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Ashley Johnson Quoted in Bloomberg Law's "Tobacco Penalty Suit Frenzy Reveals Post-Loper Bright Disarray"

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Bloomberg Law

Partner Ashley Johnson is quoted in Bloomberg Law's (subscription required) "Tobacco Penalty Suit Frenzy Reveals Post-Loper Bright Disarray," which discusses how the U.S. Supreme Court's 2024 decision in *Loper Bright Enterprises v Raimondo* has created uncertainty in cases where employers are accused of charging higher healthcare premiums to tobacco-using workers without satisfying legal criteria. District courts have diverged in their handling of these claims, disagreeing on the meaning of "full reward" and the persuasive value of regulatory text and preambles following Loper Bright.

"Early decisions were more receptive to the plaintiffs' legal theory, but the trend has become more mixed," said Ashley. "The courts that have favored defendants have been unwilling to impose requirements based on the regulatory preamble, which is where the idea of retroactive reimbursement comes from."

Related People

Ashley E. Johnson

Related Capabilities

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