U.S. SUPREME COURT DOCKET CHART
Summer Recess 2015
August 9– August 15

Amicus cases = yellow highlight
Petitions scheduled for conference – green highlight

MOST RECENT PETITIONS FOR CERT. FILED

CASE/DOCKET NO./LOWER COURT CITATION	**ISSUE**	**DATE FILED**	**COMMENTS**
Hinga v. MIC Group, LLC, 15-150, *unpublished* (5th Cir.)	Employment & Labor: (1) In actions concerning the Age Discrimination in Employment Act of 1967, 29 U.S.C. §623(a), and those arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-2, should any one factor presented by competing parties outweigh or have greater influence over any other factor or factors presented when determining whether comparators are similarly situated; (2) In actions concerning the Age Discrimination in Employment Act of 1967, 29 U.S.C. §623(a), and those arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-2, are courts required to consider all factors in context and in the light most favorable to the non-moving party in determining whether comparators are similarly situated	7/29/15	
Anglin v. Ceres Gulf, Inc., 15-130, 588 Fed. Appx. 342 (5th Cir.)	Employment & Labor: (1) Must courts only look at the grievance process established in a collective bargaining agreement when deciding whether a union member exhausted that process; (2) Does the requirement of *Republic Steel v. Maddox*, 379 U.S. 650 (1965), that a union member must exhaust their grievance process, apply to a voluntary grievance process; (3) If a union fails to establish the grievance process that is detailed in its CBA, has the union ipso facto failed to properly pursue a union member's claims, thereby giving standing to the member to pursue the claim individually	5/18/15	

DECISIONS

CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	HOLDING	DATE OF OPINION

CASES DISMISSED

CASE/DOCKET NO./LOWER COURT CITATION	**ISSUE**	**DATE**	**COMMENTS**

ARGUED

CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	DATE GRANTED	DATE ARGUED

REVIEW GRANTED

CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	DATE GRANTED	DATE OF ORAL ARGUMENT
Friedrichs v. Cal. Teachers Ass'n, 14-915, *unpublished* (9th Cir.)	Employment & Labor: (1) Should *Abood v. Detroit Bd. of Educ.*, 431 U.S. 209 (1977) be overruled and public-sector "agency shop" arrangements invalidated under the First Amendment; (2) Does it violate the First Amendment to require that public employees affirmatively object to subsidizing nonchargeable speech by public-sector unions, rather than requiring that employees affirmatively consent to subsidizing such speech	6/30/15	TBA
Fisher v. University of Texas at Austin, 14-981, 758 F.3d 633 (5th Cir.)	Equity & Discrimination: Can the Fifth Circuit's re-endorsement of the University of Texas at Austin's use of racial preferences in undergraduate admissions decisions be sustained under this court's decisions interpreting the equal protection clause of the 14th Amendment, including *Fisher v. Univ. of Texas at Austin*	6/29/15	TBA Note: Justice Kagan recused herself from the case. *Legal Clips* summary of Fifth Circuit panel decision on remand from U.S. Supreme Court *available at* http://legalclips.nsba.org/2014/07/24/fifth-circuit-panel-upholds-university-of-texas-race-conscious-admissions-policy/
Green v. Donahoe, 14-613, 760 F.3d 1135 (10th Cir.)	Employment & Labor: Under federal employment discrimination law, does the filing period for a constructive discharge claim begin to run when an employee resigns, as five circuits have held, or at the time of an employer's last allegedly discriminatory act giving rise to the resignation, as three other circuits have held	4/27/15	TBA

REVIEW DENIED

CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	DATE DENIED	COMMENT

PENDING PETITIONS FOR CERTORARI

CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	DATE FILED	ADDITIONAL INFORMATION
Bradley v. Sabree, 15-124, 594 Fed. Appx. 881 (7th Cir.)	Legal System: (1) Are all child protective services workers in the United States subject to the Fourth and 14th Amendment if they interview your child without your consent; (2) Did the Department of Children and Families's policies violate the petitioner's fundamental liberty interest in the integrity of the family with the use of a picture mobile phone	5/31/15	
Allen v. Goguen, 15-80, 780 F.3d 437 (1st Cir.)	Legal System: Does the circuit court's decision that it did not have jurisdiction to hear the defendant's appeal of denial of qualified immunity conflict with prior Supreme Court precedent and create a conflict between the sister circuits on this important federal question which does and will continue to arise with great frequency	7/15/15	
McDonald v. The Boeing Co., 15-63, 602 Fed. Appx. 452 (10th Cir.)	Employment & Labor: Did the district court err in granting the respondent's motion for summary judgment when a reasonable trier of fact could have inferred pretext for racial discrimination in the proffered reasons for the petitioner's termination of employment	7/10/15	
Schott v. Wenk, 15-54, 783 F.3d 585 (6th Cir.)	Legal System: (1) Does the decision of the U.S. Court of Appeals for the Sixth Circuit, which subjects mandatory reporters of child abuse and neglect to liability under the Civil Rights Act of 1871, 42 U.S.C. §1983, for reporting suspected abuse or neglect when the alleged abuser engages in a constitutionally protected activity—even when (a) there is a reasonable basis to suspect abuse and (b) the report is not materially false—impermissibly chill child abuse reporting across the nation; (2) Can a First Amendment retaliation claim be maintained under Section 1983 against a statutorily mandated reporter of known or suspected child abuse when there is evidence in the record that would support a reasonable basis to suspect abuse and the report is not materially false; (3) Is a statutorily mandated reporter of known or suspected child abuse entitled to qualified immunity from liability under Section 1983 when there is evidence in the record to support a reasonable basis to suspect abuse and the report is not materially false	7/10/15	
McBroom v. H.R. Dir., Franklin Cty. Bd. of Elections, 15-43, *unpublished* (6th Cir.)	Employment & Labor: (1) Has Title VII of the 1964 Civil Rights Act been abolished from the law; (2) Have the lower courts decided an important question of federal law that should have been settled by this court; (3) Have the lower courts decided an important federal question in a way that conflicts with relevant decisions of this court	7/7/15	

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CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	DATE FILED	ADDITIONAL INFORMATION
Green v. Colvin, 15-37, *unpublished* (7th Cir.)	Employment & Labor: (1) Did the administrative law judge err by using disapproved boilerplate in the administrative decision—boilerplate that directed a non-adjudicative, arbitrary, unlawful decision-making process that poisoned the entire credibility determination, all in violation of the 14th Amendment's due process clause, 42 U.S.C. §405 and 20 C.F.R. 404 et seq.; (2) Did the U.S. Court of Appeals for the Seventh Circuit's approach—declaring the boilerplate "meaningless," and then proceeding to evaluate the adequacy of the ALJ's credibility determination—constitute a violation of *SEC v. Chenery Corp.*, 332 U.S. 194 (1947), by substituting the court's reasoning for the ALJ's? (3) Did the ALJ err by not incorporating the limiting effects (related to the petitioner's headache, upper extremities and thyroiditis/lymphoma impairments) into the petitioner's residual functional capacity	6/11/15	
Fuller v. Edwin B. Stimpson Co., 15-26, 598 Fed. Appx. 652 (11th Cir.)	Employment & Labor: (1) Must a plaintiff refute his employer's purported non-discriminatory reason for discharging him in order to show a prima facie case of discrimination; (2) Is the plaintiff's evidentiary burden greater when he is discharged as the result of a reduction-in-force	7/1/15	
Lilly v. Lewiston-Porter Cent. Sch. Dist., 14-1529, 593 Fed. Appx. 87 (2d Cir.)	Legal System: (1) Must an elected school board majority have subject matter jurisdiction in order to convene a hearing and adjudicate a matter? And if so, did the school board here have subject matter jurisdiction to remove the petitioner, a fellow elected board member; (2) Did the school board majority violate the petitioner's due process rights in connection with their removing him from his elected position on that board; (3) Is it the animus of one, a minority or a majority of the members of a multi-member board that is needed to taint due process	6/23/15	
Zhou v. State Univ. of N.Y. Inst. of Tech., 14-1533, 592 Fed. Appx. 41 (2d Cir.)	Employment & Labor: (1) Should the causation prong of the prima facie case of retaliation require evidence of but-for causation, as the U.S. Courts of Appeals for the Fourth, Sixth and Tenth circuits do, or should the causation prong of the prima facie case be not onerous and require no evidence of but-for causation, which the Fifth and Eleventh circuits have adopted; (2) Should a simplified test be presented to the jury at a Title VII retaliation trial when the defendants deny that retaliation is even a motivating factor; (3) Is the invited error doctrine applicable where ahead of imminent potential intervening change in the governing law, the defendants explicitly requested the heightened "but-for" causation instruction and now claim that the instruction was a "motivating factor" instruction	6/23/15	
U. L. v. New York State Assembly, 14-1522, 592 Fed. Appx. 40 (2d Cir.)	Legal System: (1) Does the 14th Amendment's equal protection clause require state child protection laws to apply equally to public and private school children, who are similarly situated with respect to child protection laws; (2) Does the 14th Amendment's due process clause require that parents not be forced to choose between public schools that protect children's safety, and private (including religious) schools that provide the type of education that the parents desire	6/22/15	

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CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	DATE FILED	ADDITIONAL INFORMATION
Abram v. Fulton Cnty., 14-1518, 598 Fed. Appx. 672 (11th Cir.)	Employment & Labor: (1) If a disability prevents an employee from performing the essential functions of his or her current position, does the Americans with Disabilities Act of 1990 or the Equal Employment Opportunity Commission require an employer to allow an employee to work at home or telecommute as a reasonable accommodation where physical presence is not an essential function of the job; (2) When an employer's failure to accommodate a disability leads to ineffective accommodations, delayed accommodations, non-responsiveness to requested accommodations, failure to participate in good faith in the interactive process of several requested accommodations, and the showing of deliberate misconduct, should the continuing violations doctrine, constructive discharge doctrine and equitable tolling doctrine apply	6/22/15	
Crump v. Montgomery Cnty. Educ. Ass'n, 14-1460, 590 Fed. Appx. 274 (4th Cir.)	Employment & Labor: (1) Did the Montgomery County Education Association wrongfully deceive and mislead petitioner by failing to disclose an obvious conflict of interest in their representation; (2) Is the statute of limitations tolled based on such misconduct, as outlined in *Kokotis v. United States Postal Serv.*, 223 F.3d 275 (4th Cir. 2000)	6/9/15	
CorpCar Servs. Hous., Ltd. v. Henry, 14-1442, *unpublished* (5th Cir.)	Employment & Labor: (1) Did a black employee suffer objectively severe conduct sufficient to constitute racial harassment when he was present at a 10-minute performance in an employee meeting by a singing telegram performer in a black gorilla costume during which the performer referred to her "big black lips" and "big black butt" and joked about a "banana in [the] pants" of another black employee at the meeting; (2) Did a black employee suffer objectively severe conduct sufficient to constitute racial harassment when he was present at a 10-minute performance in an employee meeting by a singing telegram performer in a black gorilla costume during which both his manager and the performer said to him, "Here's your Juneteenth," and the performer also referred to her "big black lips" and "big black butt" and made sexual innuendo to him including commenting on the "banana in [his] pants"; (3) If the employee in question number two did not suffer racial harassment but nevertheless complained about the singing telegram performance, did the employee have a reasonable, good faith belief that he was complaining about conduct that violated Title VII of the 1964 Civil Rights Act, such that the complaint constituted protected conduct	6/3/15	
Jolley v. DOJ, 14-1438, *unpublished* (Fed. Cir.)	Employment & Labor: (1) May the U.S. Court of Appeals for the Federal Circuit not apply the Federal Rules of Evidence in a Uniformed Services Employment and Reemployment Rights Act case when all other federal district courts and circuit courts apply the FRE to USERRA cases as required by Rule 1101? (2) May the Federal Circuit, reviewing a federal employee's USERRA case under 5 U.S.C. §7703(c)(3), affirm a Merit Systems Protection Board decision based only on unsworn attorney argument where Federal Circuit precedents hold that unsworn attorney argument is not evidence	5/15/15	

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Satterwhite v. City of Houston, 14-1426, *unpublished* (5th Cir.)	Employment & Labor: Is an employee who objects to harassment on grounds forbidden by Title VII protected from retaliation: (a) only if there has been sufficient harassment to actually violate, or to come "close" to meeting the legal standard for a violation of Title VII by creating a hostile work environment (the rule in the Fifth, Tenth and Eleventh circuits); (b) if the employee could reasonably believe there was a violation of Title VII, with "due allowance" for the employee's lack of familiarity with the legal standard governing what constitutes a hostile work environment (the rule in the Second and Ninth circuits); (c) if the employee objects to an incident that is serious, such as a "humiliating" remark (the rule in the Fourth Circuit); or (d) if the employee objects to a type of incident, which, "if it happened often enough," would create an unlawful hostile environment (the rule in the Seventh Circuit and endorsed by the EEOC)	6/1/15	
Lopez v. Newport Elementary Sch., 14-1414, *unpublished* (9th Cir.)	Legal System: (1) Should a United States citizen's constitutional rights and protection under the Fourteenth Amendment, Section One, be denied by the U.S. Court of Appeals for the Ninth Circuit without the petitioner having an opportunity to submit an opening brief, record or formal questions on appeal primary to summary affirmation being sought, proposed and ordered; (2) Should this court provide guidance to lower courts on the rights and protections under the Sixth Amendment's "right to counsel" provision and pursuant to the 14th Amendment's "due process" and "equal protection" clauses; (3) Should the right to appointed counsel be expanded to complex civil rights discrimination cases	5/27/14	
Johnson v. City of Memphis, 14-1412, 770 F.3d 464 (6th Cir.)	Employment & Labor: (1) In a disparate impact claim, does the standard of evidentiary proof for the availability of a less discriminatory alternative employment practice require plaintiffs to show with certainty that a proposed alternative selection method will produce less racially discriminatory results; (2) Are an employer's concerns about the practicability of administering an available less discriminatory promotional test conclusive as a matter of law	5/29/15	
Crockett v. Se. Penn. Transp. Auth., 14-1396, 591 Fed. Appx. 65 (3d Cir.)	Legal System: Where the courts of appeals acknowledge that they struggle to differentiate between affirmative acts and non-acts in 42 U.S.C. § 1983 state-created danger claims, should this honorable court clarify this element so that state-created danger claims are decided consistently and fairly	5/22/15	
Meyer v. Burwell, 14-1387, 592 Fed. Appx. 786 (11th Cir.)	Employment & Labor: (1) Is summary judgment appropriate in a discrimination claim filed under the Rehabilitation Act, 29 U.S.C. §794, where the employer revoked reasonable accommodations, and where the parties dispute whether the replacement accommodations are reasonable; (2) May an employer be held liable under the Rehabilitation Act for failing to engage in good faith in an interactive dialogue regarding reasonable accommodation with an employee whose mental disability impairs her ability to communicate	5/21/15	

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CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	DATE FILED	ADDITIONAL INFORMATION
Mock v. Fed. Home Loan Mortg. Corp., 14-1379, 589 Fed. Appx. 127 (4th Cir.)	Employment 7 Labor: (1) Is summary judgment appropriate when the court mistakenly places the ultimate burden of proof at trial on the nonmovant instead of on the movant who is claiming an affirmative defense on an employee's duties; (2) Does an information technology employee fall under the exemption of a bona fide administrative or computer employee; (3) Must the explicit requirements of C.F.R. §§541.700 and 541.701 be answered when determining an employee's "primary" or "customarily and regularly performed" duties	5/19/15	
CRST Van Expedited, Inc. v. EEOC, 14-1375, 774 F.3d 1169 (8th Cir.)	Employment & Labor: Can a dismissal of a Title VII case, based on the EEOC's total failure to satisfy its pre-suit investigation, reasonable cause and conciliation obligations, form the basis of an attorneys' fee award to the defendant under 42 U.S.C. § 2000e-5(k)	5/19/15	
Y.W. v. New Milford Pub. Sch.14-1363, 220 N.J. 572 (N.J. Super. Ct. App. Div.)	Legal System: (1) Does the filing of a notice of claim constitute pursuing "recourse"; (2) Must a statement on a matter of public concern be provable as false at the time that a notice of claim is made regarding a governmental employee; (3) Where the state commissioned examinations and reports, including lab reports, without which the defamation cannot be proven as false, can the state obligate the filing of a notice of claim on a statement on a matter of public concern before the proof of falsehood comes into existence	3/30/15	
Ragsdell v. Reg'l Hous. Alliance of La Plata Cnty., 14-1361, *unpublished* (10th Cir.)	Equity & Discrimination: (1) Does the equal protection clause of the Fourteenth Amendment to the United States Constitution protect individuals with disabilities from irrational discrimination, as many circuit courts have held but contrary to the Tenth Circuit's decision in this case; (2) Did the Tenth Circuit err by granting qualified immunity to respondent supervisor based upon the erroneous premise that the right to be free from irrational disability discrimination in public employment is not clearly established	5/12/15	
Ward v. McDonald, 14-1324, 762 F.3d 24 (D.C. Cir.)	Employment & Labor: (1) Was the majority's opinion erroneous in failing to credit the respondent's party admissions to the petitioner, such that it omitted critical and material facts, improperly weighed the evidence and resolved disputed issues in favor of the respondent as the moving party; (2) Does the Code of Federal Regulations' definition of "reasonable accommodation" include inquiry into the employee's ability to perform non-essential functions and marginal tasks; (3) Is an interactive process mandatory in every case and under what circumstances does it raise independent liability for failure to engage in the interactive process, or transition from being interactive to abusive, obstructive and in bad faith, sufficient to preclude summary judgment or create liability for a failure to accommodate; (4) Are an employer's delay, obstruction and denial (without showing undue hardship) of a requested reasonable accommodation that it could readily provide to an employee, and its post-denial demands for unneeded medical information prima facie evidence of bad faith to establish liability for constructive discharge given the worsening of the employee's life-threatening disability caused by such employer's delay	5/4/15	

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CASE/DOCKET NO./LOWER COURT CITATION	ISSUE	DATE FILED	ADDITIONAL INFORMATION
Hoffman v. Baylor Health Care Sys., 14-1323, 597 Fed. Appx. 231 (5th Cir.)	Employment & Labor: (1) Is a similarly situated comparator required at the prima facie stage; (2) What does the phrase "similarly situated" mean as it relates to identifying a comparator outside the plaintiff's protected class	4/29/15	
Yeager v. FirstEnergy Generation Corp., 14-1302, *unpublished* (6th Cir.)	Employment & Labor: Does 26 U.S.C. §§6109(a)(3), (d), requiring employers to collect and provide the Internal Revenue Service with their employees' social security numbers, excuse a prospective employer's refusal to hire a prospective employee "[because] you have not provided a social security number as required," where the prospective employee had rejected assignment of any social security "identifying number" as conflicting with his sincerely held religious belief, a conflict of which the perspective employer was aware	4/27/15	
Rosebrough v. Buckeye Valley High Sch., 14-1291, 582 Fed. Appx. 647 (6th Cir.)	Employment & Labor: (1) Where the federal courts below decided for themselves every triable fact issue crucial to the petitioner's Americans with Disabilities Act claims, refusing to give her proof the probative force it deserves on summary judgment, has she been denied the right to have a jury instead of judges decide whether her claims are compensable; (2) Should this court provide renewed guidance to inferior federal courts so that summary judgment is no longer used to weigh evidence, make credibility determinations, find facts and impose upon plaintiffs claiming discrimination based on a disability a more onerous burden of proof than the process demands	4/24/15	
Heffernan v. City of Patterson, 14-1280, 777 F.3d 147 (3d Cir.)	Employment & Labor: Does the First Amendment bar the government from demoting a public employee based on a supervisor's perception that the employee supports a political candidate	4/22/15	
Harris v. Ariz. Indep. Redistricting Comm'n, 14-232, 2014 BL 119516 (D.Ariz.)	Equity & Discrimination: (1) Does the desire to gain partisan advantage for one political party justify intentionally creating over-populated legislative districts that result in tens of thousands of individual voters being denied equal protection because their individual votes are devalued, violating the one-person, one-vote principle; (2) Does the desire to obtain favorable preclearance review by the Justice Department permit the creation of legislative districts that deviate from the one-person, one-vote principle; And, even if creating unequal districts to obtain preclearance approval was once justified, is this still a legitimate justification after *Shelby Cnty. v. Holder*, 2013 BL 167707, 81 U.S.L.W. 4572 (U.S. June 25, 2013) (82 U.S.L.W. 15); (3) Was the Arizona redistricting commission correct to disregard the majority-minority rule and rely on race and political party affiliation to create Hispanic "influence" districts	8/25/14	Probable jurisdiction is noted limited to Questions 1 and 2 presented by the statement as to jurisdiction – 7/2/15