

January

No. 12-1281, *National Labor Relations Board v. Noel Canning* (argued January 13, 2014): Whether the Constitution’s Recess Appointments Clause, which gives the president the “power to fill all vacancies that may happen during the recess of the Senate,” limits appointments to the recesses between annual sessions, and only for vacancies which arise during those recesses; also, whether the president is prohibited from making any recess appointments when the Senate is out of session but holding a nominal session every three days while doing little or no business.

No. 12-1168, *McCullen v. Coakley* (argued January 15, 2014): Whether a Massachusetts law which makes it a crime to “enter or remain on a public way or sidewalk” within thirty-five feet of the entrance, exit, or driveway of an abortion clinic, but exempts employees of the clinic, violates the First Amendment.

No. 11-681, *Harris v. Quinn* (argued January 21, 2014): Whether it violates the First Amendment for home health-care workers who are paid by the state to be required to pay to support unions that represent them.

February

No. 12-1146, *Utility Air Regulatory Group v. EPA* and companion cases (argued February 24, 2014): Whether the Environmental Protection Agency’s legal regime to deal with pollution from cars and trucks is a valid “trigger” for launching a parallel regime for fixed, or stationary, sources of greenhouse gas emissions, such as generating plants for power companies and industrial factories.

No. 13-317, *Halliburton v. Erica P. John Fund* (argued March 5, 2014): Whether the Court should overrule its 1988 decision in *Basic, Inc. v. Levinson*, holding that investors who contend that they lost money because of distorted information about a stock are not required to show that they had actually relied upon the misinformation; alternatively, whether the Court should, at a minimum, require the suing investors to prove that the distorted information actually had an effect on the market price of a stock. [Disclosure: Goldstein & Russell, P.C., filed an *amicus* brief supporting respondents.]

March

Nos. 13-356 & 13-354, *Sebelius v. Hobby Lobby Stores & Conestoga Wood Specialties Corp. v. Sebelius* (argued March 25, 2014): Whether either the Constitution or the Religious Freedom Restoration Act prohibits the government from requiring for-profit corporations to provide their female employees with health insurance that includes access to birth control, over the objections of the corporations’ religiously devout owners.

No. 13-298, *Alice Corp. v. CLS Bank Int’l* (argued March 31, 2014): Whether the Patent Act authorizes patents on software – or, more specifically, on computer-implemented inventions.

No. 13-316, *Loughrin v. United States* (argued April 1, 2014): Whether the government must prove that the defendant intended to defraud a bank and expose it to risk of loss in every prosecution under 18 U.S.C. § 1344. [Disclosure: Goldstein & Russell, P.C., represents the petitioner.]

No. 12-751, *Fifth Third Bancorp v. Dudenhoffer* (argued April 2, 2014): Whether plaintiffs must plausibly allege in their complaint that the fiduciaries of an employee stock ownership plan abused their discretion by remaining invested in employer stock to overcome the presumption that their decision was reasonable.

April

No. 13-461, *American Broadcasting Companies v. Aereo* (argued April 22, 2014): Whether a company “publicly performs” a copyrighted television program when it retransmits a broadcast of that program to thousands of paid subscribers over the Internet.

No. 13-301, *United States v. Clarke* (argued April 23, 2014): Whether an unsupported allegation that the Internal Revenue Service (IRS) issued a summons for an improper purpose entitles an opponent of the summons to an evidentiary hearing to question IRS officials about their reasons for issuing the summons.

No. 13-483, *Lane v. Franks* (argued April 28, 2014): Whether the First Amendment allows the government to retaliate against a public employee for truthful sworn testimony that was compelled by subpoena and was not a part of the employee’s ordinary job responsibilities; and whether qualified immunity precludes a claim for damages in such an action. [Disclosure: Goldstein & Russell, P.C., represents the petitioner.]

Nos. 13-132 & 13-212, *Riley v. California & United States v. Wurie* (argued April 29, 2014): Whether and to what extent the police have the authority, without a search warrant, to examine the data that is stored on a cellphone taken from a suspect at the time of arrest.