

# Congressional Court Watcher: Recent Appellate Decisions of Interest to Lawmakers (Mar. 7–Mar. 13, 2022)

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The federal courts issue hundreds of decisions every week in cases involving diverse legal disputes. This Sidebar series selects decisions from the past week that may be of particular interest to federal lawmakers, focusing on orders and decisions of the [Supreme Court](#) and precedential decisions of the courts of appeals for the [thirteen federal circuits](#). Selected cases typically involve the interpretation or validity of federal statutes and regulations, or constitutional issues relevant to Congress’s lawmaking and oversight functions.

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## Decisions of the Supreme Court

Last week, the Supreme Court issued decisions in one case for which it heard oral arguments:

- **Criminal Law & Procedure:** The Court unanimously agreed that a criminal defendant’s convictions for burglarizing ten units of a storage facility one night did not arise on “occasions different from one another” under the Armed Career Criminal Act, which would have triggered heightened criminal penalties (*Wooden v. United States*).

## Decisions of the U.S. Courts of Appeals

Topic headings marked with an asterisk (\*) indicate cases where the appellate court’s controlling opinion recognizes a split among the federal appellate courts on a key legal issue resolved in the opinion, contributing to a non-uniform application of the law among the circuits.

- **Civil Procedure:** The Federal Circuit held that two car distributors incorporated in New Jersey and California were not required to defend patent-infringement claims in a Texas

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district court. The Texas court had found venue was proper based on the presence of independently owned and operated car dealerships in the district that sold the distributors' motor vehicles. On a petition for a writ of mandamus, the Federal Circuit held that the distributors had insufficient control over the dealerships for venue to be appropriate in the Texas district (*In re Volkswagen Group of America, Inc.*).

- **Civil Procedure:** The Sixth Circuit held that 28 U.S.C. § 1291, which allows parties to appeal immediately a district court's non-final order granting a preliminary injunction, does not allow the immediate appeal of a state court's preliminary injunction order upon removal of the case to federal court (*Schuler v. Adams*).
- **\*Civil Rights:** In considering how the "joint employer" doctrine applies to employment discrimination claims under Title VII of the Civil Rights Act, a divided Second Circuit panel joined a majority of circuits in concluding that a non-exhaustive list of factors, drawing from common-law principles of agency, determine whether entities are "employers" and "employees" under Title VII. The joint employer doctrine involves claims that arise when an entity shares significant control over an employee with another entity (*Felder v. U.S. Tennis Ass'n*).
- **Class Actions:** A divided Eleventh Circuit held that the Class Action Fairness Act does not allow a review of a district court's *sua sponte* remand of a class action to state court because the decision lacks the "motion to remand" required by the Act. Generally, the Act authorizes an appellate court to "accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed" (*Ruhlen v. Holiday Haven Homeowners, Inc.*).
- **Public Health:** The Fourth Circuit affirmed a district court's permanent injunction barring South Carolina from terminating its Medicaid provider agreement with Planned Parenthood. The court found that Medicaid's free-choice-of-provider provision, 42 U.S.C. § 1396a(a)(23), codified Congress's desire to extend a choice of medical providers to qualifying individuals, and South Carolina's mandate restricted those individuals' ability to access medical care unrelated to abortion services (*Planned Parenthood South Atlantic v. Kerr*).
- **Sovereign Immunity:** In a case involving a family's effort to recover an art collection seized by the Hungarian government during World War II, the D.C. Circuit held that the plaintiffs' claims against a state-owned Hungarian company fell under the Foreign Sovereign Immunities Act's exception to sovereign immunity for claims against a foreign state's agency or instrumentality where "rights in property taken in violation of international law are in issue" (*De Csepel v. Republic of Hungary*).

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