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Most Recent Summaries

Camerano v. US

April 19, 2017

Civil Rights, Injury & Tort Law

(United States First Circuit) - In a wrongful death action lawsuit arising out of a fall decedent suffered while on a 'respite/nursing stay' at a facility operated by defendant, a federal entity under the purview of the United States Public Health Service, the district court's grant of summary judgment is affirmed where the two-year limitations period established by Congress expired.

US v. Morales-Arroyo

April 19, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for conviction of unlawful possession of firearms in furtherance of a drug trafficking crime and for possession of crack cocaine with intent to distribute is affirmed where the waiver-of-appeal provision in defendant's plea agreement bars this appeal.

Arabian Support & Services Com v. Textron Systems Corp.

April 19, 2017

Contracts

(United States First Circuit) - In a diversity action seeking compensation for assisting defendant in its efforts, over a number of years, to complete a deal to sell sensor fuzed weapons (SFWs) to the Saudi government and that defendant failed to abide by a promise to supplement the modest fees paid under the parties' written consulting agreements through an 'offset' arrangement linked to the weapons sale, the district court's grant of summary judgment for defendant on all of plaintiff's claims after allowing limited discovery and declining to provide plaintiff an opportunity to amend its complaint, is reversed in part where, although the contract and tort claims are not viable, the district court erroneously dismissed plaintiff's Chapter 93A misrepresentation claim based solely on the failure of the contract claim.

Turner v. Hubbard Systems, Inc.

April 19, 2017

Cyberspace Law, Injury & Tort Law

(United States First Circuit) - In a suit brought by a solo law practitioner alleging that defendant violated the Computer Fraud and Abuse Act (CFAA) when it issued a software license key that expired on May 31, 2011, despite the fact that he owned a permanent license to the software at issue, the district court's order adopting the magistrate judge's report and recommendation,

denying plaintiff's motion to strike, and granting HSI's motion for summary judgment are affirmed where plaintiff failed to establish the necessary \$75,000 amount in controversy.

US v. Rodriguez-Rosado

April 19, 2017

Criminal Law & Procedure, Sentencing

(United States First Circuit) - The district court's denial of defendant's motion to reduce sentence pursuant to 18 U.S.C. section 3582(c)(2) for his guilty plea to guilty to participating in a conspiracy to possess with intent to distribute between fifteen and fifty kilograms of cocaine, 21 U.S.C. sections 841(a)(1), 841(b)(1)(A)(ii) and 846, is remanded where, under the unique circumstances of this case, the prudent course is to remand for the district court to apply its own administrative directive.

US v. Coleman

April 14, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for conspiracy to distribute and intent to distribute cocaine is affirmed where the district court's application of a two-level enhancement for possession of a dangerous weapon under U.S.S.G. section 2D1.1(b)(1) was procedurally and substantively reasonable.

Goethel v. US Dep't of Commerce

April 14, 2017

Civil Procedure, Commercial Law, Agriculture, Government Law

(United States First Circuit) - In a commercial action, brought by a commercial fisherman challenging various provisions of the Magnuson-Stevens Fishery Conservation and Management Act, the district court's grant of summary judgment to the government is affirmed where plaintiff's suit was not filed within the thirty-day statute of limitations.

US v. Millan-Roman

April 14, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for drug trafficking related crimes is affirmed where the district court's sentence, above that recommended by the parties as part of a plea agreement, was not procedurally or substantively unreasonable and fell within the sentencing guidelines.

US v. Mulkern

April 14, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for possession ammunition as a felon is vacated and remanded for resentencing where neither defendant's Maine robbery conviction nor his Maine drug trafficking conviction qualify as 'violent felonies' under the Armed Career Criminal Act, and thus cannot support his fifteen year sentence.

Chung v. Studentcity.com

April 14, 2017

Civil Procedure, Injury & Tort Law

(United States First Circuit) - In a wrongful death action, the district court's grant of summary judgment to defendant, a provider of vacations for students, is reversed where the court erred in granting summary judgment on the issue of causation after allowing no discovery on the issue and receiving no briefing on the matter from the parties.