

GOODYEAR DUNLOP TIRES NORTH AMERICA, LTD,

*Third-Party Defendant.*

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1. The index number of the case in the court below is 703632/17.
2. The full names of the original parties are as set forth above. There have been no changes.
3. The action was commenced in Supreme Court, Queens County.
4. On or about June 17, 2014, Plaintiffs sued U.S. Tires and Wheels of Queens, LLC. Issue was joined on or about March 17, 2015 by service of a Verified Answer. On or about July 19, 2016, Defendant U.S. Tires and Wheels of Queens, LLC. impleaded Goodyear Tire & Rubber Company, Goodyear Dunlop Tires North America, Ltd., and Ford Motor Company by serving a Third-Party Summons and Complaint. Issue was joined on or about September 21, 2016 by service of a Verified Answer from The Goodyear Tire & Rubber Company and September 29, 2016 by service of a Verified Answer from Ford Motor Company.
5. The nature and object of the action involves an automobile accident.
6. This appeal is from an Order of the Honorable Denis J. Butler, dated September 25, 2019, which denied Third-Party Defendant The Goodyear Tire & Rubber Company's Motion to Dismiss the Third-Party Complaint, denied Third-Party Defendant Ford Motor Company's Motion to Dismiss the Third-Party Complaint and granted the Third-Party Plaintiff's Cross-Motion to Amend the Complaint.
7. This appeal is on the full reproduced record.

# Final Stat Pack for October Term 2018

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<b>Total Merits Opinions Released</b>	<b>72</b>
+ Signed merits opinions after oral argument	66
+ Per Curiam merits opinions after oral argument	1
+ Summary reversals	5
<b>Total Merits Opinions Expected</b>	<b>72</b>
+ Petitions granted and set for argument	72
+ Summary reversals	5
- Cases removed from argument calendar	2
- Cases dismissed after oral argument	1
- Cases consolidated after oral argument	1
- Cases restored to argument calendar for OT19	1
<b>Cases Set for Argument During OT19</b>	<b>41</b>

\* You can find past Stat Packs here: <<https://www.scotusblog.com/reference/stat-pack/>>. A few matters regarding our methodology are worth mentioning at the outset. First, SCOTUSblog treats consolidated cases as a single case, as determined by the case with the lowest docket number (prior to the release of an opinion) or the case that is captioned with an opinion. To the extent that two cases are argued separately but later decided with only one opinion, we will remove one of the cases from this Stat Pack, except to include it in the Pace of Grants chart to maintain cross-conference comparisons. The most unusual way we manage these later-consolidated cases is to merge the oral-argument data for the two cases. We combine the questions asked by each justice in the separate oral argument proceedings into one "consolidated" session. Second, this Stat Pack frequently uses the term "merits opinions," "merits docket" or "merits cases." Those three terms are used interchangeably, and signify the set of cases decided "on the merits." Those cases include signed opinions after oral argument (the bulk of all merits cases), most per curiam opinions released after oral argument, summary reversals (cases decided with per curiam opinions without briefing or oral argument, often to reverse a lower court), and cases decided by an equally divided (4-4) court. Cases that are dismissed as improvidently granted are not included in our tally of merits cases.

# Opinions By Sitting

	October		November		December		January		February		March				
	Argued: 10	Decided: 9	Argued: 12	Decided: 12	Argued: 10	Decided: 9	Argued: 11	Decided: 11	Argued: 6	Decided: 6	Argued: 9	Decided: 8	Argued: 13	Decided: 12	
Roberts	1		2		1		1		-		1		1		JGR
Thomas	1		1		1		2		1		1		1		CT
Ginsburg	1		1		1		1		-		1		1		RBG
Breyer	1		1		1		2		-		1		2		SGB
Alito	1		1		1		1		1		1		1		SAA
Sotomayor	-		1		1		1		1		1		2		SMS
Kagan	2		1		1		1		1		1		1		EK
Gorsuch	1		2		1		1		1		-		2		NMG
Kavanaugh	1		1		1		1		1		1		1		BMK
Per Curiam	-		1		-		-		-		-		-		Per Cur.
	Argued: 10	Decided: 9	Argued: 12	Decided: 12	Argued: 10	Decided: 9	Argued: 11	Decided: 11	Argued: 6	Decided: 6	Argued: 9	Decided: 8	Argued: 13	Decided: 12	
<i>Weyerhaeuser</i>	JGR		<i>Schein</i>	BMK	<i>Apple</i>		<i>Merck</i>	SGB	<i>Return Mail</i>	SMS	<i>Bethune</i>	RBG	<i>Brunetti</i>	EK	
<i>Mt. Lemmon</i>	RBG		<i>Lamps Plus</i>	JGR	<i>Nieves</i>		<i>Obduskey</i>	SGB	<i>Mission Prd.</i>	EK	<i>Smith</i>	SMS	<del><i>Emulex</i></del>		
<i>Gundy</i>	EK		<i>Cougar Den</i>	SGB	<i>Nutraceutical</i>		<i>Herrera</i>	SMS	<i>Manhattan</i>	BMK	<i>Cochise</i>	CT	<i>Parker</i>	CT	
<i>Madison</i>	EK		<i>Garza</i>	SMS	<del><i>Mathphyl</i></del>		<i>Fourth Est.</i>	RBG	<i>Haymond</i>	NMG	<i>Flowers</i>	BMK	<i>Kaestner Tr.</i>	SMS	
<del><i>Kittick</i></del>			<i>Frank</i>	PC	<i>Timbs</i>		<i>Hyatt</i>	CT	<i>Mont</i>	CT	<i>PDR</i>	SGB	<i>Davis</i>	NMG	
<i>New Prime</i>	NMG		<i>Jam</i>	JGR	<i>Dawson</i>		<i>Thacker</i>	EK	<i>Am. Legion</i>	SAA	<i>Dutra</i>	SAA	<i>McDonough</i>	SMS	
<i>Stokeling</i>	CT		<i>Sturgeon</i>	EK	<i>Lorenzo</i>		<i>Rimini</i>	BMK			<i>Rucho</i>	JGR	<i>Food Mkt.</i>	NMG	
<i>Stitt</i>	SGB		<i>Va. Uranium</i>	NMG	<i>Biestek</i>		<i>Home Depot</i>	CT			<del><i>Bennett</i></del>		<i>Fort Bend</i>	RBG	
<i>Preap</i>	SAA		<i>Bucklew</i>	NMG	<i>Helsinn</i>		<i>Allina</i>	NMG			<i>Kisor</i>	EK	<i>Commerce</i>	JGR	
<i>Air &amp; Liquid</i>	BMK		<i>BNSF Rail.</i>	RBG	<i>Gamble</i>		<i>Knick</i>	SGB					<i>Mitchell</i>	SAA	
			<i>Harrison</i>	SAA			<i>Tenn. Wine</i>	SAA					<i>Rehaif</i>	SGB	
			<i>Culbertson</i>	CT									<i>Quarles</i>	BMK	
													<i>Taggart</i>	SGB	

\*After oral argument in *Knick* on October 3, 2018, the Supreme Court ordered new briefing and heard reargument on January 16, 2019. After oral argument in *Emulex* on April 15, 2019, the court dismissed *Emulex* as improvidently granted. The court decided *Benisek* together with *Rucho* on June 27, 2019. On June 27, 2019, the justices set *Murphy* for reargument in October Term 2019.

# Circuit Scorecard

October Term 2018								October Term 2019		
	Number	Percent	Decided	Aff'd	Rev'd	Aff'd %	Rev'd %		Number	Percent
CA1	2	3%	2	1	1	50%	50%	CA1	1	2%
CA2	5	7%	5	2	3	40%	60%	CA2	5	11%
CA3	3	4%	3	1	2	33.33%	66.67%	CA3	3	7%
CA4	4	5%	4	2	2	50%	50%	CA4	2	5%
CA5	4	5%	4	2	2	50%	50%	CA5	4	9%
CA6	7	9%	7	4	3	57.14%	42.86%	CA6	3	7%
CA7	1	1%	1	0	1	0%	100%	CA7	0	0%
CA8	4	5%	4	1	3	25%	75%	CA8	1	2%
CA9	14	19%	14	2	12	14.29%	85.71%	CA9	4	9%
CA10	2	4%	2	1	1	50%	50%	CA10	2	5%
CA11	7	9%	7	4	3	57.14%	42.86%	CA11	6	14%
CA DC	3	4%	3	2	1	66.67%	33.33%	CA DC	2	5%
CA Fed	4	5%	4	2	2	50%	50%	CA Fed	4	9%
State	11	15%	11	2	9	18%	82%	State	7	16%
Dist. Court	3	4%	3	1	2	33.33%	66.67%	Dist. Court	-	-
Original	0	0%	-	-	-	-	-	Original	-	-
	74	100%	74	27	47	36.49%	63.51%		44	100%

\* For the circuit scorecards only, we treat certain consolidated cases as separate decisions rather than as one. For consolidated cases that stemmed from different lower court decisions, such as the cases consolidated as *United States v. Stitt*, we counted the cases separately on this table to most accurately reflect the Supreme Court's treatment of the precedents below. For cases that were consolidated in the court below, such as the two petitions from the U.S. Court of Appeals for the 4th Circuit in *The American Legion v. American Humanist Association* and *Maryland-National Capital Park and Planning Commission v. AHA*, we count the Supreme Court's decision only once. Throughout the rest of the Stat Pack consolidated cases are uniformly treated as a single case.

\*\* For purposes of the Circuit Scorecard, we include as "affirmances" merits opinions that let stand the lower-court opinion, such as Justice Ginsburg's opinion in *Virginia House of Delegates v. Bethune-Hill*, in which the court held that the appellants lacked standing and dismissed the appeal. Similarly, we include as "reversals" opinions that may in fact only vacate the lower-court decision and remand for further consideration, such as Justice Thomas' opinion in *Parker Drilling Management Services, Ltd. v. Newton*.

\*\*\* The circuit scorecard does not include *Emulex v. Varjabedian*, which was dismissed as improvidently granted. *Carpenter v. Murphy* is counted under the scorecard for October Term 2019.

# Circuit Scorecard

This chart features affirmance and reversal rates for each circuit and each justice. The first number is the number of times a particular justice voted to affirm a decision of the court below and the second number is the number of times that justice voted to vacate or reverse the decision below.

	Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total Votes	Overall Decisions
CA1	1-1	1-1	1-1	1-1	1-1	1-1	1-1	2-0	0-1	9-8	1-1
CA2	1-4	2-3	3-2	3-2	1-4	3-2	4-1	1-4	0-4	18-26	2-3
CA3	1-2	0-3	2-1	2-1	0-3	2-1	2-1	0-3	1-2	10-17	1-2
CA4	0-4	2-2	3-1	1-3	0-4	3-1	2-2	1-3	1-3	13-23	2-2
CA5	1-3	1-3	2-2	2-2	1-3	2-2	2-2	2-2	1-2	14-21	2-2
CA6	4-3	3-4	3-4	3-4	4-3	2-5	3-4	1-6	4-3	27-36	4-3
CA7	0-1	0-1	1-0	0-1	0-1	1-0	0-1	0-1	0-1	2-7	0-1
CA8	1-3	2-2	1-3	1-3	1-3	1-3	0-4	2-2	1-3	10-26	1-3
CA9	1-13	2-12	6-8	5-9	1-13	6-8	4-10	2-12	1-12	28-97	2-12
CA10	2-0	2-0	1-1	1-1	2-0	1-1	1-1	1-1	2-0	13-5	1-1
CA11	3-4	5-2	2-5	4-3	5-2	3-4	3-4	3-4	4-3	32-31	4-3
CA DC	2-1	1-2	2-1	2-1	2-1	2-1	2-1	1-2	0-0	14-10	2-1
CA Fed	1-3	2-2	3-1	2-2	2-2	1-3	3-1	2-2	2-2	18-18	2-2
State	2-9	6-5	4-7	3-8	5-6	4-7	4-7	7-4	2-8	37-61	2-9
Dist. Court	0-3	1-2	3-0	2-1	0-3	3-0	3-0	1-2	0-3	13-14	1-2
Totals	20-54	30-44	37-37	32-42	25-49	35-39	34-40	26-48	19-47	258-400	27-47

# Merits Cases By Vote Split

9-0 27 (38%)	8-1 5 (7%)	7-2 8 (11%)	6-3 11 (15%)	5-4 21 (29%)	
<i>Mt. Lemmon</i> (8-0)	<i>Jam</i> (7-1)	<i>BNSF Railway</i>	<i>Moore</i> (PC)	<i>Stokeling</i>	
<i>Weyerhaeuser</i> (8-0)	<i>Frank</i> (PC)	<i>Lorenzo</i> (6-2)	<i>Garza</i>	<i>Madison</i> (5-3)	
<i>Shitt</i>	<i>Harrison</i>	<i>Box</i> (PC)	<i>Air &amp; Liquid</i>	<i>Cougar Den</i>	
<i>Emmons</i> (PC)	<i>Mission Prd.</i>	<i>Gamble</i>	<i>Biestek</i>	<i>Preap</i>	
<i>Hill</i> (PC)	<i>Allina</i> (7-1)	<i>Am. Legion</i>	<i>Nieves</i>	<i>Bucklew</i>	
<i>Culbertson</i>		<i>Rehaif</i>	<i>Return Mail</i>	<i>Lamps Plus</i>	
<i>Schein</i>		<i>Flowers</i>	<i>Va. Uranium</i>	<i>Hytt</i>	
<i>New Prime</i> (8-0)		<i>Tenn. Wine</i>	<i>McDonough</i>	<i>Apple</i>	
<i>Helsinn</i>			<i>Dutra</i>	<i>Herrera</i>	
<i>Timbs</i>			<i>Brunetti</i>	<i>Home Depot</i>	
<i>Dawson</i>			<i>Food Mkkt.</i>	<i>Mont</i>	
<i>Rizo</i> (PC)				<i>Bethune</i>	
<i>Nutraceutical</i>				<i>Manhattan</i>	
<i>Fourth Est.</i>				<i>Gundy</i> (5-3)	
<i>Rimini</i>				<i>Knick</i>	
<i>Obduskey</i>				<i>Davis</i>	
<i>Sturgeon</i>				<i>Kisor</i>	
<i>Thacker</i>				<i>Haymond</i>	
<i>Cochise</i>				<i>Rucho</i>	
<i>Merck</i>				<i>Commerce</i>	
<i>Smith</i>				<i>Mitchell</i>	
<i>Fort Bend</i>					
<i>Taggart</i>					
<i>Parker</i>					
<i>Quarles</i>					
<i>PDR</i>					
<i>Kaestner Tr.</i>					

Past Terms				
	9-0	8-1	7-2	5-4
OT10	46%	12%	15%	20%
OT11	45%	11%	8%	20%
OT12	49%	5%	9%	29%
OT13	66%	3%	10%	14%
OT14	41%	7%	12%	26%
OT15	48%	11%	20%	11%
OT16	59%	9%	17%	4%
OT17	39%	8%	15%	10%
Avg.	49%	8%	13%	19%

\* We treat cases with eight or fewer votes as if they were decided by the full court. For 8-0, 7-1 and 6-2 decisions, we simply assume that the nonparticipating justice would have joined the majority. In cases that are decided 5-3, we look at each case individually to decide whether it was more likely that the nonparticipating justice would join the majority or the dissent. Our assumption that nine justices voted in each case applies only to figures that treat each case as a whole, like the chart above, and not to figures that focus on the behavior of individual justices, like our Justice Agreement charts.

\*\* For cases that are decided by a 5-4 vote, we provide information about whether the majority was made up of the most common conservative bloc (Roberts, Thomas, Alito, Gorsuch and Kavanaugh), the most liberal bloc (Ginsburg, Breyer, Sotomayor and Kagan) along with any of the more conservative justices, or a more uncommon alignment. A conservative lineup is marked with a red square, a liberal lineup is marked with a blue square, and all others are marked with a yellow square.

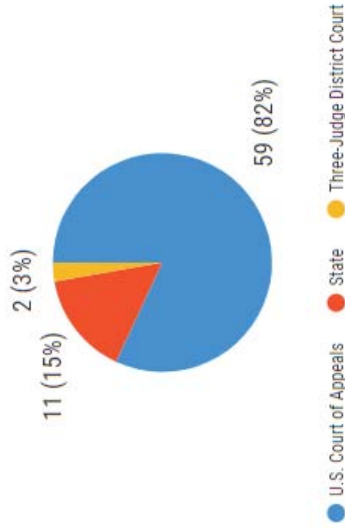
\*\*\* For per curiam opinions, we assume that all justices who do not publicly dissent voted with the majority.



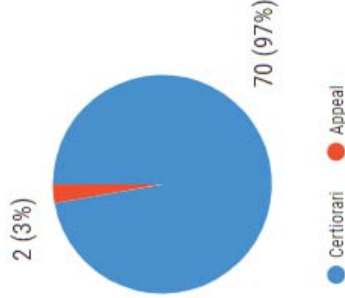
# Makeup of the Merits Docket

The following charts depict different characteristics of the cases that were released with merits opinions. These charts include information about cases disposed of with signed opinions, summary reversals or affirmances by an equally divided court.

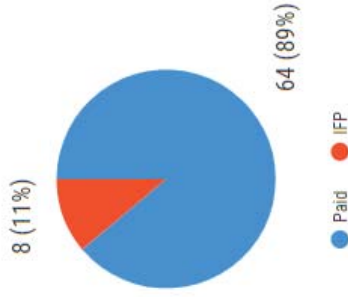
Court Below



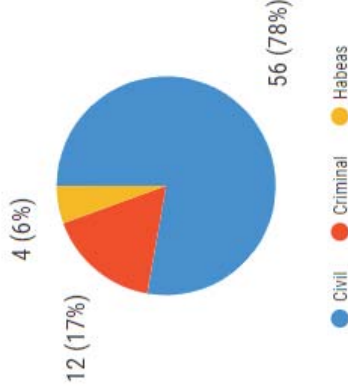
Jurisdiction



Docket



Nature



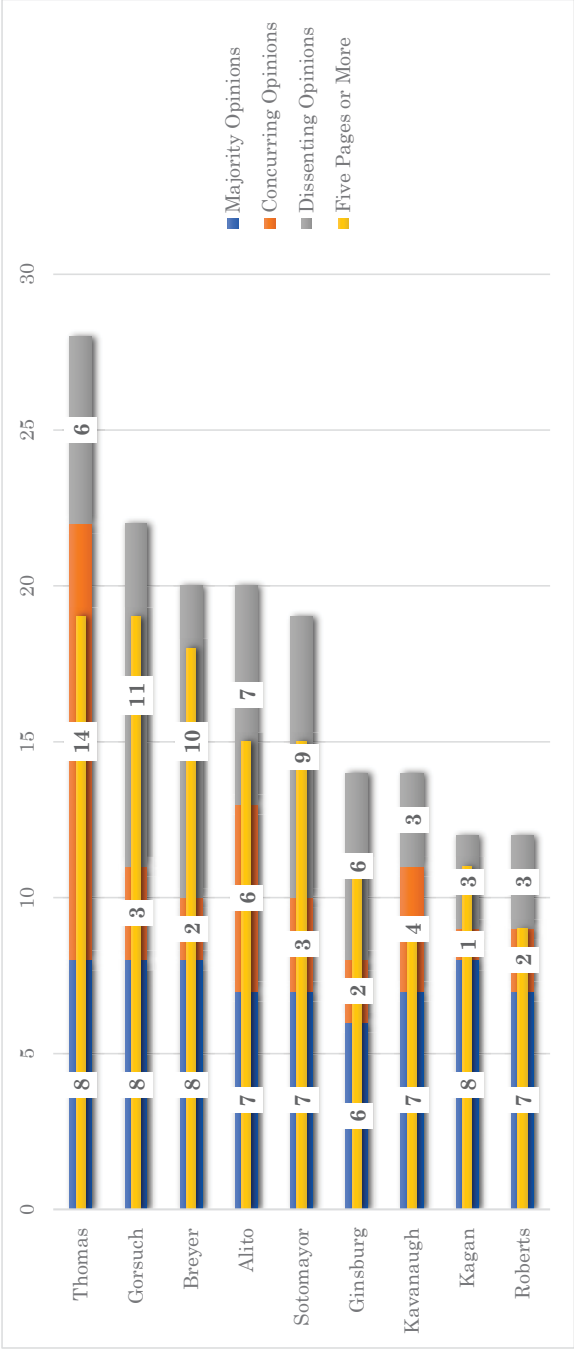
\* Technically, all paid and in forma pauperis cases have been on the same docket since 1971, with paid cases beginning each year with case number 1, and IFP cases beginning at number 5001. Original cases remain on a separate docket and follow a separate numbering convention. For more information on the dockets, see Eugene Gressman et al., "Supreme Court Practice" 55-56 (9th ed. 2007).



# Total Opinion Authorship

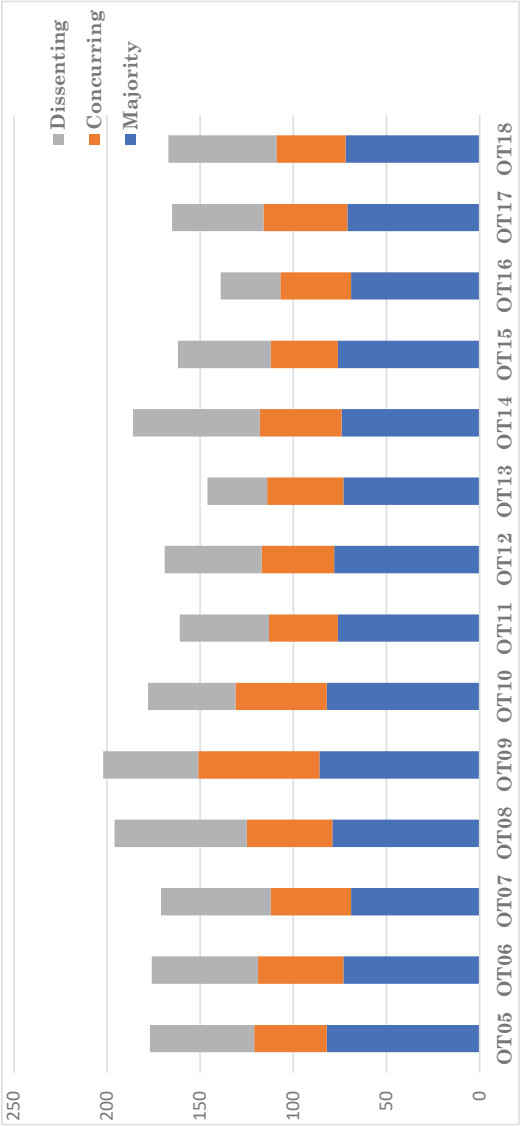
The number of opinions five pages or longer is included in parentheses and represented by the thicker bars in the chart below.

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
Roberts	12 (9)	7 (7)	2 (0)	3 (2)
Thomas	28 (19)	8 (8)	14 (7)	6 (4)
Ginsburg	14 (11)	6 (6)	2 (1)	6 (4)
Breyer	20 (18)	8 (8)	2 (0)	10 (10)
Alito	20 (15)	7 (7)	6 (2)	7 (6)
Sotomayor	19 (15)	7 (7)	3 (1)	9 (7)
Kagan	12 (11)	8 (8)	1 (0)	3 (3)
Gorsuch	22 (19)	8 (8)	3 (2)	11 (9)
Kavanaugh	14 (11)	7 (7)	4 (2)	3 (2)
Per Curiam	6 (5)	6 (5)	- (-)	- (-)



# Total Opinions Over Time

Term	Majority Opinions	Concurring Opinions	Dissenting Opinions	Total Opinions
OT05	82	39	56	177
OT06	73	46	57	176
OT07	69	43	59	171
OT08	79	46	71	196
OT09	86	65	51	202
OT10	82	49	47	178
OT11	76	37	48	161
OT12	78	39	52	169
OT13	73	41	32	146
OT14	74	44	68	186
OT15	76	36	50	162
OT16	69	38	32	139
OT17	71	45	49	165
OT18	72	37	58	167
Average (OT05-OT17)	76	44	52	171



# Opinions Authored By Each Justice

	Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	PC			
Majority Opinions	1	Weyerhaeuser	Culbertson	Stitt	Preap	Nutraceutical	Madison	New Prime	Schein	Emmons			
	2	Jam	Stobeling	Cougar Den	Harrison	Garza	Sturgeon	Dauson	Rimini	Hill			
	3	Lamps Plus	Helsinn	Obduskey	Gamble	Herrera	Biestek	Bucklew	Air & Liquid	Moore			
	4	Nieves	BNSF Railway	Lorenzo	Am. Legion	Smith	Thacker	Allina	Apple	Rizo			
	5	Knick	Cochise	Merck	Dutra	Return Mail	Mission Prd.	Va. Uranium	Quarles	Frank			
	6	Rucho	Home Depot	Taggart	Tenn. Wine	McDonough	Gundy	Food Mktl.	Manhattan	Box			
	7	Commerce	Mont	PDR	Mitchell	Kaestner Tr.	Brunetti	Davis	Flowers				
	8		Parker	Rehaif			Kisor	Haymond					
	9												
	10												
	11												
	12												
	13												
	14												
	15												
Concurring Opinions	1	Moore	Timbs	New Prime	Merck	Obduskey	Am. Legion	Timbs	Preap				
	2	Kisor	Preap	Va. Uranium	Gundy	Sturgeon		Cougar Den	Bucklew				
	3		Bucklew		Kaestner Tr.	Mission Prd.		Am. Legion	PDR				
	4		Lamps Plus		Flowers				Am. Legion				
	5		Merck		Brunetti								
	6		Nieves		Commerce								
	7		Box										
	8		Quarles										
	9		Gamble										
	10		PDR										
	11		Am. Legion										
	12		Knick										
	13		Commerce										
	14		Mitchell										
	15												
Dissenting Opinions	1	Cougar Den	Garza	Lamps Plus	Moore	Stokeling	Lamps Plus	BNSF Railway	Cougar Den				
	2	Va. Uranium	Frank	Nieves	Jam		Knick	Air & Liquid	Davis				
	3	Brunetti	Harrison	Box	Preap	Biestek	Rucho	Biestek	Kisor				
	4		Lorenzo	Gamble	Bucklew	Bucklew		Apple					
	5		McDonough	Am. Legion	Lamps Plus	Lamps Plus		Mission Prd.					
	6		Flowers	Dutra	Hyatt	Nieves		Nieves					
	7				Allina	Mont		Gamble					
	8				Return Mail	Manhattan		Gundy					
	9				Brunetti	Brunetti		Tenn. Wine					
	10				Food Mktl.	Mitchell		Kisor					
	11				Commerce			Mitchell					
	12												
	13												
	14												
	15												
Total			12	28	14	20	20	19	12	22	14	6	167

\*Plurality opinions, like those by Justice Breyer in *Washington State Department of Licensing v. Cougar Den Inc.* and Justice Gorsuch in *Virginia Uranium Inc. v. Warren*, are treated as majority opinions throughout the Stat Pack.

# Workload – Opinions Released Each Week

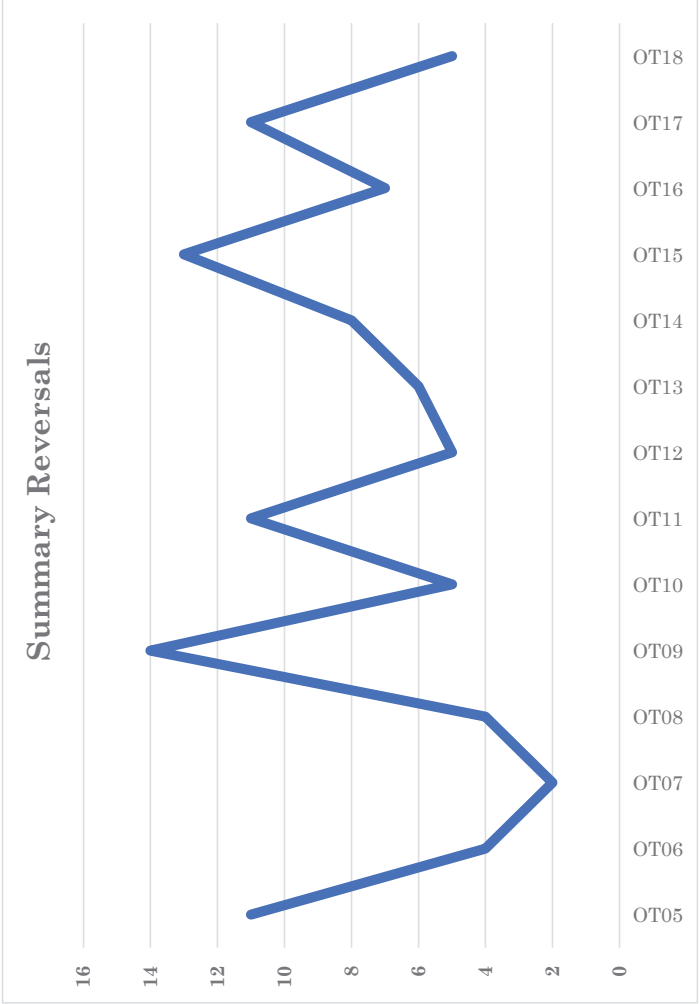
The chart below demonstrates how many opinions were released by each justice during each opinion week.

	October			November			December			January			February			March			April			May			June			Total
	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#4			
JGR	Majority																									7		
	Concurring																									2		
	Dissenting																									3		
	Total																									12		
CT	Majority																									8		
	Concurring																									14		
	Dissenting																									6		
	Total																									28		
RBG	Majority																									6		
	Concurring																									2		
	Dissenting																									6		
	Total																									14		
SGB	Majority																									8		
	Concurring																									2		
	Dissenting																									10		
	Total																									20		
SAA	Majority																									7		
	Concurring																									6		
	Dissenting																									7		
	Total																									20		
SMS	Majority																									7		
	Concurring																									3		
	Dissenting																									9		
	Total																									19		
EK	Majority																									8		
	Concurring																									1		
	Dissenting																									3		
	Total																									12		
NMG	Majority																									8		
	Concurring																									3		
	Dissenting																									11		
	Total																									22		
BMK	Majority																									7		
	Concurring																									4		
	Dissenting																									3		
	Total																									14		



# Summary Reversals

Term	Summary Reversals
OT05	11
OT06	4
OT07	2
OT08	4
OT09	14
OT10	5
OT11	11
OT12	5
OT13	6
OT14	8
OT15	13
OT16	7
OT17	11
OT18	5
Average (OT05-OT17)	8



# Majority Opinion Authorship

Majority Opinions Authored

	Total	9-0	8-1	7-2	6-3	5-4	Average Majority
Roberts	7	1	1	-	1	4	6.1
Thomas	8	4	-	-	-	4	7
Ginsburg	6	4	-	1	-	1	8
Breyer	8	5	-	2	-	1	8
Alito	7	-	1	3	1	2	6.4
Sotomayor	7	3	-	-	3	1	7.1
Kagan	8	2	1	-	2	3	6.6
Gorsuch	8	2	1	-	2	3	6.6
Kavanaugh	7	3	-	1	1	2	7.1
	66	24	4	7	10	21	7

Percentage of Majority Opinions Decided with Unanimous Judgment	
Ginsburg	66.67%
Breyer	62.5%
Thomas	50%
Sotomayor	42.86%
Kavanaugh	42.86%
Kagan	25%
Gorsuch	25%
Roberts	14%
Alito	0%

Authorship as a Percentage of Similar Opinions

	9-0	8-1	7-2	6-3	5-4
Roberts	4%	25%	-	10%	19%
Thomas	17%	-	-	-	19%
Ginsburg	17%	-	14%	-	4%
Breyer	21%	-	29%	-	4%
Alito	-	25%	43%	10%	10%
Sotomayor	13%	-	-	30%	4%
Kagan	8%	25%	-	20%	14%
Gorsuch	8%	25%	-	20%	14%
Kavanaugh	13%	-	14%	10%	10%

Average Days Between Argument and Opinion	
Alito	132d
Kagan	128d
Gorsuch	118d
Roberts	116d
Kavanaugh	100d
Sotomayor	93d
Breyer	88d
Thomas	85d
Ginsburg	71d