



Conor McEvily *Petition of the Day*

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Wednesday round-up

With the Court having granted three cases from its January 13 Conference on Friday, yesterday's coverage of the Court largely focused on the cases in which the Court denied review in its [order list](#). Lyle Denniston summarized the order list for this blog; other coverage comes from Greg Stohr of [Bloomberg](#) and the [Associated Press](#), who report on the cert. denials in cases involving prayers at government meetings, Maryclaire Dale at the [Associated Press](#) and Warren Richey at the [Christian Science Monitor](#), who cover the Court's decision not to review three First Amendment cases involving minors and controversial Internet speech, and Nina Totenberg of [NPR](#) and James Vicini of [Reuters](#), who have additional coverage of the order list.

The Court also denied cert. in [Applebee's International Inc. v. Fast](#), a case concerning restaurants' practice of paying employees a reduced minimum wage by factoring in money made in tips. (Disclosure: Goldstein & Russell P.C. represents the respondents in this case). Tiffany Hsu at the [Los Angeles Times](#) and the [Associated Press](#) both provide coverage. [Renzi v. United States](#), a case brought by former U.S. Representative Rick Renzi seeking to block his trial on charges of extortion and other crimes, was also denied, as was [Standard Investment Chartered, Inc. v. National Association of Securities Dealers, Inc.](#), a challenge to the legal immunity of private organizations that oversee the country's financial markets. (Disclosure: Goldstein and Russell P.C. represents the petitioner in the second case). Coverage of the former comes from the [Associated Press](#) and Joe Palazzolo at the Wall Street Journal's [Law Blog](#), while coverage of the latter comes from Greg Stohr at [Bloomberg](#), Dan Jamieson at [Investment News](#), and James Vicini at [Reuters](#).

On Tuesday's order list, the Court also asked the Solicitor General to file briefs expressing the views of the United States in two cases, one of which tests the immunity of a foreign government's central bank in an attempt in U.S. courts to seize the assets of the bank. Greg Stohr at [Bloomberg](#) provides coverage of the case. Yesterday the Court also heard oral arguments in two cases: [Filarsky v. Delia](#) and [United States v. Home Concrete & Supply, LLC](#). [JURIST](#) provides coverage of the arguments in both cases, and transcripts can be found [here](#).

Finally, Tim Craig at the Washington Post's blog the [D.C. Wire](#) and Zoe Tillman at the [Blog of the Legal Times](#) both report that the District of Columbia will join several other states on an *amicus* brief supporting the constitutionality of the Affordable Care

Act. Ilya Shapiro at [Cato@Liberty](#) discusses the Cato Institute's *samicus* brief in the health care cases addressing whether the Act's Medicaid expansion is a proper exercise of Congress's Spending Clause.

Briefly:

- The Washington Post (via the [Associated Press](#)) and the [Blog of the Legal Times](#) both provide coverage of a death penalty protest at the Court yesterday that resulted in fourteen arrests.
- Greg Stohor of [Bloomberg](#) reports that Qwest's cert. petition seeking review of an \$18 million punitive damage award in a case involving a utility pole accident has been dismissed because the case was settled.
- At [NPR's](#) Morning Edition, host Michel Martin discusses last week's ruling in [Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC](#) with the Washington Post's Eva Rodriguez.
- At [Law.com](#), Joshua Engel discusses [United States v. Jones](#), including the possibility that, even if the Court permits police to use GPS devices without a warrant, state courts applying state constitutions "may continue to restrict the use of these devices."
- [Sentencing Law and Policy's](#) Douglas Berman discusses the petitioner's merits brief in the upcoming case [Southern Union Co. v. United States](#)
- The [Federal Evidence Review](#) discusses [Perry v. New Hampshire](#) and the role of jury instructions regarding the fallibility of eyewitness identification.