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Most Recent Summaries

Montany v. University of New England

May 30, 2017

Injury & Tort Law, Education Law, Contracts

(United States First Circuit) - In a suit brought by an occupational-therapy student against the school for injuries she sustained during a practical exam, in which program instructors act as mock patients and students are tested on their ability to properly manage a patient in need of occupational therapy, alleging negligence and breach of contract claims, the district court's grant of summary judgment to defendants is affirmed where there is no reversible error.

Audette v. Town of Plymouth

May 26, 2017

Civil Rights, Labor & Employment Law

(United States First Circuit) - In a suit brought by a police officer claiming she suffered discrimination in violation of the Americans with Disabilities Act (ADA), 42 U.S.C. sections 12101-12213, and its state-law corollary, Massachusetts General Laws chapter 151B section 4, when the defendants failed to accommodate her request for transfer to another position in the Department after she sustained an on-the-job injury, as well as retaliation and gender discrimination claims, the district court's rejection of the claims is affirmed where: 1) plaintiff offered no evidence that there were any vacancies when she asked for an accommodation, and it was her burden to show as much; 2) the ADA retaliation claim was either not pleaded or waived; and 3) plaintiff failed to establish a prima facie claim of gender discrimination.

US v. Fields

May 26, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for conviction of a stamp-stealing scheme, in which defendant stole more than \$30,000 worth of postage stamps by passing bad checks at various post offices, is affirmed where the upward variant sentence falls well within the universe of reasonable sentences.

Garcia-Cruz v. Sessions

May 26, 2017

Immigration Law, Administrative Law

(United States First Circuit) - In a petition for review of a Board of Immigration Appeals (BIA) decision, which affirmed an Immigration Judge's (IJ) decision denying his applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT),

the petition is granted where given the limited analysis on the 'reasonable factors', remand to the BIA is necessary to consider it fully.