

### **Organizational Standing Issues:**

A. *Equal Rights Center v. Post Properties, Inc.*, DC Circuit Court of Appeals, Decided March 8, 2011:

- Post-suit efforts do not equate to actual or imminent damage
- Activities giving rise to injury have to have occurred pre-suit
- Where would it have gone versus where did it go? (Diversion of Resources)

<http://www.justice.gov/crt/about/app/briefs/equalrightsctrdecision.pdf>

B. *NAACP v. City of Kyle*, 626 F. 3d 233, Court of Appeals, 5<sup>th</sup> Circ. (2010):

- Pre-litigation and litigation costs not enough
- What was curtailed or put on hold because of the discriminatory practice?
- You have to show what other activities suffered.

[http://scholar.google.com/scholar\\_case?case=1679859531718896306&hl=en&as\\_sdt=2&as\\_vis=1&oi=scholarr](http://scholar.google.com/scholar_case?case=1679859531718896306&hl=en&as_sdt=2&as_vis=1&oi=scholarr)

### **Federal Supremacy:**

A. *Astralis v. Condo Association v. HUD*, 620 F.3d 62 (1<sup>st</sup> Circ. 2010)

- Defense in this case raised state law requiring consent of all condo owners before it could proceed to reassign parking spaces (Reasonable accommodations case)
- Court rejected the argument that private agreements required by state law could trump federal law as “ridiculous”

<http://caselaw.findlaw.com/us-1st-circuit/1538411.html>