DORSEY
DORSEY+WHITNEY LLP

# The Supreme Court Update - November 16, 2026

*November 16, 2026*
by Andrew Brantingham, Liz Kramer, Ian Blodger, Jessica M. Leano, and Brock Huebner

**On November 6, 2026, the Supreme Court granted certiorari in one case:**

**Goldman Sachs Bank USA v. Brown, No. 25-1408:** This case concerns the applicability of the Federal Arbitration Act ("FAA") in bankruptcy. Two Apple Card holders sued Goldman Sachs Bank USA ("Goldman Sachs") under Section 362(k) of the Bankruptcy Code, alleging that the bank willfully violated the automatic bankruptcy stay by continuing to collect their credit card debts after receiving notice of their bankruptcy filings. Goldman Sachs moved to compel arbitration under the FAA, relying on the arbitration provision in each cardholder's agreement. The bankruptcy court denied the motion. The Fourth Circuit affirmed, reasoning that requiring arbitration would interfere with the bankruptcy court's authority to enforce the automatic stay. The question presented is: Whether, and under what circumstances, a bankruptcy court may override the FAA and refuse to honor a valid arbitration agreement with respect to Section 362(k) claims.

**On November 13, 2026, the Court granted certiorari in two additional cases:**

**Robinhood Markets, Inc. v. Sodha, No. 25-944:** Section 11(a) of the Securities Act of 1933, which governs public offerings, does not require companies to disclose all material facts in their possession. Rather, Section 11(a) imposes liability for omitting material facts in two limited circumstances, including where disclosure is necessary to make affirmative statements not misleading. The question presented is: Whether an issuer can be found liable under Section 11(a)'s "misleading omissions" prong based on a determination that the issuer failed to disclose interim financial information that is material within the meaning of Section 11(a), without an additional inquiry to determine whether the omission rendered any affirmative statement misleading.

**Mullin v. Refugee and Immigrant Center for Education and Legal Services, No. 26-239:** This case considers the legality of President Trump's policy of suspending access to asylum for noncitizens arriving at the United States-Mexico border. A federal district

## Related People

- Andrew Brantingham
- Liz Kramer
- Ian Blodger
- Jessica M. Leano
- Brock Huebner

## Related Capabilities

- Appellate

court judge certified a nationwide class of individuals and nonprofits subject to the policy and ruled that the policy was unlawful. The questions presented are: (1) Whether Presidential Proclamation No. 10888 and its implementing guidance—which suspended the entry of certain aliens and precluded their access to statutory provisions that would enable their continued presence in the country, including asylum—are lawful; and (2) whether 8 U.S.C. § 1252(f)(1) bars the classwide relief entered by the district court.