

Supreme Court Takes A Pass On *Unite HERE V. Mulhall*

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The Supreme Court dismissed the appeal of *Unite Here v. Mulhall*, a case it had agreed to hear and, in fact, had held oral argument in just last month. The dismissal leaves in effect an 11th Circuit ruling that held that a so called “neutrality agreement” between a Unite Here local and a Florida racetrack could have violated federal labor law.

The dismissal in effect reversed the granting of certiorari and have limited precedential effect. Interestingly, three of the Justices Breyer, Kagan, and Sotomayor would have asked for more briefing on several procedural questions which could have mooted the case, rather than dismissing the writ in its entirety.

The dismissal leaves a split among the appellate circuits as to the permissibility of neutrality agreements. Whether the Supreme Court takes up the issue again in another case remains to be seen.

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