

First Circuit Opinion Summaries by Findlaw

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Most Recent Summaries

US ex rel. Winkelman v. CVS Caremark Corp.

June 30, 2016

Government Benefits, Health Law

(United States First Circuit) - In a False Claims Act (FCA) case, alleging that CVS's Health Savings Pass pricing plan attempted to fraudulently overbill Medicare Part D and Medicaid, the district court's dismissal is affirmed where the public disclosure bar was properly invoked when CVS's pricing plan was the subject of an earlier labor coalition report alleging CVS overcharged members by hundreds of millions of dollars.

Sullivan v. Marchilli

June 30, 2016

Constitutional Law, Criminal Law & Procedure, Habeas Corpus

(United States First Circuit) - In a habeas corpus action, challenging petitioner's state conviction for possessing child pornography, the district court's denial of the petition for relief is affirmed where the Massachusetts Appeals Court's determination that a photograph of a naked 12 twelve-year-old girl kneeling on beach sand was not protected by the First Amendment is not contrary to clearly established federal law.

In re Hoover

June 29, 2016

Bankruptcy Law, Sanctions, Ethics & Professional Responsibility, Professional Malpractice

(United States First Circuit) - In an ethics action, the district court's order of sanctions under Federal Rule of Bankruptcy Procedure 9011(b)(2) against debtor's attorney, ordering him to enroll in a one-semester class on legal ethics or professional responsibility at an ABA accredited law school, is affirmed where it was not an abuse of discretion to order such a sanction following the attorney's multiple misstatements of the law.

Worcester v. Springfield Terminal Ry. Co.

June 29, 2016

Transportation, Civil Procedure, Remedies, Labor & Employment Law

(United States First Circuit) - In a remedies action, challenging the district court's jury instruction on the standard for awarding punitive damages in a case brought under the whistle blower provisions of the Federal Railroad Safety Act, 49 U.S.C. section 20109, the judgment below is affirmed where the court correctly adopted the punitive damages standard from *Smith v. Wade*, 461 U.S. 40 (1983).

Rivera-Rivera v. US

June 29, 2016

Habeas Corpus, Criminal Law & Procedure

(United States First Circuit) - In a habeas corpus action, the district court's denial of the petition is affirmed where: 1) petitioner's trial counsel did not render ineffective assistance in failing to move for a judgment of acquittal based on insufficient evidence of a nexus to interstate commerce; and 2) no prejudice resulted because the outcome would have remained the same.

US v. Bermudez-Melendez

June 28, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for possession of a firearm in furtherance of a drug-trafficking crime is affirmed where the district court's upward variant sentence, departing from the parties' 72 months recommendation in the plea agreement, was procedurally and substantively reasonable.

Paret-Ruiz v. US

June 28, 2016

Remedies, Civil Rights, Injury & Tort Law, Constitutional Law

(United States First Circuit) - In a civil action, following the reversal of plaintiff's prison sentence for drug conspiracy after four years imprisonment, the district court's judgment following a bench trial is affirmed where: 1) plaintiff did not submit a timely claim at his earlier forfeiture proceeding, barring his Federal Torts Claim Act claim; 2) plaintiff's constitutional takings claim is barred by his failure to comply with 18 U.S.C. section 983 ; and 3) plaintiff failed to prove the malice element of malicious prosecution required under Puerto Rico law.

Velez-Ramirez v. Puerto Rico

June 27, 2016

Civil Rights, Labor & Employment Law

(United States First Circuit) - In a labor and employment action, alleging that defendants discharged plaintiff in violation of the Americans with Disabilities Act after she developed diabetic retinopathy, the district court's grant of summary judgment to defendants is affirmed where: 1) plaintiff has not proven that defendants' failure to grant her an accommodation constituted constructive discharge; and 2) plaintiff's failure to submit required paperwork for the renewal of her contract constituted a legitimate, non-discriminatory reason for refusing to rehire her.