

[Golden Gate Restaurant Association Files Petition for Writ of Certiorari](#)

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The City of San Francisco's attempt to require that all employers in the city make mandatory contributions towards employee health costs may end up being decided by the United States Supreme Court. As expected, the Golden Gate Restaurant Association filed a petition for writ of certiorari asking the Supreme Court to overturn the Ninth Circuit's holding that the city ordinance was not preempted by ERISA. There is some dispute as to whether the Ninth Circuit's ruling created a split with the Fourth Circuit, as the dissenting judges to the petition for en banc review stated that the original opinion conflicts with a the holding in [Retail Industry Leaders Association v. Fielder](#), 475 F.3d 180 (4th Cir. 2007). In that case, a Maryland law requiring employers to play a penalty if it did not spend a certain percentage of their payroll on health coverage was struck down on the grounds that it was preempted by ERISA. The City and County of San Francisco's response brief is due August 24th.

See also [Golden Gate Restaurant Ass'n case summary](#).