



**CASE LAW UPDATE FOR Q2 2020**  
**ISSUE OF THE COURT CONNECTION**

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**U.S. Supreme Court Cases**

***Allen v. Cooper, Governor of North Carolina***

140 S.Ct. 994 (Mar. 23, 2020)

Addressing a case involving the Copyright Remedy Clarification Act of 1990, the U.S. Supreme Court discussed its prior rulings on the issue of sovereign immunity, particularly the opinion in *Central Virginia Community College v. Katz*, 546 U.S. 356 (2006), in which the Court upheld Congress’s abrogation of sovereign immunity in bankruptcy cases. This opinion discusses the “unique history” of the Constitution’s Bankruptcy Clause which led to the conclusion, in *Katz*, that Congress retained constitutional authority to abrogate state sovereign immunity within Title 11.

***Roman Catholic Archdiocese of San Juan v. Feliciano***

140 S.Ct. 696 (Feb. 24, 2020)

In an opinion which may have ramifications on the practice of bankruptcy courts issuing *nunc pro tunc* orders to retroactively approve actions, the U.S. Supreme Court rejected the use of such an order where the court issuing the order lacked jurisdiction. The Court explained that a *nunc pro tunc* order is valid only where a court announced a ruling without entering an order and that such an order cannot be used to “make the record what it is not.”

***Ritzen Grp., Inc. v. Jackson Masonry, LLC***

140 S.Ct. 582 (Jan. 14, 2020)

In a unanimous opinion, the U.S. Supreme Court held that an order from the bankruptcy court which unreservedly denies a motion for relief from stay constitutes an immediately appealable final order. In this case, the creditor’s motion for stay relief was denied, but the creditor did not file an appeal until after the plan was confirmed. The district court dismissed the appeal as untimely. The dismissal was affirmed by the Sixth Circuit and then by the Supreme Court. The Court noted the uniqueness of bankruptcy as a different “regime” which “embraces an aggregation of individual controversies.” The Court concluded that the adjudication of a stay relief motion “forms a discrete procedural unit within the embrace of bankruptcy case.”