

Game On – Again, Not Exactly: Supreme Court Stays CTA Universal Injunction

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The rollercoaster has more hills and turns. On January 23, 2025, the U.S. Supreme Court agreed that the Government is entitled to a stay of the universal injunction of the Corporate Transparency Act (CTA). In light of this action by the Supreme Court, FinCEN has stated the following:

On January 23, 2025, the Supreme Court granted the government’s motion to stay a nationwide injunction issued by a federal judge in Texas (Texas Top Cop Shop, Inc. v. McHenry—formerly, Texas Top Cop Shop v. Garland). As a separate nationwide order issued by a different federal judge in Texas (Smith v. U.S. Department of the Treasury) still remains in place, reporting companies are not currently required to file beneficial ownership information with FinCEN despite the Supreme Court’s action in Texas Top Cop Shop. Reporting companies also are not subject to liability if they fail to file this information while the Smith order remains in force. However, reporting companies may continue to voluntarily submit beneficial ownership information reports.

For now, Beneficial Ownership Information (BOI) reports are not required to be filed. Stay tuned as we monitor this topic.

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