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**MAYER BROWN  
INSIDE COUNSEL FORUM:  
WHAT YOU NEED TO KNOW IN 2025**

MARCH 5, 2025

# SUPREME COURT REVIEW



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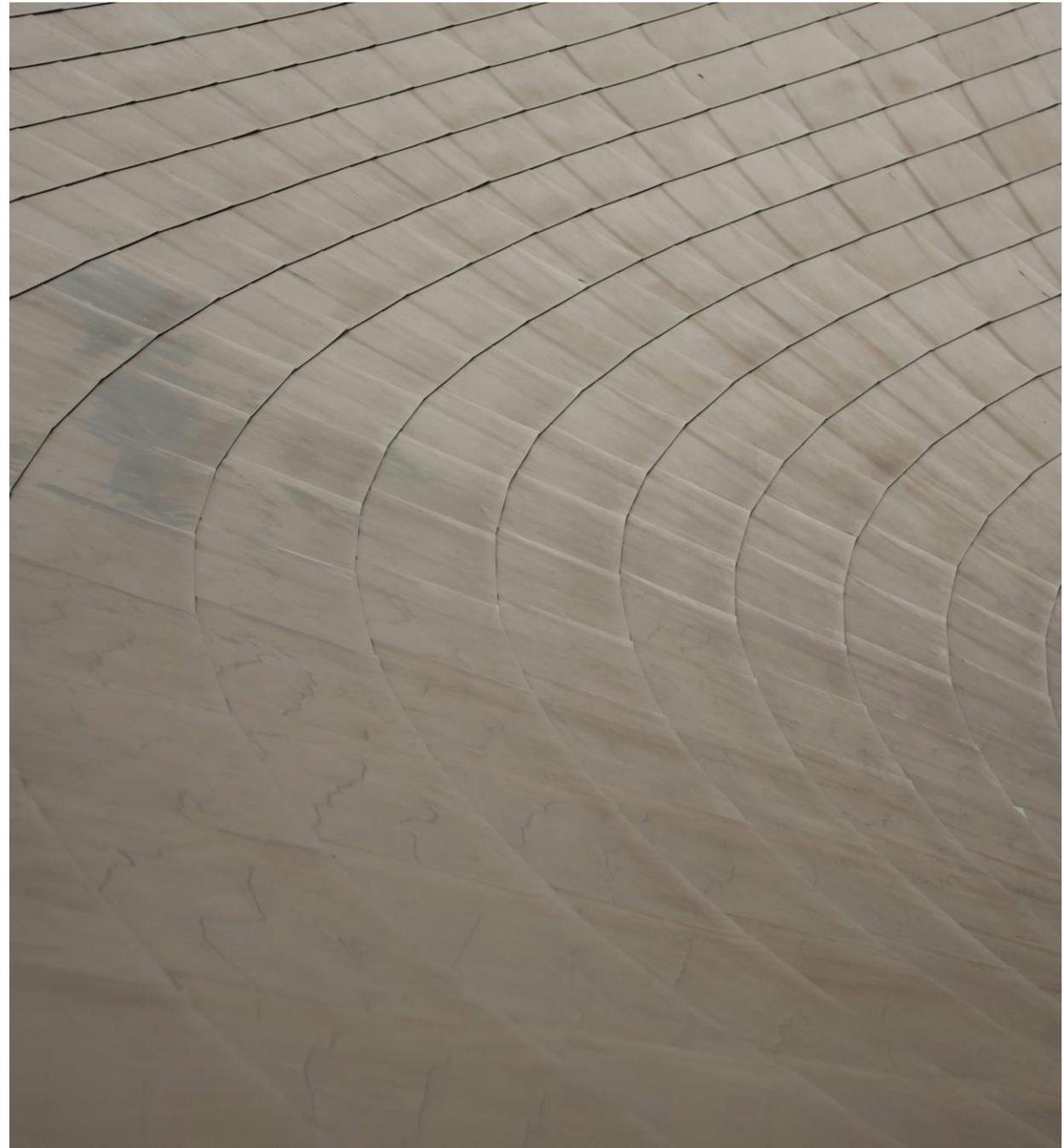
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## ERISA

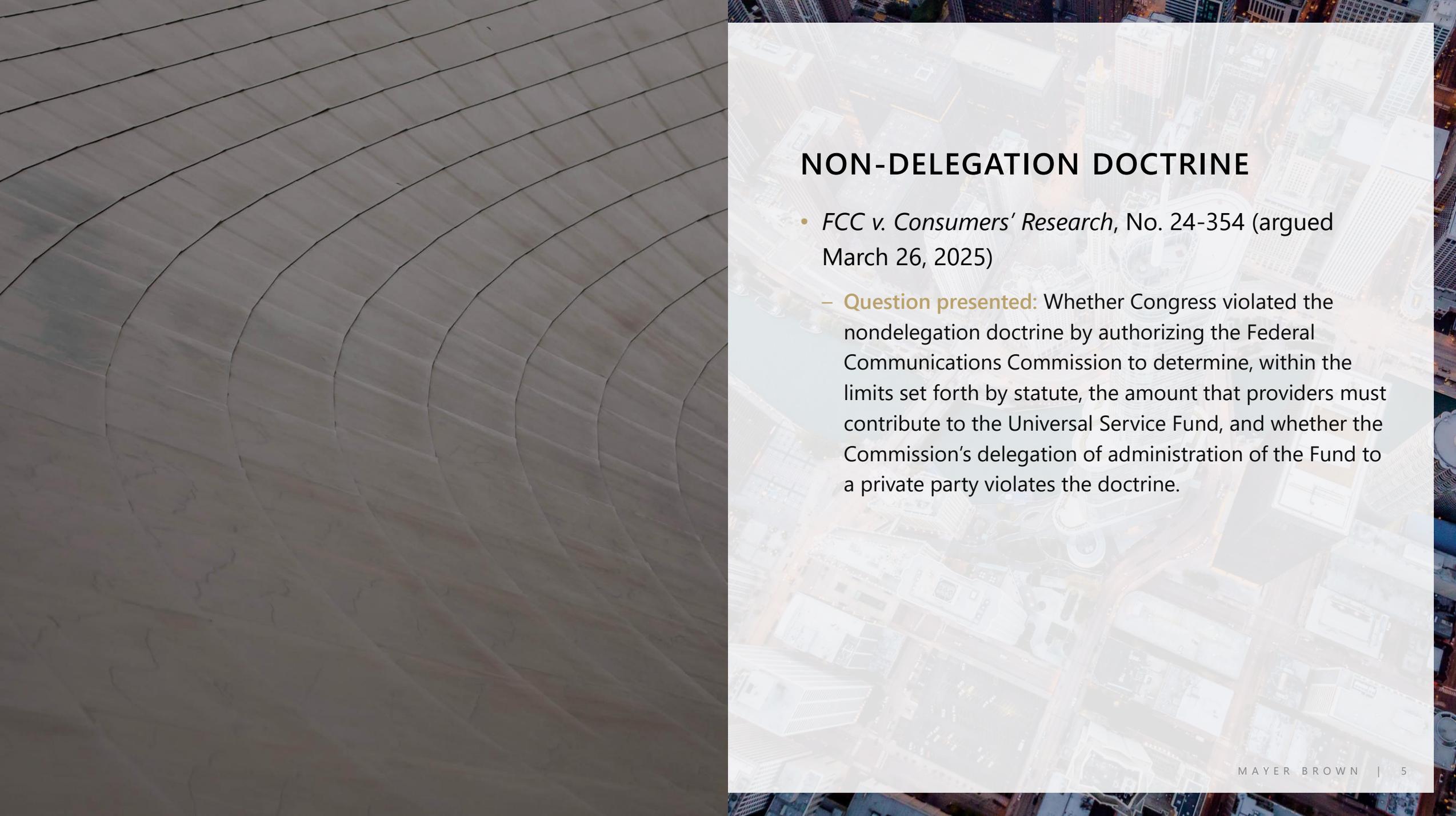
- *Cunningham v. Cornell University*, No. 23-1007 (argued January 22, 2025)
  - **Question presented:** Whether, to plead a prohibited transaction claim under ERISA based on a contract for plan services, the plaintiff must allege only that the contract exists or also that the service was unnecessary or that the compensation was unreasonable (Mayer Brown is counsel to Cornell University in this case).





## FALSE CLAIMS ACT

- *Wisconsin Bell, Inc. v. United States, ex rel. Todd Health*, No. 23-1127 (decided February 21, 2025)
  - **Holding:** E-Rate reimbursement requests at issue in the case are “claims” within the meaning of the False Claims Act because the government “provided” at least a “portion” of the money applied for by transferring more than \$100 million from the U.S. Treasury into the fund.

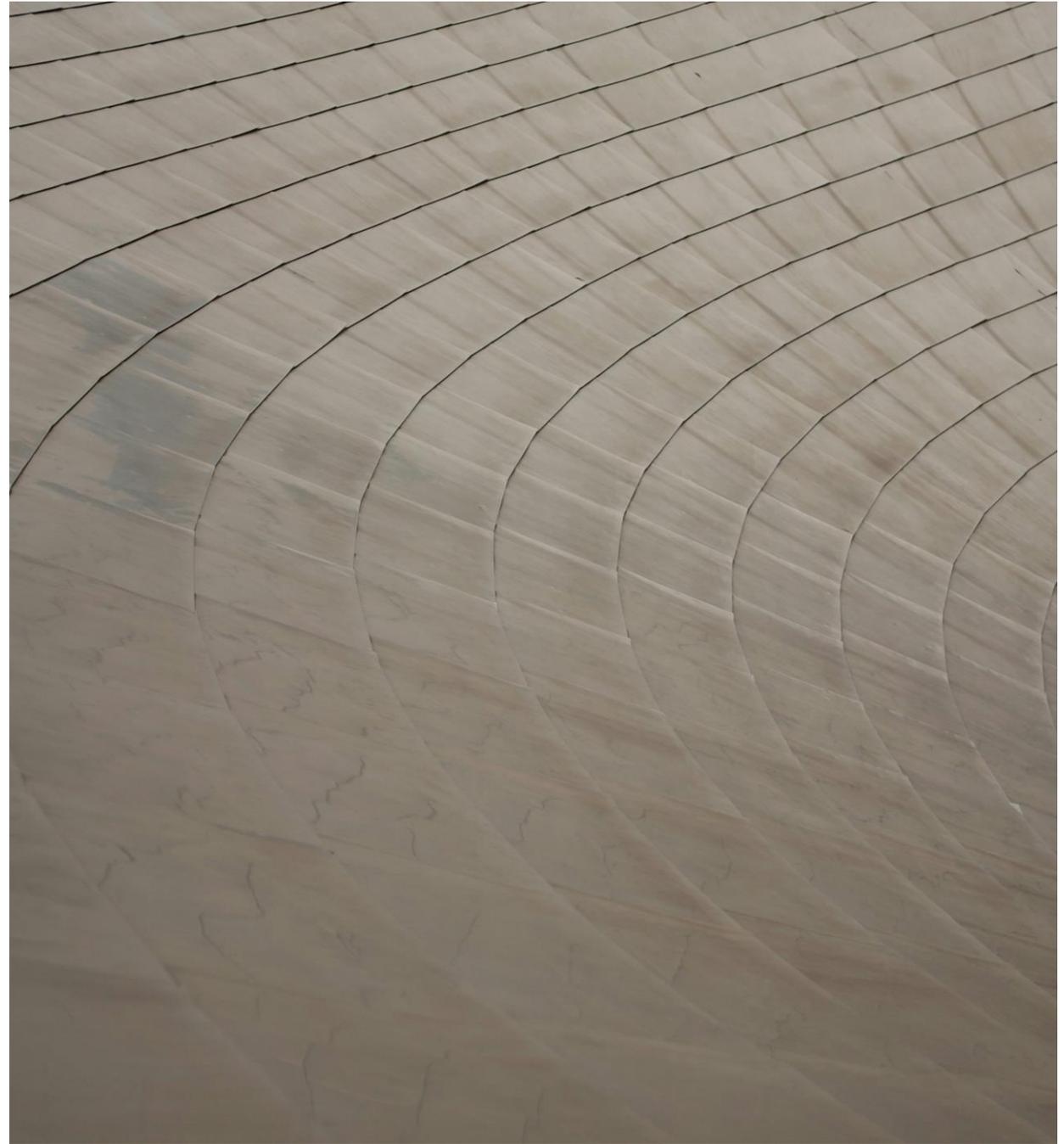


## NON-DELEGATION DOCTRINE

- *FCC v. Consumers' Research*, No. 24-354 (argued March 26, 2025)
  - **Question presented:** Whether Congress violated the nondelegation doctrine by authorizing the Federal Communications Commission to determine, within the limits set forth by statute, the amount that providers must contribute to the Universal Service Fund, and whether the Commission's delegation of administration of the Fund to a private party violates the doctrine.

## REVIEW OF FEDERAL AGENCY ACTION

- *FDA v. Wages & White Lion Investments, LLC*, No. 23-1038 (argued December 2, 2024)
  - **Question presented:** Whether the court of appeals erred in setting aside the FDA's orders denying respondents' applications for authorization to market new e-cigarette products as arbitrary and capricious.



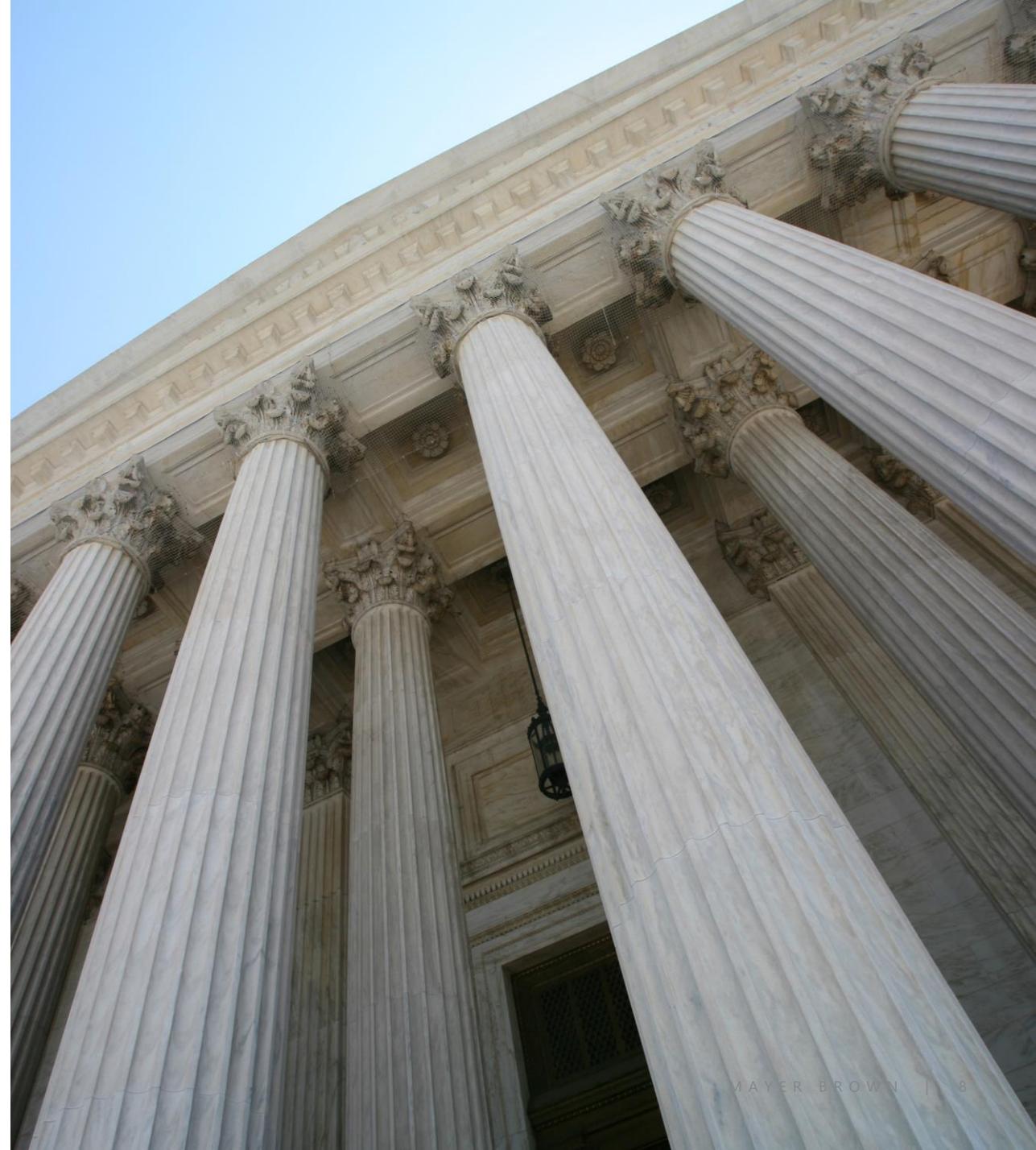
## STATUTORY INTERPRETATION

- *Medical Marijuana v. Horn*, No. 23-365 (argued October 15, 2024)
  - **Question presented:** Whether economic harms resulting from personal injuries are injuries to “business or property by reason of” the defendant’s acts for purposes of a civil treble-damages action under RICO.



## CLASS ACTIONS

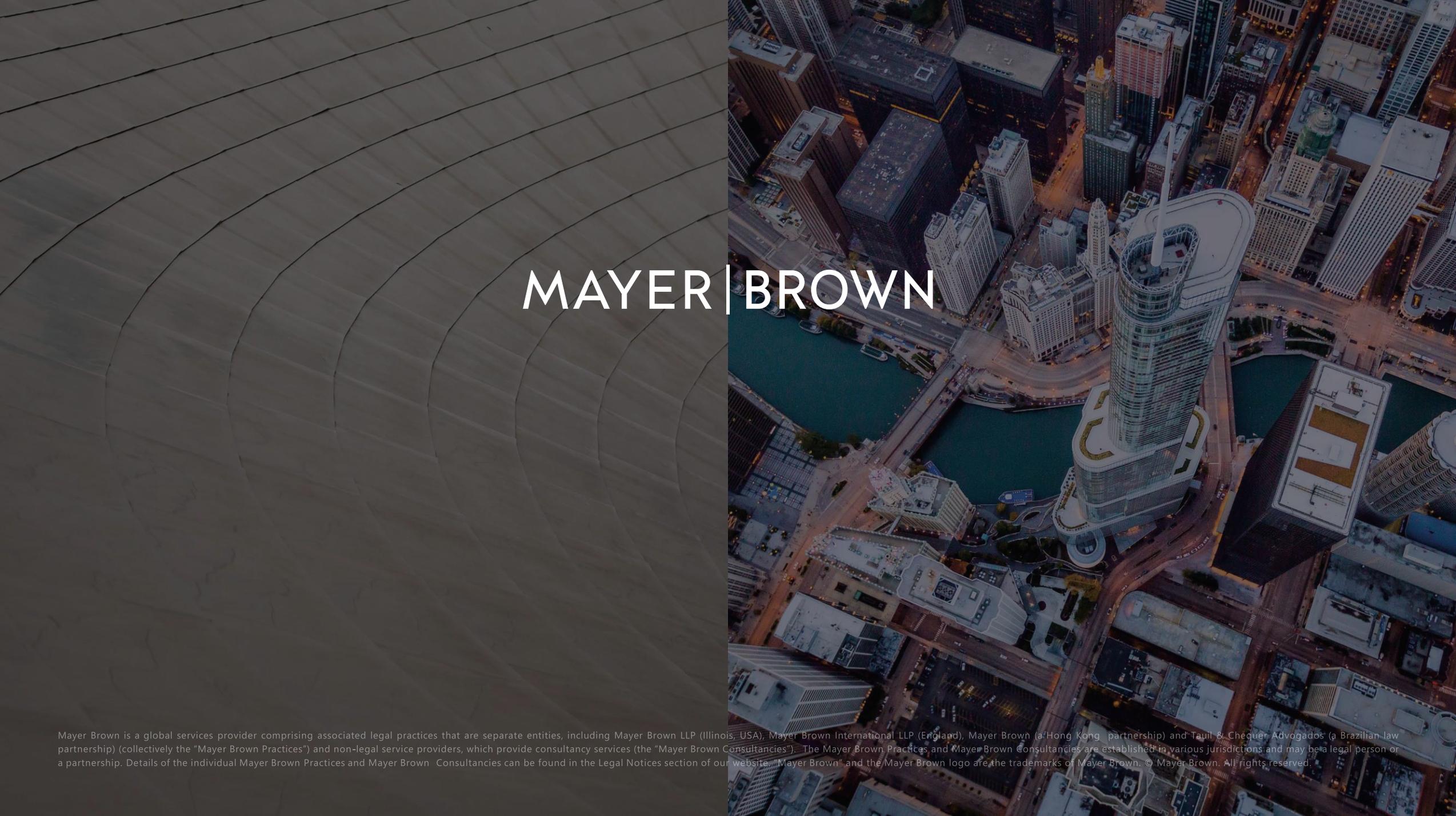
- *Laboratory Corporation of America Holdings v. Davis*, No. 24-304 (to be argued April 29, 2025)
  - **Question presented:** Whether a federal court may certify a class action pursuant to Federal Rule of Civil Procedure 23(b)(3) when some members of the proposed class lack any Article III injury.



## UPDATE: LIMITS ON FEDERAL ADMINISTRATIVE AGENCIES

- Continuing fallout from *Jarkesy*
- The impact of *Loper Bright*
- The ongoing challenges to “independent” agencies



An aerial photograph of a city skyline, likely Chicago, featuring a prominent skyscraper with a distinctive top section. The city is situated along a river, with various buildings and streets visible. The image is split vertically: the left side is a dark, textured background with a subtle pattern of overlapping circles, and the right side is the aerial city view. The text 'MAYER | BROWN' is centered across the middle of the image.

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