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Boudreau v. Lussier

August 21, 2018

Labor & Employment Law, Civil Rights, Constitutional Law

(United States First Circuit) - Held that a man who was convicted of possession of child pornography based on images found on his work computer could not proceed with his lawsuit claiming that his privacy rights were violated. The man, who was sentenced to five years' imprisonment, objected to the fact that his employer had covertly installed screenshot-capturing software on his work computer. He alleged that his employer violated the federal Electronic Communications Privacy Act, and also that police officials infringed his Fourth Amendment rights in various ways. However, the First Circuit rejected his arguments and affirmed summary judgment for the defendants.

Richard v. Regional School Unit 57

August 21, 2018

Education Law, Civil Rights, Labor & Employment Law

(United States First Circuit) - Held that a school did not unlawfully retaliate against a kindergarten teacher for her advocacy on behalf of students with disabilities. The teacher claimed that she was transferred to a different school and suffered other adverse actions. However, after a bench trial, the district court was not persuaded that her advocacy was the reason for these personnel actions, and thus rejected her claims under the Americans with Disabilities Act and other state and federal statutes. On appeal, the First Circuit affirmed in a 2-1 decision.

United Food and Commercial Workers Unions v. Novartis Pharmaceutical Corp.

August 21, 2018

Antitrust & Trade Regulation, Health Law, Drugs & Biotech

(United States First Circuit) - Affirmed the dismissal of two putative antitrust class actions alleging that a pharmaceutical company took steps to block the entry of generic versions of its leukemia-treatment drug into the U.S. market. The plaintiffs, including several labor union benefit funds, claimed that the drugmaker engaged in anticompetitive conduct by bringing sham infringement lawsuits against manufacturers trying to enter the market with generic versions of that drug. Dismissing the complaints, the district court held that the plaintiffs had not plausibly alleged their claims, and the First Circuit affirmed.

Scholz v. Goudreau

August 21, 2018

Entertainment Law, Trademark, Intellectual Property

(United States First Circuit) - Denied both parties' appeals in a trademark lawsuit between two members of the rock band Boston. A member of the multi-platinum band sued the band's former guitarist for trademark infringement and breach of contract in a dispute over the wording of public statements about the guitarist's former role in the band. At trial, the jury rejected all of the plaintiff's claims and all of the defendant's counterclaims. Both sides appealed, and the First Circuit affirmed.

US v. Arias-Mercedes

August 21, 2018

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Affirmed a conviction on drug-smuggling charges. The defendant, who was caught with two other men aboard a vessel carrying 70 kilograms of cocaine, argued that he was a mere transporter of the contraband and thus was entitled to a minor participant reduction under the U.S. Sentencing Guidelines. Finding no error in the sentence, the First Circuit affirmed.

US v. Villodas-Rosario

August 20, 2018

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Held that a defendant was barred from appealing his sentence because his plea agreement contained a waiver-of-appeal clause. The defendant, who pleaded guilty to knowingly possessing a firearm in furtherance of a drug trafficking crime, asserted that the waiver-of-appeal provision should not be enforced. The First Circuit observed that there is confusion in circuit precedent as to the proper standard for evaluating the enforceability of an appellate waiver. The panel ultimately concluded here that the waiver of appeal must be enforced, and thus dismissed his appeal.

Soto-Cintrón v. US

August 20, 2018

Government Law, Injury & Tort Law

(United States First Circuit) - Held that the U.S. government was not liable for the actions of agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives who stopped a pickup truck at gunpoint and handcuffed and detained an innocent man for up to 20 minutes. The man brought this suit under the Federal Tort Claims Act alleging false imprisonment. Affirming the district court, the First Circuit held that the government was entitled to summary judgment.

Newman v. Lehman Brothers Holdings Inc.

August 20, 2018

Securities Law, Labor & Employment Law

(United States First Circuit) - Affirmed the dismissal of an employee's claim brought under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002. An employee of an investment brokerage firm claimed that she suffered retaliation after she reported to her supervisors and a company hotline that she suspected certain coworkers to be in violation of federal securities law. Agreeing with the district court, the First Circuit held that her

whistleblower claim failed because she did not exhaust administrative remedies before bringing the claim.