action brought by his

former employer for, allegedly, poaching its customers and spreading false, damaging information about its products, is affirmed, where: 1) the Policy, which covers the former employer, simply does not provide coverage to plaintiff when the former employer, the company for which he served as a vice president, claims that it suffered damages as a result of plaintiff's harmful and intentional acts; 2) these allegations, if proven, would constitute a breach of plaintiff's fiduciary duties to the former employer and are beyond the scope of plaintiff's duties as an executive officer; and therefore, 3) they fall outside the Policy's coverage.

IMMIGRATION LAW

Mejia v. Holder, No. 13-2202

The Board of Immigration Appeals (BIA) erred in denying petitioner's application for "special rule cancellation" of his removal from the United States under section 203 of the Nicaraguan and Central American Relief Act (NACARA), where the BIA did not adequately consider the statutory issue presented when it ruled that petitioner was ineligible for relief on the basis that a violation of Massachusetts' shoplifting statute is a crime involving moral turpitude.