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Most Recent Summaries

Rodriguez v. US

March 27, 2017

Government Benefits, Labor & Employment Law, Administrative Law

(United States First Circuit) - In a suit brought by federal employees challenging the Office of Personnel Management's (OPM) regulations that exclude cost-of-living allowances (COLAs) from the calculation of retirement and other benefits, the district court's dismissal of the complaint is affirmed over plaintiffs' contentions that allege the regulations are unlawfully discriminatory under Title VII of the Civil Rights Act of 1964, Pub L. No. 88-352, 78 Stat. 241, 253-66, and are arbitrary, capricious, and contrary to law under the Administrative Procedure Act (APA).

Stephanie C. v. Blue Cross Blue Shield of Mass

March 27, 2017

ERISA

(United States First Circuit) - In an action brought pursuant to the Employee Retirement Income Security Act (ERISA), 29 U.S.C. section 1132(a)(1)(B), seeking reimbursement for certain expenses connected with the treatment of plaintiff's teenage son, the district court's judgment affirming the denial of her claim is affirmed where: 1) because an ERISA plan is a form of contract, and contract-law principles inform the construction of an ERISA plan, the plain language of the plan provisions should normally be given effect; and 2) applying the plain language of the plan, the clear weight of the evidence dictates a finding that the disputed charges were not medically necessary and, thus, were not covered.

US v. Vazquez-Vazquez

March 27, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Prison sentence following the revocation of defendant's term of supervised release for conviction of guilty plea to conspiracy to possess with intent to distribute controlled substances, in violation of 21 U.S.C. sections 841(a)(1), 846, and 860, is affirmed where: 1) the district court committed no procedural error; and 2) the sentence was not substantively unreasonable.

Doe v. Standard Ins. Co.

March 27, 2017

ERISA

(United States First Circuit) - In an ERISA benefits suit for long term disability (LTD) payments brought by an environmental lawyer against his insurer, the district court's judgment in favor of

the insurer is reversed where: 1) in assessing whether and when Doe became disabled, defendant chose not to use the material duties of an environmental lawyer, but rather those of a lawyer; 2) in doing so, defendant's evaluation as to Doe's disability onset date was based on the wrong standards; and 3) defendant's denial of benefits from its determined onset date was arbitrary and capricious.

Faria v. Harleysville Worcester Ins.

March 27, 2017

Civil Procedure, Injury & Tort Law

(United States First Circuit) - In a personal injury action brought against plaintiff's insurance company, in which a post-verdict discovery that an individual served as a juror when he should not have cleared preliminary procedural hurdles due to a prior felony conviction prompted a new-trial motion challenging the jury's verdict, the district court denial is affirmed where even though this individual slipped through the qualification cracks, his inclusion is not fatal to the jury's verdict.

Goat Island South Condominium v. IDC Clambakes, Inc.

March 27, 2017

Property Law & Real Estate, Bankruptcy Law

(United States First Circuit) - In a bankruptcy appeal in a decades-long litigation over the Regatta Club, a lucrative banquet facility which was constructed on a parcel of land at a time when the validity of the development rights to that parcel was in dispute, the district court's decision, which found clear error in the bankruptcy court's characterization of the benefit conferred on debtor as merely a ground lease and in its unjust enrichment analysis, is reversed where the bankruptcy court properly decided: 1) to award no equitable relief to the Associations, where no implied-in-fact contract existed between the parties; and 2) as to unjust enrichment, there is nothing in the America opinions to suggest that their holding regarding the Regatta Club's ownership should bear on the question of whether principles of equity entitle the Associations to even more relief than the Rhode Island Supreme Court already afforded them. Thus there was no abuse of discretion in the bankruptcy court's ultimate decision that the Associations failed to meet their burden of showing that inequity would result if debtor did not pay them for the use and occupancy of the Regatta Club during the claim period.