

Opinions for the week of October 11 - October 14, 2016

Paula Y. Williams v. Office of the Chief Judge of Cook County Nos. 15-2325 & 15-2554

Argued April 5, 2016 — Decided October 11, 2016

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:13-cv-1116 — **Jorge L. Alonso**, *Judge*.
Before WOOD, *Chief Judge*, and BAUER and WILLIAMS, *Circuit Judges*.

WILLIAMS, *Circuit Judge*. Paula Williams was told she was fired from her position as a probation officer for abandoning her job. She brought this lawsuit alleging that she was actually fired for contesting a workers' compensation claim, reporting another employee's misconduct, being African-American, and reporting co-workers for racial hostility. Because Williams has failed to establish a material factual dispute as to any of her claims, we affirm the district court's grant of summary judgment to the defendants.

[Full text](#)

Eric Uhlig v. Fluor Corporation No. 14-2815

Argued September 8, 2016 — Decided October 11, 2016

Case Type: Civil

Central District of Illinois. No. 4:11-cv-04009 — **Michael M. Mihm**, *Judge*.
Before FLAUM, ROVNER, and SYKES, *Circuit Judges*.

FLAUM, *Circuit Judge*. Eric Uhlig brought False Claims Act and retaliation claims against his former employer, Fluor Corporation, and related entities (collectively, "Fluor"). Fluor contracted with the United States Army to provide, among other services, electrical engineering work in Afghanistan. Uhlig says Fluor violated the False Claims Act when it knowingly breached the terms of its Army contract by using unlicensed electricians as journeymen and billing the government for the services. Uhlig also contends Fluor wrongfully terminated Uhlig as a whistleblower in violation of 31 U.S.C. § 3730(h). The district court granted summary judgment for Fluor. We affirm.

[Full text](#)

FedEx Freight, Inc. v. NLRB Nos. 16-1360 & 16-1395

Argued September 16, 2016 — Decided October 12, 2016

Case Type: Agency

Petition for Review and Cross-Application for Enforcement of an Order of the National Labor Relations Board. 363 NLRB 126, No. 32-CA-164936

Before POSNER, RIPPLE, and ROVNER, *Circuit Judges*.

POSNER, *Circuit Judge*. The petitioner, FedEx Freight, Inc., a subsidiary of FedEx Corporation, uses trucks rather than planes to transport freight. This case concerns the workers at its terminal in Stockton, California, an inland seaport, at which the company employs 50 truck drivers and 27 dockworkers—the latter use forklifts to load and unload the trucks that use the terminal. A Teamsters Local petitioned the Labor Board to be permitted to organize the drivers. Rejecting the company's contention that the local should represent the dockworkers as well on the ground asserted by the company that the drivers and the dockworkers share a community of interest, the Board concluded that a drivers-only unit was proper and submitted the issue to a secret ballot election of the drivers, who voted to be represented by the local union in collective bargaining. The company asks us to overrule the Board, and the Board asks us to enforce its order... FedEx Freight's petition to decertify the union is denied and the Labor Board's cross-petition for enforcement of its certification order is granted.

[Full text](#)

U.S. Bank National Association v. Sun Life Assurance Company of Canada No. 16-1049

Argued September 20, 2016 — Decided October 12, 2016

Case Type: Civil

Western District of Wisconsin. No. 14 CV 562 — **William M. Conley**, *Chief Judge*.

Before BAUER, POSNER, and EASTERBROOK, *Circuit Judges*.

POSNER, *Circuit Judge*. A common law principle that so far as we know is in force in every state of the United States forbids a person to own an insurance policy that insures someone else's life unless the policy owner has an insurable interest in that life... In 2007 an insurance company named Sun Life (the defendant in this case and the appellant in this court) issued a \$6 million policy on the life of a wealthy 81-year-old named Charles Margolin. He died in 2014. U.S. Bank (the plaintiff in this suit and the appellee in this court) had bought the policy three years before Margolin's death, becoming the policy's beneficiary. U.S. Bank is designated in the caption as a securities intermediary, however, because Margolin's policy either is a security or has been bundled together with other life insurance policies to create a security or securities, and because U.S. Bank bought the policy as an intermediary on behalf of another investor... Sun Life declared that it would refuse to pay U.S. Bank the policy proceeds until it investigated the policy's validity... U.S. Bank insists that Wis. Stat. § 631.07(4) requires Sun Life to pay the death benefit to the beneficiary of the policy, namely U.S. Bank... The judgment of the district court is AFFIRMED.

[Full text](#)

James Blasius v. Angel Automotive Inc. No. 15-2994

Argued February 19, 2016 — Decided October 12, 2016

Case Type: Civil

Northern District of Indiana, South Bend Division. No. 13-CV-00046-JVB-CAN — **Joseph S. Van**

Bokkelen, *Judge*.

Before MANION and ROVNER, *Circuit Judges*, and BLAKEY, *District Judge*.

BLAKEY, *District Judge*. In July 2009, Appellant James Blasius purchased a used 2005 Ford Excursion. In June 2012, Blasius entrusted Appellee Angel Automotive, Inc. ("AAI") with upgrading the vehicle to make it "safe" and "reliable." Blasius alleges that AAI negligently betrayed that trust when, one day and about 200 miles after pick up, the vehicle caught fire and was destroyed. The district court granted summary judgment for AAI after concluding that: (1) Blasius failed to present evidence that AAI's work proximately caused the fire; and (2) the doctrine of *res ipsa loquitur* did not apply. Blasius appealed... the decision of the district court is REVERSED.

[Full text](#)

Calvin Whiting v. Wexford Health Sources, Inc. No. 15-1647

Argued October 26, 2015 — Decided October 12, 2016

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 12 C 2917 — **Elaine E. Bucklo**, *Judge*.

Before WOOD, *Chief Judge*, BAUER and SYKES, *Circuit Judges*.

WOOD, *Chief Judge*, concurring in part and dissenting in part.

SYKES, *Circuit Judge*. While serving a probation-revocation sentence in an Illinois prison, Calvin Whiting fell ill with what turned out to be a rare form of non-Hodgkin's lymphoma. A prison doctor initially diagnosed an infection and prescribed antibiotics and nonprescription pain relievers. It was not until two months later that the doctor ordered a biopsy and the cancer was discovered. Whiting filed this lawsuit under 42 U.S.C. § 1983 against the prison doctor and the prison's private medical provider alleging that they were deliberately indifferent to his serious medical needs during the two months that his cancer went undiagnosed. The district court granted summary judgment to both defendants. We affirm.

[Full text](#)

Pompil Vaughn, Jr. v. Clayton Chapman No. 16-1065

Submitted September 7, 2016 — Decided October 13, 2016

Case Type: Prisoner

Central District of Illinois. No. 15-3281 — **James E. Shadid**, *Chief Judge*.

Before DIANE P. WOOD, *Chief Judge*; RICHARD A. POSNER, *Circuit Judge*; FRANK H. EASTERBROOK, *Circuit Judge*.

ORDER

After state criminal charges against Pompil Vaughn were dismissed, he sued everyone involved in the criminal case: the Illinois county where he was prosecuted; the judge, prosecutor, and public defender involved in the case; and the two Illinois state troopers who conducted the traffic stop that led to his arrest. Vaughn has asserted both federal and state theories in his complaint. He is currently imprisoned, and so the district court screened his complaint as required by 28 U.S.C. § 1915A. It concluded that this action is precluded by the judgment in an earlier suit Vaughn pursued arising from the same prosecution and dismissed the case. Vaughn has appealed... AFFIRMED.

[Full text](#)

Nicholas Hess v. Board of Trustees of Southern Illinois University No. 16-1064

Argued September 15, 2016 — Decided October 13, 2016

Case Type: Civil

Southern District of Illinois. No. 3:14-cv-00727 LJM — **Larry J. McKinney**, *Judge*.

Before FLAUM, MANION, and HAMILTON, *Circuit Judges*.

FLAUM, *Circuit Judge*. Nicholas Hess was suspended and later expelled from Southern Illinois University (SIU) after he was arrested for aggravated battery. Hess sued the Board of Trustees of the university, as well as several school administrators in their individual and official capacities, for violations of his procedural and substantive due-process rights. After dismissing some of the claims as barred by sovereign immunity, the district court awarded summary judgment to defendants on the remaining claims. We affirm.

[Full text](#)

Only the text of the opinions is used. No editorial comment is added. For back issues or to send a comment, please contact [Sonja Simpson](#).