

## 2024 LITIGATION HIGHLIGHTS

### CASES DECIDED:



[Read the full brief](#)

#### ***Loper Bright Enterprises, et al. v. U.S. Secretary of Commerce, et al.***

(United States Supreme Court)

This case challenged a rule requiring Atlantic herring vessels to pay for federal at-sea observers. The D.C. Circuit upheld the rule under Chevron, deferring to the agency's interpretation of statutory silence.

NELF's amicus brief argued this misapplied Chevron and led to agency overreach. On June 28, 2024, the Supreme Court overruled Chevron, requiring courts to interpret statutes independently. The case was remanded for reconsideration without Chevron.

#### ***PPC Realty, LLC v. City of Hartford***

(Connecticut Supreme Court)



[Read the full brief](#)

NELF opposed Hartford's imposition of relocation costs on a blameless landlord after a fire displaced tenants. The city claimed the landlord owed \$250,000 under Connecticut's Uniform Relocation Assistance Act, placing a lien on the property despite the landlord's lack of fault. NELF argued the Act protects innocent landlords from such liability, limiting responsibility to those whose housing code violations caused displacement.

In August 2024, the court upheld the lien, ruling the legislature intended landlords to bear initial liability, regardless of fault. The landlord must now challenge the lien in court, invoking their blamelessness as a defense only at trial.

#### ***Vita v. New England Baptist Hospital & Vita v. Beth Israel Deaconess Medical Center et al.***

(Massachusetts Supreme Judicial Court)



[Read the full brief](#)

The Massachusetts Supreme Judicial Court ruled against extending the state's wiretapping law to cover tracking of users' website interactions. The case involved allegations that two hospitals used JavaScript to track users' clicks, scrolling, and keyboard inputs without consent. The plaintiffs argued this violated the state's anti-wiretapping law. NELF, in its amicus brief, argued that the law was intended only to protect conversations, not online browsing. The court agreed, preventing a flood of costly lawsuits against Massachusetts businesses and nonprofits, affirming that the wiretap law's protections were limited to traditional conversations.

### CASES PENDING:

#### ***Morse Brothers, Inc. v. Town of Halifax***

(Massachusetts Superior Court for Plymouth County)

This case concerns a cranberry grower's agricultural rights under the Dover Amendment. Morse Brothers claims its sand removal, essential for farming, is exempt from permits, while Halifax's restrictions hinder the process. NELF argues the Dover Amendment protects agricultural use from such interference.

[Read the full brief](#)

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

(United States Supreme Court, on the merits)

This Supreme Court case examines the proof standard for FLSA overtime exemptions. NELF argues for a "preponderance of the evidence" standard, balancing employee rights with employer fairness, as stricter requirements would burden employers and undermine FLSA's intent.

[Read the full brief](#)

#### ***Central Maine Power Company, et al., v. Maine Commission on Governmental Ethics And Election Practices, et al.***

(Federal Court of Appeals for the First Circuit)

This appeal challenges a Maine law banning domestic corporations with 5% foreign government ownership from political contributions, blocked for likely violating the First Amendment. NELF argues the law unjustly presumes foreign control from minimal ownership, conflicting with precedent requiring predominant foreign ownership for such restrictions.

[Read the full brief](#)

**CASES PENDING (Cntd.)*****Cubberley & another v. Commerce Insurance Co.***

(Massachusetts Supreme Judicial Court)

This Massachusetts Supreme Judicial Court case examines if auto policies lawfully exclude "inherent diminished value" (IDV), the market value loss from accident stigma after repairs. NELF argues the policy clearly excludes IDV and that state law permits this discretion by the Insurance Commissioner.

[Read the full brief](#)***Attorney General v. Town of Milton***

(Massachusetts Supreme Judicial Court)

This case challenges zoning "guidelines" for multi-family housing near transit, arguing they are enforceable standards under the APA and require formal procedures. NELF asserts their enforcement without compliance undermines fairness and uniformity.

[Read the full brief](#)***Crownholm v. Moore***

(U.S. Supreme Court)

This case asks if licensing laws restricting speech-related work need strict First Amendment scrutiny. Crownholm, cited for selling site plans, had his claim dismissed as conduct, not speech. NELF argues this misclassification evades proper scrutiny and highlights overregulation's impact on jobs.

[Read the full brief](#)**SAVE THE DATE: 2025 KICK OFF PARTY****Welcome to 2025!**

The New England Legal Foundation invites you to kick off the new year with us as we gather with colleagues to reconnect and look ahead. With the holidays behind us, it's time to embrace the opportunities and challenges of a fresh year.

During this engaging evening, we'll share insights on the anticipated legal landscape for businesses in our region, provide updates on our key initiatives and programs for the coming year, and offer the chance to network with fellow legal professionals. It's the perfect opportunity to catch up with familiar faces or make new connections as we embark on an exciting 2025.

Enjoy cocktails and light bites as we set the stage for a productive and impactful year.

**LOCATION:**

Winthrop Center - The Federal Room  
115 Federal Street  
Boston, MA 02108

**DATE & TIME:**

Wednesday, 01/15/2025  
5:30pm - 7:30pm EST

[REGISTER](#)

## THANK YOU TO OUR 2024 GRANT SPONSORS

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This year, we expanded our support beyond our Corporate Members through several Foundation Grants. Securing grant funding is always a competitive process, making it especially rewarding to find funding partners that share our commitment to Free Enterprise, Property Rights, and an Inclusive Economy.

If your organization offers grant opportunities that align with our mission, I encourage you to reach out to me at [tdesisto@newenglandlegal.org](mailto:tdesisto@newenglandlegal.org). Our corporate sponsors are an invaluable network that can open new doors and opportunities for NELF.

We extend our gratitude to the following organizations for their generous support this year:



Sarah Scaife  
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Happy Holidays!

NE New England Legal  
LF FOUNDATION

From all of us at the New England Legal Foundation, we wish you and your loved ones a joyful holiday season filled with peace, happiness, and cherished moments.

Here's to a prosperous and inspiring new year ahead!