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US v. Sepulveda-Hernandez

March 16, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - In an appeal of sentence for convictions of conspiracy and aiding and abetting the distribution of drugs, the district court recalibration of the guideline sentencing range (GSR) at resentencing is affirmed where defendant's claims are both unpreserved and unpersuasive.

Santana-Diaz v. Metropolitan Life Ins. Co.

March 14, 2016

Labor & Employment Law, ERISA

(United States First Circuit) - In a case under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. sections 1001-1461, challenging the dismissal of the suit as time-barred, the district court's judgment is reversed where: 1) ERISA requires a plan administrator in its denial of benefits letter to inform a claimant of not only his right to bring a civil action, but also the plan-imposed time limit for doing so; and 2) because defendant violated this regulatory obligation, the limitations period in this case was rendered inapplicable, and plaintiff's suit was therefore timely filed.

US v. Rivera-Ortiz

March 14, 2016

Sports Law, Asset Forfeiture

(United States First Circuit) - In a civil forfeiture case arising in the aftermath of a 1993 criminal prosecution in which claimant entered a guilty plea to a single count charging money laundering violations, seeking compensation for the government's alleged seizure of claimant's ownership interest in a professional basketball team franchise, the district court's judgment in favor of the government is affirmed where: 1) nothing in the court records suggests that the government seized the franchise when it obtained the restraining order to preserve the franchise as a potentially forfeitable asset; and 2) though that order effectively prevented the claimant from participating in the affairs of the franchise, it did not divest him of his proprietary interest.

Doe v. Backpage.com, LLC

March 14, 2016

Media Law, Criminal Law & Procedure, Cyberspace Law, Constitutional Law

(United States First Circuit) - In a case involving plaintiffs who were sex trafficked through advertisements on defendant's website, addressing the tension between the Communications Decency Act of 1996 (CDA), 47 U.S.C. section 230, and the Trafficking Victims Protection

Reauthorization Act of 2008 (TVPRA), 18 U.S.C. sections 1591 and 1595, the district court's dismissal of the action is affirmed where showing that a website operates through a meretricious business model is not enough to strip away the CDA's protections for internet publishers.