

16-1220 ANIMAL SCIENCE PRODUCTS V. HEBEI WELCOME

DECISION BELOW: 837 F.3d 175

LOWER COURT CASE NUMBER: 13-4791

QUESTION PRESENTED:

1. Whether the Second Circuit, in conflict with the decisions of three courts of appeals, erred in exercising jurisdiction under 28 U.S.C. § 1291 over a pre-trial order denying a motion to dismiss following a full trial on the merits.
2. Whether a court may exercise independent review of an appearing foreign sovereign's interpretation of its domestic law (as held by the Fifth, Sixth, Seventh, Eleventh, and D.C. Circuits), or whether a court is "bound to defer" to a foreign government's legal statement, as a matter of international comity, whenever the foreign government appears before the court (as held by the opinion below in accord with the Ninth Circuit).
3. Whether a court may abstain from exercising jurisdiction on a case-by-case basis, as a matter of discretionary international comity, over an otherwise valid Sherman Antitrust Act claim involving purely domestic injury.

LIMITED TO QUESTION 2 PRESENTED BY THE PETITION.

CERT. GRANTED 1/12/2018