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## **Most Recent Summaries**

### U.S. 1st Circuit Case Summaries

#### **US v. Tirado**

May 9, 2018

Constitutional Law, Criminal Law & Procedure, Sentencing

(United States First Circuit) - Affirming the guilty plea and conviction of a man for drug offenses and failure to appear for arraignment because his conflict's alleged attorney client privilege violation and ethics violation in repeating that he had expressed that he couldn't be certain his client wouldn't be detained at an arraignment hearing just prior to his failure to appear because the court held that this was not information relating to the representation of the client, the attorney had an obligation to disclose his client's criminal conduct, and it was not a Sixth Amendment violation.

#### **US v. Belanger**

May 9, 2018

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Affirming the conviction and sentence to eleven years imprisonment of a man indicted on conspiracy to distribute and possess with intent to distribute cocaine and oxycodone and a count of using and maintaining a drug involved premises.

#### **Delgado-Caraballo v. Hospital Pavo Hato Rey, Inc.**

May 7, 2018

Health Law, Civil Procedure

(United States First Circuit) - Vacating in part and remanding the summary judgment dismissal of a case in which a woman brought to a hospital by her children who was suffering from major depression and had previously attempted suicide was discharged for outpatient treatment and committed suicide the next day.

#### **APB Realty, Inc. v. Georgia-Pacific, LLC**

May 7, 2018

Civil Procedure, Contracts

(United States First Circuit) - Vacating the judgment and remanding a case in which the proposed deal for the purchase of 88 rail freight cars resulted in claims for breach of contract because the complaint adequately established the basis for the suit.

**Delaney v. Town of Abington**

May 4, 2018

Constitutional Law, Labor & Employment Law, Civil Procedure

(United States First Circuit) - Affirming the dismissal of federal and state claims brought by a former police officer who said that he was the victim of retaliation for filing reports raising concerns about the police department's traffic ticketing policy and engaging in union activity because there was no evidence that his employers were aware of the reports he had filed and they agreed with the court that an allegedly anti-union email was exceedingly mild.

**Cortes-Ramos v. Sony Corporation of America**

May 4, 2018

Attorney's Fees, Dispute Resolution & Arbitration, Intellectual Property, Copyright, Civil Procedure

(United States First Circuit) - Reversing an order granting a motion for attorney fees under the Copyright Act in a case involving a songwriting contest Sony co-sponsored that had been dismissed with prejudice because it was subject to a mandatory arbitration agreement signed when the plaintiff entered the contest because the removal to arbitration did not qualify the defendants as having been the prevailing party.

**US v. Lopez-Pastrana**

May 4, 2018

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Remanding for resentencing the conviction of a man on drug and firearms charges whose sentence of a 12 month term of home detention was in error, since the court held that home confinement was significantly different from supervised release and it was improperly imposed on the drug charges rather than the firearms charges.