Supreme Court Approves Procedure to Consider Certain "Stern" Claims, While Failing to Address Other Issues Raised by Stern Decision

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On June 9, 2014, in *Executive Benefits Insurance Agency* v. *Arkison (In re Bellingham Insurance Agency, Inc.*), a much-anticipated decision, the Supreme Court addressed how bankruptcy courts should adjudicate so-called *Stern* claims. *Stern* claims are "core" claims over which bankruptcy courts have statutory authority to enter orders and judgments, but which authority the Supreme Court previously held in *Stern* v. *Marshall* was not permitted (at least with respect to certain issues) under Article III of the United States Constitution. The *Bellingham* Court unanimously agreed that bankruptcy courts are permitted to issue decisions on such *Stern* claims to be reviewed *de novo* by the applicable district courts. The Court did not, however, provide much additional guidance regarding what constitute *Stern* claims or whether the parties can agree to different procedures.

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