



AMERICANS FOR PROSPERITY FOUNDATION BEFORE THE SUPREME COURT OCTOBER 2020 TERM IN REVIEW

Americans for Prosperity Foundation v. Bonta

Free Speech and Peace

WIN – The Court struck down California’s blanket demand to obtain lists of people who support nonprofits across the country.

[Decision](#) – [Merits Brief](#) – [Reply Brief](#) – [Press Statement Upon Victory](#)

Court’s Vote: 6-3

Total Amicus Briefs Filed:

28

Amicus on Merits:

- 11-1
- 4 unanimous

Amicus on Cert:

- 3 granted
- 11 denied
- 2 pending

AMICUS BRIEFS ON THE MERITS

Regulation and Administrative State

Cedar Point Nursery v. Hassid

WIN – The Court held the California regulation to be a *per se* physical taking because it appropriated the owners’ right to exclude for the enjoyment of third parties (union organizers).

[Decision](#) – [Brief](#) – [Blog Upon Filing](#) – [Blog Upon Decision](#)

Court’s Vote: 6-3

CIC Services v. IRS

WIN – The Anti-Injunction Act does not prevent courts from hearing challenges to IRS rulemakings that create reporting requirements, even if the requirement is enforced by financial or criminal penalties in the tax code.

[Decision](#) – [Brief](#) – [Blog Upon Filing](#)

Court’s Vote: 9-0

Collins v. Yellen

WIN – The Court found the FHFA is unconstitutionally structured due to the removal restrictions and remanded the case for further proceedings to determine the remedy for the violation.

[Decision](#) – [Brief](#)

Court’s Vote: 7-2

United States v. Arthrex, Inc.

WIN – The Court held the unreviewable authority wielded by administrative patent judges in patent cancellation proceedings was inconsistent with their appointment by the Secretary as “inferior officers,” reaffirming that the exercise of executive power by inferior officers must be subject to the direction and supervision of an officer nominated by the President and confirmed by the Senate.

[Decision](#) – [Brief](#)

Court’s Vote: 5-4

Technology and Innovation

AMG Capital Management, LLC v. FTC

WIN – The Court held the FTC must comply with the text of the statute and end its *ultra vires* pursuit of money damages in court using Section 13(b) of the FTC Act.

[Decision](#) – [Brief](#) – [Blog Upon Filing](#) – [Blog Upon Decision](#)

Court’s Vote: 9-0

FCC v. Prometheus Radio Project

WIN – The Court issued a narrow ruling in favor of the FCC holding the FCC’s deregulatory changes in media ownership rules were lawful, opening up the ability for the media market to better compete and buy and sell companies.

[Decision](#) – [Brief](#)

Court’s Vote: 9-0

Criminal Justice Reform

Borden v. U.S.

WIN – The Court narrowed the ACCA’s “force” clause to limit application of this mandatory minimum statute to exclude crimes that could be committed with a mens rea of recklessness.

[Decision](#) – [Brief](#)

Court’s Vote: 5-4

Van Buren v. United States

WIN – People are now protected from the Federal Government misusing CFAA to prosecute them under a computer hacking statute for simple violations of the terms of service. CFAA is still in place to punish the worst offenders who truly hack computer systems.

[Decision](#) – [Brief](#) – [Blog Upon Filing](#)

Court’s Vote: 6-3

Terry v. United States

LOSS – The Court held a crack offender is eligible for a sentence reduction under the First Step Act only if convicted of an offense that triggered a mandatory minimum sentence.

[Decision](#) – [Brief](#)

Court’s Vote: 9-0

Free Speech and Peace

Fulton v. City of Philadelphia

WIN – The Court held Philadelphia violated the Free Exercise Clause of the First Amendment when it refused to contract with a religious organization for the provision of foster care services. The decision continues to enable same-sex couples to access foster care services from other agencies that meet their families’ needs.

[Decision](#) – [Brief](#)

Court’s Vote: 9-0

Uzuegbunam v. Preczewski

WIN – The Court held a request for nominal damages satisfies the redressability element of Article III standing when a plaintiff's claim is based on a completed violation of a legal right; this will allow plaintiffs to bring suits on important constitutional issues that may not have large monetary harm.

[Decision](#) – [Brief](#) – [Blog Upon Filing](#) – [Blog Upon Argument](#)
– [Fed Soc Blog](#) – [Blog Upon Decision](#)

Court's Vote: 8-1

Mahanoy Area School District v. B.L.

WIN – The Court ruled a public school violated the First Amendment when it punished a student for speech that took place off-campus and outside of a school function.

[Decision](#) – [Brief](#) – [Press Release](#) – [Blog Upon Decision](#)

Court's Vote: 8-1

AMICUS BRIEFS SUPPORTING PETITIONS FOR CERT

Granted

CIC Services v. IRS

Taylor v. Riojas

Carson v. Makin

Pending

ACLU v. United States

Osby v. United States

Denied

Andrews v. New Jersey

Curry v. United States

Courtney v. Danner

Gatewood v. United States

Gibson v. SEC

Indian River County v. Dept. of Transportation

Jessop v. City of Fresno

Stein v. United States

Thompson v. Marietta Education Association

Kelley v. United States

New Hampshire v. Massachusetts