

Interesting News from the Supreme Court Regarding the ATS

The blogs were abuzz last week about the *Kiobel* case (argued on February 28), which asks whether corporations may be sued for violations of the law of nations under the Alien Tort Statute. Full information is available [here](#). Today, the Supreme Court took the atypical step of ordering reargument. The Court's order sets out a briefing schedule for the parties that runs to June 29. Reading between the lines, it appears that some members of the Court have determined that *Kiobel*, as it was briefed, was not the best vehicle to resolve the issues at stake. As such, the Court has asked for briefing on the following question: "Whether and under what circumstances the Alien Tort Statute, 28 U.S.C. § 1350, allows courts to recognize a cause of action for violations of the law of nations occurring within the territory of a sovereign other than the United States." This is, of course, a question of extraterritoriality—a question at the heart of Justice Kennedy and Alito's questions at oral argument. The ATS continues its interesting twists and turns....