

- Ex Parte Young Exception Not Available to Students Seeking New Election(September 14, 2004)
- Self-Care Provision of Family and Medical Leave Act Does Not Validly Abrogate Sovereign Immunity(September 14, 2004)
- [Illinois District Court finds Fair Debt Collection Practices Act Does Not Abrogate Sovereign Immunity. Sorrell v. Illinois Student Assistance Commission, No. 03-5237, 2004 WL 870665 \(C.D. Ill. April 22 2004\)](#) . (May 25, 2004)
  - **Calif. ex rel. Lockyer v. Dynegy, Inc.**, 375 F.3d 831 (9th Cir. 2004). The court holds that states cannot invoke sovereign immunity to prevent removal from state court when the state was a plaintiff.
  - **Downing v. Board of Trustees of Univ. of Alabama**, 321 F.3d 1017 (11th Cir. 2003). The court held that Congress acted within its 14th Amendment powers in Title VII when it barred same-sex discrimination and retaliation and that, accordingly, Title VII's abrogation of state sovereign immunity is valid.
  - **Hood v. Tennessee Student Assistance**, 319 F.3d 755 (6th Cir. 2003). The court held that Congress had authority under Article I, Section 8 to abrogate state sovereign immunity in bankruptcy proceedings.
  - **Illinois Ass'n of Mortgage Brokers v. Office of Banks**, 308 F.3d 762 (7th Cir. 2002). The court held that it had jurisdiction to proceed with an Ex Parte Young action under 28 U.S.C. § 1331, independent of any right of action under § 1983.
- **Jackson v. Birmingham Board of Education**, 309 F.3d 1333 (11th Cir. 2002). The court held that individuals cannot bring private suits to enforce an anti-retaliation regulation issued by the Department of Education under Title IX of the 1972 Education Amendments.
- **Love v. Delta Air Lines**, 310 F.3d 1347 (11th Cir. 2002). The court held that the Air Carrier Access Act, which prohibits air carriers from discriminating against people with disabilities, does not create a private right of enforcement in federal court.
- **Nanda v. Board of Trustees of Univ. of Illinois**, 303 F.3d 817 (7th Cir. 2002). The court affirmed a decision of the U.S. District Court for the Northern District of Illinois holding that Title VII of the Civil Rights Act of 1964 validly abrogated the state's sovereign immunity under the Eleventh Amendment for claims of intentional discrimination in employment on the basis of race and sex.
- **Rhode Island Department of Environmental Management v. United States**, 304 F.3d 31 (1st Cir. 2002). The court held that state sovereign immunity bars the U.S. Secretary of Labor from conducting administrative proceedings against nonconsenting states under the Solid Waste Disposal Act and other environmental laws. The proceedings at issue were those instituted by state employee "whistleblowers." The court found that this case was indistinguishable from *Federal Maritime Commission v. South Carolina St. Ports. Auth.*, 122 S.Ct. 1864 (2002).
- **Watson v. County of Riverside**, 300 F.3d 1092 (9th Cir. 2002). The court held that a party who wins a preliminary injunction that accomplishes one of the main purposes of a subsequently successful or mooted lawsuit has obtained involuntary relief with sufficient judicial

imprimatur to become "prevailing party" entitled to award of attorneys' fees under 42 U.S.C. § 1988.

- ***Missouri Child Care Ass'n v. Cross***, 294 F.3d 1034 (8th Cir. 2002). The court holds, because the Ex Parte Young exception is available for plaintiffs bringing a suit for prospective injunctive relief under the Adoption Assistance and Child Welfare Act, 42 U.S.C. §§ 670-679b and that the defendant state officials thus had no Eleventh Amendment immunity.

- ***Frazar v. Gilbert***, 2002 U.S. App. LEXIS 14885. (5th Cir. July 24, 2002)

- ***State of Arizona v. Bliemeister***, 2002 WL 1586907 (9th Cir. July 19, 2002). (holding that a state may waive its immunity when it makes a clear declaration that it intends to submit itself to federal jurisdiction. Express waiver is not required if the state engages in conduct in litigation incompatible with an intent to preserve immunity). For a more detailed description, see description in NSCLC's Federal Rights Project, at [www.nsclc.org](http://www.nsclc.org).

- [Federal Maritime Commission v. South Carolina State Port Authority](#) (June 13, 2002)

- [Fourth Circuit Holds that ERISA Preempts Maryland's Wal-Mart Bill](#) (Jan. '07)

- [Supreme Court Decision on Telecommunications Act Remedies May Hold Clues for Future](#) (May '05)

- [Supreme Court grants cert on Implied Right of Action Cases](#) (Sept. '04)

- [Illinois Legislature Passes Bill Waiving Sovereign Immunity](#) (June 2003)

- [Robinson v. Kansas - Title VI](#) (July '02)

- [Supreme Court Holds That Sovereign Immunity of States Does Not Extend to Counties](#) (April '03)

- [Supreme Court rules that the Full Faith and Credit Clause does not require state to apply immunity law of another state](#) (April '03)

- [Lapides v. Board of Regents of University System of Georgia, et. al](#) . (June '02)

- [Supreme Court Issues Section 1983 Decision, Does Little Apparent Damage](#) (March '05)

- [Federal Court of Appeals Rejects Challenge to Judicial Appointment](#) (Oct. '04)

- [Supreme Court grants cert in Section 1983 case](#) (Oct '04)