No. 24-758

IN THE

Supreme Court of the United States

THE GEO GROUP, INC.,

Petitioner,

v.

ALEJANDRO MENOCAL, ET AL.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit

BRIEF OF AMICUS CURIAE AMERICAN ASSOCIATION FOR JUSTICE IN SUPPORT OF RESPONDENTS

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September 22, 2025

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INTEREST OF AMICUS CURIAE[1]

The American Association for Justice ("AAJ") is a national, voluntary bar association established in 1946 to strengthen the civil justice system, preserve the right to trial by jury, and protect access to the courts for those who have been wrongfully injured. With members in the United States, Canada, and abroad, AAJ is the world's largest plaintiff trial bar. AAJ members primarily represent plaintiffs in personal injury actions, employment rights cases, consumer cases, and other civil actions. Throughout its 79-year history, AAJ has served as a leading advocate for the right of all Americans to seek legal recourse for wrongful conduct.

This case is of acute interest to AAJ members. AAJ members have represented and continue to represent plaintiffs in actions where private defendants have asserted "derivative immunity." In this instance, The GEO Group asks this Court to carve out a new exception to the final-judgment rule and permit an interlocutory appeal, because it claims entitlement to the government's immunity available to private contractors under *Yearsley v. W.A. Ross Construction Co.*, 309 U.S. 18 (1940), despite an adverse ruling from the trial court. AAJ urges this Court to reject that novel and dilatory tactic that would create a series of piecemeal appeals.

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[1] Pursuant to Rule 37.6, amicus affirms that no counsel for any party authored this brief in whole or in part and no person or entity, other than amicus, its members, or its counsel has made a monetary contribution to its preparation or submission.

INTRODUCTION AND SUMMARY OF ARGUMENT

History, tradition, and precedent support rejection of GEO's request to treat a defense based on *Yearsley v. W.A. Ross Construction Co.*, 309 U.S. 18 (1940), as eligible for interlocutory appeal when a district court holds a government contractor has not satisfied the dual elements of validly conferred authority exercised in conformity with federal law and government directions.

The final-judgment rule has enormous importance to our system of justice and properly recognizes that the special role in developing the facts and legal issues rests in the district courts. When a disappointed party believes those determinations were erroneous, a single appeal of all possible issues exists as of right.

The collateral-appeals doctrine recognizes an extremely limited and narrow category of issues that require more immediate resolution. This Court has specific criteria that must be met *as a category*, rather than on the basis of individualized facts, to qualify for mandatory interlocutory review. The rare cases in which a *Yearsley* defense can be raised do not satisfy those factors, which appropriately limit the set of circumstances where it might be applied. As the Tenth Circuit held in a careful and well-reasoned opinion, the *Yearsley* defense will always overlap with the merits of the case, thereby putting it at odds with the second of the factors developed out of *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949), which asks whether the issue presented on interlocutory review is separate from the case's merits.

In *Yearsley* cases, which ask whether the contractor both conformed to federal law and federal direction, the question for interlocutory review will always intertwine with the merits because it is the statutory violation that generates the liability. Because failing any one *Cohen* factor is sufficient to deny the *Yearsley* defense, the Tenth Circuit did not reach the third factor: whether the issue is unreviewable if it awaits a final judgment. If it had, there is no question that it would have correctly answered that that criterion was also absent because a *Yearsley* defense will always be available for review after final judgment.

Interposing interlocutory review on a *Yearsley* defense would be disruptive of a case and inconsistent with the objective expressed in Federal Rule of Civil Procedure 1 of assuring "the just, speedy, and inexpensive determination of every action and proceeding." Moreover, it would not be limited to a single interlocutory appeal, but could be the subject of successive appeals at least at the motion to dismiss and summary judgment stages. That type of delay will ultimately deprive plaintiffs of their day in court, even if they prevailed on the *Yearsley* defense in each previous instance.

Instead of asking this Court to fashion a novel and unnecessary form of immunity that *Yearsley*'s brief opinion never discussed or authorized, GEO should take its concerns across the street to Congress, where policy is made and the competing considerations of the plaintiffs' right to bring their matter without unreasonable disruption, delay, and expense, as well as the independence our system affords to the district courts, against the policy arguments that GEO has mustered

and that this Court has previously and repeatedly rejected in cases like *United States v. Boyd*, 378 U.S. 39 (1964).

ARGUMENT

I. THE COLLATERAL-APPEALS DOCTRINE SHOULD NOT APPLY TO A DENIAL OF A *YEARSLEY* DEFENSE.

A. Assertion of a *Yearsley* Defense Should Follow the Traditional Final-Judgment Rule.

The final-judgment rule "emphasizes the deference that appellate courts owe to the trial judge as the individual initially called upon to decide the many questions of law and fact that occur in the course of a trial." *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 374 (1981). On the other hand, piecemeal appeals "undermine the independence of the district judge, as well as the special role that individual plays in our judicial system." *Id.* It also "would impose unreasonable disruption, delay, and expense," while also "undermin[ing] the ability of district judges to supervise litigation." *Richardson-Merrell, Inc. v. Koller*, 472 U.S. 424, 430 (1985). *Cf. Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978) (stating the final-judgment rule "prevents the debilitating effect on judicial administration" of piecemeal appeals) (citation omitted).

The issue of when an appeal is warranted and whether it should await final disposition in a trial court is not a new question. Limiting appeals to final judgments has an extensive lineage, dating back to Roman times. Carleton M. Crick, *The Final Judgment*

as a Basis for Appeal, 41 Yale L.J. 539, 540–41 (1932) (citing Arthur Engelmann, A History of Continental Civil Procedure §§ 84–85 (1927)).

England's common-law courts continued that tradition by requiring that the entire controversy reach final disposition in order to file a writ of error. 15A Fed. Prac. & Proc. Juris. § 3906 (3d ed.). It was not just a "settled practice" of the common law in the King's Bench, but it was equally well established as a common-law principle in this Court. *See Holcombe v. McKusick*, 61 U.S. (20 How.) 552, 554 (1857).

The final-judgment rule found statutory articulation, as applied in our federal courts, within the Judiciary Act of 1789, 15A Fed. Prac. & Proc. Juris. § 3906, rendering it "an historic characteristic of federal appellate procedure." *Cobbledick v. United States*, 309 U.S. 323, 324 (1940).

Today, appellate jurisdiction is generally limited to final judgments pursuant to 28 U.S.C. § 1291. As this Court recently explained, the requirement of finality is essential for "achieving a healthy legal system," and preventing a halt to "the orderly progress of a cause . . . while the appellate courts considered all sorts of questions which have happened to cross the path of such litigation." *Waetzig v. Halliburton Energy RServs., Inc.*, 604 U.S. 305, 314–15 (2025) (cleaned up) (citations omitted).

To constitute a final judgment under Section 1291, this Court has consistently held that there must be "a decision by the District Court that 'ends the litigation on the merits [and] leaves nothing for the court to do but execute the judgment.'" *Firestone*, 449 U.S. at 368 (quoting *Coopers & Lybrand*, 437 U.S. at 467). Once that occurs, "a party is entitled to a single appeal, to be deferred until final judgment has been entered, in which claims of district court error at any stage of the litigation may be ventilated." *Dupree v. Younger*, 598 U.S. 729, 734 (2023) (quoting *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 712 (1996)) (cleaned up).

Because of the availability of a nearly all-encompassing right of appeal, appealability of a ruling denying a *Yearsley* defense fits well within the usual appeal of a final judgment.

B. *Yearsley* Issues Cannot Meet the "Narrow Exception" Developed by the Collateral-Order Doctrine.

The collateral-order doctrine created a "narrow exception" to the final-judgment rule, *Firestone*, 449 U.S. at 374, one that emphasizes that it is an "exception, not the rule." *Johnson v. Jones*, 515 U.S. 304, 309 (1995).

In *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949), this Court recognized a "small class" of cases where "claims of right separable from, and collateral to, rights asserted in the action, too important to be denied review and too independent of the cause

itself to require that appellate consideration be deferred until the whole case is adjudicated." *Id.* at 546. This interlocutory appeal, *Cohen* held, applies to the "final disposition of a claimed right which is not an ingredient of the cause of action and does not require consideration with it." *Id.* at 546–47.

Subsequent caselaw distilled *Cohen*'s holding into three conditions necessary to warrant a collateral appeal:

> It must "conclusively determine the disputed question," "resolve an important issue completely separate from the merits of the action," and "be effectively unreviewable on appeal from a final judgment."

Richardson-Merrell, 472 U.S. at 431 (citing *Coopers & Lybrand*, 437 U.S. at 468). The test is "strictly applied." *Id.* The absence of any one of these conditions dooms the availability of an interlocutory appeal. *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 276 (1988).

The *Yearsley* defense, which must satisfy the criteria as a category rather than on an individualized inquiry, *Digital Equip. Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 868 (1994), cannot qualify. The Tenth Circuit undertook a careful analysis of the second criterion: whether the important issue can be "reviewed completely separate from the merits of the action." Pet. App. 18a (footnote omitted). It correctly concluded

that the *Yearsley* considerations were enmeshed in the substance of the overall case and therefore failed the collateral-appeal test. *Id.*

To satisfy the second condition, "the immediately appealable decision [must] involve[] issues significantly different from those that underlie the plaintiff's basic case." *Johnson*, 515 U.S. at 314. A claim of immunity that qualifies for interlocutory appeal necessarily "raises a question that is significantly different from the questions underlying plaintiff's claim on the merits." *Id.* (citing *Mitchell v. Forsyth*, 472 U.S. 511, 527 (1985)).

Here, the question of whether GEO deviated from the government's instructions and violated federal law—a question that applies to *every Yearsley* claim, *see Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 166 (2016)—cannot be separated from the underlying claim here, for it was those deviations that generated the alleged liability, as it would every time a *Yearsley* defense is raised. To be clear, both the *Yearsley* and merits inquiries require assessments of whether the government contractor violated the federal law that gives rise to the action in the first place, as well as whether it violated federal directions in fulfilling its contract. *See* Pet. App. 20a–21a. Those questions will always be endemic to the merits of an action where *Yearsley* may potentially be raised. Thus, the Tenth Circuit, in this case, concluded that it could not "say that orders denying the applicability of the *Yearsley*

defense would implicate questions "significantly different from" the merits of a plaintiff's claims. *Id.* at 21a. That determination by the court below was undeniably correct.

In an abundance of caution to highlight the validity of its assessment, the Tenth Circuit then tied its analysis to the facts of this case. It explained that both the merits and the *Yearsley* defense required a determination about whether the relevant federal law, the Trafficking Victims Protection Act of 2000 (TVPA), 18 U.S.C. § 1589(a), was violated by the way GEO imposed its own laundry, sanitation, and janitorial work, as well as building maintenance responsibilities upon the detainees entrusted to its care. It did so without paying them fair rate or merely paying a *de minimis* amount, accompanied by threats and punishments if the detainees did not agree. Pet. App. 22a–23a.

The same "intertwining" of merits and *Yearsley* factors was necessarily part of the Plaintiffs' unjust enrichment claim, which posed a question about whether GEO profited unjustly at the Plaintiffs' expense because it failed to make commensurate compensation to the detainees in the course of its statutorily prohibited misconduct. *Id.* at 23a.

These issues, Respondents told this Court in their Brief in Opposition, required the district court to undertake a review of "hundreds of pages of documents, numerous deposition transcripts and declarations, and dozens of discovery responses." Respondents'

Brief in Opposition, *The GEO Group, Inc. v. Menocal*, No. 24-758, at 1. It cannot be denied that the merits and the *Yearsley* questions are intertwined. Combing through a record like that differs significantly from the type of inquiry that applies to the appeal of, for example, qualified immunity, which involves the purely legal issue of whether the alleged facts "support a violation of clearly established law." *Mitchell*, 472 U.S. at 528 n.9. In other words, "[w]hether qualified immunity can be invoked turns on the 'objective legal reasonableness' of the official's acts." *Ziglar v. Abbasi*, 582 U.S. 120, 151 (2017) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 819 (1982)).

Because "qualified immunity protects 'all but the plainly incompetent or those who knowingly violate the law,'" *id.* at 152 (quoting *Malley v. Briggs*, 475 U.S. 335, 341 (1986)), "a court must ask whether it would have been clear to a reasonable officer that the *alleged* conduct 'was unlawful in the situation he confronted.'" *Id.* (quoting *Saucier v. Katz*, 553 U.S. 194, 202 (2001)). When deciding on a motion for summary judgment without factual findings by a judge or jury, courts accept the plaintiff's version of disputed facts and read the facts and all reasonable inferences "in the light most favorable to the party opposing the [summary judgment] motion." *Scott v. Harris*, 550 U.S. 372, 378 (2007) (bracket in original) (citation omitted).

Since *Saucier* was decided, this Court has receded from its two-step process to the extent that it calls upon courts to engage, unnecessarily, in "a substantial

expenditure of scarce judicial resources on difficult questions that have no effect on the outcome of the case." *Pearson v. Callahan*, 555 U.S. 223, 236–37 (2009). For that reason, courts may begin the inquiry by looking at the facts alleged and determine as a matter of law that no constitutional right was violated, thereby avoiding a deeper, resource-wasting exercise. *Id.* at 237.

The underlying purpose of promoting judicial efficiency has no application to the *Yearsley* defense, which is more categorically fact-intensive because it requires both parties to undertake the burden of discovery to a far greater degree than would ever be contemplated for a straightforward and purely legal determination of qualified immunity.

While the Tenth Circuit did not examine whether GEO's bid for an interlocutory appeal satisfied the third condition of the collateral-order doctrine, it is easy to see that a *Yearsley* claim cannot possibly meet the requirement that it be "effectively unreviewable on appeal from a final judgment" and therefore present a need to be reviewed immediately. The unavailability of an appeal at that stage of a case where the *Yearsley* defense is raised cannot conceivably result in permanent harm. Like any other defense a party might mount, particularly here where a factual record must be considered, it is entirely available for review after a final judgment. *See Dupree*, 598 U.S. at 734.

Other practical reasons also militate against interlocutory review. The guiding principle of the Federal Rules of Civil Procedure—indeed, its "paramount command," *Dietz v. Bouldin*, 579 U.S. 40, 45 (2016)—is spelled out in Rule 1, which promises "the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1. That command constitutes a mandate "in the interest of the administration of justice and transcend[s] in importance mere inconvenience to a party litigant." *Bell v. Swift & Co.*, 283 F.2d 407, 409 (5th Cir. 1960). Its mandate is not met by interruptive appeals.

It is important to keep in mind that if the *Yearsley* defense were subject to interlocutory appeal, it would not mean just a single appeal that would disrupt the litigation, but quite likely multiple appeals, as *Behrens v. Pelletier*, 516 U.S. 299 (1996), acknowledges. *Behrens* held that the availability of interlocutory review permitted a defense to be raised at successive stages in litigation, including after its rejection at the dismissal *and* summary judgment stages. *Id.* at 306–08. In a case like the one before this Court, multiple appeals can only result in a waste of litigant and judicial resources to little end, while encouraging dilatory tactics that undermine the thrust of Rule 1.

That type of lengthening of the litigation process undermines the purposes underlying the congressional choice to codify the final-judgment rule. Early in this Court's history, it recognized that:

> In limiting the right of appeal to final decrees, it was obviously the object of the law to save the unnecessary expense and delay of repeated appeals in the same suit; and to have the whole case and every matter in controversy in it decided in a single appeal.

Forgay v. Conrad, 47 U.S. (6 How.) 201, 205 (1848). Nothing about the congressional purpose in what is now 28 U.S.C. § 1291 has rendered that assessment infirm.

If this Court were to decide that a *Yearsley* defense is eligible for interlocutory appeal, the ultimate result would be to subject injured plaintiffs to unlimited successive appeals that can effectively deny a plaintiff their day in court even when they have repeatedly prevailed on the *Yearsley* question at every stage at which the issue could be decided. Everything this Court has said about the need to live up to Rule 1's directive rebels against that result. *Cf. Parrish v. United States*, 145 S. Ct. 1664, 1674 (2025) (citing *Foman v. Davis*, 371 U.S. 178, 181 (1962)).

II. INTERLOCUTORY REVIEW OF A *YEARSLEY* DEFENSE RAISES POLICY QUESTIONS BEST LEFT TO CONGRESS.

A. The Governing Policy That Applies to Interlocutory Appeals Resides with Congress, Which Has Not Seen Fit to Extend It.

GEO argues that this Court should reshape the *Yearsley* defense into an immunity that does not currently exist. This Court should not countenance those efforts. *Yearsley* does not mention the word immunity, and it should not be read into the decision. Moreover, the rare invocation of *Yearsley* over the course of the past 85 years since it was decided strongly suggests it was never intended or viewed as serving such a purpose. Instead, what GEO seeks is not a legal construction of what *Yearsley* wrought, but a significant change in federal policy. Those efforts are directed to the wrong side of First Street. As this Court has told previous litigants on more than one occasion, policy changes are "properly addressed to Congress, not this Court," because "[i]t is Congress's job to enact policy and it is this Court's job to follow the policy Congress has prescribed." *SAS Inst., Inc. v. Iancu*, 584 U.S. 357, 368 (2018).

On this subject, Congress has spoken clearly and has adhered to its decision. As this Court put it,

> In § 1291 Congress has expressed a preference that some erroneous trial court rulings go uncorrected until the appeal of a final judgment, rather than having litigation punctuated by "piecemeal appellate review of trial court decisions which do not terminate the litigation."

Richardson-Merrell, 472 U.S. at 430 (quoting *United States v. Hollywood Motor Car Co.*, 458 U.S. 263, 265 (1982)).

It is important to note that although *Richardson-Merrell* recognizes the possibility that a district court decision can, on occasion, require correction, statistics show that about 90 percent of appeals result in affirmance. *See* Barry C. Edwards, *Why Appeals Courts Rarely Reverse Lower Courts: An Experimental Study to Explore Affirmation Bias*, 68 Emory L. J. Online 1035, 1035 (2019); Robert A. Carp et al., Judicial Process in America 254 (10th ed. 2017); Christopher P. Banks & David M. O'Brien, The Judicial Process: Law, Courts, and Judicial Politics 265 (2016); Chris Guthrie & Tracey E. George, *The Futility of Appeal: Disciplinary Insights into the "Affirmance Effect" on the United States Courts of Appeals*, 32 Fla. St. U. L. Rev. 357, 358 (2005); Kevin M. Clermont, *Litigation Realities Redux*, 84 Notre Dame L. Rev. 1919, 1968 (2008); Kevin M. Clermont & Theodore Eisenberg, *Litigation Realities*, 88 Cornell L. Rev. 119, 150 (2002). Thus, the availability of appeal does not suggest that any error-correction, particularly in as fact-intensive question as a *Yearsley* defense carries much weight or overcomes

the disruption to interlocutory appeal would visit upon the underlying litigation.

That fact only emphasizes the congressional role in determining when an appeal may lie. For that reason, for example, on the question of where the locus of government authority to provide a damages remedy resides, this Court has recognized that the "answer most often will be Congress," rather than the courts. *Ziglar*, 582 U.S. at 135. That is especially true where the issue involves multiple considerations that must be "weighed and appraised," a task more suited to "'those who write the laws rather than those who interpret them." *Id.* at 135–36 (cleaned up) (citations omitted).

Congress has expressed its determination that the final-judgment rule is the default policy in 28 U.S.C. § 1291. *See Oklahoma v. Castro-Huerta*, 597 U.S. 629, 642 (2022) ("Congress expresses its intentions through statutory text passed by both Houses and signed by the President (or passed over a Presidential veto)."). As a result of that policy choice, this Court has recognized that only a "narrow category" that constitutes a "limited set of district-court orders are reviewable 'short of final judgment.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 671 (2009) (citation omitted).

Even when Congress has recognized the propriety of a departure from that policy, it has done so very specifically and narrowly. For example, 28 U.S.C.

§ 1447(d) does not make removal orders generally reviewable on appeal, but only remand orders in cases "removed pursuant to section 1442 or 1443." *See also BP P.L.C. v. Mayor & City Council of Baltimore*, 141 S. Ct. 1532, 1538 (2021).

The immunity GEO seeks does not fall within any congressional authorization and should not be the product of the product of judicial interpretation based on *Yearley*'s scant rationale.

B. Other Policy Considerations That Have Figured in This Court's Jurisprudence Counter GEO's Policy Arguments.

GEO's argument seeks to fit within the protective umbrella provided to federal employees, based on this Court's recognition that federal workers are engaged in work that advances the "public good." *Filarsky v. Delia*, 566 U.S. 377, 390 (2012). Yet, unlike a government employee for whom the public interest is the only and overriding consideration, the private contractor is motivated by the recompense the work will entail.

There is a world of difference between opting to engage in public service and contracting with the government for pecuniary interests. As is evident from the allegations and facts developed in the instant case, this case is about whether profit motives caused GEO to use detainees for tasks it was responsible for performing, to underpay them, and to charge the government for that unpaid work at a considerable profit. Government services do not properly work that way,

and it is an allegation that could only be made against a profit-oriented endeavor that has flaunted the law.

To the extent that GEO suggests this Court must create for contractors a novel immunity from suit to prevent an escalation of costs the government will need to absorb, there is no reason to credit the contention. GEO is plainly highly profitable, even without engaging in the alleged misconduct. Moreover, this Court has repeatedly rejected the argument that expense justifies a judicially created immunity for private contractors that Congress did not authorize. Even if it were a consideration, balancing those expenses against rights allegedly violated here is a quintessential policy judgment within the clear province of Congress, where those competing interests are best weighed.

To the extent this question has arrived before this Court, it has not hesitated to hold that no special treatment or immunity attaches even when a federal contractor's liability imposed by a non-federal actor might ultimately be borne by the United States. For example, the United States enjoys immunity from state taxation for its property. *See McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 317 (1819). Yet that immunity from state taxation is not transferred to "a contractor doing business with the United States, even though the economic burden of the tax, by contract or otherwise, is ultimately borne by the United States." *United States v. Boyd*, 378 U.S. 39, 44 (1964) (citations omitted).

In *Boyd*, this Court rejected an argument that would have extended immunity to a contractor under the guise that it would inure to the "benefit of the United States." This Court reasoned that "it is incredible to conclude that the [contractor's] use of government-owned property was for the sole benefit of the Government," and did not also yield considerable benefits for the contractors who "were paid sizable fees over and above their cost." *Id.* at 44–45. The profits and the motive behind them, then, put the contractors in a different category from the government and rendered immunity insensible.

Boyd is not a one-off, but representative of a substantial line of this Court's cases. *See, e.g.*, *United States v. City of Detroit*, 355 U.S. 466, 469 (1958) ("[I]t is well settled that the Government's constitutional immunity does not shield private parties with whom it does business from state taxes imposed on them merely because part or all of the financial burden of the tax eventually falls on the Government."); *Penn Dairies v. Milk Control Comm'n*, 318 U.S. 261, 269 (1943) (denying immunity to a federal contractor furnishing supplies or services to the government even though compliance with state taxation or regulations "imposes an increased economic burden on the [federal] government"). *Cf. Keifer & Keifer v. Reconstruction Fin. Corp.*, 306 U.S. 381, 388–89 (1939) ("[T]he government does not become the conduit of its immunity in suits against its agents or instrumentalities merely because they do its work.") (citing *United States v. Lee*, 106 U.S. (16 Otto) 196, 213, 221 (1882),

and *Sloan Shipyards Corp. v. U.S. Shipping Bd. Emergency Fleet Corp.*, 258 U.S. 549, 567 (1922)).

In pointing to *Boyd* and its predecessors, *amicus* is not suggesting that this Court abrogate the *Yearsley* doctrine. Instead, what these cases teach is that concerns about the impact on the public treasury applicable to the government's immunity have not applied in the context of government contractors and should not lead this Court to create a robust right to interlocutory appeal that Congress has not authorized.

CONCLUSION

For the foregoing reasons, the American Association for Justice respectfully asks this Court to affirm the judgment of the Tenth Circuit in this case.

September 22, 2025

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