

2014 CIVIL CASE LAW UPDATE

Sprint Communications, Inc. v. Jacobs, USSC 12-815. The court held that *Younger* abstention did not apply to a federal action against the members of the Iowa Utility Board challenging the Board's interpretation of federal law. The Board's proceeding had been commenced by Sprint, not by the State of Iowa. The court held that *Younger* abstention only applied in three specific circumstances. Abstention is required to prevent federal intrusion in: 1) ongoing state criminal proceedings; 2) certain "civil enforcement proceedings" (including appropriate administrative proceedings); and 3) pending "civil proceedings involving certain orders . . . uniquely in furtherance of the state courts' ability to perform their judicial functions." The Court rejected the circuit court's use of three other factors identified by the Supreme Court in *Middlesex* as a separate ground for abstention. The *Middlesex* factors should instead be considered as additional factors in whether one of the three grounds for abstention have been met.

Medtronic, Inc. V. Mirowski Family Ventures, LLC, USSC 12-1128. Mirowski, a patentee, told its licensee (Medtronic) that Medtronic was infringing on Mirowski's patents. Medtronic brought a declaratory judgment action to resolve whether it was infringing on the patents. The court of appeals held that, on summary judgment, Medtronic had the burden to prove that it was not infringing on the patents, even though Mirowski would have had the burden of proof if it had brought the action. Reversing, the Supreme Court held that the patentee always has the burden of proof, even where the action is filed by the alleged patent infringer.

Michigan v. Bay Mills Indian Community, USSC No. 12-515. The tribe opened a casino on land that Michigan claimed was non-Indian land, contrary to the parties' agreement under the Indian Gaming Regulatory Act (IGRA). The tribe moved to dismiss based on tribal sovereign immunity. The Supreme Court held that IGRA only waived the tribe's immunity concerning gambling on Indian lands. Because Michigan claimed the land in question was not Indian land, there was no applicable waiver of the tribe's immunity. The court did suggest that actions against individual officers and agents could be used to challenge the "illegal" casino.

Town of Greece, New York v. Galloway, USSC No. 12-696. The Court upheld the town's starting town meetings with prayer, even though almost all of the prayers were Christian. It was noted that the town did not have any non-Christian churches within its borders. But the court explained that as long as the town was not discriminating, and the prayers were not an effort to proselytize, the constitutional prohibition on the establishment was not violated. Of possible importance is that the court did not use the Lemon endorsement test (reasonable observer test).

Plumhoff v. Rickard, USSC No. 12-1117. Use of deadly force to stop a high speed pursuit that endangers the lives of innocent bystanders does not violate the fourth amendment.

Riley v. California, USSC No. 13-132. A cell phone seized during an arrest cannot be searched without a warrant. The search incident to arrest exception does not apply. Nor does the exception dealing with evidence that may be lost (court held that police can take steps to prevent information on the phone from being remotely deleted).