

22-381 YEGIAZARYAN V. SMAGIN

DECISION BELOW: 37 F4th 562

LOWER COURT CASE NUMBER: 21-55537

QUESTION PRESENTED:

In *RJR Nabisco*, this Court, applying the presumption against extraterritoriality, held that a civil RICO plaintiff states a cognizable claim under RICO's private right of action only if it alleges a "domestic"-not foreign-injury. 579 U.S. 325, 354 (2016). The Court left unresolved, however, what legal test determines whether an injury is foreign or domestic. *Id.* ("[D]isputes may arise as to whether a particular alleged injury is 'foreign' or 'domestic.' But we need not concern ourselves with that question in this case."). Since *RJR Nabisco*, the Courts of Appeals have divided three ways as to the proper legal test for assessing whether a foreign plaintiff suffers a "domestic" injury to intangible property-such as court judgments, arbitration awards, contract rights, patents, and business reputation or goodwill.

The question presented is:

Does a foreign plaintiff state a cognizable civil RICO claim when it suffers an injury to intangible property, and if so, under what circumstances.

CONSOLIDATED WITH 22-383 FOR ONE HOUR ORAL ARGUMENT

CERT. GRANTED 1/13/2023