

First Circuit Rules in favor of Indiano & Williams in two First Amendment Election cases.

David Indiano successfully argued twice this year in the United States Court of Appeals for the First Circuit involving questions of U.S. Constitutional law, specifically the First Amendment, affecting federal and state elections in Puerto Rico.

The first appeal was Gonzalez-Cancel vs. Partido Nuevo Progresista , decided October 2, 2012. See, 696 F.3d 115 (1st Cir. 2012). In this case, a potential challenger for the nomination of the sitting governor was denied a primary challenge under the electoral laws of Puerto Rico and he challenged in federal court alleging violations of his First Amendment Constitutional rights. After the U.S. District Court granted the motion to dismiss filed by Indiano & Williams, the challenger appealed to the First Circuit and Mr. Indiano was successful in arguing to the First Circuit that it should affirm the dismissal. In affirming, the Court of Appeals adopted many of Mr. Indiano's arguments. The Court held that there was no federal jurisdiction given the federal court's limited review of state law electoral issues, even in section 1983 civil rights actions. There was neither an Equal Protection nor a Substantive Due Process basis upon which the case could be maintained in federal court.

The second appeal was Colon-Marrero vs. Conty Perez, decided on November 2, 2012. See, ___ F.3d ___; 2012 WL 5381339. Here, a voter sought an injunction in federal court arguing that the Electoral Commission had violated her Civil Rights and federal election laws NAVA and HAVA, since she had been dropped from the active voter list for failure to vote in the previous election. After the district court denied the plaintiff's motion for injunctive relief, the First Circuit heard an expedited appeal. Oral arguments lasted two hours in order that all parties be heard. After further fact finding in the district court, the First Circuit affirmed the denial of the injunctive relief requested and agreed with Mr. Indiano that NAVA is not applicable to Puerto Rico.

Indiano & Williams wins insurance coverage issue and secures \$300,000 award against insurance company.

After extensive discovery and litigation, Indiano & Williams prevailed over an insurance company that had denied a homeowner coverage to a co-defendant at whose premise an accident had occurred. See, Docket No. 90, 11-1439 9(DRD), decided September 6, 2012. The accident involved a Murphy wall-bed that broke unexpectedly, severing part of two fingers of its occupant. In an extensive opinion, the District Court found for the plaintiff and held that the insurance company was deemed to provide coverage for this incident and that the insurance company had to pay the insured's attorney fees for its denial of coverage. Shortly after the coverage issue was resolved, a settlement for the full policy limits was paid by the insurance company.