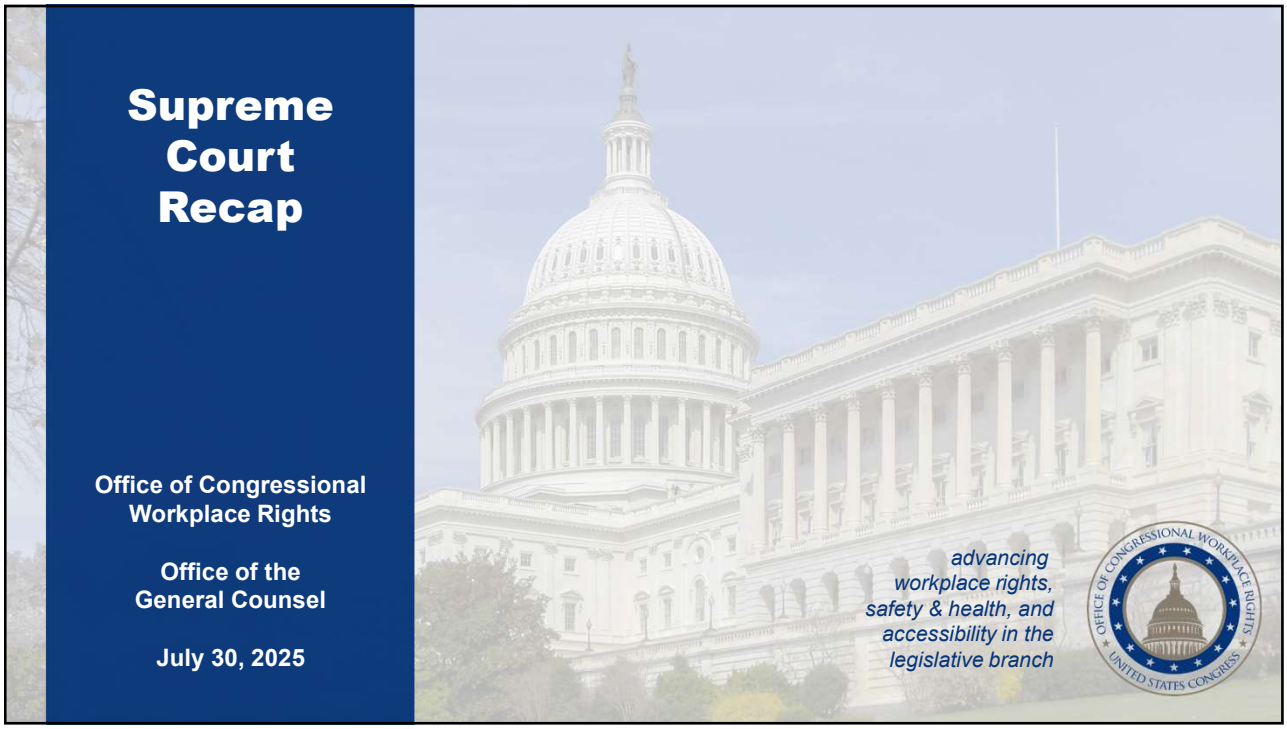

1

Most Relevant SCOTUS Cases from OT 24

- *Ames v. Ohio Dep't of Youth Servs.* – Title VII
- *Stanley v. City of Sanford, Fla.* – ADA
- *A. J. T. v. Osseo Area Schools* – ADA
- *E.M.D. Sales, Inc. v. Carrera* – FLSA
- *Feliciano v. Dep't of Transp.* – Differential Pay Statute
- *Parrish v. United States* – Appellate Procedure
- *Waetzig v. Halliburton Energy Servs., Inc.* – Civil Procedure

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Presenters

- Hillary Benson, Deputy General Counsel
- Dynah Haubert, Associate General Counsel
- John Mickley, Associate General Counsel
- Asela Eatenson, Law Clerk

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Ames v. Ohio Dep't of Youth Servs.

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***Ames v. Ohio Dep't of Youth Servs.*, 145 S. Ct. 1540 (2025)**

- Decided June 5, 2025
- Unanimous opinion authored by Justice Ketanji Brown Jackson
- Concurrence by Justice Clarence Thomas, joined by Justice Neil Gorsuch
- Appeal from *Ames v. Ohio Dep't of Youth Servs.*, 87 F.4th 822 (6th Cir. 2023)

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***Ames v. Ohio Dep't of Youth Servs.* – Background**

- Marlean Ames, a heterosexual woman, was hired as an Executive Secretary and later promoted to Program Administrator.
- Ames applied unsuccessfully for a new position, which was ultimately given to a lesbian woman.
- She was then demoted back to her original position of Executive Secretary and replaced as Program Administrator by a gay man.
- Ames sued the agency under Title VII, alleging discrimination based on her sexual orientation.

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Ames v. Ohio Dep't of Youth Servs. – Litigation History

- The District Court granted summary judgment in favor of the agency, holding that Ames failed to establish a prima facie case because she failed to produce evidence of "'background circumstances' suggesting that the agency was the rare employer who discriminates against members of a majority group."
- The Sixth Circuit affirmed, explaining that under the "background circumstances" rule, Ames had to produce evidence that the decision makers were members of the minority group (i.e., that they were gay) or present statistical evidence highlighting a pattern of discrimination against members of the majority group (i.e., straight people).
- The Supreme Court granted certiorari to resolve a Circuit split on "whether majority-group plaintiffs are subject to a different evidentiary burden than minority-group plaintiffs at *McDonnell Douglas*'s first step."

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Ames v. Ohio Dep't of Youth Servs. – SCOTUS opinion

- The Court held that the Sixth Circuit wrongly applied a heightened evidentiary standard for majority group plaintiffs, which is not required by Title VII.
- The decision primarily relies on a straightforward interpretation of Title VII of the Civil Rights Act of 1964, supported by established Supreme Court precedent.
- Title VII makes it unlawful "to fail or refuse to hire or to discharge *any individual*, or otherwise to discriminate against *any individual* with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. §2000e–2(a)(1) (emphasis added).
- The same protections apply to all individuals, regardless of membership in a majority or minority group.

8

8

Ames v. Ohio Dep't of Youth Servs. – SCOTUS opinion (cont'd)

- The Court refuted Ohio's argument that the "background circumstances" requirement is not an additional element.
- The Court found this interpretation to clash with the Court of Appeals decision, in which the Sixth Circuit stated that Ames "was required to make this showing in addition to the usual ones for establishing a prima-facie case."
- Justice Jackson further explained that the "background circumstances" rule also ignores the warning against the rigid use of *McDonnell Douglas*'s first prong.
- Ohio also asked the Court to affirm because Ames's Title VII claims would fail even if the "background circumstances" rule was not an issue, but the Court rejected this argument as beyond the scope of the question presented.

9

9

Ames v. Ohio Dep't of Youth Servs. – Concurrence

- Justice Thomas wrote separately, joined by Justice Gorsuch, to discuss the issues that arise when judges create atextual legal rules and frameworks such as the "background circumstances" rule.
- He also criticizes the *McDonnell Douglas* framework as unworkable, because:
  - It is incompatible with FRCP 56, requiring plaintiffs to prove too much at the summary judgment stage;
  - It does not encompass all the ways a plaintiff can prove a Title VII claim; and
  - It requires courts to "maintain an artificial distinction between direct and circumstantial evidence."

10

10

Ames v. Ohio Dep't of Youth Servs. – Significance

- *Ames* clarifies that the standard for establishing a prima facie case under Title VII is the same for plaintiffs from majority and minority groups, ensuring that the statute's protections are applied equally.
- If the Court in a future case overturns *McDonnell Douglas*, as hinted at by Justice Thomas in his concurrence, it would dramatically change the way litigants and courts approach employment discrimination cases, after having relied on the *McDonnell Douglas* framework for over 50 years.

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Stanley v. City of Sanford, Fla.

12

***Stanley v. City of Sanford, Fla.*, 145 S. Ct. 2058 (2025)**

- Decided June 20, 2025
- Opinion authored by Justice Neil Gorsuch
  - Joined by Chief Justice Roberts and Justices Clarence Thomas, Samuel Alito, Elena Kagan, Brett Kavanaugh, and Amy Coney Barrett with respect to Parts I and II
  - Joined by Justices Alito, Sonia Sotomayor, and Kagan with respect to Part III
- Concurrence in part and in the judgment by Justice Thomas
- Concurrence in part and dissent in part by Justice Sotomayor
- Dissent by Justice Ketanji Brown Jackson, joined in part by Justice Sotomayor
- Appeal from *Stanley v. City of Sanford, Fla.*, 83 F.4th 1333 (11th Cir. 2023)

13

***Stanley v. City of Sanford, Fla.* – Background and Litigation History**

- When Karyn Stanley was hired by the city in 1999, it offered health insurance until age 65 for those who retired with 25 years of service, and those who retired earlier because of a disability.
- The policy changed in 2003 to instead provide disability retirees with insurance for only two years.
- Stanley retired due to disability in 2018, discovered the policy change, and sued the city under Title I of the ADA.
- The district court dismissed her claim because the alleged discrimination did not take place until after she retired and was no longer a "qualified individual." The Eleventh Circuit affirmed.

14

Stanley v. City of Sanford, Fla. – SCOTUS opinion

- Holding: a Title I plaintiff must plead and prove that she held or desired a job, and could perform its essential functions with or without reasonable accommodation, at the time of the employer's alleged act of discrimination.
- It was mainly the statute's present tense language that led to this conclusion.
- Part III (joined only by Justices Alito, Sotomayor, and Kagan) went beyond the grant of certiorari and addressed the merits of Stanley's claim, holding that she did not state a claim, but discussing theories under which future plaintiffs could bring claims concerning post-employment benefits.

15

Stanley v. City of Sanford, Fla. – Other opinions

- Justice Thomas, joined by Justice Barrett, concurred in Parts I and II of the majority opinion and concurred in the judgment. He wrote separately to express concern with litigants pivoting to a different question than the one the Court granted certiorari to resolve.
- Justice Sotomayor concurred in part and dissented in part, joining Part III of the Court's opinion because it makes clear that Title I can provide relief for retirees, even if not in this case. She joined parts of the dissent to express that an employer's discriminatory change in post-employment benefits that a retiree earned while qualified and employed is discrimination against the person in her capacity as a qualified individual.

16

Stanley v. City of Sanford, Fla. – Dissent

- Justice Jackson, joined in part by Justice Sotomayor, authored a dissenting opinion detailing how the context and purpose of the ADA indicate that Title I should provide protections in the provision of retirement benefits, but the majority's textualist focus creates a distorted holding.
- The "qualified individual" definition was included in the ADA for a purpose that does not apply to retirees.
- In the dissent's footnote 12, which Justice Sotomayor specifically did not join, Justice Jackson accused the Court of using textualism to reach a desired result.

17

Stanley v. City of Sanford, Fla. – Significance

- May affect the approach of legislative branch retirees seeking to bring ADA claims regarding changes to post-employment benefits.
- The theories discussed in Part III of the main opinion may provide guidance if similar circumstances arise in the legislative branch.

18

A. J. T. v. Osseo Area Schools

19

***A. J. T. by & through A. T. v. Osseo Area Schs., Indep. Sch. Dist. No. 279*, 145 S. Ct. 1647 (2025)**

- Decided June 12, 2025
- Unanimous opinion authored by Chief Justice John Roberts
- Concurrence by Justice Clarence Thomas, joined by Justice Brett Kavanaugh
- Concurrence by Justice Sonia Sotomayor, joined by Justice Ketanji Brown Jackson
- Appeal from *A.J.T. by & through A.T. v. Osseo Area Schs., Indep. Sch. Dist. No. 279*, 96 F.4th 1058 (8th Cir. 2024)

20

A. J. T. v. Osseo Area Schools – Background and SCOTUS opinion

- A student with epilepsy who experienced severe morning seizures, sued the school district and board under the Rehabilitation Act and Title II of the ADA after her request for evening instruction was denied.
- Unanimous holding: schoolchildren bringing claims under the ADA and RA relating to their education do not need to make a heightened showing of bad faith or gross misjudgment, but are instead subject to the same standards that apply in other disability discrimination contexts.
- This decision is narrow and limited to the primary and secondary education contexts; the standards for Title I plaintiffs, and Title II and III plaintiffs outside the school context, are unaffected. As such, an issue implicating the majority opinion in *A.J.T.* is very unlikely to arise in the legislative branch context.

21

A. J. T. v. Osseo Area Schools – Concurrence by Justice Thomas

- The school district had asked the Supreme Court to go beyond the question presented and clarify the standards that should apply in any litigation under Title II of the ADA and Section 504 of the Rehabilitation Act, contending that "bad faith or gross misjudgment" is the correct standard "across the board" for injunctive relief and damages, in both educational settings and other contexts.
- The Court declined to consider the issue because it wasn't properly before it, but Justice Thomas wrote separately to emphasize that those issues "are important and merit our attention in the future." He noted, "the District has raised serious arguments that the prevailing standards are incorrect."

22

A. J. T. v. Osseo Area Schools – Concurrence by Justice Sotomayor

- Justice Sotomayor wrote that the ADA and Rehabilitation Act, by their text, history, and Supreme Court precedent, do not require a showing of improper purpose or animus.
- She highlighted examples of cases in which disabled people have lost access to benefits and services "by reason of" their disabilities absent animus, such as *Tennessee v. Lane*, 541 U.S. 509 (2004), a Title II claim brought by wheelchair users who were prevented from accessing a courtroom by two flights of stairs.
- The ADA and RA impose an affirmative obligation on covered entities to provide reasonable accommodations, which undercuts any animus requirement.

23

A. J. T. v. Osseo Area Schools – Significance

- Any animus or improper-purpose requirement read into Title II by the Supreme Court in the future would likely have limited practical implications for the legislative branch, since section 210 of the CAA also applies Title III, which requires employing offices to comply with accessibility standards.

24

E.M.D. Sales, Inc. v. Carrera

25

***E.M.D. Sales, Inc. v. Carrera*, 604 U.S. 45 (2025)**

- Decided January 15, 2025
- Unanimous opinion authored by Justice Brett Kavanaugh
- Concurrence by Justice Neil Gorsuch, joined by Justice Clarence Thomas
- Appeal from *Carrera v. E.M.D. Sales, Inc.*, 75 F. 4th 345 (4th Cir. 2023)

26

E.M.D. Sales, Inc. v. Carrera – Background and Litigation History

- Sales representatives at E.M.D. Sales alleged that their employer violated the FLSA by refusing to pay them overtime.
- E.M.D. argued that the sales representatives were not entitled to overtime pay under the FLSA's outside-salesman exemption.
- The district court found in favor of the employees, holding that E.M.D. did not prove by "clear and convincing evidence" that the employees were exempt from the FLSA's overtime requirements.
- The Fourth Circuit affirmed, also applying the clear-and-convincing evidence standard.
- At the time, the Fourth Circuit was the only Court of Appeals to use clear-and-convincing, while all the others used the less rigorous preponderance-of-the-evidence standard.

27

E.M.D. Sales, Inc. v. Carrera – SCOTUS opinion and concurrence

- The Supreme Court reversed and remanded without analyzing the facts of the case, holding that "preponderance of the evidence" is the correct standard for showing that employees are exempt from the FLSA's overtime requirements, not "clear and convincing."
- The preponderance-of-the-evidence standard is the default in civil litigation, and higher standards are only used in specific circumstances, like when defined by statute or necessitated by the Constitution, or in certain other "uncommon" cases. No such specific circumstances existed here.
- The Court rejected the employees' policy argument that a heightened standard was necessary to avoid improperly stripping employees of their minimum wage and benefits, reasoning that if preponderance-of-the-evidence is appropriate for employer defenses under Title VII, it is appropriate for the FLSA as well.
- Justice Gorsuch's brief concurrence reiterates that the preponderance-of-the-evidence standard applies in civil cases unless Congress or the Constitution provides otherwise.

28

Feliciano v. Dep't of Transportation

29

***Feliciano v. Dep't of Transp.*, 145 S. Ct. 1284 (2025)**

- Decided April 30, 2025
- Majority opinion authored by Justice Neil Gorsuch
- Dissent by Justice Clarence Thomas, joined by Justices Samuel Alito, Elena Kagan, and Ketanji Brown Jackson
- Appeal from *Feliciano v. Dep't of Transp.*, No. 2022-1219, 2023 WL 3449138 (Fed. Cir. May 15, 2023)

30

Feliciano v. Dep't of Transp. – Background

- Feliciano is an air traffic controller employed by the FAA. He is also a Coast Guard reservist.
- He was called up to active duty in July 2012 and remained in active-duty service for five years, supporting military vessels in Operation Iraqi Freedom and Operation Enduring Freedom.
- Feliciano believed he was owed differential pay from the FAA for the difference between his military pay and what he would have earned at the FAA, under the military differential pay statute.

31

Feliciano v. Dep't of Transp. – Differential Pay Statute

- 5 U.S.C. § 5538(a) entitles employees to differential pay when they are called into active duty in a "contingency operation" as defined by 10 U.S.C. § 101(a)(13)(b):

> The term "contingency operation" means a military operation that—results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 of this title, chapter 13 of this title, section 3713 of title 14, or any other provision of law during a war or **during a national emergency declared by the President or Congress**. (emphasis added)

32

Feliciano v. Dep't of Transp. – Litigation History

- The FAA denied Feliciano differential pay, and he appealed to the MSPB, which rejected his claim that the FAA had violated the differential pay statute.
- The Federal Circuit affirmed, holding that Feliciano was required to show a connection between his active-duty service and the ongoing national emergency to receive differential pay.

33

Feliciano v. Dep't of Transp. – SCOTUS opinion

- The Supreme Court reversed and remanded, holding that employees are not required to show a substantive connection between their service and the emergency to prove that it was "during a national emergency."
- The ordinary meaning of "during" is "in the course of," and not "because of." That definition applies because that's how the typical employee or federal manager would read the statute.

34

***Feliciano v. Dep't of Transp.* – Dissent**

- Justices Thomas, Alito, Kagan, and Jackson disagreed with the majority.
- Congress would not have added the clause "during a national emergency" to the end of the "contingency operation" definition if it had such an expansive definition.
- The statute passed in 1991. Congress would have known that, except for one year, the country had been in a state of active national emergency since 1933. If Congress wanted to make all reservists in active duty eligible for differential pay, the operative definition would have said "operation" and not "contingency operation."

35

***Feliciano v. Dep't of Transp.* – Application to legislative branch**

- Much of Title 5 does not apply to the legislative branch, but the military differential pay statute does.
- 5 U.S.C. § 5538(a) entitles "employees of the Federal Government" to the differential pay.
- 5 U.S.C. § 5538(f) defines "Federal Government" as having the same meaning as in section 4303 of title 38.
- 38 U.S.C. § 4303(6) defines "Federal Government" as "any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States."

36

Parrish v. United States

37

***Parrish v. United States*, 145 S. Ct. 1664 (2025)**

- Decided June 12, 2025
- Majority opinion authored by Justice Sonia Sotomayor, joined by Chief Justice Roberts and Justices Samuel Alito, Elena Kagan, Brett Kavanaugh, and Amy Coney Barrett
- Concurrence by Justice Ketanji Brown Jackson, joined by Justice Clarence Thomas
- Dissent by Justice Neil Gorsuch
- Appeal from *Parrish v. United States*, 827 F. App'x 327 (4th Cir. 2020)

38

Parrish v. United States – Background and Litigation History

- Plaintiff Donte Parrish did not receive the district court's order dismissing his case until after the time to appeal had expired.
- Parrish appealed the dismissal to the Fourth Circuit, with an explanation of why he could not do so sooner. The Fourth Circuit granted reopening and remanded to the district court, which reopened the time to appeal for 14 days and transferred the record to the Fourth Circuit.
- Parrish did not file a second notice of appeal, and the Fourth Circuit held that it lacked jurisdiction to hear his case, creating a Circuit split.
- The United States agreed with Parrish that he should not have been required to file a second notice of appeal, so the Supreme Court appointed an amicus to argue the Fourth Circuit's position.

39

Parrish v. United States – SCOTUS opinion

- Holding: "When a district court grants reopening to a litigant who has already filed a notice making his intent to appeal clear, no second notice of appeal is required. Instead, the original notice relates forward to the date reopening is granted."
- A premature filing is a technical defect, and decisions on the merits should not be avoided on the basis of mere technicalities.
- Where there is no genuine doubt about who is appealing, from what judgment, and to which appellate court, "there is little value and significant harm in dismissing appeals on the basis of prematurity alone."
- A single filing can serve multiple purposes; Parrish's filing could be treated as both a motion to reopen the appeal window and a notice of appeal.

40

***Parrish v. United States* – Concurrence and Dissent**

- Justice Jackson concurred, agreeing that Parrish did not need to file a second notice of appeal in order for the Fourth Circuit to have jurisdiction, but expressing that the Court need not rely on the principle of the premature notice relating forward to the date of reopening. Instead, the court should have treated Parrish's filing like a motion to reopen the appeal accompanied by a substantive notice of appeal, granted the motion to reopen, and docketed the notice of appeal.
- Justice Gorsuch dissented, explaining that he would have dismissed the case as improvidently granted, because the Advisory Committee on Appellate Rules was already looking into whether changes should be made to the FRAP to address whether premature notices of appeal should "relate forward" to the date of reopening.

41

Waetzig v. Halliburton Energy Servs., Inc.

42

***Waetzig v. Halliburton Energy Servs., Inc.*, 145 S. Ct. 690 (2025)**

- Decided February 26, 2025
- Unanimous opinion authored by Justice Samuel Alito
- Appeal from *Waetzig v. Halliburton Energy Servs., Inc.*, 82 F.4th 918 (10th Cir. 2023)

43

***Waetzig v. Halliburton Energy Servs., Inc.* – Background**

- Waetzig sued his former employer for unlawful termination under the Age Discrimination in Employment Act, but when the employer asserted that his claims were subject to arbitration, he voluntarily dismissed his case under FRCP 41(a) and submitted his claims for arbitration instead.
- After losing at arbitration, Waetzig asked the district court to reopen his case under FRCP 60(b) and to vacate the arbitration award.
- FRCP 60(b) permits a court, "[o]n motion and just terms," to "relieve a party ... from a final judgment, order, or proceeding" for certain enumerated reasons, including "mistake, inadvertence, surprise, or excusable neglect."

44

***Waetzig v. Halliburton Energy Servs., Inc.* – Litigation History**

- The district court granted Waetzig relief under Rule 60(b), holding that voluntary dismissal without prejudice under Rule 41(a) counts as a "final proceeding" for purposes of Rule 60(b), and that Waetzig had made a "careless mistake" in dismissing his case rather than asking the court for a stay pending arbitration.
- The district court reopened the case and vacated the arbitration award, and Halliburton appealed.
- The Tenth Circuit reversed, holding that voluntary dismissal without prejudice is not a "final judgment, order, or proceeding," which created a Circuit split.

45

***Waetzig v. Halliburton Energy Servs., Inc.* – SCOTUS opinion**

- Holding: a Rule 41(a) voluntary dismissal without prejudice qualifies as a "final ... proceeding" under Rule 60(b).
- The Court analyzed the definitions of the terms "final" and "proceeding" in dictionaries from the time those words were added to the Rule, and also looked to the notes from the Federal Rules Advisory Committee, to determine that a voluntary dismissal without prejudice counts as both "final" and a "proceeding."

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Questions?

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