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Most Recent Summaries

Parkview Adventist Med. Center v. US

November 29, 2016

Bankruptcy Law, Health Law

(United States First Circuit) - In an important case resting at the intersection of the Bankruptcy Code and Medicare law, involving the efforts of a medical center plaintiff which filed for bankruptcy to use the Bankruptcy Code to challenge the actions of Medicaid Services in terminating its Provider Agreement with plaintiff and declining to reimburse plaintiff for certain services provided after the effective date of that termination, the district court's judgment that a) plaintiff's claims arose under the Medicare statute and that the final sentence of 42 U.S.C. section 405(h) bars bankruptcy jurisdiction over such administratively unexhausted claims, and b) affirmance of the bankruptcy court's holding that defendant had not violated the automatic stay, 11 U.S.C. section 362(a)(3), nor the non-discrimination provision, 11 U.S.C. section 525(a), are affirmed on narrower grounds evident from the record.

Bradley v. ARIAD Pharms., Inc.

November 28, 2016

Securities Law, Corporation & Enterprise Law, Corp. Governance

(United States First Circuit) - In an investor suit against the company and four corporate officers, following a drop in the share price of the company, alleging securities fraud in violation of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (Exchange Act), 15 U.S.C. sections 78j(b) and 78t(a), as well as the Securities and Exchange Commission's (SEC) Rule 10b-5, 17 C.F.R. section 240.10b-5, the district court's judgment is: 1) affirmed as to the dismissal of the securities fraud counts, except with respect to one particular alleged misstatement for which we find the allegations set forth in the complaint sufficient to state a claim; and 2) affirmed as to the disposition of the plaintiffs' claims under Sections 11 and 15, albeit on different grounds than those articulated by the district court.