

---

In recent weeks, the Supreme Court has also invited the Solicitor General to file briefs expressing the views of the United States in five cases of interest to the business community:

*Spokeo, Inc. v. Robins*, No. 13-1339: The question presented is whether Congress may confer Article III standing upon a plaintiff who suffers no concrete harm, and who therefore could not otherwise invoke the jurisdiction of a federal court, by authorizing a private right of action based on a bare violation of a federal statute. Mayer Brown is counsel for the petitioner.

*Coventry Health Care of Missouri, Inc. v. Nevils*, No. 13-1305: The question presented is whether the Federal Employees Health Benefits Act, which governs the federal government's provision of health benefits to millions of federal employees and their dependents, preempts state laws precluding carriers that administer FEHBA plans from seeking subrogation as required by their contracts with the Office of Personnel Management.

*Aetna Life Insurance Co. v. Kobold*, No. 13-1467: The question presented is whether the Federal Employees Health Benefits Act, which expressly "preempt[s] any State or local law" that would prevent enforcement of "[t]he terms of any contract" under FEHBA that "relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits)," preempts state laws precluding carriers that administer FEHBA plans from seeking reimbursement or subrogation pursuant to the terms of FEHBA contracts.

*Athena Cosmetics, Inc. v. Allergan, Inc.*, No. 13-1379: The question presented is whether, under *Buckman Co. v. Plaintiffs' Legal Committee*, the Federal Food, Drug, and Cosmetic Act impliedly preempts a private state-law claim for unfair competition premised on a party's purported failure to obtain Food and Drug Administration approval, where the Food and Drug Administration itself has not imposed any such requirement.

*Dollar General Corp. v. Mississippi Band of Choctaw*, No. 13-1496: The question presented is whether Indian tribal courts have jurisdiction to adjudicate civil tort claims against nonmembers, including as a means of regulating the conduct of nonmembers who enter into consensual relationships with a tribe or its members.