



September 28, 2023

**Via EMAIL and WatchDox**

Aaron Gordon  
MuckRock News, DEPT MR140060  
Boston, Massachusetts 02115  
[140060-07987602@requests.muckrock.com](mailto:140060-07987602@requests.muckrock.com)

**RE:** Freedom of Information Act Request #23-F-00274: Any emails to or from Commissioner Richard L. Trumka Jr. including the keyword "gas" sent between January 1, 2023 to the time of the search.

Dear Mr. Gordon:

Thank you for your Freedom of Information Act (FOIA) request seeking records from the U.S. Consumer Product Safety Commission (CPSC). Enclosed are emails responsive to your request, sent to or from Commissioner Richard Trumka, Jr., consisting of 378 pages.

Portions of the enclosed records are being withheld pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552(b)(5) and (b)(6). CPSC considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions.

**Exemption 5.** FOIA Exemption 5 permits withholding from disclosure inter-agency and intra-agency memoranda that would not be available, by law, to a party other than an agency in litigation with the agency. The staff memoranda and analyses being withheld are pre-decisional and deliberative, consisting of recommendations, opinions, suggestions, or analyses of technical and/or legal staff, and the disclosure which would expose the deliberative process and/or attorney-client privilege. It would not be in the public interest to disclose these materials because disclosure would impair the frank exchange of views necessary for such matters. We are withholding the following pages in their entirety from the responsive emails from Commissioner Trumka's emails: 4 (internal briefing agenda); 9 (interview preparation notes); 13-14, 36-37 (interview preparation notes); 334-346 (draft interview notes); and 337-338 (interview notes).

**Exemption 6.** FOIA Exemption 6 permits withholding personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Absent authorizations to disclose the records or personally identifying information from the persons identified in the records, such information falls within the protection of this FOIA exemption to disclosure and is withheld accordingly.

Additional records responsive to your request were processed and provided previously in response to FOIA request Nos. 23-F-00231, 23-F-00245, 23-F-00375 and 23-F-00408. These records can be accessed on our frequently requested records page on [www.cpsc.gov](http://www.cpsc.gov) at the following link: [Newsroom - FOIA | CPSC.gov](#).

### FOIA Administrative Procedures

*Right to appeal.* According to the CPSC's regulations implementing the FOIA at 16 C.F.R. § 1015.7, a partial denial of access to records may be appealed. If you are not satisfied with the response to this request, you may administratively appeal in writing, addressed to FOIA APPEAL, Office of the General Counsel, ATTN: Division of Information Access, U.S. Consumer Product Safety Commission, 4330 East West Highway, Room 820 Bethesda, MD 20814-4408.

Your appeal must be postmarked or electronically transmitted ([cpscfoiarequests@cpsc.gov](mailto:cpscfoiarequests@cpsc.gov)) within 90 days of the date of the response to your request. You may also fax your appeal to 301-504-0127. You may contact us Monday – Friday from 8:00AM – 4:30PM EST, by telephone at 1-800-638-2772, by fax to 301-504-0127, or by e-mail addressed to [cpsc-foia@cpsc.gov](mailto:cpsc-foia@cpsc.gov).

Before filing a formal appeal with the CPSC, you may contact me or CPSC's other FOIA Public Liaison, Korinne Super ([ksuper@cpsc.gov](mailto:ksuper@cpsc.gov)), via email or at 1-800-638-2772, for any further assistance, or to discuss any aspect of your request. Assistance may include guidance on possible reformulation of your request or an alternative time frame for processing the request.

*Right to Mediation.* Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile to 202-741-5769.

*Fees.* We are not charging you fees in this instance to cover the costs to the CPSC in processing this request, performing the file searches and preparing the information.

Sincerely,

**ROBERT**  
**DALTON**

Digitally signed by  
ROBERT DALTON  
Date: 2023.09.28  
09:48:04 -04'00'

Robert Dalton  
Supervisory Attorney  
Office of the General Counsel  
Division of Information Access  
(301) 504-7246  
[rdalton@cpsc.gov](mailto:rdalton@cpsc.gov)

Enclosures: Commissioner Richard Trumka, Jr. (CORT) Emails (378 pp.)

**From:** (b)(6)  
**Sent:** Tue, 10 Jan 2023 18:19:24 -0600  
**To:** Trumka Jr., Richard  
**Subject:** A quick suggestion

Please stay the eff out of my kitchen and out of my life. I don't need the gubment (Especially some kid who is not even an elected official)telling me what to do. If you're too stupid to know that you need to resign and go get a construction job because you are a meathead, I'll be the first to call you in.

What an absurd waste of money that the inflation production act is handing out \$840 lollipops for people who have worn out stoves to get \$840. It is that kind of crap that causes inflation.  
I need a new fishing boat. Where do I get in line for a free one of those.

Our founding fathers did not intend for the government to tell us paper or plastic or gas or electric. This used to be a free country before the idiot Democrats turned YOU into Nazi Germany. and we have to bow down and let Joe Biden smell our hair.

You idiots in Washington need to get a clue.

Have any of the brain trust in DC figured out how electricity is generated? It's through fossil fuels. Until you get a replacement, go do something else. Especially stay out of my life and the freedom of Americans to make their own choices instead of Having cr!p shoved down their throats.  
It has gone past absurd in two short years.

Go get a real job. You suck at this one.

Sent from my iPhone

**From:** Trumka Jr., Richard  
**Sent:** Mon, 16 Jan 2023 17:23:29 +0000  
**To:** Lipp, Robin; Niemasik, Kaylee; Sebold, Meghan  
**Subject:** (b)(5)

(b)(5)

[American Medical Association passes resolution about gas stoves - Getting to Zero Forum](#)



**Richard L. Trumka Jr.**  
Commissioner  
U.S. Consumer Product Safety  
Commission

**From:** Crockett, David  
**Sent:** Wed, 11 Jan 2023 18:58:12 +0000  
**To:** (b)(6)- Comm Trumka's Office  
**Cc:** Laitin, Anna; Ginsburg, Andrew  
**Subject:** Agenda and correspondence  
**Attachments:** OLA Commissioner Briefing Agenda 1.11.23.pdf, 230111\_Letter\_CPSC Commissioner Trumka.pdf

Good afternoon – please see the attached.

Thanks,  
Dave

**David Crockett**

Congressional Liaison

[U.S. Consumer Product Safety Commission](#) | Office of Legislative Affairs

4330 East West Highway | Bethesda, MD 20814

Office: (301) 504-7489

[dcrockett@cpsc.gov](mailto:dcrockett@cpsc.gov)

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(b)(5)

of the Freedom of Information Act

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## United States Senate

WASHINGTON, DC 20510

January 11, 2023

Richard L. Trumka Jr.  
Commissioner  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

Commissioner Trumka,

Thank you for your service to the country and its consumers. In an interview with Bloomberg, you shared that the U.S. Consumer Product Safety Commission (CPSC) plans to issue a proposal to regulate natural gas stoves as soon as this year and that “[a]ny option is on the table,” including a product ban.<sup>1</sup> I am concerned about both the impact of a potential ban and the basis on which it is being considered.

Gas stoves have become essential to feed American families. In my home state of Ohio, as many as two-in-five households use gas for cooking.<sup>2</sup> Many local restaurants rely on gas stoves for the same reasons that home cooks do: they find them easier to cook with and cheaper to operate.<sup>3</sup> These Ohioans have suffered rising energy costs long enough and should not be forced to choose electric alternatives that tend to be more expensive to operate.<sup>4</sup>

But now they might have to because of a newfound “hidden hazard” that rests on limited research. For instance, your Bloomberg interview cited a recently published study that attributed more than 12% of childhood asthma cases to gas stove usage. But the authors conducted no tests of appliance-usage or exposure, failed to consider adequately other factors, and even found, in a review of 357 peer-reviewed studies, that “none reported new associations between gas stove use and childhood asthma specifically in North America or Europe.”<sup>5</sup> Another prominent study,

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<sup>1</sup> Bloomberg, [“US Safety Agency to Consider Ban on Gas Stoves Amid Health Fears.”](#) January 9, 2023, Accessed January 10, 2023.

<sup>2</sup> U.S. Energy Information Administration, [“In 2020, most U.S. households prepared at least one hot meal a day at home.”](#) August 14, 2022, Accessed January 20, 2023.

<sup>3</sup> Florida Public Utilities Company, [“New Survey Shows That 98% Of Chefs Prefer Cooking With Gas.”](#) November 11, 2011, Accessed January 10, 2023.

<sup>4</sup> Nerdwallet, [“Gas vs. Electric Range: How to Choose.”](#) December 2, 2020, Accessed January 9, 2023.

<sup>5</sup> Gruenwald et al., [“Population Attributable Fraction of Gas Stoves and Childhood Asthma in the United States.”](#) *International Journal of Environmental Research and Public Health* 2023 20(1), 75.



featured last year by the *New York Times*<sup>6</sup>, was based on an analysis of just 53 homes in California.<sup>7</sup> It is not the hazard that is “hidden,” but your evidence for it.

The lack of compelling evidence betrays a different motive. Banning popular and heretofore harmless gas-powered appliances is just the latest effort to achieve progressive decarbonization goals by any means necessary, in this case under the guise of consumer protection: If consumers will not give up gas-powered appliances freely, then use the consumer protection authorities of the federal government to choke off demand for them. I am not fooled by this administration’s campaign against natural gas, nor are everyday Ohioans.

Your chairman, Alexander Hoehn-Saric, has walked back your brazen remarks and pledged that the CPSC is “not looking to ban gas stoves.”<sup>8</sup> I wish I could believe his promises. But given the callous indifference of your remarks to the needs of everyday Ohioans and this administration’s reckless campaign against American energy, I cannot.

I urge you to reevaluate the evidence of the alleged harms posed by gas-powered appliances, renounce any potential ban, and foreclose consideration of regulations that would restrict access to natural gas.

Sincerely,



JD Vance  
United States Senator

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<sup>6</sup> New York Times, “[Did I Turn Off the Stove? Yes, but Maybe Not the Gas.](#)” January 27, 2022, Accessed January 10, 2023.

<sup>7</sup> Lebel et al., “[Methane and NOx Emissions from Natural Gas Stoves, Cooktops, and Ovens in Residential Homes.](#)” *Environmental Science and Technology* 2022, 56, 4.

<sup>8</sup> Breanne Deppisch [@breanne\_dep], “NEW: U.S. Consumer Product Safety Commission chairman issues a statement on gas stove regulations/lack thereof, after Trumka's comments earlier this week ignited political frenzy.” January 11, 2023.

**From:** Sebold, Meghan  
**Sent:** Wed, 4 Jan 2023 02:22:01 +0000  
**To:** Trumka Jr., Richard  
**Cc:** Lipp, Robin; Niemasik, Kaylee  
**Subject:** Ari Natter for Bloomberg Prep  
**Attachments:** Bloomberg Interview Prep.docx

Rich,

(b)(5)



**Meghan Sebold**

Policy and Public Affairs Advisor  
Commissioner Richard L. Trumka Jr.  
[U.S. Consumer Product Safety Commission](#)  
[Twitter](#) // [Statements](#)

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(b)(5)

of the Freedom of Information Act

**From:** (b)(6)  
**Sent:** Wed, 18 Jan 2023 09:58:00 -0500 (EST)  
**To:** Trumka Jr., Richard  
**Subject:** Ban Gas Stoves

Dear Mr. Richard Trumka,

Gas stoves are an environmental and public health risk that needs addressed. They spew methane, cause a 42% higher risk of asthma among children in homes they're used in, and are directly linked to known carcinogens, carbon monoxide poisoning, and low indoor air quality.

In addition to the known environmental and health risks, gas stoves also have a small margin for user error.

Gas is archaic, bad for the planet, bad for children, and bad for us. We urge you and the U.S. Consumer Product Safety Commission to begin the transition to a cleaner and safer future by banning gas stoves.

Kind regards,

(b)(6)

Email secured by Check Point

**From:** (b)(6)  
**Sent:** Wed, 18 Jan 2023 10:10:00 -0500 (EST)  
**To:** Trumka Jr., Richard  
**Subject:** Ban Gas Stoves

Dear Mr. Richard Trumka.,

Gas stoves are an environmental and public health risk that needs addressed. They spew methane, cause a 42% higher risk of asthma among children in homes they're used in, and are directly linked to known carcinogens, carbon monoxide poisoning, and low indoor air quality.

In addition to the known environmental and health risks, gas stoves also have a small margin for user error.

Gas is archaic, bad for the planet, bad for children, and bad for us. We urge you and the U.S. Consumer Product Safety Commission to begin the transition to a cleaner and safer future by banning gas stoves.

I rent in Chicago where gas stoves are so common and unavoidable for renters like me. You banning them is probably the only way for me to get a safe stove in my home since I can only afford to live in so many places in Chicago.

Kind regards,

(b)(6)

Email secured by Check Point

**From:** Trumka Jr., Richard  
**Sent:** Wed, 4 Jan 2023 15:23:32 +0000  
**To:** Niemasik, Kaylee  
**Subject:** Bloomberg Interview Prep  
**Attachments:** Bloomberg Interview Prep.docx

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of the Freedom of Information Act

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(b)(5)

of the Freedom of Information Act



**From:** Public Policy Law360  
**Sent:** Mon, 9 Jan 2023 09:53:08 +0000  
**To:** Trumka Jr., Richard  
**Subject:** CFPB Eyes Nonbank Arbitration Use In Draft Reporting Rule



# Public Policy

MONDAY, JANUARY 9, 2023



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## TOP NEWS

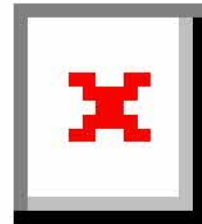
Exclusive

### [CFPB Eyes Nonbank Arbitration Use In Draft Reporting Rule](#)

*By Jon Hill*

A broad swath of consumer finance firms, including mortgage companies, payday lenders and potentially some fintechs, could have to publicly disclose data on their use of arbitration agreements and other contractual restraints on customers if plans from a Consumer Financial Protection Bureau memo obtained by Law360 go forward.

[Read full article »](#)



### [Up Next At High Court: Atty-Client Privilege, Strike Suits](#)

*By Jimmy Hoover*

The U.S. Supreme Court will examine the scope of attorney-client privilege and whether companies can sue unions for property damage caused by strikes in its first arguments of 2023. Here, Law360 breaks down the docket this week.

[Read full article »](#)

### [Trump Must Face NY AG's \\$250M Tax Fraud Suit](#)

*By Dorothy Atkins*

A New York state judge denied Friday a bid by former President Donald Trump, his children and company executives to throw out New York Attorney General Letitia James' \$250 million tax fraud suit, saying their dismissal arguments were "wholly unconvincing" and "borderline frivolous even the first time defendants made them."

 [Order attached](#) | [Read full article »](#)

### [FDA Clears New Alzheimer's Drug Amid Lingering Controversy](#)

## LAW FIRMS IN TODAY'S NEWS

Akerman LLP  
Akin Gump  
Alexander Dubose  
Allen & Overy  
Alston & Bird  
Baker McKenzie  
Barnard Iglitzin  
Bartlett French  
Bickel PLLC  
Birketts LLP  
Blank Rome  
Bracewell LLP  
Bradley Arant  
Bristows LLP  
Burnette Shutt

*By Dorothy Atkins*

The U.S. Food and Drug Administration on Friday approved Eisai and Biogen's new Alzheimer's treatment Leqembi via the agency's accelerated approval program, which has recently come under fire from the public and lawmakers for fast-tracking another Biogen Alzheimer drug despite the drug's questionable efficacy and high price.

[Read full article »](#)

## **Sanctions Saga In Colo. Dominion Defamation Suit Goes On**

*By Daniel Ducassi*

Attorneys for a key defendant in a defamation lawsuit against the Trump campaign and various allies tried to poke holes in a request for roughly \$28,000 in attorney fees by the plaintiff in the case, a former executive of Dominion Voting Systems, during an hour-and-a-half hearing in state court in Denver on Friday.

[Read full article »](#)

## **Colo. Treasurer Beats Unclaimed Property Class Suit, For Now**

*By Daniel Ducassi*

A Colorado federal judge on Friday tossed a proposed class action brought by two men alleging their rights were violated by state treasury officials because they did not get notice about the seizure and sale of abandoned property, pointing out that the plaintiffs never said they actually filed claims to recover property.

 [Opinion attached | Read full article »](#)

Analysis

## **How Alito Became The Lightning Rod Of The High Court**

*By Jimmy Hoover*

Entering his 18th year on the Supreme Court, Justice Samuel Alito has become the court's new culture war lightning rod after spending the front end of his high court career in the shadow of other leading conservative judges.

[Read full article »](#)

Analysis

## **Noncompete Ban Tees Up 1st Test Of FTC's Rule Powers**

*By Bryan Koenig*

Industry advocates and members of the bar have come out swinging against the Federal Trade Commission's first attempt to deploy its essentially unused power to regulate unfair competition, a sweeping proposed ban on employment noncompete agreements.

[Read full article »](#)

Analysis

## **Biden's Asylum Restrictions Favor Wealthier Migrants**

Cain & Skarnulis  
Carter-Ruck  
Charles Russell Speechlys  
Clark Hill  
Clifford Chance  
Clyde & Co  
Consovoy McCarthy  
Continental PLLC  
Cooke Young  
Cooley LLP  
Cozen O'Connor  
Crowell & Moring  
DAC Beachcroft  
DLA Piper  
Doyle Clayton  
Eversheds Sutherland  
Faegre Drinker  
Fenchurch Law  
Fox Rothschild  
GMS Law  
Gibson Dunn  
Giskan Solotaroff  
Goodwin Procter  
Greenberg Traurig  
Guest & Gray  
Gunderson Dettmer  
Habba Madaio  
Herrick Feinstein  
Hill Dickinson  
Hogan Lovells  
Holland & Hart  
Holland & Knight  
Jones Day  
Kellogg Hansen  
Kesselman Brantly  
Kingsley Napley  
Kirkland & Ellis  
Knobbe Martens  
Latham & Watkins  
Lawrence & Bundy  
Lewis Silkin  
Marein & Bradley

*By Britain Eakin*

The Biden administration's new border policies threaten to shut the most vulnerable people fleeing persecution out of the asylum system altogether, while making it a pathway available only to those with the means to fly into a U.S. airport, immigration advocates said Friday.

[Read full article »](#)

Analysis

## **Cookie Nexus Ruling Fuels Debate Over MTC Income Tax Rule**

*By Paul Williams*

The Massachusetts Supreme Judicial Court's finding that internet cookies don't establish physical presence has generated doubts about the Multistate Tax Commission's guidance that considers the usage of certain cookies to exceed P.L. 86-272 protections against state income taxes.

 2 documents attached | [Read full article »](#)

## **Harris Co. Atty. Pans Growing Tally Of Election Contests**

*By Tom Lotshaw*

At least 10 losing Republican candidates filed contests challenging election results in Harris County, Texas, on Friday, the county attorney said, calling them frivolous attempts to overturn the votes of more than a million people in the country's third-largest county.

[Read full article »](#)

## **En Banc 5th Circ. Nixes Gun 'Bump Stock' Ban In Reversal**

*By Hailey Konnath*

The full Fifth Circuit on Friday struck down a Bureau of Alcohol, Tobacco, Firearms and Explosives' rule banning bump stocks, reversing a Texas federal court's decision and subsequent panel ruling upholding the rule following the appellate court's en banc review.

 Opinion attached | [Read full article »](#)

# **ENERGY & ENVIRONMENTAL**

## **Biden Unveils New Greenhouse Gas Guidance For Agencies**

*By Juan Carlos Rodriguez*

The Biden administration on Friday published new guidance for federal agencies that are assessing the greenhouse gas and climate change effects of actions such as approving infrastructure projects.

 Notice attached | [Read full article »](#)

## **EPA Proposes Lowering Soot Pollution Health Standard**

McCarthy Lebit  
McNees Wallace  
Morgan Lewis  
Morris Nichols  
Morrison Foerster  
Munger Tolles  
Munsch Hardt  
Norton Rose  
Ogletree Deakins  
Osborne Clarke  
Patterson Belknap  
Paul LLP  
Penningtons Manches  
Pinsent Masons  
Potter Anderson  
Quinn Emanuel  
Recht Kornfeld  
Reed Smith  
Reynolds Colman  
Robert & Robert PLLC  
Ropes & Gray  
Seyfarth Shaw  
Sheppard Mullin  
Simmons & Simmons  
Skadden Arps  
Spencer Fane  
Stephenson Harwood  
Sullivan & Cromwell  
Taylor Wessing  
Vinson & Elkins  
Waters Kraus  
Wiggin LLP  
WilmerHale  
Zuckerman Spaeder

## **COMPANIES IN TODAY'S NEWS**

American Bar Association  
American Federation of Government Employees  
American Federation of Labor & Congress of Industrial Organizations

*By Juan Carlos Rodriguez*

The U.S. Environmental Protection Agency on Friday proposed strengthening federal standards for fine particulate matter pollution, drawing criticism from green groups that said the limit should be even stricter and business groups that are advocating for the status quo.

📎 Proposed Rule attached | [Read full article »](#)

## **Feds Ask Judge To Scrap Suits Over Monuments In Utah**

*By Tom Lotshaw*

The federal government wants a Utah federal judge to throw out most of a consolidated lawsuit challenging President Joe Biden's decision to restore nearly 2 million acres of land to Grand Staircase-Escalante and Bears Ears national monuments that former President Donald Trump had stripped of monument status.

📎 Memorandum attached | [Read full article »](#)

## **Green Groups Fight Another Bid To Delay Fluoride Risks Case**

*By Peter McGuire*

Environmental groups on Thursday asked a California federal judge to reject federal regulators' bid to delay the restart of a suit about the potential health risks of water fluoridation, and claimed an ongoing government review of a critical study has no end date and the document may never be published.

📎 Memorandum attached | [Read full article »](#)

## **HEALTH & LIFE SCIENCES**

### **Idaho, SC Top Courts Diverge On Abortion Access**

*By Adam Lidgett*

The high courts of Idaho and South Carolina have come to opposite conclusions about abortion curbs in their states, with the Gem State court upholding bans on the procedure and the Palmetto State court throwing out similar restrictions.

📎 2 documents attached | [Read full article »](#)

## **REAL ESTATE**

### **NJ Panel Backs Jersey City In Affordable Housing Foreclosure**

*By Charlie Innis*

A New Jersey state appeals court affirmed Jersey City's win in a foreclosure suit against a developer that it contracted to build two affordable housing projects, ruling Friday that the developer knowingly

American Federation of State County & Municipal Employees

American Immigration Council Inc.

American Immigration Lawyers Association

Apple Inc.

Biogen Inc.

Boehringer Ingelheim

Boehringer Ingelheim Vetmedica Inc.

Brooklyn Law School

Cargill Inc.

Center for Biological Diversity

Change Healthcare Inc.

Cigna Corp.

Cipla Ltd.

Citibank UK Ltd.

Citigroup Inc.

Coinbase Global Inc.

Democracy Forward Foundation

Earthjustice

Eisai Co. Ltd.

Electric Reliability Council of Texas Inc.

Etihad Airways PJSC

Federalist Society

FirstEnergy Corp.

Food & Water Watch

Ford Motor Co.

George Washington University

HDR Global Trading Ltd.

HSBC Holdings PLC

Harvard University

Human Rights First

International Brotherhood of Teamsters

International Shoe Co.

Just Energy Group Inc.

KBR Inc.

broke agreements by taking out additional mortgages without permission.

 Opinion attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### House Speaker Stalemate Delays DC Minimum Wage Overhaul

*By Jon Steingart*

One effect of the U.S. House of Representatives' failure to quickly elect a speaker is that it's delayed a measure that would phase out the tipped minimum wage in Washington.

[Read full article »](#)

### US, Japan Team Up To Combat Forced Labor In Supply Chains

*By Jennifer Doherty*

Officials from the U.S. and Japan convened in Washington on Friday to launch a new task force aimed at information sharing to root out forced labor from both countries' supply chains.

 Memorandum attached | [Read full article »](#)

## PERSONAL INJURY & MEDICAL MALPRACTICE

### Rochester Can't Escape Suit Over Police Killing, Judge Rules

*By Emily Lever*

The city of Rochester, New York, can't dismiss a lawsuit filed by the family of a young Black man who was shot and killed by Rochester police while experiencing a mental health crisis, a federal judge has ordered.

 Order attached | [Read full article »](#)

## GOVERNMENT CONTRACTS

### Nonprofit Alleged To Run 'Filthy' Vets Home With Fed Funds

*By Grace Dixon*

Two men who relied on a New York nonprofit's supportive housing for veterans allege the organization falsified reporting on federal grant funds, covering up the residence's "filthy" conditions and lack of services, according to a recently unsealed complaint.

KPMG International  
Lambda Legal Defense & Educational Fund  
MFS Investment Management  
MS Amlin PLC  
Major Lindsey & Africa LLC  
Mandalay Bay Hotel & Casino  
MasterCard Inc.  
Michigan State University  
Network Rail Ltd.  
New Civil Liberties Alliance  
Nordstrom Inc.  
Norfolk Southern Corp.  
Orient Overseas Container Line Ltd.  
Pfizer Inc.  
Planned Parenthood Federation  
Qatar Airways  
Rocket Software Inc.  
Sierra Club  
Slack Technologies Inc.  
Swiss Reinsurance Co. Ltd  
T-Mobile US Inc.  
Tesla Inc.  
The Center for Reproductive Rights Inc.  
The Hut.com Ltd.  
Thermo Fisher Scientific Inc.  
Thomson Reuters Corp.  
Trump Organization Inc.  
Turk Hava Yollari AO  
Twitter Inc.  
U.S. Auto Parts Network Inc.  
U.S. Chamber of Commerce  
University of Virginia  
Volunteers of America Inc.  
Wayfair LLC  
Winmark Corp.  
uniQure NV

Complaint attached | [Read full article »](#)

## TAX

Analysis

### [Treasury Guidance Eases But Doesn't End SPAC Tax Worries](#)

*By Tom Zanki*

The U.S. Department of the Treasury's recent guidance regarding the applicability of a new tax on share repurchases provides some relief for transactions involving special purpose acquisition companies even as it leaves other questions unanswered, experts say.

[Read full article »](#)

## BANKRUPTCY

### [5th Circ. Remands Just Energy Ch. 15 Suit Over Power Prices](#)

*By Vince Sullivan*

The Fifth Circuit Court of Appeals remanded an energy pricing dispute between Chapter 15 debtor Just Energy Group Inc. and Texas regulators back to the bankruptcy court there, saying the lower court should have abstained from handling the fight in favor of a local state court.

Opinion attached | [Read full article »](#)

## WHITE COLLAR

### [No Charges For Burr After SEC Closes Insider Trading Probe](#)

*By Lauren Berg*

The U.S. Securities and Exchange Commission has closed its insider trading investigation of former Sen. Richard M. Burr without bringing any charges against the North Carolina Republican, Burr and his attorney said Friday.

[Read full article »](#)

### [Ohio AG Subpoenaed To Testify At Ex-Speaker's Trial](#)

*By Eric Heisig*

Ohio Attorney General Dave Yost and at least one other elected official were subpoenaed to testify as government witnesses in a trial set to begin this month against the former state House speaker and Republican Party chairman, both of whom are charged with participating in a \$60 million bribery scheme involving FirstEnergy Corp.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Indian Affairs

Bureau of Labor Statistics

Bureau of Reclamation

California Supreme Court

Centers for Medicare & Medicaid Services

Cherokee Nation

Colorado River Indian Tribes

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

Council on Environmental Quality

European Union

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Labor Relations Authority

Federal Reserve System

Federal Trade Commission

Financial Crimes

Enforcement Network

Food and Drug Administration

HM Revenue & Customs

Hualapai Tribe

Idaho Supreme Court

Internal Revenue Service

Judicial Conference of the United States

Massachusetts Supreme Judicial Court

National Labor Relations Board

1 document attached | [Read full article »](#)

## NATIVE AMERICAN

### [DOI Eyes Water Rights As Navajo Case Heads To High Court](#)

*By Joyce Hanson*

President Joe Biden's administration is touting progress Congress made advancing settlements of Native water rights claims during the first two years of his presidency, pointing to a Colorado River resiliency act he signed Thursday as the U.S. Supreme Court reviews a fight over the Navajo Nation's water rights.

1 document attached | [Read full article »](#)

### [Tribe Protests New York Gov. Hochul's Nix Of Burial Site Bill](#)

*By Ali Sullivan*

A New York Native American tribe has condemned Gov. Kathy Hochul's veto of a bill protecting unmarked burial sites, saying the move demonstrates "a continued bias against Native American communities in New York."

[Read full article »](#)

### [Tribes Ask 9th Circ. To Restore ICWA Compliance Reviews](#)

*By Caleb Symons*

A group of tribes and child-welfare advocates is asking the Ninth Circuit to reinstate a set of rules requiring the U.S. government to track whether states are complying with the Indian Child Welfare Act and collect certain data on sexual orientation in child-custody cases.

Notice attached | [Read full article »](#)

## TELECOMMUNICATIONS

### [FCC Plans New Regs For Data Breach Notifications](#)

*By Christopher Cole*

Telecom companies would be required to notify customers and regulators about breaches of private consumer data "without unreasonable delay" under a proposal unveiled by the Federal Communications Commission on Friday.

Proposed Rule attached | [Read full article »](#)

### [FCC To Improve Reliability Of Suicide Hotline Outage Reports](#)

*By Christopher Cole*

National Mediation Board  
Navajo Nation  
New York Attorney General's Office  
New York Department of Financial Services  
Occupational Safety and Health Administration  
Office of Foreign Assets Control  
Public Utility Commission of Texas  
Shinnecock Indian Nation  
Texas Supreme Court  
U.S. Agency for International Development  
U.S. Attorney's Office for the Northern District of California  
U.S. Attorney's Office for the Southern District of New York  
U.S. Attorney's Office for the Southern District of Ohio  
U.S. Court of Appeals for the District of Columbia Circuit  
U.S. Court of Appeals for the Eleventh Circuit  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Department of Commerce  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of Veterans Affairs  
U.S. Department of the Interior

The Federal Communications Commission plans at its January meeting to create new requirements to notify the agency of service outages potentially affecting the 988 Suicide and Crisis Lifeline.

2 documents attached | [Read full article »](#)

## **FCC Urged To Clarify If TCPA Rules Permit 'Renewal' Calls**

*By Piper Hudspeth Blackburn*

A dental discount plan provider has asked the Federal Communications Commission to clarify that it doesn't need to provide new disclosures when soliciting existing customers to renew their subscriptions.

Petition attached | [Read full article »](#)

## **CANNABIS**

### **Conn. Medical Pot Users Urged To Stock Up Before Tuesday**

*By Collin Krabbe*

Connecticut's Department of Consumer Protection is urging medical pot users to stock up before Tuesday's opening of adult-use cannabis sales to avoid the expected hordes of customers in the state's new market.

[Read full article »](#)

### **Cannabis Bill Roundup: New Year Sees Big Legalization Push**

*By Sam Reisman*

The first week of 2023 saw state lawmakers in Indiana, Kentucky, Nebraska, Minnesota and Texas pitch bills to legalize cannabis, while a champion of New York's marijuana legalization law filed a new proposal to crack down on unlicensed sellers. Here are some of the major moves in cannabis policy.

[Read full article »](#)

## **PEOPLE**

### **Akin Gump Adds Schumer's Former Chief Counsel**

*By Jack Rodgers*

Akin Gump Strauss Hauer & Feld LLP has hired the former top counsel for Senate Majority Leader Chuck Schumer, who will join the firm in Washington, D.C., as a senior counsel, the firm said Thursday.

[Read full article »](#)

U.S. Department of the Treasury

U.S. District Court for the District of Columbia

U.S. District Court for the District of Delaware

U.S. District Court for the District of Maryland

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of New York

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Secret Service

U.S. Securities and Exchange Commission

U.S. Senate

U.S. Supreme Court

United Nations

United States District Court for the District of Colorado

United States District Court for the District of Kansas

United States District Court for the District of Utah

United States District Court for the Southern District of Ohio

Ute Mountain Ute Tribe

White Mountain Apache Tribe

Yurok Tribe



## EXPERT ANALYSIS

### **Unpacking The Interim Guidance On New Stock Buyback Tax**

The U.S. Department of the Treasury and Internal Revenue Service's recent notice on applying the newly effective excise tax on stock repurchases provides much-needed clarity on the tax's scope, which is much broader than anticipated given its underlying policy rationale, say attorneys at Eversheds Sutherland.

 Notice attached | [Read full article »](#)

### **Key Calif. Law Changes Employers Should Know This Year**

With many of the California employment laws passed last year already in effect, now is the time for companies to update their handbooks and policies regarding off-work cannabis use, reproductive health protections, pay data reporting and more, say Lisa Reibold and Monique Eginli at Clark Hill.

[Read full article »](#)

### **Criminal Vs. Civil Liability Amid Growing Crypto Enforcement**

Amid growing crypto enforcement and new resources at the U.S. Department of Justice, cryptocurrency market participants should understand the ways in which regulators and prosecutors collaborate in parallel criminal and civil investigations — and how the DOJ's criminal tools are broader and more intrusive than agencies' civil actions, say attorneys at WilmerHale.

[Read full article »](#)

### **5 Major Drug And Device Developments Of 2022**

Some of the most interesting and consequential developments affecting drug and device law in 2022 involved artificial intelligence, legal and ethical questions surrounding ownership of one's own body, and the nuances of specific personal jurisdiction, say attorneys at Faegre Drinker.

[Read full article »](#)



## LEGAL INDUSTRY

### **Legal Industry Jobs Dipped Slightly In December**

*By Xiumei Dong*

Following two months of slow growth, employment in the legal industry cooled slightly in December, with the sector losing approximately 400

jobs compared to November, according to preliminary data released Friday by the U.S. Department of Labor Statistics.

[Read full article »](#)

Analysis

## **Ahead Of Privilege Arguments, 4 Kavanaugh Rulings To Know**

*By Andrew Strickler*

The U.S. Supreme Court will hear arguments Monday about how to interpret the protection for communications containing both legal and nonlegal topics. But don't expect any overt attempt to convince the court — and particularly Justice Brett Kavanaugh — that a competing "one significant purpose" standard is flat wrong. Here, Law360 Pulse breaks down four significant Justice Kavanaugh decisions dealing with the issue.

[Read full article »](#)

## **Del. Federal Judge To Take Senior Status By End Of 2023**

*By Rose Krebs*

U.S. District Judge Richard G. Andrews has told President Joe Biden that he intends to take senior status at the end of the year, Delaware's district court announced Friday.

[Read full article »](#)

## **Alex Jones Atty Suspended Over 'Stunning' Discovery Leak**

*By Cara Salvatore*

Alex Jones trial lawyer Norm Pattis will be suspended in Connecticut for six months for the "stunning" and "careless" disclosure of Sandy Hook families' sensitive medical and financial information in connection with a defamation suit that led to a judgment of over \$1.4 billion, a state judge ruled.

 [Order attached | Read full article »](#)

## **Longtime Holland & Hart Litigators Take Leadership Roles**

*By Emily Sawicki*

Denver-based Holland & Hart has started the new year off with a number of leadership changes, including the addition of two attorneys to serve on its five-member management committee.

[Read full article »](#)

## **ROSS Argues Its Use Of Westlaw Is Covered By Fair Use**

*By Kevin Penton*

ROSS Intelligence engaged in fair use of Thomson Reuters' law database Westlaw when it developed its own law database, the legal research rival has contended in Delaware federal court.

2 documents attached | [Read full article »](#)

## **GC Cheat Sheet: The Hottest Corporate News Of The Week**

*By Michele Gorman*

A new survey found that in-house counsel think they will face a rise in debt recovery work and litigation this year, and the U.S. Securities and Exchange Commission revealed its semiannual regulatory agenda outlining priorities for 2023. These are some of the stories in corporate legal news you may have missed in the past week.

[Read full article »](#)

## **UK Litigation Roundup: Here's What You Missed In London**

*By Tabitha Burbidge*

The past week in London has seen the former king of Spain sued by law firm Carter-Ruck, which represented the ex-monarch in a harassment case last year, Pfizer bring its patent dispute over a type of gene therapy to the U.K., and an insolvency financing firm sue eight former members of collapsed PR agency Bell Pottinger.

[Read full article »](#)

## **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Read full article »](#)

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**To:** Trumka Jr., Richard  
**Subject:** CFPB Redlining Loss Casts Doubt On Its Fair Lending Future



# Public Policy

THURSDAY, FEBRUARY 9, 2023



## TOP NEWS

Analysis

### **CFPB Redlining Loss Casts Doubt On Its Fair Lending Future**

*By Jon Hill*

A Chicago federal judge's complete dismissal of the first-ever Consumer Financial Protection Bureau redlining case against a nonbank mortgage lender could spell big trouble for the agency's role in fair lending enforcement if the decision is upheld, experts say.

[Read full article »](#)

Analysis

### **DOJ's New Cooperation Carrots May Not Whet Cos.' Appetites**

*By Sarah Jarvis*

The U.S. Department of Justice's latest updates to its corporate criminal enforcement policies may motivate companies to self-disclose misconduct in specific circumstances, but their impact will likely be limited without further guidance or examples of how they play out in practice, experts said.

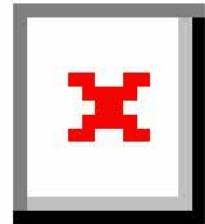
[Read full article »](#)

### **Ex-Twitter Execs Take Blame For Blocking Hunter Biden Story**

*By James Arkin*

Former Twitter executives said Wednesday that they erred in temporarily blocking a story about the laptop of President Joe Biden's son Hunter during the 2020 election, but said there had been no coordinated government or campaign effort to pressure them into the decision and broadly defended their work on the platform's content moderation.

[Read full article »](#)



## LAW FIRMS IN TODAY'S NEWS

Akin Gump  
Binnall Law Group  
Blanchard Miller  
Blue LLP  
Brewer, Attorneys & Counselors  
Brooks Pierce  
Cadwalader Wickersha  
Caldwell Carlson  
Consovoy McCarthy  
Cooley LLP  
Crowe & Dunlevy  
Crowell & Moring  
Davis Polk  
Davis Wright Tremain

## White House Seeks More US-Made Materials For Infrastructure

By *Valentina Pasquali*

The White House took steps Wednesday to clarify and tighten a requirement that construction materials used in federal infrastructure projects must be produced in the United States.

2 documents attached | [Read full article »](#)

## 4th Circ. Finds NC Criminal Libel Law 'Likely Unconstitutional'

By *Hayley Fowler*

The Fourth Circuit on Wednesday found that a North Carolina statute criminalizing derogatory campaign speech is 'likely unconstitutional,' notching a win for state Attorney General Josh Stein and several others facing a threat of criminal prosecution under the law over a 2020 campaign ad they aired.

Opinion attached | [Read full article »](#)

## Trump Sanctions In Hillary Clinton Lawsuit Paused For Appeal

By *Ivan Moreno*

A Florida federal judge put on hold nearly \$1 million in sanctions against former President Donald Trump and one of his lead attorneys until the Eleventh Circuit decides their appeal on the failed racketeering lawsuit against Hillary Clinton that triggered the monetary penalty.

Order attached | [Read full article »](#)

## NC Justices Press Pause On Holtzman Vogel Defamation Suit

By *Hayley Fowler*

The North Carolina Supreme Court has agreed to temporarily delay enforcement of an intermediate appellate court ruling in a defamation case against Holtzman Vogel Baran Torchinsky & Josefiak PLLC, meaning the parties can't set a trial date while the appeal plays out.

Order attached | [Read full article »](#)

## BANKING & SECURITIES

### NRA Asks Justices To Review NY Regulator's 'Blacklisting'

By *Katie Buehler*

The National Rifle Association has asked the U.S. Supreme Court to correct a lower court's ruling that statements by a former New York financial regulator warning businesses about "reputational risks" from working with the NRA didn't violate the advocacy group's constitutional rights.

Doar Rieck  
Duane Morris  
Emery Celli  
Fenwick & West  
Gelber Schachter  
Gibson Dunn  
Goodwin Procter  
Greenberg Traurig  
Gunderson Dettmer  
Habba Madaio  
Higgins Benjamin  
Hinshaw & Culbertson  
Hogan Lovells  
Holland & Knight  
Holtzman Vogel  
Hudson Cook  
Jenner & Block  
K&L Gates  
Kaplan Hecker  
Kator Parks  
Keker Van Nest & Peter  
Kilpatrick Townsend  
King & Spalding  
Kirkland & Ellis  
Kossoff PLLC  
Markus Moss  
Martin Disiere  
Matthew Harris  
Meyer Walker  
Miller & Chevalier  
Moore & Van Allen  
Munger Tolles  
Nelson Mullins  
O'Melveny & Myers  
Peters Murdaugh  
Petrillo Klein  
Sacks Tierney  
Shearman & Sterling  
Shumaker Loop  
Sidley Austin  
Skadden Arps  
Stroock & Stroock

 Petition attached | [Read full article »](#)

## House GOP Pushes For Relaxed Limits On Private Offerings

*By Tom Zanki*

House Republicans on Wednesday pushed for legislative changes that would expand the definition of an accredited investor, effectively letting more people in on unregistered offerings, potentially running counter to regulatory efforts to bolster investor protection.

[Read full article »](#)

## ENERGY & ENVIRONMENTAL

### Calif. Water Districts Take Hydro Licensing Spat To High Court

*By Tom Lotshaw*

Several California water districts are asking the U.S. Supreme Court to settle a long-running dispute with the California State Water Resources Control Board, arguing it has repeatedly failed to act on water quality certification requests for their hydroelectric facilities within one year as required.

 Petition attached | [Read full article »](#)

### Green Groups Sue To Stop Water Park On Protected Pine Land

*By Isaac Monterose*

Environmental groups accused the U.S. government in a suit on Wednesday of violating federal law after it lifted land-use restrictions for portions of Florida pine rockland in Miami-Dade County so that a real estate developer can build a retail location, restaurant, water park and hotel on the land.

 Complaint attached | [Read full article »](#)

### DOE Shirked Climate In LNG Export Approvals, Sierra Says

*By Madeline Lyskawa*

The Sierra Club told the D.C. Circuit that the U.S. Department of Energy failed to take into account national and international commitments to combat climate change when it approved additional liquefied natural gas exports from a pair of not-yet-built terminals on the Gulf Coast

 Brief attached | [Read full article »](#)

### EPA Ignored Case For Revisiting Air Finding, DC Circ. Told

*By Madeline Lyskawa*

The U.S. Environmental Protection Agency ignored evidence that should have prompted the agency to reconsider its 2009 finding that certain greenhouse gases endanger public health, two pro-fossil fuel groups told

Ticktin Law Group  
Togut Segal  
Troutman Pepper  
Van Ness Feldman  
Walden Macht  
Wigdor LLP  
Williams & Connolly  
WilmerHale  
Winston & Strawn  
Withersworldwide  
Womble Bond

## COMPANIES IN TODAY'S NEWS

Aerospace Industries Association  
American Civil Liberties Union  
Brooklyn Law School  
CTIA  
Cato Institute  
Center for Biological Diversity  
Clean Air Task Force In  
Competitive Enterprise Institute  
DaVita Inc.  
Danske Bank Group  
Democratic National Committee  
Environmental Defense Fund Inc.  
Georgetown University  
Getty Images Inc.  
Golden Pass LNG Terminal LLC  
GoodRx Inc.  
Google LLC  
Koch Foods  
Madison Square Garder Entertainment Corp.  
Massachusetts Institute of Technology  
Merced Irrigation Distric

the D.C. Circuit on Tuesday, while simultaneously defending their ability to pursue the challenge.

1 document attached | [Read full article »](#)

## REAL ESTATE

### 10th Circ. Won't Hear Ex-Colorado Lawmaker's Land Spat

By Faith Williams

The Tenth Circuit rejected a former Colorado state legislator's request to reconsider a panel decision that found that federal courts could not get involved in his real estate fight with Denver officials after he participated in underlying state litigation.

Order attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### Ga. Bill Seeks To Stop Court Clerks Pocketing Passport Fees

By Kelcey Caulder

Georgia lawmakers have introduced a bill that, if passed, would ban county superior court clerks and probate judges from personally pocketing fees they collect from processing passports just months after a county clerk was accused of deleting records of the funds collected.

Bill attached | [Read full article »](#)

## CYBERSECURITY & PRIVACY

### Sens. Call Out Health Cos. For Sharing Data With Advertisers

By Allison Grande

A bipartisan group of U.S. senators is demanding answers from a trio of telehealth providers that are accused of sharing users' sensitive health information with third parties such as Google and Facebook for advertising purposes, amid growing scrutiny of the practice by the Federal Trade Commission.

Letter attached | [Read full article »](#)

## AEROSPACE & DEFENSE

### Industry Chiefs Say Gov't Uncertainty Affecting Defense Base

By Daniel Wilson

Defense industry leaders told Congress on Wednesday that uncertainty in government budgeting and planning is a significant factor behind ongoing

Meta Platforms Inc.  
Nardello & Co. LLC  
National Association of Home Builders  
National Republican Congressional Committ  
National Rifle Associatic of America  
New York Post  
New York State Trial Lawyers Association  
Nonprofit Legal Service of Utah  
Pilgrim's Pride Corp.  
Sierra Club  
Southern Coalition for Social Justice  
Southern Illinois University School of Medicine  
Spectrum Management Holding Co.  
Texas Public Policy Foundation  
The Atlanta Journal-Constitution  
The Legal Aid Society  
Trump Organization Inc  
Twitter Inc.  
University of Southern California

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Reclamation  
California Environmental Protection Agency  
Cherokee Nation  
Commodity Futures Trading Commission  
Confederated Salish & Kootenai Tribes  
Consumer Financial Protection Bureau

problems in the defense industrial base, including difficulties attracting workers and a reluctance to make capital investments.

[Read full article »](#)

## INTERNATIONAL TRADE

### [ITC Says Sodium Nitrite From India Undercuts U.S. Industry](#)

*By Micah Danney*

The U.S. International Trade Commission ruled Wednesday that sodium nitrite imports from India are government-subsidized and sold at less than fair value in the U.S., undercutting domestic producers.

[Read full article »](#)

## TAX

### [Couple Asks 6th Circ. To Clarify Tax On Crypto Staking](#)

*By Anna Scott Farrell*

A couple who obtained cryptocurrency tokens through a process known as staking asked the Sixth Circuit to determine whether the IRS must wait until such currency is sold before taxing it, saying a lower court wrongly refused to decide the matter.

 2 documents attached | [Read full article »](#)

## IMMIGRATION

### [Immigrants Win Cert. In Suit Accusing ICE Of Posing As Police](#)

*By Micah Danney*

A California federal judge certified two classes of immigrants in their suit claiming they allowed U.S. Immigration and Customs Enforcement agents into their homes only because the agents posed as police officers, which they allege is unconstitutional.

 Order attached | [Read full article »](#)

## NATIVE AMERICAN

### [Calif. Tribe Can't Block Trinity River Winter Flow Project](#)

*By Mike Curley*

A California federal judge won't block the implementation of a winter water flow management project for the Trinity River, finding that the Hoopa Valley Tribe does not have ongoing veto power over changes to the river flow.

 Order attached | [Read full article »](#)

Executive Office of the President

Federal Bureau of Investigation

Federal Communication Commission

Federal Energy Regulatory Commission

Federal Reserve System

Federal Trade Commission

Fish and Wildlife Service

Fort Peck Assiniboine and Sioux Tribes

Hoopa Valley Tribe

Internal Revenue Service

International Trade Commission

Montana Office of Public Instruction

National Park Service

National Science Foundation

National Telecommunications and Information Administration

Navajo Nation

New York Department of Financial Services

Northern Cheyenne Tribe

Office of the Comptroller of the Currency

Southern Ute Indian Tribe

U.S. Attorney's Office for the Central District of California

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Second Circuit



## Dozens Of Tribes Back Navajo Water Claims At Supreme Court

By Caleb Symons

The Navajo Nation on Wednesday secured the support of 50 other Indigenous tribes in its efforts to tap the Colorado River, with an influential tribal advocacy group telling the U.S. Supreme Court that federal authorities owe the Navajos at least a summary of their water rights.

2 documents attached | [Read full article »](#)

## Mont. Bill Would Strengthen Teaching Of Indigenous History

By Caleb Symons

Montana lawmakers are considering a proposal to expand the teaching of Indigenous culture and history in public schools, a constitutionally mandated curriculum that also sparked an ongoing lawsuit accusing the state of failing to ensure full compliance with that requirement.

Bill attached | [Read full article »](#)

# TELECOMMUNICATIONS

## New FCC Spectrum 'Pipeline' In The Works On Capitol Hill

By Christopher Cole

Lawmakers want to create a new pipeline for the commercial use of airwaves when they renew the Federal Communications Commission's spectrum auction authority in the coming weeks, a key House Republican said Wednesday.

[Read full article »](#)

## FCC Needs Broadcast Workforce Data, Commissioner Says

By Christopher Cole

The Federal Communications Commission needs to collect and analyze data on not just ownership, but minority and female hiring to get the full picture of diversity in the broadcast industry, an FCC member said.

Report attached | [Read full article »](#)

# EXPERT ANALYSIS

Opinion

## International Reps Would Advance Native American Interests

As Congress debates granting the Cherokee Nation a representative in the U.S. House of Representatives, another method of advancing tribal nations' political and commercial goals would be to appoint honorary tribal representatives, similar to diplomatic consuls, in other countries, says consultant Lincoln McCurdy.

[Read full article »](#)

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Department of Commerce

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Justice

U.S. District Court for the Central District of California

U.S. District Court for the District of Columbia

U.S. District Court for the District of Massachusetts

U.S. District Court for the Eastern District of California

U.S. District Court for the Eastern District of New York

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Florida

U.S. District Court for the Southern District of New York

U.S. Environmental Protection Agency

U.S. Forest Service

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

## Loss Of 3 DOJ Policy Statements Leaves Trade Orgs In Dark

In recently withdrawing three antitrust policy statements aimed at the health care industry, the U.S. Department of Justice has replaced clear guidance with uncertainty for any trade association involved in benchmarking surveys and other information exchanges, say attorneys at Holland & Knight.

[Read full article »](#)

## Examining 4 Areas Where DOJ Faced Recent Setbacks

The U.S. Department of Justice's disappointing results last year in several high-profile initiatives, from antitrust to foreign influence prosecutions, may lead to greater internal scrutiny of cases moving forward, but vigorous white collar enforcement shows no signs of slowing down, say attorneys at Kecker Van Nest.

[Read full article »](#)

## How Gov't Enviro Justice Push May Affect Developers

Attorneys at Crowell & Moring contextualize the U.S. Environmental Protection Agency's recent guidance on environmental justice and permitting decisions, and the U.S. Department of Energy's requests for input on using grants to achieve EJ goals, highlighting practical implications for project developers and other industry participants.

[Read full article »](#)

U.S. Securities and  
Exchange Commission

U.S. Senate

U.S. Supreme Court

United States District  
Court for the District of  
Colorado

United States District  
Court for the District of  
Kansas

United States District  
Court for the District of  
Montana

United States District  
Court for the District of  
Nevada

Ute Indian Tribe

Ute Mountain Ute Tribe

# LEGAL INDUSTRY

## Shearman & Sterling Joins BigLaw's Layoff Spree

*By Xiumei Dong*

Shearman & Sterling LLP confirmed Wednesday that it is laying off 12 attorneys and 26 business professionals, joining several BigLaw firms that are reducing their workforces due to macroeconomic pressures and changing market conditions.

[Read full article »](#)

## Murdaugh Faced Money Questions Day Of Murders, Jury Told

*By Cara Salvatore*

Jurors in the murder trial of former high-powered South Carolina lawyer Alex Murdaugh on Wednesday heard from his paralegal of nine years, who said that hours before his wife and son were slain, the firm's chief financial officer questioned Murdaugh over suspicious payments made out of his clients' trust accounts.

[Read full article »](#)

## White Collar Attys Brace For More Latin America FCPA Action

*By Phillip Bantz*

Foreign Corrupt Practices Act enforcement in Latin America is forecast to remain hot as U.S. regulators strengthen partnerships with their counterparts in certain parts of the region amid the Biden administration's continued focus on tamping down international corruption.

[Read full article »](#)

## **Ex-FBI Deputy GC's Colleagues Can Testify In Sex Bias Trial**

*By Caleb Drickey*

A federal judge in the District of Columbia decided Wednesday to allow an ex-attorney for the FBI to introduce testimony from former colleagues in her sex discrimination trial.

 Memorandum attached | [Read full article »](#)

## **2nd Circ. Raises Procedural Doubts In Contempt Appeal**

*By Emma Whitford*

A Second Circuit panel questioned Wednesday whether an incarcerated former attorney's Fifth Amendment claim was properly before it, wondering if Mitchell Kossoff should have appealed a different order in his defunct law firm's ongoing bankruptcy case.

[Read full article »](#)

## **Bitcoin Miner Alters Legal Team As 'SIM Swap' Trial Looms**

*By Ali Sullivan*

A bitcoin miner and cryptocurrency investor suing AT&T over a series of cellphone hacks will head to the impending trial in North Carolina federal court with a new legal team after a trio of lawyers from Shumaker Loop & Kendrick LLP withdrew from the case.

 Order attached | [Read full article »](#)

## **NY Atty Group Again Backs Ex-Knicks Star In MSG Suit**

*By Andrew Strickler*

Incomplete video footage of ex-Knicks player Charles Oakley being thrown out of Madison Square Garden doesn't support a federal judge's decision to end his suit against Knicks owner James Dolan, a plaintiffs bar group told the Second Circuit on Tuesday.

 2 documents attached | [Read full article »](#)

## **Sandy Hook Families Retain Investigations Firm In Ch. 11 Case**

*By Andrea Keckley*

Investigations firm Nardello & Co. has agreed to advise a committee of unsecured creditors on a pro bono basis in connection with the bankruptcy proceedings that right-wing media figure Alex Jones initiated after he was hit with a combined \$1.4 billion in judgments for defamation after spreading lies that the Sandy Hook Elementary School shooting was a hoax.

 Motion attached | [Read full article »](#)

## 'Overworked, Underpaid' NY Legal Aid Attys Walk Out

*By Emily Lever*

Hundreds of attorneys and professionals at the Legal Aid Society walked off the job for an hour Wednesday to pressure their management to raise wages and reduce caseloads in order to stem the flow of attrition in the organization.

[Read full article »](#)

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## JOBS

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Taxpayers Against Fraud Education Fund  
Washington, District of Columbia

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**From:** Trumka Jr., Richard  
**Sent:** Wed, 4 Jan 2023 19:46:19 +0000  
**To:** Sebold, Meghan  
**Subject:** CLEAN Gas Stoves Bloomberg Interview 1.4.22 (002)  
**Attachments:** CLEAN Gas Stoves Bloomberg Interview 1.4.22 (002).docx

Meghan,  
Calling to discuss in a sec.  
Rich

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

**From:** Lipp, Robin  
**Sent:** Wed, 11 Jan 2023 15:04:02 +0000  
**To:** Trumka Jr., Richard; Niemasik, Kaylee; Sebold, Meghan  
**Subject:** COAH Statement is out

[Statement of Chair Alexander Hoehn-Saric Regarding Gas Stoves | CPSC.gov](#)

## **Robin D. Lipp**

Pronouns: he/him/his

Special Counsel/Attorney Advisor to Commissioner Rich Trumka Jr.

[U.S. Consumer Product Safety Commission](#)

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**From:** Public Policy Law360  
**Sent:** Mon, 30 Jan 2023 09:28:06 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Calif. And NY Climate Change Plans: A Comparison



# Public Policy

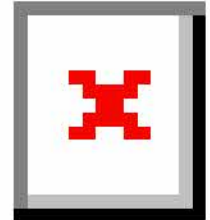
MONDAY, JANUARY 30, 2023



How does your job satisfaction compare with your peers?

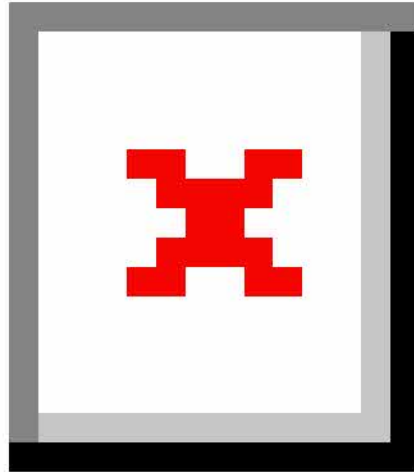
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## TOP NEWS



### LAW FIRMS IN TODAY'S NEWS

Aldous Walker  
Alexander Dubose  
Alston & Bird  
Arnold & Porter  
Barkhurst & Hinojosa  
Bochetto & Lentz  
Boies Schiller  
Brand Woodward  
Chambers of Samuel Ever  
Dewey



Choate Hall  
Clare Locke  
Cleary Gottlieb  
Clement & Murphy  
Cohen Ziffer  
Consovoy McCarthy  
Covington & Burling  
Davidoff Hutcher  
Donohue Brown  
Dykema  
Eversheds Sutherland  
Farnan LLP  
Friedman PA  
Friedman Suder  
Gallet Dreyer  
Gibson Dunn  
Glaser Weil  
Glavin PLLC  
Goodman Acker  
Goodwin Procter  
Greenberg Law PC  
Grewal Law  
Gupta Wessler  
Hagens Berman  
Harrity & Harrity  
Haynes & Boone  
Heyl Royster  
Holland & Knight  
Hueston Hennigan  
Husch Blackwell  
Jackson Lewis P.C.  
Jackson Walker LLP  
Jarrard & Davis  
Johnston Tobey  
Jomarron Lopez  
Jones Day  
K&L Gates  
Kirkland & Ellis  
Latham & Watkins  
Lehotsky Keller  
Lloyd Gosselink  
Low Swinney

Analysis

## **Calif. And NY Climate Change Plans: A Comparison**

*By Keith Goldberg*

California and New York have both laid out sweeping plans to achieve their ambitious, legally mandated climate change goals, but don't expect the implementation paths to be identical. Here, energy policy experts compare and contrast the so-called scoping plans of the Golden State and the Empire State.

[Read full article »](#)

## **Full 8th Circ. Won't Reconsider Carbon Metric Challenge**

*By Madeline Lyskawa*

The Eighth Circuit rejected 13 Republican-led states' request Friday for the full circuit to reconsider a panel's decision telling them they can't challenge how the Biden administration calculates harm from greenhouse gas pollution.

 [Order attached](#) | [Read full article »](#)

## **Navarro Contempt Trial Vacated For Judge's Legal Questions**

*By Katie Buehler*

A D.C. federal judge on Friday vacated the upcoming trial for former Trump White House trade adviser Peter Navarro, who is charged with contempt for defying a congressional subpoena related to the Jan. 6, 2021, insurrection at the U.S. Capitol, seemingly backtracking on rulings precluding Navarro from arguing executive privilege as a defense.

[Read full article »](#)

## **Philly Italian Orgs Can't Get 3rd Circ. To Restore Columbus Day**

*By P.J. D'Annunzio*

Philadelphia Italian-American organizations could not undo the city's decision to observe Indigenous Peoples' Day instead of Columbus Day, as the Third Circuit found Friday that the mayor's actions, though offensive to them, were not a legal matter.

 [Opinion attached | Read full article »](#)

## **Michigan Top Court To Hear Challenge Of Ballot Initiative Laws**

*By Tom Lotshaw*

The Michigan Supreme Court has agreed to consider an appeal in a suit challenging the state's 180-day limit on signature gathering for potential ballot initiatives.

 [Order attached | Read full article »](#)

## **Texas Supreme Court To Take On Anti-Mask Mandate Fights**

*By Lauren Castle*

The Texas Supreme Court agreed Friday to take on Gov. Greg Abbott's anti-mask mandate fight with three of the Lone Star State's biggest metropolitan areas to review whether local officials can outweigh the governor's authority during a declared disaster.

[Read full article »](#)

## **BANKING & SECURITIES**

Analysis

### **Direct Listings Expansion Creates Another Go-Public Option**

*By Tom Zanki*

Now that companies have regulatory approval to raise capital through a direct listing without being limited by tight pricing restrictions, the yet-unused alternative to a traditional initial public offering could find more takers once market conditions improve.

Mac Murray & Shuster  
Mayer Brown  
Montalbano Condon  
Morgan Lewis  
Morrison Mahoney  
Moses Dunn  
Moskowitz Law Firm  
Perkins Coie  
Pfaff Gill  
Plunkett Cooney  
Proskauer Rose  
Quinn Emanuel  
Reed Smith  
Richards Layton  
Robinson & Cole  
SECIL Law  
Shellist Lazarz  
Sher Tremonte  
Skadden Arps  
Sommerman McCaffity  
Stoler Russell  
Sullivan & Cromwell  
Susman Godfrey  
Tarter Krinsky  
Taylor Lee & Associates  
Taylor Olson Adkins Sralla  
Elam  
Thompson McMullan  
Tillotson Johnson  
Troutman Pepper  
Van Ness Feldman  
Vinson & Elkins  
Vladeck Raskin  
W Law  
Weinberg Roger  
Wenholz Dow  
White & Case  
Wiley Rein  
Wilson Elser  
Winston & Strawn

## **COMPANIES IN TODAY'S NEWS**

[Read full article »](#)

## **9th Circ. Vacates \$8M CFPB Win In Mortgage Services Suit**

*By Jon Hill*

The Ninth Circuit on Friday punted a Consumer Financial Protection Bureau suit against an Ohio mortgage services company, vacating a nearly \$8 million judgment won by the agency and sending the case back down for another look in light of more recent rulings tied to the agency's constitutionality.

📎 Memorandum attached | [Read full article »](#)

## **Fed Rebuffs Custodia's Bids For Membership, Master Account**

*By Jon Hill*

The Federal Reserve said Friday that it has formally denied membership and master account bids from crypto-focused Custodia Bank, which is vowing to press on with litigation accusing the central bank of singling it out for unfair treatment in its quest for payment system access.

📎 2 documents attached | [Read full article »](#)

## **White House Discloses Plan To Fund Crypto Research**

*By Jessica Corso*

Top advisers for President Joe Biden revealed on Friday that the administration was planning to fund the research and development of digital asset technology but was first seeking public input on where to invest its money.

[Read full article »](#)

## **Sens. Decry 'Sham' Crypto Audits To Accounting Regulator**

*By Aislinn Keely*

Two U.S. senators are calling on the Public Company Accounting Oversight Board to take auditors in hand over their work for cryptocurrency firms in the wake of exchange FTX's collapse.

📎 Letter attached | [Read full article »](#)

## **SEC Hit With FOIA Lawsuit Over Climate Change Rule**

*By Katryna Perera*

The Heritage Foundation, a Washington, D.C.-based think tank, sued the U.S. Securities and Exchange Commission on Friday, alleging violations of the Freedom of Information Act for not responding to the foundation's FOIA request about the SEC's proposed climate change rule.

📎 Complaint attached | [Read full article »](#)

AARP Inc.  
ASML Holding  
Aerojet Rocketdyne Holdin  
Inc.  
American Bar Association  
American Diabetes  
Association  
American Legislative  
Exchange Council  
Amgen Inc.  
Aon PLC  
Apple Inc.  
Armanino LLP  
BBB National Programs In  
Binance Holdings Ltd.  
Boston College  
Bracebridge Capital LLC  
Center for Constitutional  
Rights  
Cincinnati Financial Corp.  
DISH Network Corp.  
Dallas Mavericks Inc.  
Delaware State Bar  
Association  
Deloitte Touche Tohmatsu  
Ltd.  
Disability Rights Texas  
District of Columbia Bar  
Association  
Enbridge Inc.  
Environmental Restoration  
LLC  
Ernst & Young LLP  
FTI Consulting Inc.  
FTX US  
Farmers Insurance Group  
Inc.  
Financial Industry  
Regulatory Authority Inc.  
Food & Water Watch  
Fox News Network LLC  
Gannett Co. Inc.  
General Dynamics Corp.  
Georgetown University

## SEC Names New Enforcement Director Of Boston Office

By Aaron West

The U.S. Securities and Exchange Commission will bring on a new regional director for its Boston Regional Office enforcement program next week from Bracebridge Capital LLC, tasking him with investigations in an area stretching from Maine to Connecticut, the agency said.

[Read full article »](#)

## ENERGY & ENVIRONMENTAL

### Utah, Others Beef Up Challenge To Monument Restoration

By Gianna Ferrarin

President Joe Biden's decision to redesignate nearly 2 million acres of Utah land as national monuments after former President Donald Trump had stripped the parcels of that status is too disruptive to go forward, impeding mining operations and off-roading activities, Utah and other plaintiffs said in bulked-up allegations.

 2 documents attached | [Read full article »](#)

### Pipeline Cos. Urge DC Circ. To Nix Mass. Project Fight

By Keith Goldberg

An Enbridge Inc. unit and a pipeline industry group told the D.C. Circuit that opponents of a Massachusetts gas compressor station that's part of a pipeline expansion project can't challenge the Federal Energy Regulatory Commission's moves in approving it.

 Brief attached | [Read full article »](#)

## HEALTH & LIFE SCIENCES

### Sen. Warren Wants FTC Scrutiny Of \$29B Pharma Deals

By Piper Hudspeth Blackburn

Sen. Elizabeth Warren, D-Mass. has urged the Federal Trade Commission to look closely at two pending pharmaceutical mergers, insisting that the deals could lead to higher drug prices and prevent "affordable alternatives from entering the market."

 Letter attached | [Read full article »](#)

## IP & TECHNOLOGY

Analysis

### 'Patent Troll' Critic Issa Tapped To Lead House IP Panel

By Ryan Davis

Google LLC  
H.D. Smith LLC  
Halliburton Co.  
Horizon Therapeutics PLC  
Illinois State Bar Association  
Indivior PLC  
InterContinental Hotels Group PLC  
Interstate Natural Gas Association of America  
J-W Power Co.  
JPMorgan Chase & Co.  
Knight-Swift Transportation Holdings Inc.  
L3 Technologies Inc.  
L3Harris Technologies Inc.  
Liberty Mutual Insurance Group  
LinkedIn Corp.  
Live Nation Entertainment Inc.  
Lockheed Martin Corp.  
London Stock Exchange Group PLC  
MGA Entertainment Inc.  
Madison Square Garden Entertainment Corp.  
McDonald's Corp.  
Meta Platforms Inc.  
Microsoft Corp.  
NASDAQ Inc.  
NYC Health and Hospitals Corp.  
National Association of Broadcasters  
National Association of Consumer Advocates  
National Basketball Association Inc.  
National Hockey League  
National Public Radio Inc.  
Nestle SA  
Netflix Inc.  
New York Knicks

Rep. Darrell Issa, R-Calif., was named chairman of the House subcommittee overseeing intellectual property on Friday, returning him to a leadership post on a panel where he has been critical of what he has described as abusive litigation by companies he calls "patent trolls."

[Read full article »](#)

## **USPTO Urges Justices To Take Up 'Trump Too Small' TM Fight**

*By Andrew Karpan*

The U.S. Patent and Trademark Office went to the high court Friday after a federal appeals court found the agency broke the First Amendment when it rejected a T-shirt-selling lawyer's trademark application covering the phrase "Trump Too Small," which the agency warned will have the impact of actually limiting the use of political speech in commerce.

 [Petition attached](#) | [Read full article »](#)

## **Feds Slam 'Blatant Forum Shopping' In GOP-Led Parole Suit**

*By Britain Eakin*

The Biden administration wants to move a challenge to its recently expanded parole program for migrants out of a single-judge division in the Southern District of Texas, suggesting the 20 Republican states that filed the suit are judge shopping.

 [Motion attached](#) | [Read full article »](#)

## **MEDIA & ENTERTAINMENT**

### **NY Lawmaker Urges Sanctions For MSG Owner Over Atty Ban**

*By Renee Hickman*

A New York state lawmaker is urging the National Basketball Association and National Hockey League to sanction James Dolan, owner of Madison Square Garden and the New York Knicks and Rangers, for his use of facial recognition technology to exclude courtroom adversaries from games.

 [Letter attached](#) | [Read full article »](#)

## **INSURANCE**

### **Mich. No-Fault Reform Isn't Retroactive, Panel Says**

*By Danielle Ferguson*

A reform to Michigan's no-fault laws that increased minimums for liability coverage only applies to policies issued after the reform went into effect, a Michigan appellate panel ruled, reversing a trial court's

New York Racing Association Inc.  
New York Rangers  
North Carolina State Bar  
Northrop Grumman Corp.  
Onyx Renewable Partners LP  
Opiant Pharmaceuticals Inc  
Orbital ATK Inc.  
Oregon State Bar  
Pennsylvania Bar Association  
Philadelphia Bar Association  
Plastipak Holdings Inc.  
Pratt & Whitney  
PricewaterhouseCoopers LLP  
Public Co. Accounting Oversight Board  
Publix Super Markets Inc.  
QUALCOMM Inc.  
Raytheon Technologies Corp.  
Rite Aid Corp.  
Salesforce.com Inc.  
San Francisco Bar Association  
Semiconductor Manufacturing International Corporation  
Service Employees International Union  
Slack Technologies Inc.  
Space Exploration Technologies Corp.  
Spotify Technology SA  
Tesla Inc.  
The Boeing Co.  
The Florida Bar  
The New York Times Co.  
Twitter Inc.  
Universal Service Administrative Co.  
University of California Dav  
Utah State Bar Association

decision that held existing policies were automatically modified to comply with the amended statute.

 [Opinion attached](#) | [Read full article](#) »

## REAL ESTATE

### Texas High Court Sidesteps Cities' Flood Taking Suits

*By Grace Dixon*

The Texas Supreme Court on Friday refused to review two appellate rulings in favor of property owners that sought to hold El Paso and Seguin on the hook for property damage for flooding, which both cities separately argued relied on an overbroad interpretation of property rights.

[Read full article](#) »

### Ga. County Sues Lake Property Owner Over Short-Term Rental

*By Quinn Wilson*

A county government in Georgia is suing the owner of a lakefront property, accusing it of violating local short-term rental ordinances, alleging that it has ignored multiple warnings and continues to illegally rent its property out on Vrbo.

 [Complaint attached](#) | [Read full article](#) »

## EMPLOYMENT & BENEFITS

### 9th Circ. Backs Biden's Power To Fire NLRB General Counsel

*By Braden Campbell*

The president did not overstep by firing National Labor Relations Board general counsel Peter Robb on Inauguration Day, the Ninth Circuit said Friday, rejecting a nursing home's challenge to a refusal to bargain order won by Robb's successor.

 [Opinion attached](#) | [Read full article](#) »

### Texas High Court Will Hear Doctor's Obesity Bias Case

*By Amanda Ottaway*

The Texas Supreme Court on Friday agreed to hear oral arguments in an appeal by an El Paso medical center that argued lower courts should have tossed a bias lawsuit by a doctor who said she was dismissed from her residency because she is morbidly obese.

[Read full article](#) »

### GOP States Sue DOL Over Socially Conscious Investing Rule

Vermont Law School  
Virginia State Bar  
Walmart Inc.  
Warby Parker Inc.  
Wellington Management C  
LLP  
Wells Fargo & Co.  
Xerox Holdings Corp.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Arizona Supreme Court  
Bureau of Citizenship and  
Immigration Services  
Bureau of Industry and  
Security  
Bureau of Land  
Management  
Bureau of Reclamation  
Cahuilla Band of Indians  
California Air Resources  
Board  
California Attorney Genera  
Office  
California Supreme Court  
Colorado Marijuana  
Enforcement Division  
Colorado Supreme Court  
Colusa Indian Community  
Consumer Financial  
Protection Bureau  
Executive Office of the  
President  
Federal Bureau of  
Investigation  
Federal Communications  
Commission  
Federal Energy Regulatory  
Commission  
Federal Reserve Bank of  
Kansas City  
Federal Reserve System  
Federal Trade Commissior

*By Kellie Mejdrich*

A coalition of 25 Republican state attorneys general sued the U.S. Department of Labor seeking to kill a recently finalized rule governing how retirement plan managers can consider such things as climate change and social justice when making investment decisions, arguing the agency exceeded its authority.

 [Complaint attached | Read full article »](#)

## COMPETITION

### [GOP Rep. Massie Takes Over Antitrust Subcommittee](#)

*By James Arkin*

Rep. Thomas Massie, a Kentucky Republican and conservative lawmaker, will take over the gavel for the House Judiciary Committee's antitrust subcommittee, the committee announced Friday.

[Read full article »](#)

## PERSONAL INJURY & MEDICAL MALPRACTICE

### [Phone Consult Enough To Sue Ill. Doctor For Malpractice](#)

*By Celeste Bott*

An Illinois state appeals court has ruled a phone consultation between an emergency room doctor and another on-call internal medicine physician is enough to create a doctor-patient relationship, holding the doctor who received the call owed a duty of care to the now-deceased patient.

 [Opinion attached | Read full article »](#)

### [Texas High Court Won't Hear Austin's \\$2.4M Death Suit](#)

*By Jonathan Capriel*

The Texas Supreme Court refused on Friday to hear a bid to reverse a \$2.4 million jury verdict against the City of Austin, which had been found responsible for a municipal power line that strayed outside city property and electrocuted a construction worker laboring nearby.

[Read full article »](#)

### [Publix Excess Insurers Look To Sink Opioid Coverage Claims](#)

*By Elizabeth Daley*

Excess insurers asked a Florida federal court to toss Publix Super Markets Inc.'s case claiming they must indemnify the grocery chain in underlying suits by governments over the opioid epidemic, calling the demand premature.

Financial Stability Oversight Council  
Fish and Wildlife Service  
Florida Supreme Court  
Food and Drug Administration  
Georgia Access to Medical Cannabis Commission  
Georgia Attorney General's Office  
Government Accountability Office  
Illinois Supreme Court  
Internal Revenue Service  
Michigan Attorney General Office  
National Economic Council  
National Labor Relations Board  
Navajo Nation  
New York Attorney General Office  
New York State Liquor Authority  
Office of the Comptroller of the Currency  
Ohio Supreme Court  
Soboba Band of Luiseno Indians  
Texas Attorney General's Office  
Texas Supreme Court  
U.S. Attorney's Office  
U.S. Attorney's Office for the District of Maryland  
U.S. Attorney's Office for the Southern District of Florida  
U.S. Attorney's Office for the Southern District of New York  
U.S. Attorney's Office for the Western District of Texas  
U.S. Bankruptcy Court for the Southern District of New York



 Motion attached | [Read full article »](#)

## AEROSPACE & DEFENSE

### [Warren Wants FTC To Block \\$4.7B L3Harris-Aerojet Deal](#)

*By Daniel Wilson*

Sen. Elizabeth Warren has urged the Federal Trade Commission to block L3Harris' pending \$4.7 billion acquisition of Aerojet Rocketdyne, saying it threatens competition in the defense industry and could hurt national security.

 Letter attached | [Read full article »](#)

## INTERNATIONAL TRADE

Analysis

### [Rep's Threat On Export Controls Puts Spotlight On China](#)

*By Jennifer Doherty*

House Foreign Affairs Committee Chair Michael McCaul is unlikely to carry out his recent threat to move the federal export controls system away from the U.S. Department of Commerce, but the agency must still meet Congress' deepening hostility towards China.

[Read full article »](#)

### [WTO Rulings On US Tariffs, HK Policy Frozen With Appeals](#)

*By Alyssa Aquino*

The U.S. appealed five trade dispute losses to the World Trade Organization's defunct appeals body on Friday, indefinitely freezing decisions faulting national security steel and aluminum tariffs and requirements for Hong Kong products to be labeled "Made in China."

[Read full article »](#)

## TAX

### [Texas High Court Won't Review Xerox's \\$4.3M Tax Win](#)

*By Paul Williams*

The Texas Supreme Court declined Friday to review a court's ruling that Xerox Corp. qualified for a reduced franchise tax rate offered to businesses that were primarily engaged in wholesale activities, a finding that canceled a \$4.3 million assessment.

 Order List attached | [Read full article »](#)

### [Texas Appeals Court Rejects Equipment Rental Co.'s Tax Case](#)

*By Sanjay Talwani*

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Eighth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Customs and Border Protection

U.S. Department of Commerce

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. District Court for the District of Columbia

U.S. District Court for the District of Maryland

U.S. District Court for the District of New Mexico

U.S. District Court for the Eastern District of California

U.S. District Court for the Middle District of Florida

U.S. District Court for the Northern District of California

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of Florida

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of Texas

U.S. Patent and Trademark Office

A Texas court was correct to dismiss an equipment rental company's claim that it was unfairly taxed on personal property, a state appeals court ruled, saying the issue had already been adjudicated in a prior determination.

3 documents attached | [Read full article »](#)

## **Truck Co. Asks Texas Justices To Hear \$1M Tax Exemption Bid**

*By Paul Williams*

A freight transportation company asked the Texas Supreme Court to consider whether it is exempt from the state's franchise tax and therefore entitled to a roughly \$1 million tax refund.

2 documents attached | [Read full article »](#)

U.S. Securities and Exchange Commission  
U.S. Senate  
U.S. Supreme Court  
United States District Cour for the District of Nevada  
United States District Cour for the District of Utah  
Ute Mountain Ute Tribe  
Wisconsin Supreme Court  
World Trade Organization

## **BANKRUPTCY**

### **Bankrupt NYC Holiday Inn Seeks OK To House Migrants**

*By Rick Archer*

The bankrupt owner of a Holiday Inn in Manhattan's financial district Friday asked a New York bankruptcy judge to approve a contract to turn the hotel's 492 rooms into housing for migrant asylum-seekers for the next 16 months.

[Read full article »](#)

## **IMMIGRATION**

### **Feds Say Texas Woman Posed As Immigration Agent In Scam**

*By Micah Danney*

An El Paso woman allegedly posed as a U.S. Citizenship and Immigration Services agent to trick at least 20 people into paying her a "substantial" fee to process their immigration applications, according to federal prosecutors.

2 documents attached | [Read full article »](#)

### **Migrant Fights Bid To Block DHS Testimony In Separation Suit**

*By Britain Eakin*

A Honduran father is challenging the Biden administration's effort to bar testimony he contends could shed light on the validity of the government's argument that he was separated from his toddler at the border because of his criminal history.

Letter attached | [Read full article »](#)

## WHITE COLLAR

### [Reed Smith Can Drop Ex-Baltimore State's Atty Mosby](#)

*By Cara Salvatore*

A Maryland federal judge on Friday allowed Reed Smith LLP to withdraw as counsel for former Baltimore State's Attorney Marilyn Mosby in her upcoming perjury trial, citing a possible contempt proceeding against one partner who has been her lead lawyer.

[Read full article »](#)

## NATIVE AMERICAN

### [Calif. Tribes Score Wins In State Gaming Compact Suits](#)

*By Ali Sullivan*

A California federal court has sided with four Native American tribes in their gaming compact spat with the state, granting summary judgment to the tribes after the Ninth Circuit last year ruled that any state bids to discuss topics not directly related to gaming in compact negotiations aren't in good faith.

 3 documents attached | [Read full article »](#)

### [Conservation Suit Could Hurt NM Tribes, Water District Says](#)

*By Caleb Symons*

Local irrigation officials have already made sure that endangered species near the Rio Grande are sufficiently protected, a New Mexico water agency says, warning that any operational changes would imperil growers in the central part of the state, including six Native American tribes.

 Motion attached | [Read full article »](#)

### [Navajo Say Bid To Drop CERCLA Costs From Trial Too Late](#)

*By Collin Krabbe*

The Navajo Nation says its upcoming trial against a federal contractor over the rupture of a Colorado gold mine shouldn't be derailed because of a settlement with the federal government, despite the deal providing payment for response costs under the same law that will be considered at the trial, according to a filing in New Mexico federal court.

 Memorandum attached | [Read full article »](#)

## TELECOMMUNICATIONS

### [FCC Plans Rules To Help Domestic Violence Survivors](#)

*By Christopher Cole*

The Federal Communications Commission next month will propose rules aimed at protecting the safety and privacy of domestic abuse survivors under the Safe Connections Act.

📎 2 documents attached | [Read full article »](#)

## **Task Force Would Steer Next Gen TV From 'Peril,' FCC Hears**

*By Nadia Dreid*

It's time to pave the way for the next generation of television standards, and the industry needs the help of the Federal Communications Commission to make sure that no one's service is disrupted during the switch, broadcasters say.

📎 Letter attached | [Read full article »](#)

## **FCC Pressed Again To Open 12 GHz Airwaves For Wireless**

*By Christopher Cole*

A telecom trade group is putting renewed pressure on the Federal Communications Commission to open a swath of 12 gigahertz spectrum for terrestrial wireless use, a move opposed by existing satellite users, including Elon Musk's SpaceX.

📎 Letter attached | [Read full article »](#)

# **CANNABIS**

## **11th Circ. Weighs Standing Of Federally Illegal Pot Co.**

*By Sam Reisman*

The Eleventh Circuit on Friday pushed attorneys for a medical cannabis company and Georgia regulators to define whether a state-issued license for federally unlawful marijuana could be considered a legally protected interest.

[Read full article »](#)

## **Pot Co. Loses Bid To Void IRS Summonses At 10th Circ.**

*By Kat Lucero*

A Colorado marijuana dispensary lost its appeal to quash Internal Revenue Service summonses seeking financial records from a state regulator under a 10th Circuit decision Friday that disregarded Justice Clarence Thomas' criticism of federal regulation of cannabis.

📎 2 documents attached | [Read full article »](#)

# **EXPERT ANALYSIS**

## **High Court Slack Case Not Likely To Broadly Affect Issuers**

If the U.S. Supreme Court decides in *Slack v. Pirani* to limit claims under the Securities Act for direct listings to only the purchase of registered shares, it's unlikely to create a free-for-all environment for issuers, as some have claimed, say Susan Hurd and Madeleine Juszynski at Alston & Bird.

[Read full article »](#)

### **5 Ways Attorneys Can Use Emotion In Client Pitches**

Lawyers are skilled at using their high emotional intelligence to build rapport with clients, so when planning your next pitch, consider how you can create some emotional peaks, personal connections and moments of magic that might help you stick in prospective clients' minds and seal the deal, says consultant Diana Kander.

[Read full article »](#)



## **LEGAL INDUSTRY**

### **Regulatory Terrain For Remote Lawyering Continues To Shift**

*By Andrew Strickler*

The rules around lawyering in states in which the attorney is not licensed have long generated confusion in the profession. But with the embrace of "virtual" practice, experts say the time is right for change — and continuing vigilance as the profession's standards evolve. Here, Law360 offers an overview of the current rules, related statutes, and instructive case law.

[Read full article »](#)

Feature

### **Appellate Practices Need Workhorses And Show Ponies**

*By Jess Krochtengel*

Appellate life isn't all sparring at the U.S. Supreme Court. The best appellate practices blend those moments of high drama with the mundane but necessary mechanics of litigation that deliver the best results for clients. Here, appellate lawyers talk to Law360 about building a practice that strikes the right balance.

[Read full article »](#)

### **NY AG May Fund Cuomo Harassment Defense After Ruling**

*By Frank G. Runyeon*

Former Gov. Andrew Cuomo won a key ruling Friday from a New York state judge that will likely require the attorney general to fund his private defense of a sexual harassment lawsuit brought by a state trooper.

[Read full article »](#)

## **Sullivan & Cromwell Wants 'Harassing' Subpoena Blocked**

*By Hailey Konnath*

Sullivan & Cromwell LLP on Friday asked a New York federal court to block an "improper and harassing" subpoena from investors suing Dallas Mavericks owner Mark Cuban over his work with cryptocurrency firm Voyager, telling the court that the firm has never represented Voyager and has no involvement in that case.

 2 documents attached | [Read full article »](#)

## **Mich. Panel Says COVID Tolling Orders Were Constitutional**

*By Carolyn Muyskens*

The Michigan Supreme Court was within its authority to push back deadlines for initiating lawsuits during the early days of the COVID-19 emergency, a state appellate panel said, reasoning that the high court's orders were procedural in nature and didn't improperly alter substantive law.

 Opinion attached | [Read full article »](#)

## **Actual Malice Tests Required In Fox-Dominion Defamation Suit**

*By Jeff Montgomery*

A Delaware judge on Friday declared Dominion Voting Systems a "limited" public figure for purposes of its \$1.6 billion defamation suit against Fox News Network, but declined to approve toughened hurdles for Dominion's claim that Fox systematically lied about the company's role in the 2020 election.

[Read full article »](#)

## **Texas High Court Will Hear Law Firm Shareholder Dispute**

*By Adam Lidgett*

The Texas Supreme Court has said it will review an intellectual property attorney's case over whether his former firm was allowed to redeem the entirety of his stock without compensating him when he was let go.

 2 documents attached | [Read full article »](#)

## **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Read full article »](#)

## GC Cheat Sheet: The Hottest Corporate News Of The Week

*By Sue Reisinger*

Two Delaware court actions top this week's news. In a first-of-its kind opinion that could have far-ranging impact on general counsel, the Chancery Court has ruled that a McDonald's executive breached his fiduciary duty by failing to act on sexual harassment complaints. And the bankruptcy court in Delaware hearing the FTX case has received a request to subpoena the crypto company's ex-CEO and his family.

[Read full article »](#)

Podcast

### **Pro Say: Courtside To Courtroom: Inside MSG's Attorney Ban**

Madison Square Garden has become the epicenter of an ugly turf war involving owner James Dolan, who has barred attorneys litigating against him from entering some of New York City's most hallowed venues, enforcing the policy with cutting-edge facial recognition technology and inviting a flood of litigation from the aggrieved lawyers.

[Read full article »](#)

### **Marcia Cooke, 1st Black Female Fla. Federal Judge, Dies**

*By Carolina Bolado*

Senior U.S. District Judge Marcia G. Cooke, the first Black woman on the federal bench in Florida, died Friday in her hometown, Detroit, at age 68.

[Read full article »](#)

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**From:** Retail & E-Commerce Law360  
**Sent:** Wed, 4 Jan 2023 09:39:42 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Clothier Thom Browne Ripped Off Adidas' Stripes, Jury Told



# Retail & E-Commerce

WEDNESDAY, JANUARY 4, 2023



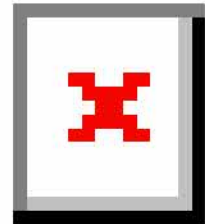
## TOP NEWS

### Clothier Thom Browne Ripped Off Adidas' Stripes, Jury Told

*By Stewart Bishop*

An attorney for Adidas on Tuesday told a Manhattan federal jury how fashion house Thom Browne Inc. exploited the footwear giant's iconic three-stripe logo for use in its own burgeoning sportswear line, despite being warned over a decade ago to back off.

[Read full article »](#)



### Amazon Must Face Suit Over Chemical Used In Suicides

*By Emily Field*

A Washington state judge has ruled Amazon cannot escape a lawsuit brought by two families over the retail giant's sale and marketing of a chemical two young men used to kill themselves.

 [Order attached | Read full article »](#)

### FDA Paves Way For Pharmacy Chains To Offer Abortion Pills

*By Lauren Berg*

The U.S. Food and Drug Administration has opened the way for retail pharmacies like CVS Health Corp. and Walgreens Co. to offer customers the prescription abortion medication mifepristone, the agency and the drug's makers Danco Laboratories LLC and GenBioPro said Tuesday.

 [1 document attached | Read full article »](#)

### Wash. High Court Fast-Tracks Albertsons \$4B Payout Row

*By Lauren Berg*

The Washington Supreme Court has set an expedited schedule to review the temporary block on Albertsons Cos.' \$4 billion shareholder dividend ahead of its merger with Kroger Co., Albertsons said Monday.

## COMPANIES IN TODAY'S NEWS

Acacia Research Corp.  
Activision Blizzard Inc.  
Adidas AG  
Albertsons Cos. Inc.  
Amazon.com Inc.  
American Bar Associati  
Ames & Gough  
Apple Inc.  
ArcelorMittal  
Arrow Electronics Inc.  
Bank of America Corp.  
Bumble Inc.  
CVS Health Corp.  
Chegg Inc.  
Citigroup Inc.



Letter attached | [Read full article »](#)

## **Calif. Bong Maker Filed 347 Lawsuits To Crack Down On Fakes**

*By Sam Reisman*

A single California-based bong maker filed close to 350 federal trademark infringement lawsuits in 2022 against smoke shops and convenience stores as part of a concerted effort to dissuade retailers from hawking counterfeit wares.

[Read full article »](#)

## **POLICY & REGULATION**

### **Virgin Islands Legislators Greenlight Recreational Pot Use**

*By Collin Krabbe*

The U.S. Virgin Islands Senate has voted to legalize adult recreational cannabis use, sending a bill that would establish a framework for issuing licenses and regulating the recreational market to Gov. Albert Bryan Jr.'s desk.

Bill attached | [Read full article »](#)

## **ENFORCEMENT**

### **Canadian Enforcers Cut Deal Clearing \$2.7B Paper Merger**

*By Piper Hudspeth Blackburn*

Paper manufacturer Domtar Corp. has agreed to sell two of its pulp mills to address competition concerns raised by Canada's Competition Bureau over Domtar's proposed acquisition of Resolute Forest Products Inc.

1 document attached | [Read full article »](#)

## **LITIGATION**

### **Yellowstone Capital To Pay \$27M To End NJ Usury Claims**

*By Sarah Jarvis*

Private equity firm Yellowstone Capital LLC, its parent company and several associated companies have agreed to pay more than \$27.3 million to settle claims they targeted small businesses with abusive lending disguised as purchases of accounts receivables, the New Jersey attorney general announced Tuesday.

Settlement attached | [Read full article »](#)

### **Defendant In OnlyFans Consulting Case Duped By Fake Atty**

*By Matthew Santoni*

The parties in a dispute over competing consulting firms for OnlyFans models told a federal court Tuesday that one of the defendants had been

CorePower Yoga LLC  
Dell Technologies Inc.  
Domtar Corp.  
Dropbox Inc.  
Duquesne University  
EF Hutton  
Eidos Therapeutics Inc.  
FNA Group Inc.  
Freedom Financial  
Network LLC  
Futbol Club Barcelona S  
GKN PLC  
Georgetown University  
Getty Images Inc.  
GitHub Inc.  
Hologic Inc.  
ISS A/S  
Iqvia Holdings Inc.  
Lex Machina Inc.  
LexisNexis Group Inc.  
Meta Platforms Inc.  
Morgan Stanley  
Naver Corp.  
New York University  
Nippon Telegraph and  
Telephone Corporation  
North Carolina State Ba  
Poshmark Inc.  
Redbubble Ltd.  
SoulCycle Inc.  
Starboard Value LP  
Swedish Match AB  
Target Corp.  
The Boeing Co.  
The Center for  
Reproductive Rights Inc  
The Kroger Co.  
Thom Browne Inc.  
Timken Co.  
Twitter Inc.  
U.S. News & World  
Report

duped by a Pittsburgh man and "vexatious litigant" posing as an attorney — who had once claimed Bernie Madoff's conviction was obtained through government mind control.

2 documents attached | [Read full article »](#)

## Target Knocks Fruit Punch Fraud Claims Out Of Court

By *Lauraann Wood*

An Illinois federal judge has tossed out proposed class fraud claims targeting Target's house brand fruit punch-flavored water enhancer, rejecting accusations that the product label tricks customers into thinking it contains only natural fruit flavoring.

Order attached | [Read full article »](#)

## US Power Washer Co. Accuses Foreign Rivals Of Dumping

By *Micah Danney*

An American producer of gas-powered pressure washers asked the U.S. Department of Commerce and the International Trade Commission to investigate rival companies in China and Vietnam for flooding the U.S. market in an alleged "low-priced, high-volume assault."

Petition attached | [Read full article »](#)

## CorePower Yoga And SoulCycle Websites Allegedly Flout ADA

By *Renee Hickman*

A legally blind plaintiff filed two separate proposed class actions against CorePower Yoga and SoulCycle in New York federal court on Monday, alleging that the companies' websites violate the Americans with Disabilities Act because they are not "equally accessible to blind and visually impaired consumers."

2 documents attached | [Read full article »](#)

## Swedish Match Rival Defends Claims In Antitrust Suit

By *Mike Curley*

Dryft Sciences LLC is urging a California federal court not to toss its claims that rival Swedish Match North America LLC pushed it out of the nicotine pouch market with a series of frivolous lawsuits, saying Swedish Match's motion to dismiss ignores large portions of the amended complaint and mischaracterizes the purposes and results of prior legal actions.

Response attached | [Read full article »](#)

## Pa. CBD Retailer Settles OT Dispute With Workers

By *Irene Spezzamonte*

A Pennsylvania federal judge on Tuesday tossed a proposed class action alleging a CBD retail chain failed to pay workers for off-the-clock work and misclassified employees as managers to dodge overtime, saying the parties reached a settlement.

Universal Health Service Inc.

Veeva Systems Inc.

Walgreens Co.

Yale University

Zillow Group Inc.

## LAW FIRMS IN TODAY'S NEWS

AMS Trade LLP

Arnold & Porter

Bauer Gravel

Brown LLC

Brown Rudnick

Burns White

Calcagni & Kanefsky

Clark Hill

Cleary Gottlieb

Debevoise & Plimpton

Dorsey & Whitney

Durie Tangri

Elzer Law Firm

Fisher Phillips

Fury Duarte

Glenn Agre

Gordon Tilden

Greenberg Traurig

Grunfeld Desiderio

Jaffe Glenn Law Group

Jenner & Block

Johnson Poulson

K&L Gates

Kasowitz Benson

Kelley Drye

Kilpatrick Townsend

King & Spalding

Kirkland & Ellis

Loeb & Loeb

Lubin Austermuehle

Mayer Brown

Milbank LLP

Mintz Levin

Morrison Foerster

Order attached | [Read full article »](#)

## Real Estate Co. Asks 2nd Circ. To Revive Zillow Ads Suit

By *David Holtzman*

A Vermont property listings service urged the Second Circuit on Tuesday to revive its case accusing Zillow Inc. of making "deceptive" offers of free for-sale-by-owner advertising and steering potential buyers who respond to the ads to real estate agents.

Brief attached | [Read full article »](#)

## Vape Maker Seeks Win In Suit Over Tainted Knockoff Products

By *Mike Curley*

The owner of the "Big Chief" trademark is asking a Los Angeles County court to give him a win in a suit alleging his former business partners are selling counterfeit vape products that are contaminated with pesticides and lead, saying the undisputed evidence shows they knew they had no right to sell the products.

Motion attached | [Read full article »](#)

## Indian Steel Co. Seeks Ruling In Suit Over Reinstated Duties

By *Jennifer Doherty*

The U.S. Department of Commerce broke its own rules and flouted due process when it reinstated duties retroactively, an Indian producer of metal tubing told the U.S. Court of International Trade in its motion for judgment Tuesday.

Memorandum attached | [Read full article »](#)

## Catching Up With Delaware's Chancery Court

By *Leslie A. Pappas and Jeff Montgomery*

Chestnuts, cranberries and holiday presents weren't the only things bursting open last week, as a number of new Delaware Chancery Court suits popped up between Christmas and New Year's. Delaware's chancellor and vice chancellors also found time between sips of eggnog and champagne to fire off a few year-end decisions. Here's your weekly wrap-up of news from Delaware's Chancery Court.

2 documents attached | [Read full article »](#)

## DEALS

### Ace Global's 2nd Blank-Check Co. Cancels IPO

By *Tom Zanki*

Special purpose acquisition company Ace Global Business Acquisition II, which had hoped to acquire a business in the decarbonization, gaming or e-commerce industries, on Tuesday withdrew its plans for a \$65 million initial public offering, marking the latest setback for the SPAC market.

Munger Tolles  
Perkins Coie  
Polsinelli PC  
Primmer Piper  
Proskauer Rose  
Quinn Emanuel  
Rothwell Figg  
Sheehan & Associates  
PC  
Shegerian & Associates  
Sichenzia Ross  
Sidley Austin  
Stein Saks  
Stinson LLP  
Ticktin Law Group  
Winston & Strawn  
Wolf Greenfield

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Central Intelligence  
Agency  
Delaware Court of  
Chancery  
Executive Office of the  
President  
Federal Bureau of  
Investigation  
Federal Communication  
Commission  
Federal Trade  
Commission  
Food and Drug  
Administration  
International Trade  
Administration  
International Trade  
Commission  
Pennsylvania Attorney  
General's Office  
Port Authority of New  
York & New Jersey  
Texas Department of  
Public Safety

[Read full article »](#)

## EXPERT ANALYSIS

### 9th Circ. Trend Affects Tech Terms Of Service Enforceability

New cases in the Ninth Circuit threaten the enforceability of online terms of service for many major tech companies, calling into question precedent that considered customers' continued use after an email update as acceptance of new terms, say Jonathan Blavin and Roman Leal at Munger Tolles.

[Read full article »](#)

### FTC Actions Hold Data Privacy Lessons For 2023

The Federal Trade Commission's recent data privacy enforcement actions against Chegg and Drizly are cautionary tales in the new year, demonstrating for companies the importance of educating employees on data security practices, following through on promises, and responding to incidents properly, says Kristen Logan at Rothwell Figg.

[Read full article »](#)

### 6 Ways To Avoid Compounding Errors When Practicing Law

For lawyers and law firms, inevitable human error can lead to claims of malpractice or ethical violations, but the key is to avoid exacerbating mistakes by adding communication failures, conflicts of interest or insurance coverage losses, says Mark Hinderks at Stinson.

[Read full article »](#)



## LEGAL INDUSTRY

### Kasowitz Sues Spinoff Firm Over Settlement Atty Fees

*By Dorothy Atkins*

Manhattan-based Kasowitz Benson Torres LLP has sued Glenn Agre Bergman & Fuentes LLP in New York state court demanding a portion of attorney fees Glenn Agre recently recovered from a settlement, arguing that Kasowitz represented the client for years before former partners left with the client and formed the new firm.

 2 documents attached | [Read full article »](#)

### US News Adjusts Rankings Design Amid Law School Boycotts

*By Andrea Keckley*

Following boycotts from several law schools, U.S. News & World Report said on Monday that it will be making a series of changes to its rankings.

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Department of Commerce

U.S. Department of Justice

U.S. District Court for the Eastern District of New York

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Northern District of California

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of California

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of Pennsylvania

U.S. Postal Service

U.S. Securities and Exchange Commission

U.S. Supreme Court

Washington Attorney General's Office

[Read full article »](#)

## **MoFo And Durie Tangri Ring In 2023 By Combining**

*By Emily Lever*

Morrison Foerster LLP has carried out its planned combination with litigation boutique Durie Tangri LLP, the firm announced Tuesday.

[Read full article »](#)

## **Mintz To Open Miami Office Led By Ex-Milbank Atty**

*By Madison Arnold*

Mintz Levin Cohn Ferris Glovsky and Popeo PC is the latest in a string of firms venturing into the Florida market after it announced plans to open a Miami shop.

[Read full article »](#)

## **Polsinelli Launches ITC Practice With Group From AMS Trade**

*By Matt Perez*

Polsinelli PC announced on Tuesday that it hired a seven-person group from international trade law firm AMS Trade LLP for a new litigation and trade remedies practice out of its Washington, D.C., office.

[Read full article »](#)

## **Biden Renominates More Than 2 Dozen Judicial Picks**

*By James Arkin*

President Joe Biden renominated more than two dozen judicial picks Tuesday after the Democrats' new Senate majority began its session, the next step in the confirmation process for nominees who did not receive votes last year.

[Read full article »](#)

## **Ex-SG Attorney To Help Lead Quinn Emanuel Appellate Team**

*By Alison Knezevich*

A former assistant to the solicitor general who was also chief speechwriter for former President George W. Bush has joined Quinn Emanuel Urquhart & Sullivan LLP to co-chair its national appellate practice, the firm announced Tuesday.

[Read full article »](#)

## **Apple Atty Says She Was Fired For Reporting Death Threats**

*By Andrew Karpan*

A former director of patent litigation at Apple says she was fired months after publicly complaining about a "gun-toting colleague" at the company who allegedly abused her and then terrorized her with death threats.

 Complaint attached | [Read full article »](#)

## **Biden Renominates Sohn For 5th FCC Commissioner**

*By Christopher Cole*

President Joe Biden renominated Gigi Sohn to the Federal Communications Commission on Tuesday after her last nomination failed in a drawn-out Senate confirmation battle last year.

[Read full article »](#)

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### **Investment Team Associate**

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Charlotte, North Carolina

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**Sent:** Mon, 23 Jan 2023 16:03:11 +0000  
**To:** Ginsburg, Andrew; Crockett, David  
**Cc:** Alpert, Matt; Trumka Jr., Richard; Niemasik, Kaylee; Sebold, Meghan  
**Subject:** Congressional Letters

Hi All,

Can you share any outstanding letters with us regarding gas stoves?

I believe we have the Sen. Lummis and Sen. Vance letters, but not the others.

All the best,

Robin

## **Robin D. Lipp**

Pronouns: he/him/his

Special Counsel/Attorney Advisor to Commissioner Rich Trumka Jr.

[U.S. Consumer Product Safety Commission](#)

4330 East West Highway | Bethesda, Maryland 20814

Phone: (b)(6)

Email: [rlipp@cpsc.gov](mailto:rlipp@cpsc.gov)

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**From:** Consumer Protection Law360  
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**To:** Trumka Jr., Richard  
**Subject:** Consumer Protection Policy and Cases To Watch In 2023



# Consumer Protection

TUESDAY, JANUARY 3, 2023



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## TOP NEWS

Analysis

### [Consumer Protection Policy and Cases To Watch In 2023](#)

*By Allison Grande*

The Federal Trade Commission's ambitious consumer protection rulemaking and enforcement efforts will continue to command the spotlight in 2023 along with the Consumer Financial Protection Bureau's challenge to a ruling that threatens to dismantle the agency's work and a looming U.S. Supreme Court decision that could spell the end of a long-standing Big Tech liability shield.

[Read full article »](#)

Analysis

### [The Cybersecurity Stories That Could Define 2023](#)

*By Ben Kochman*

Authorities cracking down on failures to report data breaches, data extortion groups evolving their tactics and cyber insurers tightening up their policies will all be on the agenda in what should be another busy year in the world of cybersecurity.

[Read full article »](#)

### [Privacy Legislation And Regulation To Watch In 2023](#)

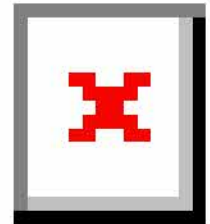
*By Allison Grande*

The new year kicks off with California and Virginia's new privacy laws taking effect, and things will only ramp up from there, with privacy professionals keeping a close eye on long-standing efforts to enact a federal data privacy framework and the Federal Trade Commission's increasingly aggressive approach to regulating data-handling practices.

[Read full article »](#)

Analysis

### [4 Cybersecurity Cases To Watch In 2023](#)



## LAW FIRMS IN TODAY'S NEWS

Akerman LLP  
Akin Gump  
Alston & Bird  
ArentFox Schiff  
Arnold & Porter  
Baker & Hostetler  
Baker Botts  
Baker Donelson  
Baker McKenzie  
Benesch  
Buchalter APC  
Butler Snow LLP  
Cadwalader Wickersham  
Clark Hill  
Cohen Milstein



*By Ben Kochman*

Appeals rulings that could decide the fate of data breach suits, a cloud-computing company's attempts to fend off negligence claims after suffering a massive ransomware attack, and questions over whether surveillance software breached anti-hacking laws lead Law360's list of cybersecurity cases to watch in 2023.

[Read full article »](#)

## **Privacy Litigation To Watch In 2023**

*By Allison Grande*

The recent explosion of litigation accusing a wide range of companies of violating wiretap and video privacy laws through the technology they deploy on their websites will continue to proliferate in 2023, joining robocall and biometric privacy disputes that have long plagued businesses and also show no signs of abating.

[Read full article »](#)

Analysis

## **The Top Telecom Developments To Watch In 2023**

*By Christopher Cole*

A full plate lies ahead for the Federal Communications Commission and the telecom sector in 2023 as they grapple with a number of key issues, including better securing telecom networks from foreign threats and allocating scarce spectrum resources.

[Read full article »](#)

# **POLICY & REGULATION**

## **Banking Regulation To Watch In 2023**

*By Jon Hill*

The new year could bring new rules for banks and other financial firms on everything from the capital they set aside for a rainy day to the capital they lend to small businesses to get off the ground.

[Read full article »](#)

## **Fintech Policy & Regulation To Watch In 2023**

*By Hannah Albarazi and Jon Hill*

U.S. policymakers may begin laying down serious regulatory guardrails for the digital asset industry in 2023 as the spectacular collapse of cryptocurrency exchange FTX looks to have opened a wider window of opportunity for bipartisan action.

[Read full article »](#)

## **California Legislation And Regulation To Watch In 2023**

*By Dorothy Atkins*

Consovoy McCarthy  
Cooley LLP  
Corr Cronin  
Covington & Burling  
Cozen O'Connor  
Crowell & Moring  
DLA Piper  
Davis Polk  
Davis Wright  
Dechert LLP  
DiCello Levitt  
Duane Morris  
Dykema  
Edelson PC  
Eversheds Sutherland  
Faegre Drinker  
Ferguson Braswell  
Foley Hoag  
Girardi & Keese  
Goodwin Procter  
Gordon & Rees  
Greenberg Traurig  
Greenspoon Marder  
Griesing Law  
Gunderson Dettmer  
Gunster Yoakley  
Harrity & Harrity  
Hill Ward Henderson  
Hogan Lovells  
Holland & Knight  
Holtzman Vogel  
Hudson Cook  
Hunton Andrews  
Jackson Walker LLP  
Jeffer Mangels  
Jenner & Block  
Jones Day  
K&L Gates  
Katten Muchin  
Kelley Drye  
Kesselman Brantly  
Kirkland & Ellis

California legal experts expect Golden State officials to issue guidance in 2023 on the state's new pay transparency rules and other major state employment and data privacy laws that take effect this year, while they also anticipate energy regulators to lay the groundwork for trailblazing renewable energy incentives.

[Read full article »](#)

## Transportation Regulation & Legislation To Watch In 2023

*By Linda Chiem*

Infrastructure project funding, electric vehicles, air travel regulations, and rail and ocean shipping reforms are some of the transportation industry's top regulatory priorities to watch in 2023.

[Read full article »](#)

## Texas Legislation To Watch In Early 2023

*By Lauren Castle*

The Texas Legislature will hit the ground running in a new session in January, as the recently reelected Republican majority, led in part by Lt. Gov. Dan Patrick, presses forward with anticipated property tax cuts, guidelines for data security and potential reforms to the Lone Star State's electrical grid.

[Read full article »](#)

# LITIGATION

## What Banking Attorneys Are Watching In The Courts In 2023

*By Jon Hill*

As the new year dawns, the Consumer Financial Protection Bureau is under the gun with an existential constitutional challenge potentially in store for the U.S. Supreme Court. But that's not all financial services attorneys will be watching in the courts in the months ahead.

[Read full article »](#)

Analysis

## Hospitality Cases To Watch In 2023

*By Joyce Hanson*

Franchisee-driven data privacy litigation against hotels, a push for a U.S. Supreme Court review of a lawsuit over public accommodations' accessibility for the disabled and a closer eye on COVID-19 science in suits involving pandemic-related insurance coverage are some of the cases that will dominate the hospitality landscape in 2023.

 1 document attached | [Read full article »](#)

## Fintech Litigation To Watch In 2023

*By Hannah Albarazi*

Latham & Watkins  
Levi & Korsinsky  
Lynn Pinker  
Mac Murray & Shuster  
Manatt Phelps  
McGuireWoods  
Morgan Lewis  
Morrison Foerster  
Mrachek Fitzgerald  
Much Shelist  
Napoli Shkolnik  
Neal Gerber  
Nelson Mullins  
Norton Rose  
O'Melveny & Myers  
Olshan Frome  
Orrick Herrington  
Otterbourg PC  
Patterson Belknap  
Paul Hastings  
Paul Weiss  
Perkins Coie  
Pillsbury Winthrop  
Polsinelli PC  
Pryor Cashman  
Raines Feldman  
Ratzan Weissman  
Redgrave LLP  
Reed Smith  
Robins Kaplan  
Sheppard Mullin  
Skadden Arps  
Snell & Wilmer  
Squire Patton  
Steptoe & Johnson LLP  
Stroock & Stroock  
Sullivan & Worcester  
Troutman Pepper  
Venable LLP  
Wilson Elser  
Wilson Sonsini  
Winston & Strawn

The breathtaking implosion and bankruptcy of cryptocurrency exchange FTX and the subsequent arrest of its founder showered negative attention on the largely unregulated digital asset space in 2022, prompting legal experts to forecast that more enforcement actions and bankruptcies would hit the crypto industry in 2023.

[Read full article »](#)

Analysis

## 5 Sports & Betting Cases To Watch In 2023

*By David Steele*

The sports and betting world will closely follow a pair of consolidated class actions in college athletics related to concussion liability and NIL rights, trademark infringement cases that could tilt the playing field across sports and gaming, and major cases involving the NFL and PGA Tour. Here, Law360 looks at the top sports and betting cases the legal world will be watching in the new year.

[Read full article »](#)

## Antitrust Conduct Issues And Cases To Watch In 2023

*By Matthew Perlman*

The Federal Trade Commission prepares to test the limits of its authority to combat unfair methods of competition in the coming year, as the U.S. Department of Justice and state enforcers continue pushing aggressive antitrust agendas alongside new proposed class actions from private parties.

[Read full article »](#)

## California Cases To Watch In 2023

*By Dorothy Atkins*

In the coming year, California legal experts will keep a close eye on ex-technology executives' white collar appeals, lawsuits tied to the now-defunct law firm Girardi Keese, Golden State litigation over the collapse of cryptocurrency exchange FTX, and precedent-setting appeals clarifying the arbitrability of Private Attorneys General Act claims.

[Read full article »](#)

## Florida Cases To Watch In 2023

*By Carolina Bolado*

From cryptocurrency exchange FTX investor lawsuits against celebrity promoters to abortion restrictions, Florida courts are expected to tackle a number of thorny issues in 2023, including a measure that could help defendants wield the anti-SLAPP statute more effectively and a bellwether trial on Lyft's for its drivers' use of its app.

[Read full article »](#)

## Retail Cases To Watch 2023

*By Hailey Konnath*

Womble Bond

## COMPANIES IN TODAY'S NEWS

Albertsons Cos. Inc.

Alvarez & Marsal Holdings LLC

Amazon.com Inc.

American Bar Association

American Civil Liberties Union

American Civil Liberties Union of Texas

American Constitution Society

American International Group Inc.

American Property Casualty Insurance Association

Andreessen Horowitz LLC

Apple Inc.

Armanino LLP

Assurance IQ LLC

BNSF Railway Co.

BancWest Corp.

Binance Holdings Ltd.

Black Horse Carriers Inc.

Blackbaud Inc.

BlockFi Inc.

Brinker International Inc.

Cable News Network Inc.

CafePress Inc.

Canadian Pacific Railway Ltd.

Cash App

Cerberus Capital Management LP

Cincinnati Financial Corp.

Coinbase Global Inc.

Comcast Corp.

Community Financial Corp

Cornell University

Cushman & Wakefield Inc.

DaVita Inc.

Attorneys with their eyes on the retail industry should expect to see plenty of noteworthy litigation in 2023, including Starbucks' ongoing battle with unionizing workers, massive opioid settlements from pharmacies, continued antitrust battles over Google and Apple app stores and what could be a long road ahead for Albertsons' planned merger with Kroger.

[Read full article »](#)

## EXPERT ANALYSIS

### State AGs May Double Down On Bipartisan Issues In 2023

In 2023, state attorneys general may focus increasingly on bipartisan issues that affect their constituents on a daily basis — including privacy, competition and consumer protection — following the zero net change among the partisan divide of state attorneys general last year, says Stephen Cobb at Holland & Knight.

[Read full article »](#)

### Expect More CPSC Litigation, Regulation, Penalties In 2023

According to its recently issued operating plan, the U.S. Consumer Product Safety Commission will take a hard and fast approach to product safety in 2023 — with enforcement as a top priority, and all cases evaluated for potential referral for criminal prosecution — so ensuring compliance will be paramount for companies, say attorneys at Morgan Lewis.

[Read full article »](#)

### 5 Data Privacy Law Trends That Will Continue Into 2023

As companies develop their 2023 privacy and data security compliance priorities, they should look to five trends, such as regulator action on data breaches, a continued focus on dark patterns, and challenges in sending information from the EU to the U.S., says Liisa Thomas at Sheppard Mullin.

[Read full article »](#)

### 4 Ways To Improve Your Compliance Program In 2023

Further integration of compliance programs into corporate culture should be near the top of many companies' goals for 2023, and they should consider reviewing compensation agreements, revisiting due diligence processes and more to be effectively positioned to respond to government review, say John Kocoras and Joseph Yaffe at Skadden.

 Memorandum attached | [Read full article »](#)

### What Will Keep Legal Talent Professionals Up At Night In 2023

Hybrid work environments, high demand for lateral hires and a potential slowdown of the economy defined 2022 in the always-busy marketplace for legal talent, and as BigLaw looks at the year ahead,

ESPN Inc.  
Early Warning Services LL  
Electric Reliability Council  
Texas Inc.  
Electronic Frontier  
Foundation  
Epic Games Inc.  
Ethereum GmbH  
Expedia Group Inc.  
EyeMed Vision Care LLC  
Financial Industry  
Regulatory Authority Inc.  
GameStop Corp.  
Golden State Warriors  
Google LLC  
Grayscale Investments LL  
Greystar Real Estate  
Partners LLC  
H&R Block Inc.  
HaystackID LLC  
Highgate Hotels Inc.  
Instagram Inc.  
InterContinental Hotels  
Group PLC  
International Brotherhood  
Teamsters  
JPMorgan Chase & Co.  
Kansas City Southern  
Las Vegas Raiders LLC  
Lex Machina Inc.  
LexisNexis Group Inc.  
Lincoln Property Co.  
Lyft Inc.  
M&T Bank Corp.  
MUFJ Union Bank NA  
Marriott International Inc.  
MasterCard Inc.  
Match Group LLC  
McDonald's Corp.  
Meijer Inc.  
Meta Platforms Inc.  
Miami Dolphins  
NFL Enterprises LLC

there are five major sources of concern for the teams charged with securing and retaining that talent, say advisers at Baretz+Brunelle.

[Read full article »](#)



## LEGAL INDUSTRY

### 4 Worries For Managing Partners Heading Into 2023

*By Xiumei Dong*

Although the legal industry has fared well with pandemic-induced uncertainties over the past few years, worries about a global business slowdown and a looming recession have again sent law firm leaders back to the drawing board as they prepare for 2023.

[Read full article »](#)

Analysis

### Discrimination Cases Against Law Firms To Watch In 2023

*By Anne Cullen*

Jones Day, Davis Polk and Levi & Korsinsky are among the legal industry players embroiled in discrimination and harassment cases brought from within their ranks that will see major developments in the coming year. Here, Law360 looks at five ongoing employment suits against law firms worth keeping track of in 2023.

[Read full article »](#)

Analysis

### Legal Ethics Cases To Watch In 2023

*By Andrew Strickler*

The professional responsibility bar will benefit from a long winter's nap as we head into a busy 2023. On deck is a slew of ethics cases for election "big lie" lawyers and a U.S. Supreme Court case addressing the attorney-client privilege. Here, Law360 looks at these and the other big legal ethics cases to watch in the coming year.

[Read full article »](#)

### Democrats Push To Keep Building Biden's Judicial Record

*By James Arkin*

Senate Democrats confirmed nearly 100 of President Joe Biden's nominees to the federal courts in his first two years in office and will have some new advantages next year as they seek to build on that record.

[Read full article »](#)

National Basketball Association Inc.

National Collegiate Athletic Association

National Federation of State High School Associations

National Society of Compliance Professionals

New York University

Nike Inc.

OkCupid.com

Opportunity Financial, LLC

PGA TOUR Inc.

Paramount Global

Pegasus

Planned Parenthood Federation

Pratt & Whitney

Publix Super Markets Inc.

RELX PLC

Ralph Lauren Corp.

Raytheon Technologies Corp.

RealPage Inc.

Ripple Labs Inc.

Sephora SA

Slack Technologies Inc.

Southeastern University

Southern California Gas Co

Spokeo Inc.

Starbucks Corp.

State Bar of California

StockX LLC

StoneTurn Group LLP

Surgical Care Affiliates Inc

Tapestry Inc.

Texas Public Policy Foundation

The Florida Bar

The Kroger Co.

TikTok Inc.

Trader Joe's Co.

TransUnion LLC

Twitter Inc.

## 7 Supreme Court Cases To Watch In 2023

*By Jimmy Hoover*

The new year brings a host of hot-button cases for the U.S. Supreme Court justices, who will tackle everything from President Joe Biden's student debt relief plan to Section 230 immunity for Big Tech companies over the next six months before the summer recess. Here, Law360 highlights the big-ticket items.

[Read full article »](#)

## Election Litigation Set To Continue Record Pace In 2023

*By Ryan Boysen*

Next year will continue to see a torrent of election litigation, with landmark cases in the U.S. Supreme Court, ongoing redistricting fights and dozens of voting lawsuits that will shape the 2024 election and beyond.

[Read full article »](#)

## Courts Experienced A Decrease In Case Filings In 2022

*By Katie Buehler*

Federal courts around the country docketed fewer cases in fiscal year 2022 compared to previous years, according to a year-end report issued Saturday by U.S. Supreme Court Chief Justice John Roberts that focused on data but was silent on the hot-button topic of high court ethics issues.

[Read full article »](#)

## 5 Compliance Trends To Watch In 2023

*By Sarah Jarvis*

Compliance personnel should be cautious heading into 2023, as they grapple with updated corporate enforcement policies from the U.S. Department of Justice against a backdrop of ongoing international tension, a focus on environmental, social and governance standards, and the possibility of an economic downturn.

[Read full article »](#)

Analysis

## Patent Litigation Trends To Watch In 2023

*By Ryan Davis*

The continuing fallout from a decision that changed how patent cases are assigned to Western District of Texas judges, and a Delaware judge's investigation into the funding and ownership of patent plaintiffs are set to continue commanding the patent world's attention in 2023.

[Read full article »](#)

U.S. Bancorp  
U.S. Chamber of Commerce  
Uber Technologies Inc.  
UnitedHealth Group Inc.  
UnitedLex Corp.  
Viking Cruises Inc.  
Visa Inc.  
Vonage Holdings Corp.  
Walgreens Co.  
Walmart Inc.  
Warner Bros. Discovery Inc.  
Washington Football Team  
WeWork Inc.  
Wells Fargo & Co.  
White Castle Management Co.  
YouTube Inc.  
Zillow Group Inc.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

California Air Resources Board  
California Public Utilities Commission  
California Supreme Court  
Commodity Futures Trading Commission  
Consumer Financial Protection Bureau  
European Commission  
European Union  
Executive Office of the President  
Federal Aviation Administration  
Federal Communications Commission  
Federal Deposit Insurance Corp.  
Federal Highway Administration  
Federal Maritime Commission

Federal Railroad  
Administration  
Federal Reserve System  
Federal Trade Commission  
Florida Supreme Court  
Food and Drug  
Administration  
Harris County Appraisal  
District  
Illinois Supreme Court  
Information Commissioner'  
Office  
Internal Revenue Service  
International Trade  
Commission  
National Credit Union  
Administration  
National Labor Relations  
Board  
National  
Telecommunications and  
Information Administration  
New Jersey Supreme Court  
New York Attorney General  
Office  
New York Department of  
Financial Services  
Office of Foreign Assets  
Control  
Office of the Comptroller of  
the Currency  
Serious Fraud Office  
Surface Transportation  
Board  
Texas Legislature  
Texas Secretary of State  
Texas Supreme Court  
U.S. Attorney's Office for the  
Northern District of Illinois  
U.S. Bankruptcy Court for  
the Eastern District of  
Virginia  
U.S. Consumer Product  
Safety Commission  
U.S. Court of Appeals for the  
District of Columbia Circuit

U.S. Court of Appeals for the  
Eleventh Circuit  
U.S. Court of Appeals for the  
Fifth Circuit  
U.S. Court of Appeals for the  
Fourth Circuit  
U.S. Court of Appeals for the  
Ninth Circuit  
U.S. Court of Appeals for the  
Seventh Circuit  
U.S. Court of Appeals for the  
Third Circuit  
U.S. Customs and Border  
Protection  
U.S. Department of  
Commerce  
U.S. Department of  
Education  
U.S. Department of Health  
and Human Services  
U.S. Department of  
Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of  
Transportation  
U.S. District Court for the  
Central District of California  
U.S. District Court for the  
District of Columbia  
U.S. District Court for the  
District of Connecticut  
U.S. District Court for the  
District of Maine  
U.S. District Court for the  
District of Maryland  
U.S. District Court for the  
District of Oregon  
U.S. District Court for the  
District of South Carolina  
U.S. District Court for the  
Eastern District of Texas  
U.S. District Court for the  
Eastern District of Virginia  
U.S. District Court for the  
Middle District of  
Pennsylvania



U.S. District Court for the  
Northern District of California  
U.S. District Court for the  
Northern District of Florida  
U.S. District Court for the  
Northern District of Georgia  
U.S. District Court for the  
Northern District of Illinois  
U.S. District Court for the  
Northern District of Texas  
U.S. District Court for the  
Southern District of Florida  
U.S. District Court for the  
Southern District of  
Mississippi  
U.S. District Court for the  
Southern District of New  
York  
U.S. District Court for the  
Western District of Texas  
U.S. District Court for the  
Western District of  
Washington  
U.S. House of  
Representatives  
U.S. Securities and  
Exchange Commission  
U.S. Senate  
U.S. Supreme Court  
Unified Patent Court

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**From:** Sebold, Meghan  
**Sent:** Thu, 2 Feb 2023 20:51:25 +0000  
**To:** Trumka Jr., Richard  
**Cc:** Lipp, Robin; Niemasik, Kaylee  
**Subject:** (b)(5)

(b)(5)



**Meghan Sebold**

Policy and Public Affairs Advisor  
Commissioner Richard L. Trumka Jr.  
[U.S. Consumer Product Safety Commission](#)  
[Twitter](#) // [Statements](#)

**From:** Public Policy Law360  
**Sent:** Fri, 13 Jan 2023 09:00:00 +0000  
**To:** Trumka Jr., Richard  
**Subject:** DOJ Names Special Counsel To Review Biden Classified Docs



# Public Policy

FRIDAY, JANUARY 13, 2023



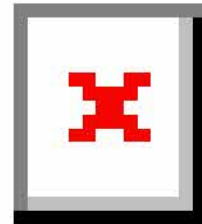
## TOP NEWS

### DOJ Names Special Counsel To Review Biden Classified Docs

*By Katie Buehler*

U.S. Attorney General Merrick Garland announced Thursday that he has appointed a special counsel to oversee the U.S. Department of Justice's review of classified documents that were found at two locations related to President Joe Biden.

[Read full article »](#)



### City National's \$31M Redlining Deal Is Largest In DOJ History

*By Quinn Wilson*

City National Bank reached a \$31 million settlement with the U.S. Department of Justice, ending a lawsuit alleging the bank racially discriminated against borrowers in Los Angeles County in the largest deal of its kind, the Justice Department announced in a statement Thursday.

 [Complaint attached | Read full article »](#)

### Chicago's US Attorney To Step Down Early This Year

*By Celeste Bott*

Chicago's top federal prosecutor is planning to leave office early this year for a job in the private sector, Attorney General Merrick Garland announced at a press conference Thursday.

[Read full article »](#)

### Pa. Legislature Can't Impeach Philly DA, Court Rules

*By P.J. D'Annunzio*

## LAW FIRMS IN TODAY'S NEWS

Allen Matkins  
Brown Readdick  
Brownstein Hyatt  
Cadwalader Wickersham  
Caldwell Boudreaux  
Capovilla & Williams  
Cooper & Kirk  
Covington & Burling  
DLA Piper  
Davis Agnor  
Demissie & Church  
Dentons Cohen  
Dykema  
Faegre Drinker  
FisherBroyles

Pennsylvania's Commonwealth Court handed a win to Philadelphia District Attorney Larry Krasner on Thursday in holding that the state Legislature hasn't shown that Krasner's embrace of progressive policies amid a high violent crime rate in the city amounted to "misbehavior in office."

3 documents attached | [Read full article »](#)

## 'Big Lie' Attys Continue To Fight \$187K Sanctions At 10th Circ.

*By Emily Sawicki*

A pair of Trump-allied attorneys are continuing to fight \$187,000 in sanctions they received from a federal judge in Colorado in 2021 over faulty election claims, pressing the Tenth Circuit to reconsider its prior rejection of their challenges to those penalties.

Petition attached | [Read full article »](#)

## Panel Ends Confederate Groups' Suit Over Ga. Monument

*By Rosie Manins*

Confederate groups and their members can't sue a south Georgia city and its leaders over the removal from public of a Confederate monument, the Georgia Court of Appeals affirmed Thursday.

Opinion attached | [Read full article »](#)

## BANKING & SECURITIES

### 5 Things To Know About The SEC's Covington Breach Probe

*By Hannah Albarazi*

Covington & Burling LLP's refusal to hand over to the U.S. Securities and Exchange Commission a list of 298 clients affected by a 2020 cyberattack calls into question the limits of confidential attorney-client relationships and the regulator's investigatory powers.

[Read full article »](#)

### SEC Commissioner Uneasy Over Suit Against Covington

*By Jessica Corso*

The U.S. Securities and Exchange Commission's Mark Uyeda told Law360 on Thursday that "there should be rightful concern" about the agency suing law firms like Covington & Burling LLP to gain access to client information, citing the case's similarities to a dust-up with a pair of subpoenaed reporters nearly two decades ago.

[Read full article »](#)

### Ex-Bank Chairman's FDIC Enforcement Challenge Flames Out

*By Jon Hill*

Gibson Dunn  
Greenbaum Rowe  
Grunfeld Desiderio  
Hangley Aronchick  
Haysbert Moultrie  
Hogan Lovells  
Holland & Knight  
Honigman LLP  
Jeffer Mangels  
K&L Gates  
Kaplan Hecker  
Kelley Drye  
Kirkland & Ellis  
Kleinbard LLC  
Latham & Watkins  
Lathrop GPM  
Littler Mendelson  
Mayer Brown  
McGuireWoods  
Morrison Urena  
Munger Tolles  
Nixon Peabody  
Norris McLaughlin  
O'Melveny & Myers  
Ogletree Deakins  
Pisciotti Malsch  
Potter & Murdock  
Redgrave LLP  
Renzulli Law Firm  
Ropes & Gray  
Russo & Duckworth  
Saul Ewing  
Saxton & Stump  
Sidley Austin  
Snell & Wilmer  
Sonosky Chambers  
Steptoe & Johnson LLP  
The Berkman Law Office  
Thompson Coburn  
Todd & Weld  
Tully Rinckey  
Tydings & Rosenberg

A St. Louis federal judge quickly booted a constitutional challenge to a Federal Deposit Insurance Corp. enforcement proceeding against a former bank board chairman, declining to follow a Texas federal judge's ruling that cast doubt on the agency's use of its administrative courts.

☒ Opinion attached | [Read full article »](#)

## Central Bank Org. Urges Action To Contain Crypto Contagion

*By Aislinn Keely*

Central banks should develop plans to contain, regulate or ban cryptocurrency activity to keep crypto contagion at bay, the Bank for International Settlements, which helps coordinate central banks, recommended Thursday.

☒ 1 document attached | [Read full article »](#)

## Santander Launches Civil Rights Suit Over NJ Town's Towing

*By Ryan Harroff*

Santander Bank's American arm has taken a small New Jersey town to federal court, claiming the town seized a vehicle the bank financed and then unconstitutionally let a private towing company hold that vehicle for ransom.

☒ Complaint attached | [Read full article »](#)

## ENERGY & ENVIRONMENTAL

### DOI Proposes Updated Regs For Offshore Renewable Energy

*By Tom Lotshaw*

The U.S. Bureau of Ocean Energy Management will publish a proposed rule to modernize regulations and processes for offshore clean energy development, with reforms projected to save renewable energy developers about \$1 billion over 20 years, the U.S. Department of the Interior said Thursday.

[Read full article »](#)

### FERC Approves \$950M NJ, Pa. Pipeline Upgrade Project

*By Madeline Lyskawa*

The Federal Energy Regulatory Commission approved a Williams Cos. unit's \$950 million pipeline upgrade project in Pennsylvania and New Jersey, in a decision that revealed a continued commissioner divide over any potential revision of the agency's pipeline approval policy.

☒ Order attached | [Read full article »](#)

### API, Louisiana Defend Challenge Of Tossed Gulf Oil Lease

Venable LLP  
Waugh Grant  
Williams & Connolly  
Wilson Sonsini  
Zuckerman Spaeder

## COMPANIES IN TODAY'S NEWS

Air Transport Association c  
America

Alaska Native Tribal Health  
Consortium

Allianz Global Investors  
GmbH

Allianz SE

American Bar Association

American Civil Liberties  
Union

American Constitution  
Society

American Petroleum Institu  
Inc.

Apollo Global Managemen  
LLC

Apple Inc.

Bank for International  
Settlements

Ben & Jerry's Homemade  
Inc.

CIC Services LLC

CPI Corporation

California Trucking  
Association

Center for Biological  
Diversity

Chevron Corp.

City National Bank

Commonwealth Edison Co

Cox Media Group Inc.

DISH Network Corp.

Deere & Co.

Dow Inc.

Earthjustice

Energy Transfer LP

Fordham University

*By Peter McGuire*

The American Petroleum Institute and Louisiana told the D.C. Circuit they can appeal a district judge's order vacating a massive oil lease sale in the Gulf of Mexico because the special circumstances of the transaction override a rule barring private parties' challenge to government agency remands.

1 document attached | [Read full article »](#)

## **Pipeline Cos. Blast FERC Oil Pipeline Rate Policy Shift**

*By Keith Goldberg*

Pipeline companies on Wednesday told the D.C. Circuit that the Federal Energy Regulatory Commission wrongly backtracked on a revised rate-setting policy for oil and liquids pipelines, while pipeline customers said they're entitled to refunds as a result of the agency's about-face.

2 documents attached | [Read full article »](#)

## **MEDIA & ENTERTAINMENT**

### **Warren Calls On FCC To Reject Tegna Go-Private Deal**

*By Christopher Cole*

Sen. Elizabeth Warren, D-Mass., urged the Federal Communications Commission to deny Standard General's bid to take broadcast chain Tegna private, calling the type of commitments they made to tamp down competition and job cut worries "historically ineffective."

2 documents attached | [Read full article »](#)

### **Gutting CDA Would 'Upend The Internet,' Google Tells Justices**

*By Lauren Berg*

Google LLC warned the U.S. Supreme Court on Thursday that limiting the Communication Decency Act's broad legal immunity for tech companies, as the family of a Paris terrorist attack victim believes is needed to hold YouTube accountable for recommending ISIS propaganda videos to susceptible users, would "upend the internet."

Brief attached | [Read full article »](#)

## **EMPLOYMENT & BENEFITS**

### **11th Circ. Urged To Keep Fla. Bias Training Law On Ice**

*By Grace Elletson*

A group of businesses urged the Eleventh Circuit to keep in place a lower court order blocking part of Florida's so-called Stop WOKE Act that prevents employers from endorsing sex- and race-based ideas in worker trainings, arguing that the law is unconstitutional.

George Washington University  
Getty Images Inc.  
Google LLC  
Honeywell International Inc  
International Brotherhood of Teamsters  
JUUL Labs Inc.  
Kroll LLC  
Liberty Global Inc.  
LinkedIn Corp.  
Mayo Foundation for Medical Education and Research  
Meta Platforms Inc.  
Microsoft Corp.  
National Academy of Sciences  
National Association for Legal Placement Inc.  
National Conference of State Legislatures  
National Propane Gas Association  
New York University  
Northwest Portland Area Indian Health Board  
Overstock.com Inc.  
Pacific Investment Management Co. LLC  
Plains GP Holdings LP  
Planned Parenthood Federation  
Protect Democracy Project Inc.  
Rural Wireless Association  
Santander Consumer USA Inc.  
Sierra Club  
Spotify Technology SA  
Standard General LP  
Starbucks Corp.  
T-Mobile US Inc.  
Tegna Inc.  
The Coca-Cola Co.  
The Williams Cos. Inc.

 [Brief attached](#) | [Read full article](#) »

## High Inflation Sends DOL Monetary Penalties Up By 7.7%

*By Irene Spezzamonte*

The U.S. Department of Labor said Thursday that it will increase civil monetary penalties for several labor violations by 7.7% to account for inflation, including for infractions pertaining to wage and hour, tip credit and child labor violations.

 [Final Rule attached](#) | [Read full article](#) »

## Brooklyn DA Says Atty Fired For Defiance, Not COVID Concern

*By Frank G. Runyeon*

The Brooklyn District Attorney's Office pushed back on claims it fired a prosecutor who expressed COVID-19 concerns, telling a federal judge Thursday that it was tracking down evidence to show insubordination was the true reason for his dismissal.

 [Complaint attached](#) | [Read full article](#) »

## PRODUCT LIABILITY

### NY AG Asks Court To Stop 10 Cos. From Selling Ghost Guns

*By Emily Field*

New York Attorney General Letitia James on Thursday asked a New York federal court to stop 10 national gun distributors from selling firearm parts that can be made into untraceable "ghost guns" — some of which were used in crimes — to consumers in the Empire State.

 [Motion attached](#) | [Read full article](#) »

## GOVERNMENT CONTRACTS

### Trucking Biz Group Bids Again To Block Calif. Contractor Law

*By Caleb Drickey*

A trucking industry association urged a California federal court for the second time to block enforcement of a state statute that would compel companies to reclassify truckers as full employees instead of independent operators.

 [Motion attached](#) | [Read full article](#) »

## AEROSPACE & DEFENSE

Analysis

Twitter Inc.  
University of Southern California  
University of Virginia  
Vale SA  
Walmart Inc.  
Windstream Holdings Inc.  
YouTube Inc.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Alaska Department of Law  
Bureau of Land Management  
Bureau of Ocean Energy Management  
California Attorney General Office  
California Department of Justice  
California Supreme Court  
Committee on Foreign Investment in the United States  
Commodity Futures Trading Commission  
European Banking Authority  
European Union  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Deposit Insurance Corp.  
Federal Energy Regulatory Commission  
Federal Trade Commission  
Georgia Supreme Court  
Indian Health Service  
Internal Revenue Service  
Lummi Nation

## **DOD Vax Mandate Withdrawal Leaves Discharged Vets In Bind**

*By Daniel Wilson*

The Pentagon's repeal of its COVID-19 vaccine mandate won't automatically allow those previously discharged to resume their military careers or upgrade their discharges, meaning those former service members may have difficulty reenlisting or securing full eligibility for veterans benefits.

☒ Memorandum attached | [Read full article »](#)

## **INTERNATIONAL TRADE**

### **CIT Judge Digs Into Scope Of Countertop Duty Exclusion**

*By Jennifer Doherty*

A trade judge backed the U.S. Department of Commerce's move to apply duties on quartz countertops from China to two products made from crushed glass, but said photographic evidence required the agency to reconsider its position on a third product.

☒ Opinion attached | [Read full article »](#)

## **TAX**

### **Mich. Justices Weigh Sales Tax Break For TruGreen Products**

*By Paul Williams*

Several Michigan Supreme Court justices grappled Thursday with whether a state sales and use tax exemption statute that applies to certain agricultural production entities is broad enough to encompass TruGreen's products that treat grass and shrubs.

☒ 3 documents attached | [Read full article »](#)

## **IMMIGRATION**

### **DC Judge Won't Halt Policy Prioritizing Nonimmigrant Visas**

*By Britain Eakin*

A D.C. federal judge sympathized Thursday with American citizens and their Pakistani spouses who have waited over a year for visa interviews, but said he can't block the U.S. State Department policies behind the delay.

[Read full article »](#)

### **Gov't Can't Duck Children's Suit Over Border Separations**

*By Chris Villani*

Michigan Department of Treasury

National Archives and Records Administration

National Highway Traffic Safety Administration

New Jersey Board of Public Utilities

New York Attorney General's Office

Pennsylvania Supreme Court

Rosebud Sioux Tribe

Swinomish Indian Tribal Community

U.S. Attorney's Office for the District of Massachusetts

U.S. Attorney's Office for the District of South Dakota

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Eighth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Department of Agriculture

U.S. Department of Commerce

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor



The federal government must face a suit seeking compensation for children traumatized by being separated from their parents at the U.S.-Mexico border during the Trump administration, after a federal judge in Massachusetts found the policy violated the plaintiffs' rights to family integrity.

 [Order attached](#) | [Read full article](#) »

## **UN Human Rights Chief Denounces New US Border Policy**

*By Alyssa Aquino*

The United Nations human rights chief denounced President Joe Biden's new border restrictions, saying the policies undermine migrants' human rights to seek asylum.

[Read full article](#) »

## **NATIVE AMERICAN**

### **Wash. Tribes Owed Medicaid Funding, 9th Circ. Rules**

*By Caleb Symons*

The federal government must provide Medicaid funds to a Washington tribe that recently began offering dental services, the Ninth Circuit ruled Thursday, finding that a state law prohibiting non-Native people from going to tribal dentistry practices is not illegally discriminatory.

 [Opinion attached](#) | [Read full article](#) »

### **VA Looks To Waive Most Health Care Copays For Native Vets**

*By Joyce Hanson*

The U.S. Department of Veterans Affairs has proposed a rule that would waive most health care copayments for eligible American Indian and Alaska Native veterans, saying the policy would encourage the vets to improve their health by seeing doctors more often.

 [Proposed Rule attached](#) | [Read full article](#) »

### **8th Circ. Rejects Car Crash Suit Involving Rosebud Sioux Man**

*By Caleb Symons*

The federal government cannot be held liable for a car crash involving a worker at its hospital on the Rosebud Sioux Tribe reservation that caused life-threatening injuries to a tribe member, the Eighth Circuit said, since U.S. law insulates staff from legal responsibility for that incident.

 [Opinion attached](#) | [Read full article](#) »

### **Alaska Fights To Keep Polluted Native Land Suit Alive**

*By Ali Sullivan*

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. District Court for the Central District of California

U.S. District Court for the District of Alaska

U.S. District Court for the District of Columbia

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Missouri

U.S. District Court for the Eastern District of New York

U.S. District Court for the Eastern District of Tennessee

U.S. District Court for the Southern District of California

U.S. District Court for the Southern District of New York

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Securities and Exchange Commission

U.S. Supreme Court

U.S. Tax Court

United Nations

United States District Court for the District of Colorado

United States District Court for the Northern District of Ohio

Wage and Hour Division

Alaska on Wednesday implored a federal judge to keep alive its suit accusing the federal government of failing to properly deal with contaminated lands handed over to Alaska Natives decades ago despite multiple congressional directives, telling the court that federal agencies were mandated — and failed — to take actions geared toward remedying the pollution.

☒ Response attached | [Read full article »](#)

Washington State Health  
Care Authority  
World Trade Organization

## TELECOMMUNICATIONS

### Funding Gaps Delay Most 'Rip And Replace' Plans, FCC Says

*By Christopher Cole*

A multibillion-dollar funding shortage in the Federal Communications Commission's program to "rip and replace" risky foreign network equipment has delayed completion of all but a small percentage of the projects, the FCC has told Congress.

☒ Report attached | [Read full article »](#)

### FCC Urged To Hold Off On Revamping 12.7 GHz Band

*By Kelly Lienhard*

A Spanish satellite company urged the Federal Communications Commission to put plans to open the upper 12 gigahertz band for terrestrial mobile use on the back burner and instead encourage more efficient operation of the band for existing users.

☒ Comments attached | [Read full article »](#)

### Windstream Assures FCC It's Not Tied To Allianz Wrongdoers

*By Piper Hudspeth Blackburn*

Telecom company Windstream Holdings has told the Federal Communications Commission that it should not be disqualified from an exemption to foreign ownership caps, insisting that the firm that would own a stake in Windstream following its bankruptcy reorganization was not involved with misconduct carried out by a group of Allianz portfolio managers.

☒ Letter attached | [Read full article »](#)

## CANNABIS

### Judge Halts SoCal City From Seeking Pot Co. Fees

*By Jonathan Capriel*

A Los Angeles County judge has blocked a Southern California municipality from seeking a \$220,000 fee from cannabis distributor Rukli Inc., barring the enforcement of any part of a cultivation licensing

agreement that ended both a highly controversial cannabis transportation deal and a racketeering lawsuit against the company.

 3 documents attached | [Read full article »](#)

## **W.Va. Lawmakers Eye Legalizing, Taxing Cannabis**

*By Sam Reisman*

A Democratic West Virginia lawmaker has introduced a bill to legalize adult-use marijuana and impose a 15% excise tax.

 Bill attached | [Read full article »](#)

## **PEOPLE**

### **Md. Lt. Gov. Rutherford To Join Davis Agnor This Month**

*By Daniel Connolly*

Maryland's outgoing lieutenant governor, Boyd K. Rutherford, plans to join Maryland law firm Davis Agnor Rapaport & Skalny LLC and launch a new practice in government relations and lobbying at the local, state and federal levels, the firm announced.

[Read full article »](#)

### **Mayer Brown Elevates 3 To Gov't Affairs, Int'l Trade Leadership**

*By Jack Rodgers*

Mayer Brown LLP has promoted two new co-leaders in its international trade practice and added another co-leader to its public policy, regulatory and government affairs practice, the firm announced Thursday.

[Read full article »](#)

## **EXPERT ANALYSIS**

### **Atty Considerations Amid Rise Of Tech-Enabled Investigations**

Technology and data took center stage in corporate investigations by the U.S. Department of Justice and civil regulators last year, bringing heightened importance to certain ethical issues that should be familiar to practitioners, say Antonio Pozos at Faegre Drinker and Jordan Strauss at Kroll.

[Read full article »](#)

### **6 Things Cos. Should Do Following FTC Noncompete Proposal**

With the Federal Trade Commission's recently proposed ban on employee noncompetes signaling a new era in competition law, businesses can get ahead of the game by taking inventory of their

existing noncompete clauses, considering alternative provisions, providing feedback to the FTC, and more, say attorneys at Littler.

 1 document attached | [Read full article »](#)

## **Insights On New Protections For Pregnant, Nursing Workers**

Amy Epstein Gluck at FisherBroyles discusses how the recently enacted Pregnant Workers Fairness and PUMP Acts build on protections for pregnant and nursing workers that are not provided by existing anti-discrimination laws, and explains next steps for employer compliance.

[Read full article »](#)

## **The IRS' APA Rulemaking Journey: There And Back Again**

Attorneys at Dentons examine recent challenges in which taxpayers successfully argued Internal Revenue Service rulemaking was invalid under the Administrative Procedure Act, how tax exceptionalism and U.S. Supreme Court regulatory deference prompted such challenges, and similar challenges the agency will likely face following this line of cases.

[Read full article »](#)



## **LEGAL INDUSTRY**

Analysis

### **SEC's Covington Demand Casts Cloud On Atty-Client Privilege**

*By Allison Grande*

The U.S. Securities and Exchange Commission's move to compel Covington & Burling LLP to reveal the clients affected by a 2020 cyberattack is likely to make businesses think twice about revealing vital information to their attorneys, even if the law firm is able to defeat what appears to be a strong government argument that the client identities aren't shielded by privilege.

[Read full article »](#)

Analysis

### **Covington Case To Test SEC's 'Hubris' As Cyber Enforcer**

*By Ben Kochman*

The U.S. Securities and Exchange Commission's bid to force Covington & Burling LLP to reveal clients affected by a 2020 cyberattack — which one ex-federal prosecutor called "hubris" — will test the limits of the agency's efforts to carve itself a growing role as a watchdog on cybersecurity issues.

[Read full article »](#)

## **Partner Diversity Lags Behind Legal Industry's Overall Gains**

*By Andrea Keckley*

While 2022 saw diversity gains in the legal profession, similar progress has been elusive at higher-level positions, a recent report by the National Association for Law Placement revealed.

[Read full article »](#)

## **Harvard Law Professor Laurence Tribe Joins Kaplan Hecker**

*By Tracey Read*

Constitutional law scholar Laurence "Larry" Tribe is making the leap from Harvard Law School to an of counsel role with Kaplan Hecker & Fink LLP, saying he was drawn to the firm's work in areas ranging from racial justice to voting rights.

[Read full article »](#)

## **Apple's Top Lawyer Earned \$27.1M In 2022**

*By Hailey Konnath*

Apple Inc.'s general counsel, Katherine Adams, saw a total compensation package of about \$27.1 million last year, a slight increase from her 2021 compensation, according to a company financial statement filed Thursday.

 1 document attached | [Read full article »](#)

## **Redgrave Names New Chairs Of Exec, Mgmt. Committees**

*By Emily Lever*

Redgrave LLP has named a longtime attorney who left and rejoined the firm to lead its executive committee and a Chicago-based partner to chair its management committee.

[Read full article »](#)

Podcast

## **Law360's The Term: Where Have All The Opinions Gone?**

The U.S. Supreme Court has heard just over 30 cases in the first three months of the term, but has yet to decide a single one. Law360's The Term podcast discusses the historically slow start to the term, as well as two cases of particular interest to the legal and labor worlds.

[Read full article »](#)

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**Sent:** Mon, 23 Jan 2023 08:37:09 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Elon Musk Takes Stand In Securities Trial Over Tesla Tweets



# Class Action

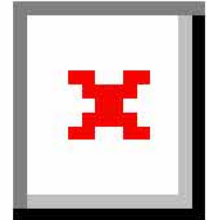
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## TOP NEWS

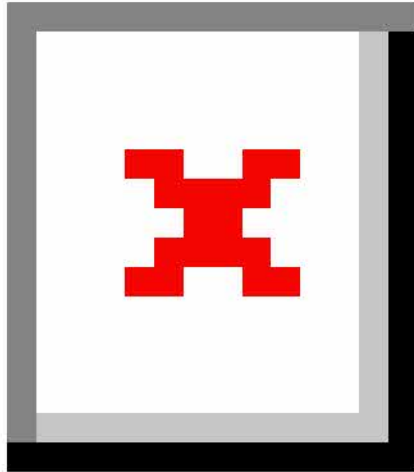


### NEW CASES

Class Actions (63)

### LAW FIRMS IN TODAY'S NEWS

Aliant Law  
ArentFox Schiff  
Arnold & Porter  
BDB Pitmans LLP  
Baker McKenzie  
Baron & Budd



Beck Reed  
Berger Montague  
Bird & Bird  
Block & Leviton  
Buckley LLP  
Butler Snow LLP  
Capstone Law APC  
Coblentz Patch  
Covington & Burling  
Crotty & Son  
DAC Beachcroft  
DLA Piper  
Debevoise & Plimpton  
Dentons Cohen  
DiCello Levitt  
Dykema  
E. Stewart Jones Hacke  
Eversheds Sutherland  
Faegre Drinker  
Fieldfisher  
Ford O'Brien  
Freeths LLP  
Gailey McKenna  
Gallet Dreyer  
Getman Sweeney  
Gibson Dunn  
Girard Sharp  
Girardi & Keese  
Gordon & Partners  
Gupta Wessler  
Hagens Berman  
Holland & Knight  
Hunton Andrews  
Jackson Lewis P.C.  
James Vernon & Weeks  
Jenner & Block  
Jones Day  
Kaplan Hecker  
Keller Rohrback  
Kenneth S. Nugent PC  
Kiesel Law  
King & Spalding

## **Elon Musk Takes Stand In Securities Trial Over Tesla Tweets**

*By Dorothy Atkins*

Tesla Inc. CEO Elon Musk took the stand Friday afternoon in a California federal securities fraud jury trial over claims by a certified class of thousands of shareholders that the billionaire businessman violated securities law when he tweeted falsely and recklessly about taking the company private at \$420 per share.

[Read full article »](#)

## **Columbia Law Grad Judge Won't Recuse From Rankings Suit**

*By Elliot Weld*

A Manhattan federal judge who attended Columbia Law School said Friday that he will not recuse himself from a suit against the university by a proposed class of students over its removal from the U.S. News & World Report rankings.

 [Order attached](#) | [Read full article »](#)

## **Delta Must Give Up Some Worker Data In Military Leave Suit**

*By Irene Spezzamonte*



Delta Airlines must turn over information for certain workers in a suit alleging the company failed to pay pilots and others on military leave, a Georgia federal judge ruled Friday, saying that data could help the class certification process.

 [Order attached](#) | [Read full article](#) »

## **Defense Wants 'Rule-Breaking' Plaintiffs' Attys Off Wage Case**

*By Jake Maher*

The defense attorneys in a wage class action in California and New Jersey want the plaintiffs' attorneys removed from the suit, accusing them of systematically abusing pro hac vice status to build a wage-and-hour practice in California despite being based in Florida.

 [Motion attached](#) | [Read full article](#) »

## **Asylum Seekers Take Feds To Court Over ICE Data Breach**

*By Britain Eakin*

A group of asylum seekers whose personal information U.S. Immigration and Customs Enforcement said was unintentionally exposed want the federal government to presume the breach endangers them in weighing their asylum claims, according to a new class action suit.

 [Complaint attached](#) | [Read full article](#) »

## **III. Atty Sued Over Alleged \$40M Ponzi Involvement**

*By Rachel Rippetoe*

A Chicago lawyer who represented a cryptocurrency trader for EmpiresX was hit with a suit Thursday from investors in the purported hedge fund embroiled in a \$40 million crypto scheme, claiming that the attorney convinced his client not to provide key information about where his co-conspirators in the scheme had fled.

 [Complaint attached](#) | [Read full article](#) »

## **SECURITIES**

### **NJ Judge Signs Off On \$1.3M Atty Fee In Immunomedics Suit**

*By Jake Maher*

The attorneys who represented investors in a class action against a New Jersey pharmaceutical company have won a \$1.33 million fee award for the suit, which was based on allegedly broken promises the company made about how it would present new information about a drug.

 [Order attached](#) | [Read full article](#) »

## **COMPETITION**

### **Swimmers Appeal Sunk Antitrust Suit To 9th Circ.**

Kirkland & Ellis  
Latham & Watkins  
Levi & Korsinsky  
Lieff Cabraser  
Lite DePalma  
Lowey Dannenberg  
Mark Migdal & Hayden  
Matthew G. Miller PC  
McCarter & English  
McClelland Law Firm  
Merrick Hofstedt  
Mishcon de Reya  
Morgan Lewis  
Morris James  
Morrison Urena  
Moskowitz Law Firm  
Naumes Law  
Norton Rose  
Orrick Herrington  
Outten & Golden  
Panish Shea  
Paul Hastings  
Perkins Coie  
Pinsent Masons  
Pollock Cohen  
Proskauer Rose  
Quinn Emanuel  
Robinson Calcagnie  
Salvatore Prescott  
Schlichter Bogard  
Scott & Corley  
Scott+Scott  
Seyfarth Shaw  
Shavitz Law Group  
Sheppard Mullin  
Shumaker Loop  
Silver Golub  
Skadden Arps  
Stueve Siegel  
Thomas Thomas  
Troutman Pepper  
Trowers & Hamblins

*By Jade Martinez-Pogue*

A trio of swimmers accusing the sport's international governing body of violating antitrust law by using its power to bar independent national federations from hosting swimming competitions are appealing to the Ninth Circuit after a California federal court tossed their case.

 Notice attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### [BP Must Face Pension Suit Without Class Carveout](#)

*By Kellie Mejdrich*

A Texas federal judge on Friday denied BP's bid to box out nearly 4,700 retirees from a class action claiming the oil giant unlawfully tinkered with their pension plans and underpaid their retirement benefits, finding the company couldn't assert that the group's claims had been adjudicated in a previous pension-related lawsuit.

 Order attached | [Read full article »](#)

### [Attys For Takeda Employees Want \\$7.3M On 401\(k\) Lineup Suit](#)

*By Katryna Perera*

Lawyers representing a group of Takeda Pharmaceuticals employees are asking for \$7.3 million in attorney fees for their work in securing a \$22 million settlement with the company to resolve claims that Takeda loaded its 401(k) plan with underperforming and high-cost investment options.

 2 documents attached | [Read full article »](#)

### [Judge Finalizes \\$5.5M Award In Casino Server's Class Action](#)

*By Elaine Briseño*

A New York federal judge has granted final approval to the \$5.5 million settlement in a proposed class action that saw tipped workers from Rivers Casino & Resort in upstate New York fighting for unpaid wages and overtime pay from Rush Street Gaming LLC.

 Order attached | [Read full article »](#)

## PRODUCT LIABILITY

### [GM Sends Nearly Half Of Faulty Valve Claims To Arbitration](#)

*By Mike Curley*

A Michigan federal judge has sent to arbitration claims from 17 out of 42 plaintiffs in a proposed class action alleging General Motors LLC sold vehicles with faulty engine valves, finding those plaintiffs had agreed to arbitration in their sales agreements.

Weitz & Luxenberg  
Whiteford Taylor  
Wilkinson Stekloff  
WilmerHale  
Winston & Strawn

## COMPANIES IN TODAY'S NEWS

AXA SA  
Altria Group Inc.  
Ames & Gough  
Apple Inc.  
Bank of America Corp.  
Burford Capital LLC  
Campbell Soup Co.  
Capital BlueCross  
Cash App  
Cognizant Technology Solutions Corp.  
Delta Air Lines Inc.  
Duquesne University  
Early Warning Services LLC  
Furia Rubel Communications Inc.  
Georgetown University  
Georgia State University  
Getty Images Inc.  
Gilead Sciences Inc.  
Google LLC  
Happy Family Organics  
Heineken Holding NV  
Hinduja Global Solution Ltd.  
Human Rights First  
Immunomedics Inc.  
Instagram Inc.  
Investments Ltd.  
JUUL Labs Inc.  
Johnson Controls International PLC  
Leadership Council on Legal Diversity  
Meta Platforms Inc.

Opinion attached | [Read full article »](#)

## CONSUMER PROTECTION

### [BofA's Zelle Glitch Caused 'Immense Hardship,' Suit Says](#)

*By Jon Hill*

A recent, short-lived glitch affecting Bank of America users of Zelle has boiled over into litigation, with a class action complaint filed in Arizona federal court alleging that customers were blocked from accessing their funds and suffered "immense hardship" as a result.

Complaint attached | [Read full article »](#)

### [Juul's \\$255M Economic Loss MDL Deal To Get Green Light](#)

*By Lauren Berg*

A California federal judge on Friday indicated he would grant preliminary approval of a \$255 million settlement resolving nationwide economic loss claims in sprawling multidistrict litigation over Juul Labs Inc.'s vape marketing practices.

1 document attached | [Read full article »](#)

### [Beech-Nut Escapes Heavy Metal Baby Food Claims, For Now](#)

*By Dave Simpson*

A New York federal judge dismissed a putative consolidated class action accusing Beech-Nut Nutrition Co. of violating a slew of consumer protection laws by including heavy metals in its baby food, ruling that the U.S. Food and Drug Administration, not the court, has jurisdiction over the matter.

2 documents attached | [Read full article »](#)

## INSURANCE

### [BCBS Unit Sues Insurer For Coverage In \\$2.7B Antitrust Deal](#)

*By Ben Zigterman*

A Pennsylvania Blue Cross Blue Shield licensee asked a Pennsylvania federal judge to find that it is owed coverage from its excess errors and omissions insurer for antitrust litigation it is facing, part of which has been settled for \$2.67 billion.

Complaint attached | [Read full article »](#)

## EXPERT ANALYSIS

Series

### [Keys To A 9-0 High Court Win: Get Back To Home Base](#)

Microsoft Corp.  
National Association of Manufacturers  
Natural Gas Services Group Inc.  
Northern Trust Corp.  
Omni Bridgeway Ltd.  
Plastipak Holdings Inc.  
Rivers Casino  
Rush Street Gaming  
Silver Lake  
Spotify Technology SA  
State Bar of California  
Stryker Corp.  
Takeda Pharmaceutical Co. Ltd.  
Tesla Inc.  
The Hain Celestial Group Inc.  
Twitter Inc.  
U.S. Chamber of Commerce  
U.S. News & World Report  
University of Georgia  
Walmart Inc.  
Wardell Armstrong LLP

## GOVERNMENT AGENCIES IN TODAY'S NEWS

COPRAC  
California Labor and Workforce Development Agency  
Commodity Futures Trading Commission  
Consumer Financial Protection Bureau  
Delaware Court of Chancery  
European Union  
Federal Judicial Center  
Federal Trade Commission

When I argued for the petitioner in Morgan v. Sundance before the U.S. Supreme Court last year, I made the idea of consistency the cornerstone of my case and built a road map for my argument to ensure I could always return to that home-base theme, says Karla Gilbride at Public Justice.

[Read full article »](#)

## 7 Tips To Increase Your Law Firm's DEI Efforts In 2023

Law firms looking to advance their diversity, equity and inclusion efforts should consider implementing new practices and initiatives this year, including some that require nominal additional effort or expense, say Janet Falk at Falk Communications and Gina Rubel at Furia Rubel.

[Read full article »](#)



## LEGAL INDUSTRY

### Proskauer Blasts Ex-COO For 'Absurd' Data Download Story

*By Andrew Strickler*

Proskauer Rose LLP let loose on its former chief operating officer in a New York federal court filing on Thursday, excoriating him over "ludicrous" explanations for why he downloaded reams of sensitive data to thumb drives just before a planned jump to a BigLaw competitor.

 Brief attached | [Read full article »](#)

### Justices To Issue 1st Opinion ... Months Later Than Usual

*By Jimmy Hoover*

The U.S. Supreme Court said it will announce its first opinion of the term on Monday morning, months later than it usually starts deciding previously argued cases.

[Read full article »](#)

### Judge Orrick From ND California Taking Senior Status

*By James Arkin*

Judge William H. Orrick III of the Northern District of California is taking senior status in May, giving President Joe Biden another vacancy to fill in the nation's most populous state.

 Letter attached | [Read full article »](#)

Analysis

### Trump Election Probe Report May Show Case For Charges

*By Rosie Manins*

Publication of a special grand jury's final report in an unprecedented election interference probe could lay bare a Georgia district attorney's case against former President Donald Trump and his allies over their purported attempts in 2020 to illegally retain power.

Florida Attorney  
General's Office

Food and Drug  
Administration

Government  
Accountability Office

Pennsylvania Supreme  
Court

U.S. Attorney's Office for  
the Northern District of  
Georgia

U.S. Department of  
Homeland Security

U.S. Department of  
Justice

U.S. District Court for the  
Central District of  
California

U.S. District Court for the  
District of Arizona

U.S. District Court for the  
District of Columbia

U.S. District Court for the  
District of Massachusetts

U.S. District Court for the  
District of New Jersey

U.S. District Court for the  
Eastern District of  
Michigan

U.S. District Court for the  
Middle District of  
Pennsylvania

U.S. District Court for the  
Northern District of  
California

U.S. District Court for the  
Northern District of  
Florida

U.S. District Court for the  
Northern District of  
Georgia

U.S. District Court for the  
Northern District of New  
York

U.S. District Court for the  
Southern District of New  
York

[Read full article »](#)

## **GAO Finds Data Holes In Litigation Funding Study**

*By Andrew Strickler*

A study of litigation funding markets was forced to leave important questions unanswered because of "data gaps," highlighting the need for additional information from stakeholders, a government watchdog said.

 [Report attached](#) | [Read full article »](#)

U.S. Immigration and  
Customs Enforcement  
U.S. Securities and  
Exchange Commission  
U.S. Senate  
U.S. Supreme Court

## **California Bar Eyes Ethics Rule To Report On Other Lawyers**

*By James Mills*

The California State Bar is considering a new rule requiring lawyers to tattle on the misconduct of another lawyer and is seeking your input on the rule.

 [Proposed Rule attached](#) | [Read full article »](#)

## **DeSantis Beats Atty's Suspension Suit Despite Breaking Law**

*By Madison Arnold*

A federal judge found Friday that Florida Gov. Ron DeSantis violated the First Amendment and the Florida Constitution when he suspended Hillsborough County state attorney Andrew Warren in August, but said the court still lacked authority to reinstate Warren to his elected office.

 [Opinion attached](#) | [Read full article »](#)

## **Court Beat Circus For Pa.'s 1st Female Chief Justice**

*By Matthew Santoni*

The first female chief justice of the Supreme Court of Pennsylvania very nearly traded the circuit court for the circus in the summer between college and law school, according to some of the family, friends and colleagues who spoke Friday at Justice Debra Todd's formal swearing-in.

[Read full article »](#)

## **GC Cheat Sheet: The Hottest Corporate News Of The Week**

*By Michele Gorman*

A new survey showed business directors are concerned about inflation and competition for talent, and other recent findings said that general counsel are most worried about labor and employment liability. These are some of the stories in corporate legal news you may have missed in the past week.

[Read full article »](#)

## **UK Litigation Roundup: Here's What You Missed In London**

*By Tabitha Burbidge*

The past week in London has seen Getty Images sue an AI art platform for copyright breaches, former London mayoral candidate Zac Goldsmith

sue Mirror Group Newspapers in a confidential information claim, and legal action brought against Budweiser by pub chain JD Wetherspoon in a commercial contracts claim.

[Read full article »](#)

## **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Read full article »](#)

Podcast

### **Pro Say: SEC Cyber Enforcement Vs. BigLaw's Client Privacy**

The U.S. Securities and Exchange Commission is after a court order forcing Covington & Burling LLP to reveal which of its clients were affected by a 2020 cyberattack. The government contends it needs the list to determine whether any securities laws were broken in the wake of the breach, but Covington argues that handing over those names would run afoul of attorney-client privilege.

[Read full article »](#)

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McCarter & English, LLP  
Hartford, Connecticut

### **Global Insurance Department – Associate**

Cozen O'Connor  
Philadelphia, Pennsylvania

### **IP ASSOCIATE**

McCarter & English, LLP  
Boston, Massachusetts

### **ASSOCIATE: Accessibility / Employment Litigation**

Epstein Becker Green  
New York, New York

### **IP Litigation Associate**

Thomas | Horstemeyer, LLP  
Atlanta, Georgia

### **Senior Manager of Brand & Creative Services**

Perkins Coie LLP  
Seattle, WA

### **Senior HRIS Manager**

Perkins Coie LLP  
Holbrook, AZ

### **Products and Mass Tort Associate**

Hunton Andrews Kurth  
Richmond, Virginia

### **Global Insurance Department - Associate Attorney**

Cozen O'Connor  
Houston, Texas

### **Energy Regulatory Associate**

Hunton Andrews Kurth LLP  
Washington, District of Columbia

### **SENIOR OFFICER-ASSOCIATE REGIONAL DIRECTOR (Attorney)**

U.S. Securities and Exchange Commission

### **Government Contracts Attorney – Senior Associate/Junior Partner**

Miles & Stockbridge P.C.  
Baltimore, Maryland

-, -

**Patent Attorney**  
Xsensus  
Alexandria, Virginia

**ServiceNow Business Systems Analyst**  
Perkins Coie LLP  
Washington, DC

**ServiceNow Developer**  
Perkins Coie LLP  
Holbrook, AZ

**Junior Patent Prosecution Associate or Patent Agent**  
Steptoe & Johnson LLP  
New York, New York

**Paralegal - ECVC**  
Perkins Coie LLP  
Seattle, WA

**Senior ServiceNow Developer**  
Perkins Coie LLP  
Holbrook, AZ

**Perkins Coie Trust Company Coordinator**  
Perkins Coie LLP  
Seattle, WA

**Intellectual Property Patent Prosecution Associate (Chemistry)**  
Moore & Van Allen, PLLC  
-, -

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**To:** Trumka Jr., Richard  
**Subject:** Epstein Victim Claims Ex-Chase Bank Exec Witnessed Abuse



# Class Action

WEDNESDAY, JANUARY 18, 2023



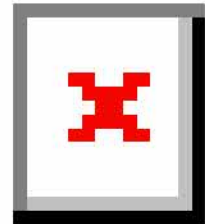
## TOP NEWS

### Epstein Victim Claims Ex-Chase Bank Exec Witnessed Abuse

By Dorothy Atkins

A victim of the disgraced, late Jeffrey Epstein's decadeslong sex trafficking scheme beefed up her proposed class action against JPMorgan Chase Bank NA in New York federal court Friday, accusing former Chase bank executive James "Jes" Staley of witnessing Epstein's sexual abuse and helping cover it up for years.

 [Complaint attached](#) | [Read full article](#) »



### Workers Must Take Twitter Layoff Claims To Arbitration

By Beverly Banks

Claims from current and former Twitter workers related to their recent layoffs must go before an arbitrator, a California federal judge ruled, saying some of the plaintiffs signed arbitration agreements requiring their disputes with the company to be arbitrated individually.

 [Order attached](#) | [Read full article](#) »

### Chancery Orders More Madison Square Garden Suit Discovery

By Jeff Montgomery

Delaware's chancellor ordered Madison Square Garden Entertainment on Tuesday to provide more answers and depositions to stockholders who sued in Delaware's Chancery Court over their alleged shortchanging in MSG Networks' \$900 million merger with MSG Entertainment last year.

[Read full article](#) »

### Mich. County Loses Challenge To \$800M Opioid Payout Plan

By Carolyn Muyskens

## NEW CASES

Class Actions (50)

## LAW FIRMS IN TODAY'S NEWS

Appalachian Mountain Advocates

ArentFox Schiff

Armstrong Teasdale

Arnold & Porter

Babst Calland

Bailey & Glasser

Barrack Rodos

Bartlett LLP

Berger Montague

Bernstein Liebhard

Bernstein Litowitz



Michigan's first wave of funds from a national settlement with opioid distributors and manufacturers can start to flow to local governments after a federal court dismissed one county's challenge to how the funds were apportioned.

2 documents attached | [Read full article »](#)

## Elite Schools, Former Students Spar Over Discovery

By *Bryan Koenig*

Admissions processes, donations tracking, scholarships, college decisions and more are on the line as discovery continues to heat up in an antitrust lawsuit from former students accusing Yale, Columbia, Duke, Emory and other top private universities of conspiring to limit financial aid.

Motion attached | [Read full article »](#)

## Fed. Circ. Dissenters Pan Ruling Limiting Vets' Class Action

By *Jess Krochtengel*

A closely divided en banc Federal Circuit backed a panel's holding that the U.S. Court of Appeals for Veterans Claims wrongly certified too broad a class of Air Force veterans seeking benefits for radiation-related disease, over a dissent that said the ruling too harshly limits veteran class actions.

Order attached | [Read full article »](#)

# SECURITIES

## Five Legal Teams Compete To Rep Bitcoin Miner Investors

By *Emilie Ruscoe*

Firms including Glancy Prongay & Murray LLP, the Rosen Law Firm PA and Pomerantz LLP are seeking to represent a proposed class of investors in bitcoin miner Core Scientific Inc. in a suit alleging three company executives should be liable for misrepresentations made while seeking shareholder approval to go public.

5 documents attached | [Read full article »](#)

## Mark Cuban Blasts Plaintiff Swap In Crypto Suit

By *Katryna Perera*

"Shark Tank" personality and Dallas Mavericks owner Mark Cuban has criticized an attempt to switch out named plaintiffs in a proposed class action over his promotional work for cryptocurrency firm Voyager Digital, saying that with one named plaintiff dropping out of the case, there are no longer any Florida-based plaintiffs, and the court therefore no longer has jurisdiction to hear the suit's claims.

Response attached | [Read full article »](#)

## Catching Up With Delaware's Chancery Court

By *Leslie A. Pappas*

Bielli & Klauder  
Block & Leviton  
Bogas & Koncius  
Boies Schiller  
Boulware Law  
Bradley Bernstein  
Bragar Eigel  
Branstetter Stranch  
Bronstein Gewirtz  
Brown & James  
Brown Rudnick  
Bryan Cave  
Cafardi Ferguson  
Cafferty Clobes  
Cahill Gordon  
Chimicles Schwartz  
Chipman Brown  
Cleary Gottlieb  
Cochran Law PLLC  
Constangy Brooks  
Cooley LLP  
Corr Cronin  
Cotchett Pitre  
Covington & Burling  
Cravath Swaine  
Davis Wright Tremaine  
Debevoise & Plimpton  
DiCello Levitt  
Edelson PC  
Edwards Pottinger  
FeganScott  
Foley & Lardner  
Fowler White Burnett  
Freedman Normand  
Freshfields  
Friedman Oster  
George Brothers  
Gibson Dunn  
Gilbert Litigators  
Glancy Prongay  
Glenn Agre  
Goldman Ismail

Multiple shareholders of World Wrestling Entertainment climbed into the ring last week, DocuSign signed off on a dispute with its former CEO, and a KB Home shareholder tried to foreclose on its 11-member board.

[Read full article »](#)

## COMPETITION

### Apple Resists Info Request From Meta Users In Antitrust Case

By *Matthew Perlman*

Apple Inc. is opposing an information request from consumers accusing Facebook parent company Meta Platforms of monopolizing social media markets, telling a California federal court the request is overbroad and irrelevant.

 2 documents attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### Southwest Can't Avoid Court In Wage Row, Ramp Agent Says

By *Lauraann Wood*

A Southwest Airlines ramp supervisor urged an Illinois federal judge on Tuesday to disregard her employer's bid to individually arbitrate their wage dispute, saying the airline waived its arguments by waiting until after it lost at the U.S. Supreme Court to raise them.

[Read full article »](#)

## PRODUCT LIABILITY

### Coca-Cola Sued Over Additives In 'Sparkling Soda Water'

By *Anna Bongardino*

Consumers hit the Coca-Cola Company with a putative class action Monday alleging the beverage giant misleads customers into believing there are no added sweeteners in its Fresca grapefruit and black cherry beverages by labeling them "Sparkling Soda Water" even though they contain the artificial sweetener aspartame and the additive citric acid.

 Complaint attached | [Read full article »](#)

## CYBERSECURITY & PRIVACY

### Block Board Faces Derivative Suit Over Cash App Data Breach

By *Katryna Perera*

Block Inc.'s board, including co-founder and company head Jack Dorsey, faces an investor suit claiming the company's top brass ignored red flags

Grant & Eisenhofer  
Hagens Berman  
Hausfeld LLP  
Hogan Lovells  
Holland & Knight  
Horn Aylward  
Israel David LLC  
Jenner & Block  
Jones Day  
Joseph Saveri Law Firm  
Kahn Swick  
Kasowitz Benson  
Kendall Law Group  
Kessler Topaz  
Ketchmark & McCreight  
King & Spalding  
Kirkland & Ellis  
Koskoff Koskoff  
Lane Powell  
Lathrop GPM  
Law Office of Darrell J. O'Neal  
Levi & Korsinsky  
Lewis Brisbois  
Lichten & Liss-Riordan  
Lieff Cabraser  
Lockridge Grindal  
Lowey Dannenberg  
Lynch Carpenter  
MacGill PC  
Mayer Brown  
McGuireWoods  
Michael Best  
Miller Canfield  
Miller Shakman  
MoloLamken  
Monteverde & Associat  
Morgan Lewis  
Moskowitz Law Firm  
Newkirk Zwagerman  
Nicoll Black  
Norton Rose  
Novack & Macey

that resulted in a 2021 data breach that allegedly caused 8.2 million customers' personally identifiable information, account numbers and trading activity to be publicly exposed.

Complaint attached | [Read full article »](#)

## Twitter Sued Over Breach Exposing 200M Users' Data

By *Dorothy Atkins*

A Twitter user hit the company with a proposed class action in California federal court Friday, accusing the social media giant of failing to protect the data of 200 million users whose personal information was allegedly exposed by a vulnerability in Twitter's software during a six-month period.

Complaint attached | [Read full article »](#)

## GameStop Wants To Ditch Pa. Website Wiretapping Suit

By *Matthew Santoni*

GameStop Inc. asked a Pennsylvania federal court to toss a proposed class action claiming the retailer's website tracking violates state law against wiretapping, arguing in a brief Monday that the mouse movements and navigation allegedly being tracked weren't private "content" protected by the law.

Brief attached | [Read full article »](#)

## RETAIL & E-COMMERCE

### NY's 1st Legal Pot Shop Sued Over Website Accessibility

By *Mike Curley*

A legally blind woman on Tuesday sued the first regulated cannabis dispensary in New York in federal court, saying its website violates the Americans with Disabilities Act because it is not accessible to the visually impaired and the blind.

Complaint attached | [Read full article »](#)

## IP & TECHNOLOGY

### Artists Slam AI Apps As '21st-Century Collage Tool' In IP Suit

By *Tiffany Hu*

Three artists have filed a proposed class action against the creators of popular artificial intelligence art platforms, including Stable Diffusion and Midjourney, and art-sharing website DeviantArt over claims that they are violating the rights of millions of artists.

Complaint attached | [Read full article »](#)

## ENERGY & ENVIRONMENTAL

O'Melveny & Myers  
Paul Hastings  
Paul Weiss  
Perkins Coie  
Pillsbury Winthrop  
Pollock Cohen  
Polsinelli PC  
Pomerantz LLP  
Potter Anderson  
Quinn Emanuel  
Rainwater Holt  
Richards Layton  
Robbins Geller  
Robins Kaplan  
Ropes & Gray  
Rosen Law Firm PA  
Rosenberg Giger  
Saul Ewing  
Schall Law Firm  
Schwabe Williamson  
Sheehan & Associates  
PC  
Shook Hardy  
Sidley Austin  
Simpson Thacher  
Skadden Arps  
Sponsel Miller  
Steckler Wayne  
Stephan Zouras  
Stinson LLP  
Summit Law Group  
Terrell Marshall  
Venable LLP  
Vinson & Elkins  
Wachtell Lipton  
Weil Gotshal  
WeissLaw LLP  
Westerman Law Corp.  
White & Case  
Whiteford Taylor  
Williams & Connolly  
Williams Dirks  
WilmerHale

## **EQT Wants Landowners' Attys DQ'd In Unplugged Wells Suit**

*By Charlie Innis*

Natural gas producer EQT urged a West Virginia federal court to disqualify the lawyers representing landowners in a suit alleging the energy giant abandoned its unplugged gas wells, saying one of the plaintiffs' attorneys has represented the company in past cases and has a conflict of interest.

 Motion attached | [Read full article »](#)

## **REAL ESTATE**

### **Tenants Oppose RealPage Consolidation Underway In Wash.**

*By Nate Beck*

A group of plaintiffs argued Monday that lawsuits accusing RealPage Inc. and some of the country's biggest landlords of price-fixing should not be combined in Washington federal court, even after a judge last week approved a law firm to lead student renters in antitrust claims against the companies.

 Motion attached | [Read full article »](#)

### **Homeowners Fight Realtors' Appeal Bid On Per Se Standard**

*By Brent Godwin*

A group of homeowners is urging a Missouri federal judge to block an appeal requested by the National Association of Realtors and other realty groups accused of violating antitrust laws, saying the case should go to trial instead of going through another appeal.

 Response attached | [Read full article »](#)

## **SPORTS & BETTING**

### **MSU Settles With Student Athletes In Title IX Battle**

*By Jade Martinez-Pogue*

Michigan State University and former members of the school's women's swim and dive team have ended a two-year battle and settled a lawsuit over alleged gender inequities in the university's athletic programs following the U.S. Supreme Court's refusal to hear the case last month.

 Order attached | [Read full article »](#)

## **EXPERT ANALYSIS**

### **2nd Circ. Ruling Is A Cautionary Tale On Arbitration Motions**

The Second Circuit's recent *Zachman v. Hudson Valley Federal Credit Union* pro-arbitration decision does not gel with U.S. Supreme Court precedent, and to avoid giving out second chances on motions to compel

Wolf Popper

## **COMPANIES IN TODAY'S NEWS**

ABN AMRO Bank NV  
Allied Orion Group LLC  
Altman Weil Inc.  
Amazon.com Inc.  
American Bar Association  
American Civil Liberties Union  
American Immigration Lawyers Association  
AmerisourceBergen Corp.  
Apple Inc.  
BH Management Services LLC  
Baltimore Orioles  
Bank of America Corp.  
BankAtlantic Bancorp, Inc.  
Boston Red Sox  
CA Ventures LLC  
Calgon Carbon Corporation  
California Institute of Technology  
Campus Advantage  
Cardinal Health Inc.  
Cash App  
Centene Corp.  
Cisco Systems Inc.  
Comvest Partners  
Core Scientific Inc.  
Cornell University  
Corteva Inc.  
Cushman & Wakefield Inc.  
Dallas Mavericks Inc.  
Danske Bank Group  
Deutsche Bank AG  
DocuSign Inc.  
EQT Corp.

arbitration, plaintiffs attorneys should ensure all of the defendant's evidence has been produced, says Raphael Janove at Pollock Cohen.

[Read full article »](#)

### **Tesla Trial Is Likely To Hinge On Loss Causation**

The verdict and any appeals in the securities litigation against Tesla and Elon Musk, which began in California federal court Tuesday, are likely to turn on the competing proofs of loss causation, if the short history of securities fraud trials is any indication, says Matthew Mustokoff at Kessler Topaz.

[Read full article »](#)

### **5 Gen X Characteristics That Can Boost Legal Leadership**

As Generation X attorneys rise to fill top roles in law firms and corporations left by retiring baby boomers, they should embrace generational characteristics that will allow them to become better legal leaders, says Meredith Kahan at Whiteford Taylor.

[Read full article »](#)



## **LEGAL INDUSTRY**

### **How To Avoid Atty Fee Disputes In Firm Spinoffs And Splits**

*By Anna Sanders*

Law firms and departing lawyers can take steps to avoid costly litigation and disputes over attorney fees when clients change hands following spinoffs and splits, according to experts who stress the importance of communication in sidestepping any legal battles over bills.

[Read full article »](#)

### **Constangy Brooks Adds 32-Atty Team From Lewis Brisbois**

*By Xiumei Dong*

Employment and labor law firm Constangy Brooks Smith & Prophete LLP is bulking up its cybersecurity and data privacy practice with a 32-attorney team from Lewis Brisbois Bisgaard & Smith LLP, the firm announced Tuesday.

[Read full article »](#)

### **Norton Rose's Frankfurt Office Raided Amid Cum-Ex Probes**

*By Kevin Penton*

Norton Rose Fulbright's Frankfurt office was the subject of an investigation by German authorities Tuesday, as a probe into the European cum-ex tax evasion scandal continues.

[Read full article »](#)

GameStop Corp.  
Georgetown University  
Getty Images Inc.  
Google LLC  
Greystar Real Estate Partners LLC  
Grupo Televisa SAB  
Harley-Davidson Inc.  
HomeServices of America Inc.  
Honeywell International Inc.  
IMEG Corp.  
Instagram Inc.  
International Business Machines Corp.  
JPMorgan Chase & Co.  
Johns Hopkins University  
Johnson & Johnson  
KB Home  
Kuraray Co. Ltd.  
Law Practice Consultant LLC  
LinkedIn Corp.  
London Stock Exchange Group PLC  
Madison Square Garden Entertainment Corp.  
Magellan Health Inc.  
Massachusetts Institute of Technology  
MasterCard Inc.  
McDonald's Corp.  
McKesson Corp.  
Meta Platforms Inc.  
Michigan State University  
Microsoft Corp.  
Morgan Stanley  
Mylan NV  
National Association for Law Placement Inc.  
National Association of Attorneys General  
National Association of Realtors

## Quinn Emanuel Antitrust Head Stephen Neuwirth Dies At 60

By Jack Karp

Stephen Neuwirth, chair of Quinn Emanuel Urquhart & Sullivan LLP's global antitrust and competition practice and one of the country's leading antitrust attorneys, has died, the firm announced.

[Read full article »](#)

## Ex-DC Attorney General Karl Racine Returns To Hogan Lovells

By Jack Rodgers

After serving two terms as the first elected attorney general in Washington, D.C., Karl Racine has been rehired by Hogan Lovells as a litigation partner, rejoining the firm where he began his legal career, the firm announced Tuesday.

[Read full article »](#)

## Former SDNY Judge Joins Paul Weiss From Cravath

By Tracey Read

Former U.S. District Judge Katherine B. Forrest of the Southern District of New York has left Cravath Swaine & Moore LLP to become a partner in Paul Weiss Rifkind Wharton & Garrison LLP's antitrust litigation department in New York, effective Tuesday.

[Read full article »](#)

## Armed Man Shot Near Philly Federal Courthouse

By P.J. D'Annunzio

A man with sharp weapons was shot several times by a security guard while approaching the James A. Byrne U.S. Courthouse in Philadelphia on Tuesday morning, according to the U.S. Marshals Service.

[Read full article »](#)

## Conn. Judge Declines To Sanction Alex Jones' Texas Attorney

By Christine DeRosa

Alex Jones' Texas attorney will not be disciplined for his disclosure of Sandy Hook families' sensitive medical and financial information despite the fact he engaged in misconduct and violated Connecticut Rules of Professional Conduct, a Connecticut judge ruled Tuesday.

 Decision attached | [Read full article »](#)

## Danske Bank's Chief Compliance Officer To Step Down In 2024

By Sarah Jarvis

Danske Bank's chief compliance officer, first hired in the wake of investigations into anti-money laundering failures at the Danish lender's

New York Rangers  
New York University  
Overstock.com Inc.  
Parata Systems LLC  
Patient Square Capital  
Pinnacle Property  
Management Services  
RealPage Inc.  
Realogy Holdings Corp.  
Southwest Airlines Co.  
Syngenta AG  
Tesla Inc.  
The Bank of New York  
Mellon Corp.  
The Coca-Cola Co.  
The Home Depot Inc.  
The Irvine Co. LLC  
The Michaels  
Organization  
The New York Times Co.  
Thoma Bravo LLC  
Twitter Inc.  
United Airlines Holdings  
Inc.  
University of Virginia  
Washington Nationals  
World Wrestling  
Entertainment Inc.  
Yale University  
YouTube Inc.  
Zeughauser Group LLC

## GOVERNMENT AGENCIES IN TODAY'S NEWS

California Supreme Cou  
Delaware Court of  
Chancery  
Executive Office for  
Immigration Review  
Federal Bureau of  
Investigation  
Federal Trade  
Commission

Estonian branch that eventually led to a \$2 billion fine, will step down next year, the bank confirmed Tuesday.

[Read full article »](#)

## **Pillsbury Atty Confirmed As California Appeals Court Judge**

*By James Mills*

A Pillsbury Winthrop Shaw Pittman LLP attorney was unanimously confirmed on Friday as an associate justice on the Sixth District Court of Appeals in San Jose, California.

[Read full article »](#)

## **Justices Decline To Take Court Reporter's Race Bias Suit**

*By Emmy Freedman*

The U.S. Supreme Court declined Tuesday to review a pay bias lawsuit from a Black former court reporter, turning away a case the worker said was prematurely tossed when a judge concluded the jury couldn't rule in her favor.

 [Order List attached](#) | [Read full article »](#)

## **DC Circ. Won't Revisit Judicial Staff Political Speech Rules**

*By Katie Buehler*

The D.C. Circuit has rejected the federal judiciary's request for the full court to review a panel's August ruling that found unconstitutional a policy forbidding employees from championing political candidates and parties outside of work.

 [Order attached](#) | [Read full article »](#)

## **AILA, US Agree On Enforceability Of Remote Hearing Rules**

*By Rae Ann Varona*

The American Immigration Lawyers Association and the U.S. government asked a New Jersey federal judge to skip briefing for a stipulation requiring immigration judges to allow remote hearings during the COVID-19 pandemic, saying they agree the stipulation is enforceable.

 [Letter attached](#) | [Read full article »](#)

Food and Drug Administration

New York Attorney General's Office

U.S. Attorney's Office for the District of New Jersey

U.S. Attorney's Office for the Southern District of Florida

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Department of Justice

U.S. Department of Veterans Affairs

U.S. District Court for the District of Columbia

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of New Jersey

U.S. District Court for the District of New Mexico

U.S. District Court for the Eastern District of New York

U.S. District Court for the Middle District of Tennessee

U.S. District Court for the Northern District of California

U.S. District Court for the Northern District of Illinois

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## **JOBS**

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**Energy Regulatory Associate**  
Hunton Andrews Kurth LLP  
Washington, District of Columbia

**Government Contracts Attorney – Senior Associate/Junior Partner**  
Miles & Stockbridge P.C.  
Baltimore, Maryland

**SENIOR OFFICER-ASSOCIATE REGIONAL DIRECTOR (Attorney)**  
U.S. Securities and Exchange Commission  
-, -

**Patent Attorney**  
Xsensus  
Alexandria, Virginia

**Paralegal - ECV**

Perkins Coie LLP  
Seattle, WA

**Perkins Coie Trust Company Executive Assistant & Coordinator**

Perkins Coie LLP  
Seattle, WA

**Senior ServiceNow Developer**

Perkins Coie LLP  
Holbrook, AZ

**Intellectual Property Patent Prosecution Associate (Chemistry)**

Moore & Van Allen, PLLC

-, -

**Global Insurance Department - Associate Attorney (LA)**

Cozen O'Connor  
Los Angeles, California

**GENERAL ATTORNEY**

U.S. Securities and Exchange Commission  
Washington, District of Columbia

**BANKING AND DEBT RESTRUCTURING ASSOCIATES**

McCarter & English, LLP  
Newark, New Jersey

**IP TECHNICAL SPECIALIST OR PATENT AGENT (PATENT - CHEMISTRY)**

McCarter & English, LLP  
Boston, Massachusetts

**ServiceNow Developer**

Perkins Coie LLP  
Holbrook, AZ

**ServiceNow Business Systems Analyst**

Perkins Coie LLP  
Washington, DC

**Junior Patent Prosecution Associate or Patent Agent**

Steptoe & Johnson LLP  
New York, New York

**Litigation Legal Assistant**

Corr Cronin  
Seattle, Washington

**Attorney - Assistant Attorney General - Workers Compensation**

Illinois Attorney General's Office  
Chicago, Illinois

**IP ASSOCIATE (PATENT AND IP LITIGATION)**

McCarter & English, LLP  
Boston, Massachusetts

**IP Associate (Patent Prosecution)**

McCarter & English, LLP  
Newark, New Jersey

**IP ASSOCIATE (PATENT - CHEMISTRY)**

McCarter & English, LLP  
Boston, Massachusetts

U.S. District Court for the Southern District of Florida

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of Michigan

U.S. District Court for the Western District of Missouri

U.S. District Court for the Western District of Pennsylvania

U.S. District Court for the Western District of Texas

U.S. District Court for the Western District of Washington

U.S. Securities and Exchange Commission

U.S. Supreme Court  
United States District Court for the District of Colorado

United States District Court for the Northern District of Ohio

United States District Court for the Northern District of West Virginia

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**From:** Personal Injury & Medical Malpractice Law360  
**Sent:** Mon, 23 Jan 2023 10:14:17 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Ex-Inmate Says NJ Atty Ghosted Her On Sex Abuse Claim



# Personal Injury & Medical Malpractice

MONDAY, JANUARY 23, 2023



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## TOP NEWS

### Ex-Inmate Says NJ Atty Ghosted Her On Sex Abuse Claim

By *Ryan Harroff*

Suspended New Jersey attorney Edward Harrington Heyburn infrequently communicated with a former inmate he represented and never actually filed her complaint claiming a corrections officer sexually assaulted her, according to the now-released woman's new case against him and prison officials.

 [Complaint attached](#) | [Read full article »](#)

### Mich. Appellate Panel Refuses To Revive Flint Criminal Cases

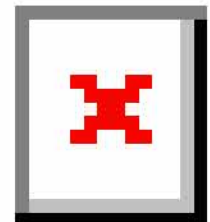
By *Carolyn Muyskens*

A Michigan state appellate panel has upheld the dismissal of charges against two public officials for their conduct during the Flint water crisis, calling the issues in the government's appeal "unsubstantial," another blow to the state attorney general's efforts to move criminal cases forward.

 [2 documents attached](#) | [Read full article »](#)

### Mass. Supermarket Can't Duck Legal Tab In Faulty Door Suit

By *Chris Villani*



## LAW FIRMS IN TODAY'S NEWS

Advisors LLC  
Akin Gump  
Aliant Law  
Arnold & Porter  
BDB Pitmans LLP  
Baker McKenzie  
Beck Reed

The Massachusetts Appeals Court on Friday found that Shaw's Supermarkets Inc. should pay at least some of the six-figure legal tab spent defending a suit over an allegedly faulty automatic door, flipping an earlier ruling that had its co-defendant foot the bill.

 [Opinion attached](#) | [Read full article](#) »

## **Beech-Nut Escapes Heavy Metal Baby Food Claims, For Now**

*By Dave Simpson*

A New York federal judge dismissed a putative consolidated class action accusing Beech-Nut Nutrition Co. of violating a slew of consumer protection laws by including heavy metals in its baby food, ruling that the U.S. Food and Drug Administration, not the court, has jurisdiction over the matter.

 [2 documents attached](#) | [Read full article](#) »

## **States Ask Court To Reverse Block On NY Gun Act**

*By Faith Williams*

Fourteen states, the District of Columbia and the Northern Mariana Islands showed support Friday for New York state in its legal battle over enforcement of a state law that would prohibit carrying concealed weapons in "sensitive locations."

 [Brief attached](#) | [Read full article](#) »

## **6th Circ. Says Fatal Car Crash Can't Be Pinned On Recall**

*By Collin Krabbe*

A Sixth Circuit panel has upheld summary judgment in a wrongful death suit over a country musician who died after his Chrysler Town and Country minivan plowed into the back of a tractor trailer on the Mississippi interstate, dismissing as unsupported the theory that a recalled ignition and key remote caused his death.

 [Opinion attached](#) | [Read full article](#) »

## **Two Texas Firms Cleared To Rep Alex Jones In Ch. 11 Case**

*By Brian Steele*

Crowe & Dunlevy and Jordan & Ortiz PC can represent right-wing media figure Alex Jones in his Chapter 11 bankruptcy case after they disclosed that their six-figure retainers came from a trust fund, a judge in Houston ruled Friday.

[Read full article](#) »

## **HHS Vows Audits, Publicity Targeting Nursing Home Practices**

*By Adam Lidgett*

Bird & Bird  
Bovis Kyle  
Bowman & Brooke  
Buckley LLP  
Butler Snow LLP  
Coblentz Patch  
Covington & Burling  
Crowe & Dunlevy  
DAC Beachcroft  
Debevoise & Plimpton  
Dentons Cohen  
DiCello Levitt  
E. Stewart Jones Hacke  
Eversheds Sutherland  
Fieldfisher  
Ford O'Brien  
Freeths LLP  
Gallet Dreyer  
Gibson Dunn  
Girardi & Keese  
Grant & Eisenhofer  
Hagens Berman  
Holland & Knight  
Jenner & Block  
Jomarron Lopez  
Jones Day  
Kaplan Hecker  
King & Spalding  
Kirkland & Ellis  
Latham & Watkins  
Lowey Dannenberg  
Mishcon de Reya  
Morgan Lewis  
Norton Rose  
Orrick Herrington  
Paul Hastings  
Pear Sperling  
Perkins Coie  
Pinsent Masons  
Pollock Cohen  
Pratt Clay  
Proskauer Rose

The U.S. Department of Health and Human Services has said it is vowing to do audits of nursing homes to see if they are incorrectly diagnosing residents with schizophrenia.

 Memorandum attached | [Read full article »](#)

## LITIGATION

### [Union Fund Seeks Docs For Visa Child Porn Payment Probe](#)

*By Aaron Keller*

A union pension fund wants the Delaware Chancery Court to force Visa Inc. to enforce a demand for documents that could detail whether child pornography payments connected to the websites MindGeek and Pornhub passed through the financial services company's systems.

[Read full article »](#)

### [Insurer Says It Owes No Coverage For Quality Inn Shooting](#)

*By Riley Murdock*

StarStone National Insurance Co. told a Georgia federal court that it is not obligated to defend the owner of a former Quality Inn & Suites hotel from a wrongful death lawsuit because it waited more than two years to notify the insurer of an August 2020 shooting on the property.

 2 documents attached | [Read full article »](#)

## EXPERT ANALYSIS

Series

### [Keys To A 9-0 High Court Win: Get Back To Home Base](#)

When I argued for the petitioner in Morgan v. Sundance before the U.S. Supreme Court last year, I made the idea of consistency the cornerstone of my case and built a road map for my argument to ensure I could always return to that home-base theme, says Karla Gilbride at Public Justice.

[Read full article »](#)

### [7 Tips To Increase Your Law Firm's DEI Efforts In 2023](#)

Law firms looking to advance their diversity, equity and inclusion efforts should consider implementing new practices and initiatives this year, including some that require nominal additional effort or expense, say Janet Falk at Falk Communications and Gina Rubel at Furia Rubel.

[Read full article »](#)



## LEGAL INDUSTRY

### [Proskauer Blasts Ex-COO For 'Absurd' Data Download Story](#)

Quinn Emanuel  
Scott+Scott  
Shumaker Loop  
Silver Golub  
Skadden Arps  
Smith Duggan  
Stamboulieh Law  
Trowers & Hamlines  
Whiteford Taylor  
William J. Olson PC  
WilmerHale  
Winston & Strawn

## COMPANIES IN TODAY'S NEWS

AXA SA  
Ames & Gough  
Apple Inc.  
Burford Capital LLC  
Campbell Soup Co.  
Cash App  
Cerner Corp.  
Cognizant Technology Solutions Corp.  
Duquesne University  
FCA US LLC  
Fiat Chrysler Automobile NV  
Furia Rubel Communications Inc.  
Georgetown University  
Georgia State University  
Getty Images Inc.  
Google LLC  
Happy Family Organics  
Heineken Holding NV  
Hinduja Global Solution Ltd.  
Instagram Inc.  
Investments Ltd.  
Johnson Controls International PLC  
Leadership Council on Legal Diversity

*By Andrew Strickler*

Proskauer Rose LLP let loose on its former chief operating officer in a New York federal court filing on Thursday, excoriating him over "ludicrous" explanations for why he downloaded reams of sensitive data to thumb drives just before a planned jump to a BigLaw competitor.

 Brief attached | [Read full article »](#)

## [Justices To Issue 1st Opinion ... Months Later Than Usual](#)

*By Jimmy Hoover*

The U.S. Supreme Court said it will announce its first opinion of the term on Monday morning, months later than it usually starts deciding previously argued cases.

[Read full article »](#)

## [Judge Orrick From ND California Taking Senior Status](#)

*By James Arkin*

Judge William H. Orrick III of the Northern District of California is taking senior status in May, giving President Joe Biden another vacancy to fill in the nation's most populous state.

 Letter attached | [Read full article »](#)

Analysis

## [Trump Election Probe Report May Show Case For Charges](#)

*By Rosie Manins*

Publication of a special grand jury's final report in an unprecedented election interference probe could lay bare a Georgia district attorney's case against former President Donald Trump and his allies over their purported attempts in 2020 to illegally retain power.

[Read full article »](#)

## [GAO Finds Data Holes In Litigation Funding Study](#)

*By Andrew Strickler*

A study of litigation funding markets was forced to leave important questions unanswered because of "data gaps," highlighting the need for additional information from stakeholders, a government watchdog said.

 Report attached | [Read full article »](#)

## [California Bar Eyes Ethics Rule To Report On Other Lawyers](#)

*By James Mills*

The California State Bar is considering a new rule requiring lawyers to tattle on the misconduct of another lawyer and is seeking your input on the rule.

 Proposed Rule attached | [Read full article »](#)

## [DeSantis Beats Atty's Suspension Suit Despite Breaking Law](#)

Meta Platforms Inc.  
Microsoft Corp.  
National Association of Manufacturers  
Natural Gas Services Group Inc.  
Northern Mariana Island Retirement Fund  
Omni Bridgeway Ltd.  
Oracle Corp.  
Paypal Holdings Inc.  
Plastipak Holdings Inc.  
Shaw's Supermarkets Inc.  
Spotify Technology SA  
State Bar of California  
The Hain Celestial Group Inc.  
Twitter Inc.  
U.S. Chamber of Commerce  
University of Georgia  
Visa Inc.  
Walmart Inc.  
Wardell Armstrong LLP

## **GOVERNMENT AGENCIES IN TODAY'S NEWS**

COPRAC  
Centers for Medicare & Medicaid Services  
Consumer Financial Protection Bureau  
Delaware Court of Chancery  
European Union  
Federal Judicial Center  
Federal Trade Commission  
Florida Attorney General's Office  
Food and Drug Administration

*By Madison Arnold*

A federal judge found Friday that Florida Gov. Ron DeSantis violated the First Amendment and the Florida Constitution when he suspended Hillsborough County state attorney Andrew Warren in August, but said the court still lacked authority to reinstate Warren to his elected office.

 [Opinion attached | Read full article »](#)

## **Court Beat Circus For Pa.'s 1st Female Chief Justice**

*By Matthew Santoni*

The first female chief justice of the Supreme Court of Pennsylvania very nearly traded the circuit court for the circus in the summer between college and law school, according to some of the family, friends and colleagues who spoke Friday at Justice Debra Todd's formal swearing-in.

[Read full article »](#)

## **GC Cheat Sheet: The Hottest Corporate News Of The Week**

*By Michele Gorman*

A new survey showed business directors are concerned about inflation and competition for talent, and other recent findings said that general counsel are most worried about labor and employment liability. These are some of the stories in corporate legal news you may have missed in the past week.

[Read full article »](#)

## **UK Litigation Roundup: Here's What You Missed In London**

*By Tabitha Burbidge*

The past week in London has seen Getty Images sue an AI art platform for copyright breaches, former London mayoral candidate Zac Goldsmith sue Mirror Group Newspapers in a confidential information claim, and legal action brought against Budweiser by pub chain JD Wetherspoon in a commercial contracts claim.

[Read full article »](#)

## **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Read full article »](#)

Podcast

## **Pro Say: SEC Cyber Enforcement Vs. BigLaw's Client Privacy**

The U.S. Securities and Exchange Commission is after a court order forcing Covington & Burling LLP to reveal which of its clients were affected by a 2020 cyberattack. The government contends it needs the list to determine whether any securities laws were broken in the wake of the breach, but Covington argues that handing over those names would run afoul of attorney-client privilege.

[Read full article »](#)

Government  
Accountability Office  
Michigan Attorney  
General's Office  
Michigan Department of  
Health and Human  
Services  
New York Attorney  
General's Office  
New York State Police  
Pennsylvania Supreme  
Court  
U.S. Attorney's Office for  
the Northern District of  
Georgia  
U.S. Court of Appeals for  
the Second Circuit  
U.S. Court of Appeals for  
the Sixth Circuit  
U.S. Department of  
Health and Human  
Services  
U.S. Department of  
Justice  
U.S. District Court for the  
Northern District of  
Florida  
U.S. District Court for the  
Northern District of  
Georgia  
U.S. District Court for the  
Southern District of New  
York  
U.S. Securities and  
Exchange Commission  
U.S. Senate  
U.S. Supreme Court

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**Sent:** Thu, 12 Jan 2023 09:54:56 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Ex-NY Chief Judge's Guard Cost Millions Without Approval



# Public Policy

THURSDAY, JANUARY 12, 2023



## TOP NEWS

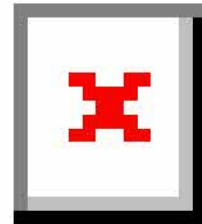
Exclusive

### Ex-NY Chief Judge's Guard Cost Millions Without Approval

By Frank G. Runyeon

Former New York State Chief Judge Janet DiFiore's around-the-clock chauffeur and protection detail cost taxpayers an estimated \$1 million a year while she was in office, but there is no record of any written approval for the unprecedented escort, Law360 found.

[Read full article »](#)



### Supreme Court Lets New York's New Gun Law Stand, For Now

By Jimmy Hoover

The U.S. Supreme Court on Wednesday allowed New York to continue enforcing new restrictions on concealed carry licenses while state officials appeal an unfavorable district court ruling in the Second Circuit.

 [Order attached | Read full article »](#)

### Justices Question Puerto Rico Sovereignty In Records Case

By Rick Archer

U.S. Supreme Court justices raised questions Wednesday about whether Puerto Rico's government has the same kind of sovereign immunity state governments do as the island's fiscal board argued for immunity to a suit seeking access to its records.

[Read full article »](#)

### Texas High Court Debates Releasing UT Investigation Docs

## LAW FIRMS IN TODAY'S NEWS

Abrams Fensterman  
Alston & Bird  
Baker McKenzie  
Beveridge & Diamond  
Bracewell LLP  
Brafman & Associates  
Brown Neri  
Clark Hill  
Covington & Burling  
Davis Wright Tremaine  
Day Carter  
Dentons Cohen  
Donna Law Firm  
Duane Morris  
Dykema



*By Catherine Marfin*

Texas Supreme Court justices pressed attorneys Wednesday on the role of third-party investigators as it tried to determine whether communications between such parties and the entities that hire them are subject to attorney-client privilege.

[Read full article »](#)

## **10th Circ. Rejects Congressional Review Act Challenge**

*By Madeline Lyskawa*

The Tenth Circuit rejected two advocacy groups' attempt to vacate a mine expansion project by declaring two congressional measures governing rulemaking and Senate processes unconstitutional, saying the statutes fall within Congress' powers and the groups lack the ability to pursue their claims.

 [Opinion attached | Read full article »](#)

## **DC Circ. Seems Split Over Vagueness Of Sex Trafficking Law**

*By Nadia Dreid*

U.S. Circuit Judges Patricia Millett and Harry T. Edwards fell in sync with each other Wednesday morning to tag-team the Biden administration as it fought to defend a controversial sex trafficking law from a challenge that free speech advocates were hoping to convince the panel to revive.

[Read full article »](#)

## **US Flights Resume After FAA System Outage**

*By Linda Chiem*

Thousands of U.S. flights were cleared to resume shortly before 9 a.m. Wednesday after a Federal Aviation Administration system outage grounded all domestic flights, temporarily stranding passengers amid a cascade of delays.

[Read full article »](#)

## **Courts Should Duck Pa. House Election Fight, Panel Hears**

*By Matthew Santoni*

Deciding which political party's special election dates to uphold — and by extension, which party holds a majority in the Pennsylvania House of Representatives — is a political question that a state appellate court shouldn't get involved in, attorneys for the House Democratic Caucus leader told a court panel Wednesday.

[Read full article »](#)

## **BANKING & SECURITIES**

### **Judge Lets DACA Bias Suit Proceed Against Credit Union**

Foley & Lardner  
Fox Rothschild  
Freshfields  
Gibson Dunn  
Greenberg Traurig  
Gregor Wynne  
Hutchinson Black  
Jomarron Lopez  
Jones Walker  
Katten Muchin  
Kilpatrick Townsend  
Landis Rath  
Law Offices of Paul Whitfie  
Lawson & Weitzen  
Littler Mendelson  
Martin LLP  
McDermott Will  
McNees Wallace  
Miles & Stockbridge  
Morgan & Morgan PA  
Morris Manning  
Morrison Foerster  
Myers Brier  
Neal Gerber  
Nelson Mullins  
Orrick Herrington  
Patterson Belknap  
Paul Weiss  
Pettinato Firm  
Plunkett Cooney  
Proskauer Rose  
Reisinger Comber  
Ropes & Gray  
Sandler Travis  
Skadden Arps  
Stamboulieh Law  
Sullivan & Cromwell  
Troutman Pepper  
Wiley Rein  
Williams & Connolly  
Wilson Sonsini  
Ziontz Chestnut

*By Micah Danney*

Alliant Credit Union must face allegations that it denied a woman a loan based on her DACA status, after a California federal judge found that the policies the financial institution leaned on in its defense do not negate civil rights statutes that guard against discrimination.

 Decision attached | [Read full article »](#)

## **MoneyLion Pans CFPB's 'Haphazard' Military Lending Act Suit**

*By Gina Kim*

MoneyLion Technologies asked a New York federal judge Tuesday to toss the Consumer Financial Protection Bureau's allegations that it violated the Military Lending Act by gouging service-member borrowers, contending the "haphazard" suit fails to state a claim and that the agency itself is unconstitutional.

 Memorandum attached | [Read full article »](#)

## **ENERGY & ENVIRONMENTAL**

### **EPA Issues Legal Guidance On Cumulative Impacts**

*By Juan Carlos Rodriguez*

The U.S. Environmental Protection Agency on Wednesday released its first-ever legal guidance that addresses the famously tricky issue of how the cumulative impacts of pollution on a community may be considered in the agency's work.

 1 document attached | [Read full article »](#)

### **Interior Establishes Orphaned Wells Program Office**

*By Tom Lotshaw*

Secretary of the Interior Deb Haaland is creating an Orphaned Wells Program Office to oversee the implementation of a \$4.7 billion initiative to plug and clean up abandoned oil and gas wells around the country with funding from the Infrastructure Investment and Jobs Act.

 Order attached | [Read full article »](#)

### **EPA Rejects Call To List PVC As Hazardous Waste**

*By Juan Carlos Rodriguez*

The U.S. Environmental Protection Agency on Wednesday denied a green group's petition to list discarded polyvinyl chloride as hazardous waste under federal law, finding that taking the action would not meaningfully reduce people's exposure to toxic chemicals.

 1 document attached | [Read full article »](#)

### **Oil Co. Sues Los Angeles Over 'Rushed' Drilling Ban**

*By Gina Kim*

## **COMPANIES IN TODAY'S NEWS**

Alliant Credit Union  
Amazon.com Inc.  
American Airlines Group In  
Apple Inc.  
Axon Enterprise Inc.  
Bank of America Corp.  
CPI Corporation  
Center for Biological Diversity  
DaVita Inc.  
Dine Brands Global Inc.  
Dynatrace LLC  
Earthjustice  
Environmental Defense Fund Inc.  
FTX US  
Federal National Mortgage Association  
Freddie Mac  
Google LLC  
Hunter Douglas NV  
LinkedIn Corp.  
McDonald's Corp.  
Mexican American Legal Defense & Educational Fur  
Microsoft Corp.  
NAU Country Insurance Co  
National Mining Association  
National Parks Conservatio  
Association  
Public Citizen Inc.  
Qantas Airways  
Ramboll Group A/S  
Sierra Club  
Social Science Research Network  
SolarWinds Corp.  
Southwest Airlines Co.  
The Walt Disney Co.  
Thoma Bravo LLC  
U.S. Chamber of Commer

An oil company sued the city of Los Angeles in California state court Tuesday challenging its newly enacted ban on new gas and oil well drilling while gradually phasing out existing infrastructure, arguing it "rushed every legally required process along the way" while relying on a "woefully deficient environmental document."

Complaint attached | [Read full article »](#)

## Rubber Maker Challenges EPA Chloroprene Air Pollution Regs

By Dave Simpson

The U.S. Environmental Protection Agency relied on data from tests on an overly sensitive lab mouse when assessing the chemical chloroprene's risk for humans and wrongly rejected attempts by Denka, which uses chloroprene to make Neoprene, to correct this error, the rubber manufacturer said in a complaint Wednesday.

Complaint attached | [Read full article »](#)

## HEALTH & LIFE SCIENCES

### Judge Pushes Resolution In Vanda, FDA Gastro Drug Fight

By Katie Buehler

A D.C. federal judge on Wednesday said Vanda Pharmaceuticals Inc. and the U.S. Food and Drug Administration seemed to be arguing past each other in a case challenging the FDA's rejection of the company's anti-nausea drug for patients with a chronic gastric condition and suggested the dispute could be resolved if Vanda submitted a new, revised application.

[Read full article »](#)

## IP & TECHNOLOGY

### Pound Law Sues USPTO Over Rejection Of '#Law' Trademark

By Bonnie Eslinger

Legal services provider Pound Law sued the U.S. Patent and Trademark Office on Wednesday in Florida federal court over the agency's decision to reject its attempt to trademark "#Law," saying the evidence shows that it's used as both a memorable telephone number and a trademark.

Complaint attached | [Read full article »](#)

## TRANSPORTATION & INFRASTRUCTURE

Analysis

### FAA Outage Adds To US Air Travel Industry Woes

Universal Service  
Administrative Co.  
Vanda Pharmaceuticals Inc  
WestJet Airlines Ltd.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Land  
Management  
Colorado Supreme Court  
Consumer Financial  
Protection Bureau  
Defense Acquisition  
University  
Denver International Airport  
Equal Employment  
Opportunity Commission  
Executive Office of the  
President  
Federal Aviation  
Administration  
Federal Bureau of  
Investigation  
Federal Bureau of Prisons  
Federal Communications  
Commission  
Federal Crop Insurance  
Corp.  
Federal Reserve System  
Federal Trade Commissior  
Food and Drug  
Administration  
Hartsfield-Jackson Atlanta  
International Airport  
Illinois General Assembly  
Los Angeles County  
Metropolitan Transportati  
on Authority  
National Labor Relations  
Board  
New York Attorney Genera  
Office  
Northern Cheyenne Tribe  
Occupational Safety and  
Health Administration

*By Linda Chiem*

An air travel industry riding an economic high now finds its confidence shaken by a Federal Aviation Administration system outage that prompted a rare full-stop on flight departures Wednesday, coming on the heels of operational hangups that included Southwest Airlines' highly publicized holiday-week meltdown.

[Read full article »](#)

## INSURANCE

### [6th Circ. Rejects Farms' Challenge To Arbitration Awards](#)

*By Jennifer Mandato*

The Sixth Circuit on Wednesday refused to revive two farms' petitions to nullify arbitration awards granted to their insurers in coverage disputes over damaged crops, determining that both farms sought the incorrect legal path and that even if following the correct proceedings their claims would still be untimely.

 2 documents attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### [DOL, OMB Direct All Federal Agencies To Hire Labor Advisers](#)

*By Abby Wargo*

Office of Management and Budget Director Shalanda Young and Labor Secretary Marty Walsh issued a joint memo providing government-wide guidance on designating labor advisers to help agency officials ensure federal contractors meet labor law and regulatory requirements.

 Letter attached | [Read full article »](#)

### [House GOP Bill Would End Federal Workforce Telework](#)

*By Irene Spezzamonte*

The Republican chairman of the House Committee on Oversight and Accountability introduced a bill Wednesday that would end the possibility to work remotely for federal workers, aiming at abolishing "detrimental pandemic-era telework policies."

 2 documents attached | [Read full article »](#)

## COMPETITION

Analysis

### [Biz Board Overlap A Low-Hanging Fruit Ripe For More Cases](#)

*By Bryan Koenig*

Office of Federal Contract  
Compliance Programs

Office of Federal  
Procurement Policy

Office of Foreign Assets  
Control

Office of the U.S. Trade  
Representative

Port of Los Angeles

Texas Attorney General's  
Office

Texas Supreme Court

U.S. Attorney's Office

U.S. Attorney's Office for the  
District of Massachusetts

U.S. Bankruptcy Court for  
the District of Delaware

U.S. Court of Appeals for the  
Ninth Circuit

U.S. Court of Appeals for the  
Sixth Circuit

U.S. Court of Appeals for the  
Tenth Circuit

U.S. Court of Appeals for the  
Third Circuit

U.S. Customs and Border  
Protection

U.S. Department of  
Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of  
Transportation

U.S. Department of the  
Interior

U.S. District Court for the  
District of Columbia

U.S. District Court for the  
District of Massachusetts

U.S. District Court for the  
Eastern District of Louisiana

U.S. District Court for the  
Eastern District of Texas

U.S. District Court for the  
Middle District of Florida

U.S. District Court for the  
Northern District of California

When the U.S. Department of Justice announced the pressured resignations of seven board members across 10 companies based on what's likely its most-aggressive-ever enforcement against overlap among competing companies' directors, the antitrust enforcer made clear it wasn't done.

[Read full article »](#)

## [Google Seeks Win In Default Search Engine Antitrust Suits](#)

*By Dave Simpson*

The decision by numerous phone manufacturers and browser developers to make Google the default search engine for their products stems from it being the highest quality option rather than a monopolization effort, the search giant said in an unsealed bid to end the government's landmark antitrust cases.

 [Brief attached](#) | [Read full article »](#)

## CONSUMER PROTECTION

### [CFPB Unveils Plan For Nonbank Contract 'Fine Print' Registry](#)

*By Jon Hill*

The Consumer Financial Protection Bureau on Wednesday released its proposal to create a public registry of liability waivers, class action bans and certain other contract clauses in nonbank customer agreements, citing concerns about the use of fine print to muzzle consumers and avoid accountability.

 [Proposed Rule attached](#) | [Read full article »](#)

## INTERNATIONAL TRADE

### [USTR Readies Draft Proposals For Taiwan Initiative](#)

*By Jennifer Doherty*

Representatives from the Office of the U.S. Trade Representative will travel to Asia this week for a "formal, in-person negotiating round" focused on U.S. proposals under the U.S.-Taiwan Initiative on 21st Century Trade, a senior Biden administration official told reporters Tuesday.

[Read full article »](#)

### [CBP Walks Back Aluminum Extrusions Finding On Remand](#)

*By Rae Ann Varona*

U.S. Customs and Border Protection walked back on its finding that importers of Chinese aluminum extrusions evaded tariffs by going

U.S. District Court for the Northern District of Illinois  
U.S. District Court for the Southern District of New York

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Securities and Exchange Commission

U.S. Senate

U.S. Sentencing Commission

U.S. Supreme Court

United States Bankruptcy Court for the District of Colorado

United States District Court for the District of Colorado

Wage and Hour Division

through the Dominican Republic while also addressing procedural deficiencies in a voluntary remand.

📎 1 document attached | [Read full article »](#)

## **Panel Finds 'Inadequate Support' For US View On Auto Tariffs**

*By Jennifer Doherty*

The U.S.'s exacting requirements for car and truck manufacturers seeking preferential treatment under the North American trade pact were not based on the best reading of the trade deal, according to a panel report released publicly Wednesday.

📎 Report attached | [Read full article »](#)

## **TAX**

### **Colo. Justices Weigh COVID's Effects On Property Tax Values**

*By Daniel Ducassi*

The Colorado Supreme Court on Wednesday waded into key questions surrounding a coordinated legal effort by hundreds of commercial property owners that Colorado tax officials say threatens the very structure of how property taxes work in the state.

[Read full article »](#)

### **Disney Says 'No Justification' For Mich. Audit Delay**

*By Danielle Ferguson*

A Michigan appellate judge on Wednesday pressed the state treasurer to explain why an audit into Walt Disney Co.'s compliance with claimed property laws took more than eight years, a delay that gave Disney an opportunity to challenge the state's plan to make it redistribute more than \$500,000 in unclaimed checks.

[Read full article »](#)

## **BANKRUPTCY**

### **Senators' Sullivan & Cromwell Qualms Won't Sway FTX Judge**

*By Aislinn Keely & Vince Sullivan*

FTX's bankruptcy judge on Wednesday brushed off four U.S. senators' concerns about the ties between law firm Sullivan & Cromwell and the defunct cryptocurrency exchange, saying he won't take "inappropriate ex parte communication" into account when considering the approval of counsel in the case.

[Read full article »](#)

## IMMIGRATION

### [Split 9th Circ. Tells BIA To Reconsider Woman's Asylum Case](#)

*By Micah Danney*

The Board of Immigration Appeals abused its discretion by failing to consider new evidence of threats a woman claimed she faced if sent back to India, the Ninth Circuit ruled in a split decision.

 Opinion attached | [Read full article »](#)

## WHITE COLLAR

### [Mass. Lobbyist Wants Redo In Kickback Case](#)

*By Elliot Weld*

A Massachusetts lobbyist wants a new trial or outright acquittal after being convicted as part of a kickback scheme in November, saying there was no evidence to show the payments she made to the former head of the state police union were a quid pro quo.

 Memorandum attached | [Read full article »](#)

## NATIVE AMERICAN

### [Tribe, Enviros Say 9th Circ. Can't Hear Coal-Leasing Appeal](#)

*By Caleb Symons*

Opponents of new coal mining are urging the Ninth Circuit to drop an appeal in which Montana and Wyoming hope to kick-start such development, saying the case is improper since the U.S. government is still reviewing the environmental impact of leasing federal land for coal mining.

 Motion attached | [Read full article »](#)

## TELECOMMUNICATIONS

### [FCC's Subsidy Program Seeks Tools To Ferret Out Fraud](#)

*By Christopher Cole*

The company that runs the Federal Communications Commission's subsidy programs wants private-sector help in pinning down fraudulent documents filed to collect federal dollars for various telecom services.

 2 documents attached | [Read full article »](#)

### [FCC Warns 2 More Voice Providers To Block Robocalls](#)

*By Piper Hudspeth Blackburn*

The Federal Communications Commission warned two telecom service providers on Wednesday that they risk being effectively cut off from sending calls if they do not block illegal robocall traffic.

 2 documents attached | [Read full article »](#)

## CANNABIS

### [Pot Possession Offenders Still Get Longer Prison Sentences](#)

*By Sam Reisman*

The number of federal marijuana possession offenders has decreased in recent years, but prior state-level convictions for possession still result in higher federal prison sentences, even when those convictions occurred in states that have liberalized their marijuana laws, a new report said.

 Report attached | [Read full article »](#)

## PEOPLE

### [Google Energy Regulatory Counsel Rejoins Nelson Mullins](#)

*By Jack Rodgers*

A former energy regulatory counsel with Google will rejoin Nelson Mullins Riley & Scarborough LLP, the firm he left to join Google, the firm recently announced.

[Read full article »](#)

## EXPERT ANALYSIS

### [Key Employer Questions On Ill. Workers' Rights Amendment](#)

With the Illinois' Workers' Rights Amendment recently voted into the state constitution despite challenges in and out of court, employers struggling to understand if the ban on right-to-work statutes applies to the private sector should follow litigation on the amendment for help interpreting its scope and applicability, say attorneys at Neal Gerber.

[Read full article »](#)

### [What's On Deck For Antitrust Enforcement In 2023](#)

The recently enacted Consolidated Appropriations Act brings meaningful increases in antitrust merger filing fees and other provisions that may affect the defense of merger challenges in certain circumstances this year, with more congressional focus on oversight ahead, say attorneys at Paul Weiss.

[Read full article »](#)



## **The Issues Shaping Labor Market Antitrust Litigation In 2023**

Questions about whether traditional antitrust analysis should apply to labor market abuses will continue to define litigation over agreements restricting employment this year, as courts grapple with the sufficiency of pleadings, parties' evidentiary burdens, affirmative defenses and jury instructions, say Manly Parks and Randy Kim at Duane Morris.

[Read full article »](#)

## **5 Resolutions That Could Help Cos. Pass A DOJ Checkup**

As 2023 gets underway, a few thoughtful and proactive New Year's resolutions, from checking employee hotlines to assessing compliance programs, will help companies receive a clean bill of health in the event of an examination by the U.S. Department of Justice, say attorneys at Miles & Stockbridge.

[Read full article »](#)



# **LEGAL INDUSTRY**

## **SEC Sues Covington To Reveal Clients Affected By 2020 Hack**

*By Ben Kochman*

The U.S. Securities and Exchange Commission is seeking a court order that would force Covington & Burling LLP to reveal which of its clients were impacted by a 2020 cyberattack, in an effort that the BigLaw giant says would breach its attorney-client privilege.

 [Complaint attached | Read full article »](#)

## **Orrick Takes Up High Court Fight Over Naming AI On Patents**

*By Andrew Karpan*

A top lawyer at Orrick's Supreme Court practice has indicated that he's helping take up a legal campaign seeking to get the country's highest court to force the U.S. Patent and Trademark Office to examine patent applications that list an artificial intelligence machine as an inventor.

 [1 document attached | Read full article »](#)

## **Atty Urged Clients To 'Infect' Trustee Counsel, Judge Says**

*By Andrew Strickler*

A Colorado lawyer who urged his clients to infect another attorney with a "nasty" disease, part of a bizarre litany of misdeeds during a bankruptcy case, was suspended from a Denver federal court for three years on Wednesday.

 Opinion attached | [Read full article »](#)

## **Littler Starts New Paris Operation After Split With French Firm**

*By Emily Lever*

Littler Mendelson has recruited 65 lawyers from French management-side employment firm Fromont Briens after dissolving a long-standing partnership with Fromont Briens earlier this month, the firm confirmed to Law360 Pulse on Wednesday.

[Read full article »](#)

## **Cybersecurity Tops GCs' List Of Dispute Worries For 2023**

*By Emily Sawicki*

In-house counsel at some of the world's largest and most successful corporations are predicting cybersecurity issues as the No. 1 litigation threat going into 2023, according to a new report from Baker McKenzie.

[Read full article »](#)

## **Ex-Gordon & Silber Atty Eyes Plea Deal In \$1.2M Fraud Case**

*By Pete Brush*

A former Gordon & Silber PC partner is considering a plea deal with state prosecutors who accuse him of stealing \$1.2 million from his now-defunct law firm and spending the money on diamond jewelry, a Manhattan judge heard Wednesday.

 Decision attached | [Read full article »](#)

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**Sent:** Wed, 4 Jan 2023 08:59:04 +0000  
**To:** Trumka Jr., Richard  
**Subject:** FDA Paves Way For Pharmacy Chains To Offer Abortion Pills



# Public Policy

WEDNESDAY, JANUARY 4, 2023



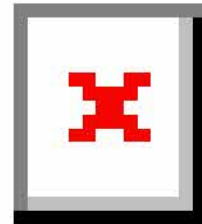
## TOP NEWS

### FDA Paves Way For Pharmacy Chains To Offer Abortion Pills

*By Lauren Berg*

The U.S. Food and Drug Administration has opened the way for retail pharmacies like CVS Health Corp. and Walgreens Co. to offer customers the prescription abortion medication mifepristone, the agency and the drug's makers Danco Laboratories LLC and GenBioPro said Tuesday.

 1 document attached | [Read full article »](#)



### IRS Defines Terms For Clean Vehicle Credit

*By Kat Lucero*

The clean vehicle tax credit can apply to a consumer who took possession of a qualified electric vehicle on Jan. 1 or later, the IRS said in a notice defining the incentive's "placed in service" term that can unlock the incentive.

 4 documents attached | [Read full article »](#)

### Divided 11th Circ. Upholds Transgender Bathroom Ban

*By Patrick Hoff*

The full Eleventh Circuit upheld a Florida school board's policy requiring transgender students to use bathrooms that correspond to their assigned sex at birth, reversing decisions from a district court and two appellate panels that found the rule unconstitutional.

 Opinion attached | [Read full article »](#)

### Ohio Justices Kill Chevron Deference For State Courts

*By Ryan Harroff*

### LAW FIRMS IN TODAY'S NEWS

AMS Trade LLP  
Akin Gump  
Arnold & Porter  
Asher Gittler  
Boies Schiller  
Brown Rudnick  
Burns White  
Carlton Fields  
Cohen & Gresser  
Davis Polk  
Debevoise & Plimpton  
Dickinson Wright  
Dorsey & Whitney  
Durham Pittard  
Durie Tangri

The Ohio Supreme Court has ruled that the Buckeye State's courts need not defer to state agency interpretations of their own rules when those rules are challenged, effectively saying the U.S. Supreme Court's 1984 landmark Chevron decision on the issue does not apply below the federal level.

 Opinion attached | [Read full article »](#)

## **Biden Renominates More Than 2 Dozen Judicial Picks**

*By James Arkin*

President Joe Biden renominated more than two dozen judicial picks Tuesday after the Democrats' new Senate majority began its session, the next step in the confirmation process for nominees who did not receive votes last year.

[Read full article »](#)

## **BANKING & SECURITIES**

### **Bankman-Fried Denies Fraud Charges, Gets October Trial Date**

*By Rachel Scharf*

FTX founder and former CEO Sam Bankman-Fried pled not guilty on Tuesday to stealing billions from the now-collapsed crypto exchange, teeing up an October criminal trial in New York federal court.

[Read full article »](#)

### **CFPB Will Look Into New Credit Bureau Rules, Chopra Says**

*By Jon Hill*

Consumer Financial Protection Bureau Director Rohit Chopra said Tuesday that new regulations could be on the horizon for major credit bureaus when his agency released a report highlighting improvements in their consumer complaint handling while also flagging continued concerns.

 Report attached | [Read full article »](#)

## **ENERGY & ENVIRONMENTAL**

### **Biden Administration Beats Justices To Punch With CWA Rule**

*By Juan Carlos Rodriguez*

The Biden administration's final rule defining the scope of the Clean Water Act could influence U.S. Supreme Court justices as they consider the outcome of a case involving the same issue and give federal agencies flexibility once the high court's decision comes down.

 2 documents attached | [Read full article »](#)

Fennemore Craig  
Florio Perrucci  
Fried Frank  
Garwin Gerstein  
Gebhardt & Kiefer  
George T. Daggett Attorne  
at Law  
Glenn Agre  
Gordon Tilden  
Gray Reed  
Grunfeld Desiderio  
HMB Legal Counsel  
Hogen Adams  
Jenner & Block  
Jones Day  
K&L Gates  
Kasowitz Benson  
Kelley Drye  
King & Spalding  
King Moench  
Kirkland & Ellis  
Latham & Watkins  
Lavery Law  
Law Office of Kirsten  
Doolittle  
Lewis Brisbois  
Locke Lord  
Manning Gross  
Meyer Walker  
Milbank LLP  
Mintz Levin  
Morrison Foerster  
Mounce Green  
Nauman Smith  
Nielsen Merksamer  
Oblon  
Perkins Coie  
Pillsbury Winthrop  
Polsinelli PC  
Prince Law Offices  
Quinn Emanuel  
Sacks Tierney  
Shearman & Sterling

## Texas Takes Grid Project Law Fight To High Court

By Keith Goldberg

Texas has asked the U.S. Supreme Court to review the Fifth Circuit's ruling that the state's law giving incumbent transmission companies the first chance to build new power lines is unconstitutional, arguing that the decision could undermine state regulation of electric utilities.

 Petition attached | [Read full article »](#)

## Texas High Court Won't Force Tax Breaks For Energy Cos.

By Peter McGuire

The Supreme Court of Texas declined to force the state's comptroller to review local tax break applications from clean energy companies, ruling that it did not have the power to overturn a legal deadline for the incentive program established by the state Legislature.

 Opinion attached | [Read full article »](#)

## El Paso Can't Escape Suit Over Fees, Court Says

By Tom Lotshaw

A Texas appeals court has affirmed a trial court ruling that the city of El Paso must face a lawsuit filed by a resident and former state representative challenging its environmental franchise fees and how it spends them.

 Opinion attached | [Read full article »](#)

## Texas Investigates Atmos Energy Over Storm Outages

By Lauren Castle

Texas' oil and gas regulator launched an investigation into Atmos Energy Corp. over what Gov. Greg Abbott called "unacceptable" conduct during the recent Winter Storm Elliott, when the company said low pressure in its pipelines caused issues for customers in some parts of the state.

 2 documents attached | [Read full article »](#)

## HEALTH & LIFE SCIENCES

### Health & Pharma Legal Clashes Didn't Take A Holiday Break

By Jeff Overley

While many Americans were bringing glad tidings and popping bubbly, attorneys spent the final week of 2022 bringing lawsuits, appeals and other court filings of eye-popping significance for health care providers and drug companies in cases involving the False Claims Act, the opioid crisis and purported price-fixing schemes.

 4 documents attached | [Read full article »](#)

Shegerian & Associates  
Sidley Austin  
Skadden Arps  
Sniffen & Spellman  
Spencer Fane  
Stinson LLP  
Thompson Hine  
Tillotson Johnson  
Troutman Pepper  
Vinson & Elkins  
Willkie Farr  
WilmerHale  
Winston & Strawn  
Wood & Lamping  
Wood Craig & Avery

### COMPANIES IN TODAY'S NEWS

Abbott Laboratories  
Activision Blizzard Inc.  
Albertsons Cos. Inc.  
Allergan PLC  
Altra Industrial Motion Corp  
Altria Group Inc.  
Amazon.com Inc.  
American Airlines Group In  
American Bar Association  
American Chemistry Council  
Inc.  
American Immigration  
Lawyers Association  
AmerisourceBergen Corp.  
Ames & Gough  
Apple Inc.  
ArcelorMittal  
Arrow Electronics Inc.  
Assa Abloy AB  
Atmos Energy Corp.  
Bank of America Corp.  
BlackRock Inc.  
Booz Allen Hamilton Holdir  
Corp.  
Broadcom Inc.

## SPORTS & BETTING

### Okla. Lawmaker Again Tries To Legalize Sports Betting

By Caleb Symons

New legislation in Oklahoma would allow Native American tribes to offer sports betting in their casinos and via mobile devices, as the Sooner State looks to join a growing number of places that have legalized gambling on athletic events in recent years.

 [Bill attached](#) | [Read full article](#) »

## REAL ESTATE

### Double Jeopardy Won't Apply For Zoning Law, NJ Judges Say

By Quinn Wilson

A New Jersey construction company will still face possible sanctions for zoning violations after a state appellate court ruled Tuesday that double jeopardy doesn't apply when a procedural error is the cause of the repeat filing of charges.

 [Opinion attached](#) | [Read full article](#) »

## EMPLOYMENT & BENEFITS

### Calif.'s Landmark Fast-Food Wage Law Halted Amid Challenge

By Gina Kim

A California judge granted a restaurant industry coalition's eleventh-hour bid to pause the state's landmark law raising wages and labor standards in the fast-food industry ahead of its Jan. 1 effective date, preserving the status quo as she considers the group's suit challenging the law.

 [2 documents attached](#) | [Read full article](#) »

### NJ Judge Says Atty Not An Employee For Whistleblower Suit

By Rae Ann Varona

A New Jersey state court judge has ruled that a former Sussex County attorney was not a county employee, nixing his whistleblower claims that the county fired him in retaliation for crossing the county sheriff and objecting to an immigration-related ballot question.

 [Order attached](#) | [Read full article](#) »

### IBEW Prevails In Chicago Arbitration Fight

By Celeste Bott

CLS Bank International  
CVS Health Corp.  
Cardinal Health Inc.  
Chevron Corp.  
Citigroup Inc.  
Cochlear Ltd.  
Coinbase Global Inc.  
Consumer Data Industry Association  
Copart Inc.  
Domtar Corp.  
EQT Corp.  
Earthjustice  
Electric Reliability Council of Texas Inc.  
Endo International PLC  
Equifax Inc.  
Experian PLC  
Fidelity Investments Inc.  
Forest Laboratories Inc.  
Georgetown University  
Google LLC  
Grayscale Investments LLC  
Hitachi Ltd.  
Illumina Inc.  
Instagram Inc.  
InterContinental Hotels Group PLC  
International Brotherhood of Electrical Workers  
International Liquid Terminals Association  
JPMorgan Chase & Co.  
JUUL Labs Inc.  
Lambda Legal Defense & Educational Fund  
Lex Machina Inc.  
LexisNexis Group Inc.  
Marathon Petroleum Corp.  
McKesson Corp.  
Meta Platforms Inc.  
Microsoft Corp.  
Morgan Stanley

A state court should not have vacated an arbitrator's finding that the city of Chicago violated a labor agreement with the International Brotherhood of Electrical Workers by allowing nonunion contractors to perform electrical work on city-owned light and traffic poles, an Illinois appeals panel has ruled.

 [Opinion attached](#) | [Read full article](#) »

## COMPETITION

### DOJ Gives Up On Booz Allen-EverWatch Merger Challenge

*By Bryan Koenig*

The U.S. Department of Justice has dropped its challenge to Booz Allen Hamilton's \$440 million purchase of EverWatch Corp., adding another loss to the Biden-era DOJ's track record and leaving intact a Maryland federal judge's findings that a market definition limited to a single government contract is too narrow.

 [1 document attached](#) | [Read full article](#) »

### Wash. High Court Fast-Tracks Albertsons \$4B Payout Row

*By Lauren Berg*

The Washington Supreme Court has set an expedited schedule to review the temporary block on Albertsons Cos.' \$4 billion shareholder dividend ahead of its merger with Kroger Co., Albertsons said Monday.

 [Letter attached](#) | [Read full article](#) »

## CYBERSECURITY & PRIVACY

### Google Will Pay DC \$9.5M To End Location-Tracking Suit

*By Katie Buehler*

Google has agreed to pay \$9.5 million to end claims filed by the D.C. Attorney General's Office that it surreptitiously tracks users' locations after they believe they've disabled the feature, settling the lawsuit one month after announcing it would pay a historic \$391 million to end similar claims lodged by 40 states.

 [Settlement attached](#) | [Read full article](#) »

## PERSONAL INJURY & MEDICAL MALPRACTICE

### Texas High Court Says Damage Cap Limits Bus Crash Verdict

*By Jonathan Capriel*

National Academy of Sciences  
National Consumer Law Center  
Natural Resources Defense Council  
New York University  
NextEra Energy Inc.  
Nippon Telegraph and Telephone Corporation  
North Carolina State Bar  
Novartis AG  
Oticon Medical A/S  
Pacific Legal Foundation  
Par Pharmaceutical Cos. Inc.  
Pennsylvania State Education Association  
Redbubble Ltd.  
Regal Rexnord Corp.  
Rexnord Corp.  
Rogers Communications Ir  
Safeway Inc.  
Service Employees International Union  
Shaw Communications Inc  
Sika AG  
Southwest Airlines Co.  
Spectrum Brands Inc.  
Spectrum Management Holding Co.  
Standard General LP  
Supervalu Inc.  
T-Mobile US Inc.  
Tegna Inc.  
Tesla Inc.  
Thales SA  
The Center for Reproductive Rights Inc.  
The Kroger Co.  
Timken Co.  
TransUnion LLC  
Trinity Health Corp.  
Twitter Inc.

The Texas Supreme Court has more than halved a \$216,000 judgment awarded to a man hit by a bus, ruling that state law requires lower courts to cap damages when the defendant is a local government or a unit of one, even if the issue wasn't raised during trial.

 [Opinion attached](#) | [Read full article](#) »

## INTERNATIONAL TRADE

### Monthly Merger Review Snapshot

*By Matthew Perlman*

The Federal Trade Commission pushed its bid to block a Meta Platforms virtual reality deal and also lodged a new challenge against Microsoft's bid for video game developer Activision Blizzard as the U.S. Department of Justice dropped a major defense industry merger challenge and Canadian enforcers suffered a setback trying to block a \$20 billion telecom deal.

[Read full article](#) »

### Pa. Court Says Atty Can't Get Gun Control Donors' Details

*By Allison Grande*

A Pennsylvania appellate court on Tuesday blocked an attorney from accessing the names, home addresses and other personal details of those who contributed to a fund for defending the city of Harrisburg's gun control laws, agreeing that the donors' privacy rights outweigh the public interest in disclosure.

 [Opinion attached](#) | [Read full article](#) »

### Indian Steel Co. Seeks Ruling In Suit Over Reinstated Duties

*By Jennifer Doherty*

The U.S. Department of Commerce broke its own rules and flouted due process when it reinstated duties retroactively, an Indian producer of metal tubing told the U.S. Court of International Trade in its motion for judgment Tuesday.

 [Memorandum attached](#) | [Read full article](#) »

## TAX

### III. Panel Upholds Fuel Tax On Contract Settlement Payments

*By Paul Williams*

A fuel company owes Cook County fuel taxes on transactions stemming from cash settlements for delivery contracts but can escape penalties due to the issue being a matter of first impression, an Illinois intermediate appeals court ruled.

U.S. News & World Report  
Videotron s.e.n.c.

Vivendi SA

Walgreens Co.

Walmart Inc.

Woodbridge Group of Cos.  
LLC

Yale University

eBay Inc.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Arizona Department of  
Water Resources

Bureau of Citizenship and  
Immigration Services

California Attorney Genera  
Office

California Labor and  
Workforce Development  
Agency

Comanche Nation

Commodity Futures Tradin  
Commission

Competition and Markets  
Authority

Consumer Financial  
Protection Bureau

European Commission  
Executive Office of the  
President

Federal Communications  
Commission

Federal Energy Regulatory  
Commission

Federal Trade Commissio  
Food and Drug  
Administration

Internal Revenue Service

International Trade  
Commission

National Security Agency

Navajo Nation

New Jersey Supreme Cou



 Opinion attached | [Read full article »](#)

## [New And Expanded Tax Credits Take Effect In Georgia](#)

*By Madeline Lyskawa*

A slew of new and expanded Georgia tax credits enacted in 2022 are officially in place with the start of the new tax year, including a measure that credits Peach State taxpayers for contributing to certain nonprofit organizations and another for scholarship contributions for disabled veterans.

 4 documents attached | [Read full article »](#)

## **BANKRUPTCY**

### [The Biggest Bankruptcy Actions From Over The Holidays](#)

*By Vince Sullivan*

Bankruptcy courts stayed busy over the holiday season, with major developments occurring in significant cases that you may have missed. Here, Law360 looks at some of the larger movements in noteworthy proceedings that occurred between Dec. 24, 2022, and Jan. 2, 2023.

[Read full article »](#)

## **IMMIGRATION**

### [US Aims To Fund Asylum Cases With Higher Immigration Fees](#)

*By Alyssa Aquino*

U.S. Citizenship and Immigration Services on Tuesday proposed significantly raising the costs for employers seeking foreign workers, which the agency says would help cover the costs of the U.S. asylum program, in an effort to balance its books.

 Proposed Rule attached | [Read full article »](#)

## **NATIVE AMERICAN**

### [Tribe Fights DOI, Intervenor's Early Win Bid In Land Trust Suit](#)

*By Ali Sullivan*

A Michigan Native American tribe says it purchased Michigan land in efforts to boost members' well-being through tribal gaming revenue, telling the D.C. federal court that the U.S. Department of Interior wrongly denied the tribe's bid to take the land into trust.

 Memorandum attached | [Read full article »](#)

### [Colo. River Users Urge High Court To Reject Navajo Dispute](#)

Office of Foreign Assets Control

Ohio Supreme Court

Oklahoma Supreme Court

Otoe-Missouria Tribe

Port Authority of New York New Jersey

Public Utility Commission of Texas

Saginaw Chippewa Indian Tribe of Michigan

Sault Ste. Marie Tribe of Chippewa Indians

Texas Attorney General's Office

Texas Comptroller of Public Accounts

Texas Department of Public Safety

Texas Legislature

Texas State Senate

Texas Supreme Court

U.S. Army Corps of Engineers

U.S. Attorney's Office for the District of Maryland

U.S. Attorney's Office for the Southern District of New York

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Department of Commerce

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. District Court for the District of Columbia

*By Peter McGuire*

A coalition of Western water users told the U.S. Supreme Court that permitting the Navajo Nation to sue for rights to the Colorado River would have immediate consequences for industries and communities that rely on the drought-stricken river and could have profound implications for federal procedures to parcel Western water resources.

📎 2 documents attached | [Read full article »](#)

## TELECOMMUNICATIONS

### [Don't Tack New Fees Onto 'Edge' Providers, FCC Told](#)

*By Christopher Cole*

Making streaming services and other so-called edge providers pay into the Federal Communications Commission's telecom subsidy program would harm innovation and reduce investment, an internet trade group has told the FCC.

📎 Letter attached | [Read full article »](#)

### [Fiber Industry Worried About Broadband Build-Out Permits](#)

*By Nadia Dreid*

Fixing the issues with the federal broadband permitting process is at the top of the fiber industry's priority list going into 2023 and a new congressional session, a key fiber trade group told its members Tuesday.

[Read full article »](#)

### [Canadian Competition Court Won't Block \\$20B Telecom Deal](#)

*By Nadia Dreid*

Canada's specialized competition court isn't going to interfere with the \$20 billion merger of Rogers Communications and Shaw Communications, it has declared, dismissing concerns that their proposed divestiture of a mobile carrier isn't enough to curb the deal's anti-competitive effects.

[Read full article »](#)

## CANNABIS

### [Virgin Islands Legislators Greenlight Recreational Pot Use](#)

*By Collin Krabbe*

The U.S. Virgin Islands Senate has voted to legalize adult recreational cannabis use, sending a bill that would establish a framework for issuing licenses and regulating the recreational market to Gov. Albert Bryan Jr.'s desk.

U.S. District Court for the District of Maryland

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Southern District of New York

U.S. Drug Enforcement Administration

U.S. Environmental Protection Agency

U.S. Immigration and Customs Enforcement

U.S. Patent and Trademark Office

U.S. Postal Service

U.S. Securities and Exchange Commission

U.S. Supreme Court

U.S. Tax Court

Washington Attorney General's Office

World Health Organization

 Bill attached | [Read full article »](#)

## EXPERT ANALYSIS

### **US May Soon Have New Weapons In Sanctions Enforcement**

As the U.S. government operates at breakneck speed in its sanctions enforcement against Russian oligarchs, multiple legislative and regulatory efforts may give prosecutors new teeth to pursue charges against the facilitators of sanctions evasion, who have largely avoided indictment due to statutory limitations, say attorneys at Perkins Coie.

[Read full article »](#)

Opinion

### **Time For Patent Law To Stop Lagging Innovation**

U.S. patent law subject matter eligibility is based on antiquated notions of invention, but basing eligibility on measures that evolve with technology and innovation would allow us to foster innovation, not stifle it, says Aldo Martinez at Oblon.

[Read full article »](#)

### **What Employers Must Know About Speak Out Act Compliance**

The recently enacted Speak Out Act prohibits predispute employment contracts from including nondisclosure and nondisparagement clauses related to sexual harassment and assault, so employers may want to check their agreements for overly broad language, as well as compliance with more-expansive state laws, says Joe Hatley at Spencer Fane.

[Read full article »](#)

### **6 Ways To Avoid Compounding Errors When Practicing Law**

For lawyers and law firms, inevitable human error can lead to claims of malpractice or ethical violations, but the key is to avoid exacerbating mistakes by adding communication failures, conflicts of interest or insurance coverage losses, says Mark Hinderks at Stinson.

[Read full article »](#)

### **EPA's 2023 Plans For PFAS: High Costs, Uncertain Rewards**

The U.S. Environmental Protection Agency's plans to set maximum contaminant levels for certain per- and polyfluoroalkyl substances, and to designate some PFAS as hazardous substances under the Superfund law, will likely impose huge cleanup costs on public and private entities — with unclear benefits for human health, say attorneys at MG+M.

[Read full article »](#)

## **The Cryptocurrency Law And Policy Outlook For 2023**

The digital asset sector saw significant losses in 2022, amid a continuing lack of guidance about how such assets should be taxed, but new government regulation, growing participation by traditional financial players and other factors should spur recovery in the coming year, says Joshua Smeltzer at Gray Reed.

[Read full article »](#)



## **LEGAL INDUSTRY**

### **Kasowitz Sues Spinoff Firm Over Settlement Atty Fees**

*By Dorothy Atkins*

Manhattan-based Kasowitz Benson Torres LLP has sued Glenn Agre Bergman & Fuentes LLP in New York state court demanding a portion of attorney fees Glenn Agre recently recovered from a settlement, arguing that Kasowitz represented the client for years before former partners left with the client and formed the new firm.

 2 documents attached | [Read full article »](#)

### **US News Adjusts Rankings Design Amid Law School Boycotts**

*By Andrea Keckley*

Following boycotts from several law schools, U.S. News & World Report said on Monday that it will be making a series of changes to its rankings.

[Read full article »](#)

### **MoFo And Durie Tangri Ring In 2023 By Combining**

*By Emily Lever*

Morrison Foerster LLP has carried out its planned combination with litigation boutique Durie Tangri LLP, the firm announced Tuesday.

[Read full article »](#)

### **Mintz To Open Miami Office Led By Ex-Milbank Atty**

*By Madison Arnold*

Mintz Levin Cohn Ferris Glovsky and Popeo PC is the latest in a string of firms venturing into the Florida market after it announced plans to open a Miami shop.

[Read full article »](#)

### **Polsinelli Launches ITC Practice With Group From AMS Trade**

*By Matt Perez*

Polsinelli PC announced on Tuesday that it hired a seven-person group from international trade law firm AMS Trade LLP for a new litigation and trade remedies practice out of its Washington, D.C., office.

[Read full article »](#)

## **Ex-SG Attorney To Help Lead Quinn Emanuel Appellate Team**

*By Alison Knezevich*

A former assistant to the solicitor general who was also chief speechwriter for former President George W. Bush has joined Quinn Emanuel Urquhart & Sullivan LLP to co-chair its national appellate practice, the firm announced Tuesday.

[Read full article »](#)

## **Apple Atty Says She Was Fired For Reporting Death Threats**

*By Andrew Karpan*

A former director of patent litigation at Apple says she was fired months after publicly complaining about a "gun-toting colleague" at the company who allegedly abused her and then terrorized her with death threats.

 Complaint attached | [Read full article »](#)

## **Biden Renominates Sohn For 5th FCC Commissioner**

*By Christopher Cole*

President Joe Biden renominated Gigi Sohn to the Federal Communications Commission on Tuesday after her last nomination failed in a drawn-out Senate confirmation battle last year.

[Read full article »](#)

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Email secured by Check Point

**From:** Rich Trumka  
**Sent:** Mon, 16 Jan 2023 09:09:21 -0500  
**To:** Trumka Jr., Richard  
**Subject:** FOX BUSINESS: Small business owners torch gas stove ban as 'blanket' policy: It 'isn't for everyone'

**Small business owners torch gas stove ban as 'blanket' policy: It 'isn't for everyone'**  
Northwoods Stove & Fireplace owners Brian and Holly Duffy argue banning gas appliances leaves rural communities with "no heat" and "no one to come help them."

Read in Fox Business: <https://apple.news/Anq4U4G3HRtuA4e2VxncIwA>

Shared from [Apple News](#)

Sent from my iPhone

Email secured by Check Point

**From:** Trumka Jr., Richard  
**Sent:** Wed, 18 Jan 2023 14:59:06 +0000  
**To:** Lipp, Robin  
**Subject:** FW: Ban Gas Stoves

-----Original Message-----

From: (b)(6)@gmail.com>  
Sent: Wednesday, January 18, 2023 9:58 AM  
To: Trumka Jr (b)(6) Trumka@cpsc.gov>  
Subject: Ban Gas Stoves

Dear Mr. Richard Trumka,

Gas stoves are an environmental and public health risk that needs addressed. They spew methane, cause a 42% higher risk of asthma among children in homes they're used in, and are directly linked to known carcinogens, carbon monoxide poisoning, and low indoor air quality.

In addition to the known environmental and health risks, gas stoves also have a small margin for user error.

Gas is archaic, bad for the planet, bad for children, and bad for us. We urge you and the U.S. Consumer Product Safety Commission to begin the transition to a cleaner and safer future by banning gas stoves.

Kind regards,

(b)(6)

Email secured by Check Point

**From:** Trumka Jr., Richard  
**Sent:** Wed, 18 Jan 2023 15:10:39 +0000  
**To:** Lipp, Robin  
**Subject:** FW: Ban Gas Stoves

-----Original Message-----

From: (b)(6)@gmail.com>  
Sent: Wednesday, January 18, 2023 10:10 AM  
To: Trumka Jr. (b)(6) Trumka@cpsc.gov>  
Subject: Ban Gas Stoves

Dear Mr. Richard Trumka.,

Gas stoves are an environmental and public health risk that needs addressed. They spew methane, cause a 42% higher risk of asthma among children in homes they're used in, and are directly linked to known carcinogens, carbon monoxide poisoning, and low indoor air quality.

In addition to the known environmental and health risks, gas stoves also have a small margin for user error.

Gas is archaic, bad for the planet, bad for children, and bad for us. We urge you and the U.S. Consumer Product Safety Commission to begin the transition to a cleaner and safer future by banning gas stoves.

I rent in Chicago where gas stoves are so common and unavoidable for renters like me. You banning them is probably the only way for me to get a safe stove in my home since I can only afford to live in so many places in Chicago.

Kind regards,

(b)(6)

Email secured by Check Point



**From:** Trumka Jr., Richard  
**Sent:** Wed, 18 Jan 2023 14:58:58 +0000  
**To:** Lipp, Robin  
**Subject:** FW: Ban Gas Stoves

-----Original Message-----

From: (b)(6)@gmail.com>  
Sent: Tuesday, January 17, 2023 4:20 PM  
To: Trumka Jr (b)(6) Trumka@cpsc.gov>  
Subject: Ban Gas Stoves

Dear Mr. Richard Trumka,

Gas stoves are an environmental and public health risk that needs addressed. They spew methane, cause a 42% higher risk of asthma among children in homes they're used in, and are directly linked to known carcinogens, carbon monoxide poisoning, and low indoor air quality.

In addition to the known environmental and health risks, gas stoves also have a small margin for user error.

Gas is archaic, bad for the planet, bad for children, and bad for us. We urge you and the U.S. Consumer Product Safety Commission to begin the transition to a cleaner and safer future by banning gas stoves.

Kind regards,

(b)(6)

Email secured by Check Point

**From:** Lipp, Robin  
**Sent:** Fri, 13 Jan 2023 15:30:33 +0000  
**To:** Trumka Jr., Richard  
**Subject:** FW: CR story on induction stoves

Sharing this:

---

**From:** Oriene Shin [(b)(6)]@consumer.org>  
**Sent:** Friday, January 13, 2023 10:10 AM  
**To:** Niemasik, Kaylee <KNiemasik@cpsc.gov>; Lipp, Robin <RLipp@cpsc.gov>; Sebold, Meghan <MSebold@cpsc.gov>  
**Cc:** William Wallace [(b)(6)]@consumer.org>  
**Subject:** CR story on induction stoves

Good morning,

Please see CR's story on induction stoves that we published yesterday afternoon.

[Induction Cooktops and Ranges Are So Good You May Not Miss Your Gas Appliance](#)

From the story:

William Wallace, CR's associate director of safety policy, says it's appropriate for the agency to be thoughtful in its work as it looks into gas stoves.

"People expect household products to be safe, and not to put their family's health at risk," he says. "It's the CPSC's job to make sure companies meet these expectations—by researching potential hazards, collecting information from the public, identifying solutions, and crafting evidence-based rules for the marketplace. All this takes time."

Still, Wallace says the agency should respond quickly when new hazards emerge. "Lead paint used to be legal, but now it's not because the evidence mounted of its harms—especially to children. We're learning more about health and safety risks all the time, and it's vital for the CPSC to take action when warranted," he adds.

Please do not hesitate to reach out with any questions.

Thanks!  
Orie

--

Oriene Shin  
Policy Counsel  
c[(b)(6)]  
Pronouns: she, her, hers

[CR.org](http://CR.org)



\*\*\*

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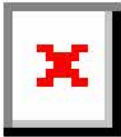
\*\*\*

Email secured by Check Point

**From:** Trumka Jr., Richard  
**Sent:** Mon, 9 Jan 2023 21:55:03 +0000  
**To:** Lipp, Robin  
**Subject:** FW: Gas stoves could be making thousands of children in America sick

---

**From:** Rich Trumka (b)(6)  
**Sent:** Sunday, January 8, 2023 10:56 PM  
**To:** Trumka Jr. (b)(6) <Trumka@cpsc.gov>  
**Subject:** Gas stoves could be making thousands of children in America sick



**NewsBreak**  
Used by over 45 million people

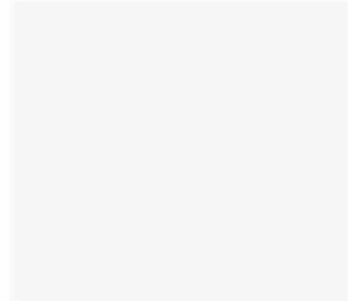
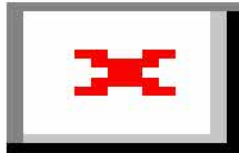
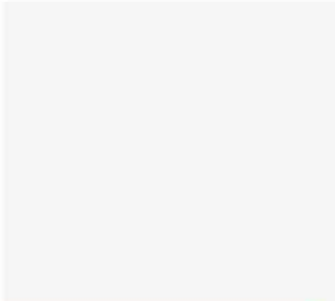


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**[Gas stoves could be making thousands of children in America sick](#)**

[Popular Science](#)

I found this on NewsBreak: Gas stoves could be making thousands of children in America sick



[Click to read the full story](#)

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**From:** Niemasik, Kaylee  
**Sent:** Thu, 2 Feb 2023 22:11:46 +0000  
**To:** Sebold, Meghan  
**Cc:** Lipp, Robin; Trumka Jr., Richard  
**Subject:** FW: Out of Gas, In with Justice: CPSC Briefing Opportunity

FYI, Meghan, Rich, Robin and I just got the email below from WE ACT.

**Kaylee Niemasik**

Special Counsel/Attorney Advisor  
Commissioner Richard L. Trumka Jr.  
U.S. Consumer Product Safety Commission

---

**From:** Astrid DuBois (WE ACT) (b)(6)@weact.org>  
**Sent:** Thursday, February 2, 2023 5:07 PM  
**To:** Trumka Jr (b)(6) Trumka@cpsc.gov>; Niemasik, Kaylee <KNiemasik@cpsc.gov>; Lipp, Robin <RLipp@cpsc.gov>  
**Cc:** Annika Larson (b)(6)@weact.org>  
**Subject:** Out of Gas, In with Justice: CPSC Briefing Opportunity

Good afternoon,

**WE ACT for Environmental Justice is excited to share the results of our [Out of Gas, In With Justice](#) pilot which were published this week (here's a [3 minute video](#))!**

In addition to uplifting the results, we want to work with your team to schedule an intimate **briefing for CPSC staff** to learn about the results and relevant policy and regulatory recommendations. We would like you, Commissioner Trumka, to attend, along with others to whom these results are most relevant. Who would be the best contact for me to coordinate the meeting?

***For background:*** *Out of Gas, In with Justice* looked at the impacts on indoor air pollution when transitioning from gas to induction stoves. The pilot was conducted at 1471 Watson Avenue in the Bronx, which is slated to be the New York City Housing Authority's (NYCHA) first all-electric building conversion. The study is the first in the United States to monitor indoor air quality in homes transitioning from gas stoves to electric induction stoves with residents in-place in affordable housing.

We envision this as a short intimate meeting (30-45 minutes) kicking off with a briefing from our NY team on the [Out of Gas, In with Justice](#) Study and the topline results. Then, our Federal Policy Team will share policy/program recommendations for CPSC in light of the results. We would close with time for Q&A and reflections from you and other CPSC Staff.

Let me know how this sounds and the best point of contact to coordinate the briefing!

Thanks in advance,

Astrid DuBois

P.S. Here are some topline results from the 10-month monitoring:

- Households with induction stoves experienced a **35 percent reduction** in daily nitrogen dioxide (NO<sub>2</sub>) concentrations compared to those using gas stoves, when controlling for temperature and apartment-level factors.
- 24-hour averages of carbon monoxide (CO) for households with gas stoves reached concentrations of 1.4 ppm whereas households with induction stoves had a 24-hour average of 0.8 ppm, a significant decrease.
- When cooking a standardized meal for the controlled cook test on both a gas and induction stove in the NYCHA development, **NO<sub>2</sub> concentrations in kitchens with gas stoves were on average 190 percent higher than in kitchens with induction stoves,**
- During focus groups with pilot participants, we found that participants unanimously **loved their new induction stoves** due to reasons like the ease of cooking, the time savings because the induction stove cooks faster and is easier to clean, the decreased reliance on other appliances, and the fact that the induction stove creates a safer cooking environment.

Astrid DuBois | she/ella

*Legislative Coordinator*

Federal Policy Office

Phone | Teléfono (b)(6)

WE ACT for Environmental Justice | WE ACT por la Justicia Ambiental

[Web](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#)

Email secured by Check Point

**From:** Trumka Jr., Richard  
**Sent:** Wed, 18 Jan 2023 18:28:55 +0000  
**To:** Lipp, Robin  
**Subject:** FW: Please ban gas stoves

-----Original Message-----

From: Sebold, Meghan <MSebold@cpsc.gov>  
Sent: Monday, January 9, 2023 1:57 PM  
To: Trumka Jr. (b)(6) Trumka@cpsc.gov>  
Cc: Lipp, Robin <RLipp@cpsc.gov>; Niemasik, Kaylee <KNiemasik@cpsc.gov>  
Subject: FW: Please ban gas stoves

-----Original Message-----

From: (b)(6)@gmail.com>  
Sent: Monday, January 9, 2023 1:43 PM  
To: Council, Alison <ACouncil@cpsc.gov>; Sebold, Meghan <MSebold@cpsc.gov>; General Counsel <generalcounsel@cpsc.gov>  
Subject: Please ban gas stoves

Dear CPSC leaders,

I've had asthma since I was a baby. I ask you to please ban gas stoves ASAP to protect people like me. No one, especially children, should have to suffer from worse asthma because of gas stoves.

I wish there had been more public information or awareness about the harm of gas stoves for a longer time. But now that it's become well established that gas stoves are harmful to people with asthma, people in general, and the planet, we should urgently ban the manufacture of gas stoves. And we should encourage people who currently have gas stoves to replace them with electric options ASAP as well.

Please pass this message along to other leaders at CPSC.

Thank you for your service.

(b)(6)

Email secured by Check Point

**From:** Sebold, Meghan  
**Sent:** Mon, 9 Jan 2023 14:22:56 +0000  
**To:** Trumka Jr., Richard; Lipp, Robin; Niemasik, Kaylee  
**Subject:** FW: Re:Request for Trumka Interview

## **US Safety Agency to Consider Ban on Gas Stoves Amid Health Fears**

The US Consumer Product Safety Commission will move to regulate gas stoves as new research links them to childhood asthma.

By  
[Ari Natter](#)  
January 9, 2023 at 7:00 AM EST

A federal agency says a ban on gas stoves is on the table amid rising concern about harmful indoor air pollutants emitted by the appliances.

The US Consumer Product Safety Commission plans to take action to address the pollution, which can cause health and respiratory problems.

“This is a hidden hazard,” Richard Trumka Jr., an agency commissioner, said in an interview. “Any option is on the table. Products that can’t be made safe can be banned.”

Natural gas stoves, which are used in about 40% of homes in the US, emit air pollutants such as nitrogen dioxide, carbon monoxide and fine particulate matter at levels the EPA and World Health Organization have said are unsafe and linked to respiratory illness, cardiovascular problems, cancer, and other health conditions, [according to reports](#) by groups such as the Institute for Policy Integrity and the American Chemical Society. Consumer Reports, in October, urged consumers planning to buy a new range to consider going electric after tests conducted by the group found high levels of nitrogen oxide gases from gas stoves.

New [peer-reviewed research](#) published last month in the International Journal of Environmental Research and Public Health found that more than 12% of current childhood asthma cases in the US can be attributed to gas stove use.

“There is about 50 years of health studies showing that gas stoves are bad for our health, and the strongest evidence is on children and children’s asthma,” said Brady Seals, a manager in the carbon-free buildings program at the nonprofit clean energy group RMI and a co-author of the study. “By having a gas connection, we are polluting the insides of our homes.”

The Bethesda, Maryland-based Consumer Product Safety Commission, which has a staff of roughly 500, plans to open public comment on hazards posed by gas stoves later this winter. Besides barring the manufacture or import of gas stoves, options include setting standards on emissions from the appliances, Trumka said.



Lawmakers have weighed in, asking the commission to consider requiring warning labels, range hoods and performance standards. In a letter to the agency in December, lawmakers including Senator Cory Booker of New Jersey and Representative Don Beyer of Virginia, both Democrats, urged action and called gas-stove emissions a “cumulative burden” on Black, Latino and low-income households that disproportionately experience air pollution.

Parallel efforts by state and local policymakers are targeting the use of natural gas in buildings more broadly, in a push to reduce climate-warming emissions (such as from methane) that exacerbate climate change. Nearly 100 cities and counties have adopted policies that require or encourage a move away from fossil fuel powered buildings. The New York City Council voted in 2021 to ban natural gas hookups in new buildings smaller than seven stories by the end of this year. The California Air Resources Board unanimously voted in September to ban the sale of natural gas-fired furnaces and water heaters by 2030.

Read: Biden Seeks Fossil Fuel-Free Federal Buildings in Hit to Gas

Consumers who want to switch from gas to electric ranges could get some help from the massive climate spending bill signed into law in August. The Inflation Reduction Act includes rebates of up to \$840 for the purchase of new electric ranges as part of some \$4.5 billion in funding to help low- and moderate-income households electrify their homes.

The Association of Home Appliance Manufacturers, which represents gas range manufacturers such as Whirlpool Corp., says that cooking produces emissions and harmful byproducts no matter what kind of stove is used.

“Ventilation is really where this discussion should be, rather than banning one particular type of technology,” said Jill Notini, a vice president with the Washington-based trade group. “Banning one type of a cooking appliance is not going to address the concerns about overall indoor air quality. We may need some behavior change, we may need [people] to turn on their hoods when cooking.”

Natural gas distributors, whose business is threatened by the growing push to electrify homes, argue that a ban on natural gas stoves would drive up costs for homeowners and restaurants with little environmental gain. The American Gas Association, which represents utilities such as Dominion Energy Inc. and DTE Energy Co., said in a statement that regulatory and advisory agencies responsible for protecting residential consumer health and safety have presented no documented risks from gas stoves.

“The U.S. Consumer Product Safety Commission and EPA do not present gas ranges as a significant contributor to adverse air quality or health hazard in their technical or public information literature, guidance, or requirements,” said Karen Harbert, the group’s president. “The most practical, realistic way to achieve a sustainable future where energy is clean, as well as safe, reliable and affordable, is to ensure it includes natural gas and the infrastructure that transports it.”

Trumka, who before joining the commission worked for a House committee in a role that included work on toxic heavy metals in baby food and the health hazards of e-

cigarettes, said the commission could issue its proposal as soon as this year, though he conceded that would be “on the quick side.”

“There is this misconception that if you want to do fine-dining kind of cooking it has to be done on gas,” Trumka said. “It’s a carefully manicured myth.”

---

**From:** Ari Natter (BLOOMBERG/ NEWSROOM:) <[anatter5@bloomberg.net](mailto:anatter5@bloomberg.net)>  
**Sent:** Monday, January 9, 2023 8:27 AM  
**To:** Sebold, Meghan <[MSebold@cpsc.gov](mailto:MSebold@cpsc.gov)>  
**Subject:** RE: Re:Request for Trumka Interview

Here you go! Thanks so much.

<https://www.bloomberg.com/news/articles/2023-01-09/us-safety-agency-to-consider-ban-on-gas-stoves-amid-health-fears?sref=Vi7wu7Hv>

---

Sent from Bloomberg Professional for iPhone

----- Original Message -----

**From:** Meghan Sebold <[MSebold@cpsc.gov](mailto:MSebold@cpsc.gov)>  
**To:** ARI NATTER  
**At:** 01/05/23 18:48:04 UTC-05:00

Ari,

Thank your time yesterday. Hope you got everything you need.

Budget – the Senate just allocated \$152.5m to CPSC for FY2023, up from \$139.05m in FY2022 but falling short of the requested \$195.5m. Consolidated Appropriations Act of 2023 is attached.

Employees- I believe there are around 500 employees but not sure of the exact number. There are 5 Presidentially appointed Commissioners and 4 are currently filled (3 Dem, 1 Reput) due to the recent departure of Dana Biaocco.

Let me know if this is sufficient.

Meghan

---

**From:** Ari Natter (BLOOMBERG/ NEWSROOM:) <[anatter5@bloomberg.net](mailto:anatter5@bloomberg.net)>  
**Sent:** Thursday, January 5, 2023 3:27 PM  
**To:** Sebold, Meghan <[MSebold@cpsc.gov](mailto:MSebold@cpsc.gov)>  
**Subject:** RE: Re:Request for Trumka Interview

Hey Meghan!

Thanks again for setting up that interview. Random question for you: What is the size of the CPSC's budget? And how many people do they employ?

Thanks again,

Ari

---

Ari Natter  
Reporter  
Bloomberg News  
202-807-2243 office  
(b)(6) cell  
@AriNatter  
Stories: bloom.bg/2mBBE2I

From: [MSebold@cpsc.gov](mailto:MSebold@cpsc.gov) At: 01/03/23 14:29:21 UTC-5:00  
To: [Ari Natter \(BLOOMBERG/ NEWSROOM: \)](#)  
Cc: [RLipp@cpsc.gov](mailto:RLipp@cpsc.gov), [KNiemasik@cpsc.gov](mailto:KNiemasik@cpsc.gov)  
Subject: RE: Re:Request for Trumka Interview

Happy New Year, Ari!

I sent you an email this morning. Let's get something scheduled! Commissioner Trumka is looking forward to speaking with you about gas stoves.

Meghan

(b)(6)

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**From:** Ari Natter (BLOOMBERG/ NEWSROOM:) <[anatter5@bloomberg.net](mailto:anatter5@bloomberg.net)>  
**Sent:** Tuesday, January 3, 2023 2:26 PM  
**To:** Sebold, Meghan <[MSebold@cpsc.gov](mailto:MSebold@cpsc.gov)>; Springs (b)(6) <[Springs@cpsc.gov](mailto:Springs@cpsc.gov)>  
**Cc:** Davis, Patty <[PDavis@cpsc.gov](mailto:PDavis@cpsc.gov)>; Lipp, Robin <[RLipp@cpsc.gov](mailto:RLipp@cpsc.gov)>; Niemasik, Kaylee <[KNiemasik@cpsc.gov](mailto:KNiemasik@cpsc.gov)>  
**Subject:** Re:Request for Trumka Interview

Hey all!

Happy New Year! Just circling-back on this request now that the holiday season is over.

Thanks much!

---

Ari Natter  
Reporter  
Bloomberg News  
202-807-2243 office  
(b)(6) cell  
@AriNatter  
Stories: bloom.bg/2mBBE2I

From: (b)(6)@cpsc.gov At: 12/22/22 10:29:50 UTC-5:00  
To: Ari Natter (BLOOMBERG/ NEWSROOM: ), MSebold@cpsc.gov  
Cc: PDavis@cpsc.gov, RLipp@cpsc.gov, KNiemasik@cpsc.gov  
Subject: Request for Trumka Interview

Good morning Commissioner Trumka's team –

Please see the request below from Ari Natter from Bloomberg re: the Commissioner's recent remarks on gas stoves. Patty and I will step out now so you can coordinate an interview.

Best,

PRS

---

**From:** Ari Natter (BLOOMBERG/ NEWSROOM:) <[anatter5@bloomberg.net](mailto:anatter5@bloomberg.net)>  
**Sent:** Thursday, December 22, 2022 9:56 AM  
**To:** Davis, Patty <[PDavis@cpsc.gov](mailto:PDavis@cpsc.gov)>; Springs, (b)(6) <[Springs@cpsc.gov](mailto:Springs@cpsc.gov)>  
**Subject:** Trumka Interview?

Hello Pamela, Patty -

Good morning and happy holidays! By way of introduction I cover energy and climate issues for Bloomberg News here in Washington. Commissioner Trumka's remarks (referenced in the press release below) about the commission looking into regulating gas stoves was really interesting as electrification is an issue I've been [following](#). Is there any chance he'd be interested in doing an interview with us to talk more about what the commission is considering? It can be brief - maybe 15 minutes in person or by phone.

Please let me know what you think!

Thanks,

Ari

---

Ari Natter  
Reporter  
Bloomberg News  
202-807-2243 office  
(b)(6) cell  
@AriNatter  
Stories: bloom.bg/2mBBE2I

From: [allison@sunstonestrategies.org](mailto:allison@sunstonestrategies.org) At: 12/14/22 14:38:37 UTC-5:00  
To: [Jennifer A. Dlouhy \(BLOOMBERG/ NEWSROOM: \)](#)  
Subject: BREAKING: CPSC Commissioner floats idea of banning sale of gas stoves; notes CPSC will open RFI on gas stove pollution in new year

Hello!

Following the release of a [report](#) showing that consumers are not being educated on the health risks of gas stoves, or how they can protect themselves with ventilation, at point of sale, U.S. Consumer Product Safety Commission (CPSC) Commissioner Richard Trumka noted that the federal agency is planning on taking action on this issue in 2023, and that all options - including ending the sale of gas stoves, could be on the table:

**"We need to be talking about regulating gas stoves, whether that's drastically improving emissions, or banning gas stoves entirely. And I think we ought to keep that possibility of a ban in mind as we follow along, because it's a powerful tool in our toolbox. It's a real possibility."**

Trumka noted there are alternative cooking technologies that do not produce pollution and announced CPSC will be opening an RFI on this topic in the new year.

You can review these comments here (start at 6 minutes 30 seconds):  
<https://www.facebook.com/U.S.PIRG/videos/856578482207576/>

I'd be happy to arrange an interview with the authors about the report's findings and the urgent need for CPSC to act, and what steps they might take.

Allison

If you would rather not receive future communications from Sunstone Strategies, let us know by clicking [here](#).  
Sunstone Strategies, 300 Palm Ave, Oakland, California 94610 United States

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\*\*\*\*\*!!! Unless otherwise stated, any views or opinions expressed in this e-mail (and any attachments) are solely those of the author and do not necessarily represent those of the U.S. Consumer Product Safety Commission. Copies of product recall and product safety information can be sent to you automatically via Internet e-mail, as they are released by CPSC. To subscribe or unsubscribe to this service go to the following web page: <http://www.cpsc.gov/en/Newsroom/Subscribe> \*\*\*\*\*!!!

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<http://www.cpsc.gov/en/Newsroom/Subscribe> \*\*\*\*\*!!!

Email secured by Check Point

**From:** Lipp, Robin  
**Sent:** Fri, 13 Jan 2023 15:27:29 +0000  
**To:** Trumka Jr., Richard  
**Cc:** Niemasik, Kaylee; Sebold, Meghan  
**Subject:** FW: Seeking Responsive Information Relevant to FOIA Request #23-F-00231  
**Attachments:** Request for Documents Memo for FOIA Request - 23-F-00231.docx, 1-11-2023 (Penzenstadler) 23-F-00231 EXPEDITE CODED.pdf

Hi All,

(b)(5)

All the best,

Robin

---

**From:** kmurchison@cpsc.gov <kmurchison@cpsc.gov>  
**Sent:** Friday, January 13, 2023 9:27 AM  
**To:** ESandlin@cpsc.gov; Lipp, Robin <RLipp@cpsc.gov>  
**Cc:** Fong-Swamidoss, Jana <JFSwamidoss@cpsc.gov>; Laitin, Anna <ALaitin@cpsc.gov>  
**Subject:** Seeking Responsive Information Relevant to FOIA Request #23-F-00231

Request for Documents for Request # '23-F-00231'. Your response due date is: 1/20/2023 12:00:00 AM  
Message from SENDER: We are seeking information that is responsive to FOIA Request #23-F-00231 which has requested I am seeking all emails sent or received by accounts used by: Richard Trumka, Jr. and Alexander Hoehn-Saric from 1/9/2023 to 1/11/2023 referencing the keywords: "gas stoves." (Date Range for Record Search: From 01/09/2023 To 01/11/2023). Please provide records regarding this subject matter via FOIA Tracker and to Robert J. Dalton.  
Email secured by Check Point





### REQUEST FOR DOCUMENTS

DATE: **January 13, 2023**

TO: **CORT, CHAH**

FROM: **Keisha Murchison – GCIA/FOIA Office**

REQUEST #: **23-F-00231**

REQUEST INFO.: **I am seeking all emails sent or received by accounts used by: Richard Trumka, Jr. and Alexander Hoehn-Saric from 1/9/2023 to 1/11/2023 referencing the keywords: "gas stoves." (Date Range for Record Search: From 01/09/2023 To 01/11/2023)**

REQUESTER: **Nick Penzenstadler  
USA TODAY  
P.O. Box 371  
Milwaukee, WI 53201  
HOME: 9203796383 WORK:  
FAX: E-MAIL: npenz@usatoday.com**

Office	Sent Date	Due Date	Received Date	Delivery Method
CORT, CHAH	January 13, 2023	January 20, 2023	January 11, 2023	PAL

This is a request for records (documents) responsive to the attached request for records under the Freedom of Information or Privacy Act. Please complete the following tasks within 5 business days of receipt of the request:

- (1) Search and RETURN TO the GCIA FOIA Office any and all records located that may be responsive to the attached request. Please send responsive records in electronic format via FOIA Tracker to **Robert Dalton**.
- (2) Identify and explain any potential sensitive portions, but **DO NOT** redact those portions. The FOIA Office needs to see any sensitive portions to apply any applicable FOIA exemptions.
- (3) State below who performed the search, how long it took them to search, and, where applicable, any time spent reviewing the records to for sensitive information, or on duplication (e.g., copying or scanning the records).
- (4) If you have any legal questions related to this request, please consult with the Chief FOIA Officer, Abioye Mosheim, at [amosheim@cpsc.gov](mailto:amosheim@cpsc.gov).

#### RESULTS OF SEARCH: (TO BE COMPLETED BY THE OFFICE PERFORMING THE SEARCH)

NO RECORDS located responsive to the request : \_\_\_\_\_

Records forwarded to GCIA FOIA as requested : \_\_\_\_\_

Search Performed by : \_\_\_\_\_

Search Date : \_\_\_\_\_

Search Time : \_\_\_\_\_ Hour(s) \_\_\_\_\_ Minute(s)

Review Time : \_\_\_\_\_ Hour(s) \_\_\_\_\_ Minute(s)

Duplication : \_\_\_\_\_ Pages

# Submit New Request

## Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

### Nick Penzenstadler

Reporter  
USA TODAY  
P.O. Box 371  
Milwaukee, WI 53201  
Phone 9203796383  
npenz@usatoday.com

Program Offices: **CORT, COAHS**  
Requester Type: **News Media**  
Product Code: **0279**  
Track: **Complex, Expedited**  
RFD OK? **Yes, after 9 am ET 1/13/23**  
Assigned to: **Bob**  
Request#: **23-F-00231**

Requester Default Category: News Media

## General Information

Request Type	FOIA
Requester Category	All Other Requesters
Delivery Mode	PAL
Payment Mode	PAY.gov ( <a href="http://www.pay.gov">http://www.pay.gov</a> )

## Shipping Address

Street1	P.O. Box 371
Street2	
City	Milwaukee
State	Wisconsin
State (Other)	
Country	United States
Zip Code	53201

## Request Information

Description	I am seeking all emails sent or received by accounts used by: Richard Trumka, Jr. and Alexander Hoehn-Saric from 1/9/2023 to 1/11/2023 referencing the keywords: "gas stoves."
Date Range for Record Search:From	01/09/2023
Date Range for Record Search:To	01/11/2023
Description Document	

## Fee Information

Willing Amount	\$25
Fee Waiver Requested	Yes
Fee Waiver Request Reason	I am a bona fide member of the national news media. This request would fall under the public interest prong of an acceptable fee waiver. I am a specialist in providing information of public interest to the public.
Willing to Pay All Fees	No

## Billing Address

Street1	P.O. Box 371
Street2	
City	Milwaukee
State	Wisconsin
State (Other)	
Country	United States

Zip Code

53201

Expedite Information

Expedite Requested

Yes

Expedite Reason

I am a member of the national news media. The CPSC commissioner Trumka said in an interview this week that gas stoves are dangerous, setting off a flurry of public statements including from Chair Hoehn-Saric saying the stoves can be dangerous.

**From:** Sebold, Meghan  
**Sent:** Tue, 10 Jan 2023 22:43:16 +0000  
**To:** Lipp, Robin; Niemasik, Kaylee  
**Cc:** Trumka Jr., Richard  
**Subject:** FW: Washington Post inquiry for Commissioner Trumka

(b)(5)

---

**From:** Joselow, Maxine <Maxine.Joselow@washpost.com>  
**Sent:** Tuesday, January 10, 2023 5:24 PM  
**To:** Springs (b)(6) <Springs@cpsc.gov>  
**Cc:** Sebold, Meghan <MSebold@cpsc.gov>  
**Subject:** Re: Washington Post inquiry for Commissioner Trumka

Hi again, Pamela,

Thank you again for connecting me with Meghan, who has kindly arranged an in-person interview with Commissioner Trumka next week. Apologies for doubling up on outreach with my colleague Shannon today, but I just wanted to follow up and inquire about the possibility of arranging additional interviews with CPSC Chair Alexander Hoehn-Saric, Commissioner Mary Boyle, and/or Commissioner Peter Feldman in the coming week or two. If interviews aren't possible with the Chair or the other Commissioners, I was still hoping you could provide some information on their views on the possibility of new regulations on gas stoves, since they have made fewer public comments on the topic than Commissioner Trumka.

Please let me know about this possibility either way when you get the chance. You can also reach me on my cell at (b)(6)

Thanks,  
Maxine

---

**From:** Joselow, Maxine <[Maxine.Joselow@washpost.com](mailto:Maxine.Joselow@washpost.com)>  
**Sent:** Wednesday, January 4, 2023 3:57 PM  
**To:** Springs (b)(6) <Springs@cpsc.gov>  
**Cc:** Sebold, Meghan <[MSebold@cpsc.gov](mailto:MSebold@cpsc.gov)>  
**Subject:** Re: Washington Post inquiry for Commissioner Trumka

Pamela, thanks so much for connecting us and for the quick response. I'm moving you and your colleagues to bcc.

Meghan, nice to e-meet you. Please let me know about the possibility of arranging an interview with Commissioner Trumka when you get the chance. I can also be reached at 603-851-0347.

Best,  
Maxine

---

**From:** Springs (b)(6) <Springs@cpsc.gov>  
**Sent:** Wednesday, January 4, 2023 3:53 PM  
**To:** Joselow, Maxine <Maxine.Joselow@washpost.com>  
**Cc:** Sebold, Meghan <MSebold@cpsc.gov>; Davis, Patty <PDavis@cpsc.gov>; Echavez, Judy <JEchavez@cpsc.gov>  
**Subject:** RE: Washington Post inquiry for Commissioner Trumka

**CAUTION: EXTERNAL SENDER**

Hello Maxine –

Thanks for your query. By this email, I'm happy to connect you with **Meghan Sebold** in Commissioner Trumka's office who can help arrange an interview with you. Patty, Judy and I will step our and let you two take it from here.

Kind regards,

Pamela Springs

---

**From:** Joselow, Maxine <Maxine.Joselow@washpost.com>  
**Sent:** Wednesday, January 4, 2023 3:50 PM  
**To:** Springs (b)(6) <Springs@cpsc.gov>  
**Cc:** Davis, Patty <PDavis@cpsc.gov>; Echavez, Judy <JEchavez@cpsc.gov>  
**Subject:** Washington Post inquiry for Commissioner Trumka

Dear Pamela,

I hope this email finds you well. I'm an environmental reporter for the Washington Post who is working on a piece about how the Consumer Product Safety Commission will weigh regulations on pollution from gas stoves. I wanted to inquire about the possibility of arranging an interview with Commissioner Richard Trumka Jr. sometime in the next month, given his [recent comments \[thehill.com\]](#) on this topic.

The interview would last approximately 20-30 minutes, and it would ideally take place in person, although a phone interview would work as well. I would be happy to send a list of potential topics or questions in advance. Most of my questions would probably touch on the Commission's plans to put out a request for information on the hazards associated with gas stoves, and whether the RFI could lead to certain regulatory actions.

Please let me know about this possibility either way when you get the chance, and thank you for your consideration of this request.

Best,  
Maxine

--

Maxine Joselow

The Washington Post

(b)(6) (c)

@maxinejoselow

[Sign up for The Climate 202](#)

Email secured by Check Point

\*\*\*\*\*!!! Unless otherwise stated, any views or opinions expressed in this e-mail (and any attachments) are solely those of the author and do not necessarily represent those of the U.S. Consumer Product Safety Commission. Copies of product recall and product safety information can be sent to you automatically via Internet e-mail, as they are released by CPSC. To subscribe or unsubscribe to this service go to the following web page: <http://www.cpsc.gov/en/Newsroom/Subscribe> [cpsc.gov]  
\*\*\*\*\*!!!

Email secured by Check Point

**From:** Retail & E-Commerce Law360  
**Sent:** Mon, 23 Jan 2023 09:37:39 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Feds Say Elizabeth Holmes' Flight Risk 'Never Been Higher'



# Retail & E-Commerce

MONDAY, JANUARY 23, 2023



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## TOP NEWS

### Feds Say Elizabeth Holmes' Flight Risk 'Never Been Higher'

By Dorothy Atkins

Federal prosecutors urged a California federal judge to deny convicted former Theranos CEO Elizabeth Holmes' request to stay out of prison while she's appealing her 11-year investor fraud prison sentence, arguing that her incentive to flee the country has "never been higher" and she likely won't win her appeal.

 [Response attached](#) | [Read full article](#) »

Analysis

### How Big Tech's Section 230 Liability Shield Got Wider In NY

By Hannah Albarazi

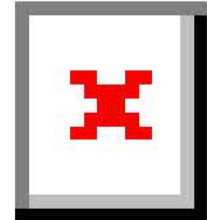
A New York model's attempt to hold Amazon, Walmart and Ulta Beauty liable for using her image online to promote a French skincare product without her consent has resulted in a first-of-its-kind ruling backing Big Tech's liability shield in the Empire State under Section 230 of the Communications Decency Act.

[Read full article](#) »

### Microsoft Can't Pause Private Challenge To Activision Deal

By Bryan Koenig

A California federal judge refused to pause a private merger challenge contesting Microsoft's planned \$68.7 billion purchase of video game developer Activision Blizzard Inc., rejecting company arguments that



## COMPANIES IN TODAY'S NEWS

AXA SA  
AbbVie Inc.  
Abbott Laboratories  
Activision Blizzard Inc.  
Allergan PLC  
Amazon.com Inc.  
Ames & Gough  
Apple Inc.  
Burford Capital LLC  
Cash App

there's no reason for separate litigation over a transaction enforcers are trying to block and that cannot close until April.

 [Order attached](#) | [Read full article](#) »

## **Tiny Harris On Stand Walks Back Claim MGA Sought Doll Deal**

*By Craig Clough*

During her second day on the witness stand in California federal court over her intellectual property dispute with MGA Entertainment Inc., singer-songwriter Tameka "Tiny" Harris walked back a key allegation in her counterclaim that MGA made a line of dolls based on her pop group OMG Girlz even after seeking — and failing — to secure a licensing deal.

[Read full article](#) »

## **Albright Scratches Patent Claims In Website Data Spat**

*By Andrew Karpan*

U.S. District Judge Alan Albright of the Western District of Texas has held that a Tennessee health care e-commerce website could not keep its patent suit in his court against a newer rival but decided that a single related accusation of false advertising online could stay in Waco.

 [Opinion attached](#) | [Read full article](#) »

# **POLICY & REGULATION**

## **Cannabis And Psychedelics Roundup: Virginia Bill Goes Down**

*By Sam Reisman*

The first three weeks of 2023 have seen hundreds of cannabis reform bills filed in statehouses across the country and legislation to reform policy surrounding psychedelic drugs in at least a dozen states.

[Read full article](#) »

# **LITIGATION**

## **AndroGel Patent Suit Ruled Baseless For Antitrust Claims**

*By Matthew Perlman*

A Pennsylvania federal court ruled that an infringement case filed in 2011 by AbbVie and Besins over AndroGel was objectively baseless, siding with drug wholesalers on a key allegation in their suit accusing the companies of delaying generic versions of the testosterone drug.

 [Opinion attached](#) | [Read full article](#) »

## **Mass. Supermarket Can't Duck Legal Tab In Faulty Door Suit**

*By Chris Villani*

Cognizant Technology Solutions Corp.

Duquesne University  
Electronic Frontier Foundation

Furia Rubel Communications Inc.  
Georgetown University  
Georgia State University  
Getty Images Inc.

Google LLC  
Heineken Holding NV  
Hinduja Global Solution Ltd.

Instagram Inc.  
Investments Ltd.

Johnson Controls International PLC  
Leadership Council on Legal Diversity

MGA Entertainment Inc  
Meta Platforms Inc.  
Microsoft Corp.

National Association of Manufacturers  
Natural Gas Services Group Inc.

Nike Inc.  
Northern Mariana Island Retirement Fund

Omni Bridgeway Ltd.  
PGA TOUR Inc.

Perrigo Co. PLC  
Pierre Fabre SA

Plastipak Holdings Inc.  
QVC Inc.

Radio One, Inc.  
Shaw's Supermarkets Inc.

Spotify Technology SA  
State Bar of California  
Teva Pharmaceutical Industries Ltd.

The Walt Disney Co.  
Twitter Inc.



The Massachusetts Appeals Court on Friday found that Shaw's Supermarkets Inc. should pay at least some of the six-figure legal tab spent defending a suit over an allegedly faulty automatic door, flipping an earlier ruling that had its co-defendant foot the bill.

📄 Opinion attached | [Read full article »](#)

## States Ask Court To Reverse Block On NY Gun Act

*By Faith Williams*

Fourteen states, the District of Columbia and the Northern Mariana Islands showed support Friday for New York state in its legal battle over enforcement of a state law that would prohibit carrying concealed weapons in "sensitive locations."

📄 Brief attached | [Read full article »](#)

## Shower Curtain Cos. Want \$1.5M Atty Fee In Patent Feud

*By Joyce Hanson*

Six companies that won nearly \$3 million in a patent infringement trial over Hookless brand shower curtains have asked a New York federal judge for about \$1.5 million in attorney fees, arguing that the two competitors they sued have wasted the court's time for seven years.

📄 Motion attached | [Read full article »](#)

## Golf Tee Co. Says Gift Store Copied Its Martini Design

*By Peter McGuire*

A company that makes distinctive cocktail glass-shaped and branded golf tees filed a lawsuit against a golfing novelty store in Georgia federal court, alleging the retailer ripped off its patented design and trademarked packaging, after agreeing not to sell copies of the tees.

📄 Complaint attached | [Read full article »](#)

## Brand Battles: Uber Tries To Drive Out 'Uberhorny' Dating TM

*By Tiffany Hu*

In Law360's latest roundup of new actions at the Trademark Trial and Appeal Board, ride-hailing giant Uber is trying to fight a trademark application for an "Uberhorny" dating site — plus three other cases you need to know.

📄 Complaint attached | [Read full article »](#)

## UK Litigation Roundup: Here's What You Missed In London

*By Tabitha Burbidge*

The past week in London has seen Getty Images sue an AI art platform for copyright breaches, former London mayoral candidate Zac Goldsmith sue Mirror Group Newspapers in a confidential information claim, and legal action brought against Budweiser by pub chain JD Wetherspoon in a commercial contracts claim.

U.S. Chamber of Commerce  
Uber Technologies Inc.  
Ulta Beauty Inc.  
University of Georgia  
VH1  
Walgreens Co.  
Walmart Inc.  
Wardell Armstrong LLP  
Washington Football Team  
YouTube Inc.

## LAW FIRMS IN TODAY'S NEWS

Aliant Law  
Alioto Law Firm  
Alston & Bird  
Arnold & Porter  
Ashby & Geddes  
BDB Pitmans LLP  
Baker McKenzie  
Beck Reed  
Belzer PC  
Berger Montague  
Bird & Bird  
Buckley LLP  
Butler Snow LLP  
Coblentz Patch  
Covington & Burling  
DAC Beachcroft  
Debevoise & Plimpton  
Dentons Cohen  
DiCello Levitt  
Eversheds Sutherland  
Faegre Drinker  
Faruqi & Faruqi  
Fenwick & West  
Fieldfisher  
Foley & Lardner  
Ford O'Brien  
Freeths LLP  
Gallet Dreyer

[Read full article »](#)

## BANKRUPTCY

### [Chancery Receiver Gets OK To Sell E-Commerce Biz In Ch. 11](#)

*By Jeff Montgomery*

A struggling online business already under receiver control and up for sale in Delaware Chancery Court has secured approval to shift its efforts to a sale through a voluntary bankruptcy.

[Read full article »](#)

## EXPERT ANALYSIS

Series

### [Keys To A 9-0 High Court Win: Get Back To Home Base](#)

When I argued for the petitioner in *Morgan v. Sundance* before the U.S. Supreme Court last year, I made the idea of consistency the cornerstone of my case and built a road map for my argument to ensure I could always return to that home-base theme, says Karla Gilbride at Public Justice.

[Read full article »](#)

### [7 Tips To Increase Your Law Firm's DEI Efforts In 2023](#)

Law firms looking to advance their diversity, equity and inclusion efforts should consider implementing new practices and initiatives this year, including some that require nominal additional effort or expense, say Janet Falk at Falk Communications and Gina Rubel at Furia Rubel.

[Read full article »](#)



## LEGAL INDUSTRY

### [Proskauer Blasts Ex-COO For 'Absurd' Data Download Story](#)

*By Andrew Strickler*

Proskauer Rose LLP let loose on its former chief operating officer in a New York federal court filing on Thursday, excoriating him over "ludicrous" explanations for why he downloaded reams of sensitive data to thumb drives just before a planned jump to a BigLaw competitor.

 Brief attached | [Read full article »](#)

### [Justices To Issue 1st Opinion ... Months Later Than Usual](#)

*By Jimmy Hoover*

Garwin Gerstein  
Gibson Dunn  
Girardi & Keese  
Goodwin Procter  
Hagens Berman  
Haug Partners  
Heim Payne  
Holland & Knight  
Jenner & Block  
Jones Day  
Joseph Saveri Law Firm  
Kaplan Hecker  
Keller Anderle  
Kelly IP  
Kirkland & Ellis  
Latham & Watkins  
Law Office of John D. Cline  
Law Offices of Donald Cox  
Lowey Dannenberg  
Mishcon de Reya  
Morgan Lewis  
Munger Tolles  
Norton Rose  
Odom & Des Roches  
Orrick Herrington  
Paul Hastings  
Perkins Coie  
Pinsent Masons  
Pollock Cohen  
Proskauer Rose  
Quinn Emanuel  
Scott & Corley  
Sheppard Mullin  
Shumaker Loop  
Skadden Arps  
Slayden Grubert  
Smith Duggan  
Smith Segura  
Stamboulieh Law  
Triplett Woolf  
Trowers & Hamilins

The U.S. Supreme Court said it will announce its first opinion of the term on Monday morning, months later than it usually starts deciding previously argued cases.

[Read full article »](#)

## **Judge Orrick From ND California Taking Senior Status**

*By James Arkin*

Judge William H. Orrick III of the Northern District of California is taking senior status in May, giving President Joe Biden another vacancy to fill in the nation's most populous state.

 Letter attached | [Read full article »](#)

Analysis

## **Trump Election Probe Report May Show Case For Charges**

*By Rosie Manins*

Publication of a special grand jury's final report in an unprecedented election interference probe could lay bare a Georgia district attorney's case against former President Donald Trump and his allies over their purported attempts in 2020 to illegally retain power.

[Read full article »](#)

## **GAO Finds Data Holes In Litigation Funding Study**

*By Andrew Strickler*

A study of litigation funding markets was forced to leave important questions unanswered because of "data gaps," highlighting the need for additional information from stakeholders, a government watchdog said.

 Report attached | [Read full article »](#)

## **California Bar Eyes Ethics Rule To Report On Other Lawyers**

*By James Mills*

The California State Bar is considering a new rule requiring lawyers to tattle on the misconduct of another lawyer and is seeking your input on the rule.

 Proposed Rule attached | [Read full article »](#)

## **DeSantis Beats Atty's Suspension Suit Despite Breaking Law**

*By Madison Arnold*

A federal judge found Friday that Florida Gov. Ron DeSantis violated the First Amendment and the Florida Constitution when he suspended Hillsborough County state attorney Andrew Warren in August, but said the court still lacked authority to reinstate Warren to his elected office.

 Opinion attached | [Read full article »](#)

## **Court Beat Circus For Pa.'s 1st Female Chief Justice**

*By Matthew Santoni*

Umberg Zipser  
Whiteford Taylor  
Wilkinson Stekloff  
William J. Olson PC  
Williams & Connolly  
WilmerHale  
Winston & Strawn

## **GOVERNMENT AGENCIES IN TODAY'S NEWS**

COPRAC  
Competition and Market Authority  
Consumer Financial Protection Bureau  
Delaware Court of Chancery  
European Commission  
European Union  
Federal Judicial Center  
Federal Trade Commission  
Florida Attorney General's Office  
Government Accountability Office  
New York Attorney General's Office  
New York State Police  
Pennsylvania Supreme Court  
U.S. Attorney's Office for the Northern District of California  
U.S. Attorney's Office for the Northern District of Georgia  
U.S. Court of Appeals for the Second Circuit  
U.S. Department of Justice  
U.S. District Court for the Central District of California

The first female chief justice of the Supreme Court of Pennsylvania very nearly traded the circuit court for the circus in the summer between college and law school, according to some of the family, friends and colleagues who spoke Friday at Justice Debra Todd's formal swearing-in.

[Read full article »](#)

## **GC Cheat Sheet: The Hottest Corporate News Of The Week**

*By Michele Gorman*

A new survey showed business directors are concerned about inflation and competition for talent, and other recent findings said that general counsel are most worried about labor and employment liability. These are some of the stories in corporate legal news you may have missed in the past week.

[Read full article »](#)

## **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Read full article »](#)

Podcast

## **Pro Say: SEC Cyber Enforcement Vs. BigLaw's Client Privacy**

The U.S. Securities and Exchange Commission is after a court order forcing Covington & Burling LLP to reveal which of its clients were affected by a 2020 cyberattack. The government contends it needs the list to determine whether any securities laws were broken in the wake of the breach, but Covington argues that handing over those names would run afoul of attorney-client privilege.

[Read full article »](#)

U.S. District Court for th  
Eastern District of  
Pennsylvania

U.S. District Court for th  
Northern District of  
California

U.S. District Court for th  
Northern District of  
Florida

U.S. District Court for th  
Southern District of Nev  
York

U.S. District Court for th  
Western District of Texa

U.S. Securities and  
Exchange Commission

U.S. Senate

U.S. Supreme Court

United States District  
Court for the Southern  
District of Georgia

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### **Sr Emerging Companies Assoc/NYC**

Schoen Legal Search  
New York City, New York

### **Big Law Partner w/ clients seeking lower costs?**

Schoen Legal Search  
New York, New York

### **RE ptr for succession planning NYC**

Schoen Legal Search  
NYC, New York

### **Midsize midlevel lit associate(s) NYC**

Schoen Legal Search  
New York City, New York

### **Big law litigation partners sought by Elite full service Mid-sized NY LF**

Schoen Legal Search  
New York, New York

### **Big Law Partner w/ clients seeking lower costs?**

Schoen Legal Search  
New York, New York

### **New home for Big Law Corporate Partner reassessing**

Schoen Legal Search  
New York, New York

### **REAL ESTATE PTR OR GRP Sought BY HIGHLY profitable small full service firm**

Schoen Legal Search  
New York, New York

**Corp Privacy Counsel Online clothing  
rental company**  
Schoen Legal Search  
new york, New York

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**From:** Fitch Solutions Webinars  
**Sent:** Mon, 6 Feb 2023 07:32:31 -0600 (CST)  
**To:** Trumka Jr., Richard  
**Subject:** Fitch Solutions Live Webinar - Energy Key Themes 2023: Oil and Gas, Power & Renewables

Dear Richard,

You're invited to Fitch Solutions upcoming [Energy Key Themes 2023: Oil and Gas, Power & Renewables](#) webinar.

**The webinar will cover the major themes that will impact the Oil & Gas and Power & Low Carbon Energy sectors in the year ahead.**

In 2023, ongoing oil supply growth and weaker demand growth will ease tight markets and relieve some of the price pressures that pushed energy prices higher in 2022, but still-subdued investment and resurgent Mainland Chinese demand will keep markets tight through the year.

Higher energy prices will play out in power markets, shifting our forecasts, as well as driving new trends. Energy security remains a key theme with markets looking to accelerate renewable deployment and shore up manufacturing supply chains, with the US, India and the EU all looking to aggressively build out capabilities.

We expect 2023 to be key to catalysing investment into low carbon hydrogen production. With gas prices remaining elevated and volatile, new forms of hydrogen are emerging as attractive options. However, EU regulation will have an impact over the viability of projects around EMEA and may shift global focus.

I will be hosting this webinar on **Thursday, 23rd February 2023 at 14:30 London GMT | 09:30 New York EST** and I hope you can [join us](#).

The key discussion topics of the webinar will be:

- Global oil supply
- Energy prices
- Diversification of renewable equipment
- Low-carbon Hydrogen
- Energy security policies

You will also have the chance to participate in a live Q&A session where you can pose any questions you may have.

Places are offered free of charge and attendance on the day will be on a first come first served basis, with limited spaces available - so please [register now](#).

Kind regards,

Joseph Gatdula

**Joseph Gatdula**  
**Head of Oil & Gas Analysis**  
**Fitch Solutions**  
**Tel:** +44 (0) 207 248 0468  
**Email:** [webinars@fitchsolutions.com](mailto:webinars@fitchsolutions.com)  
**Web:** [fitchsolutions.com](http://fitchsolutions.com)

30 North Colonnade, London, E14 5GN  
United Kingdom

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**From:** Product Liability Law360  
**Sent:** Wed, 25 Jan 2023 08:24:26 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Fla. Judge Tosses BP Suits Alleging Injuries From Oil Cleanup



# Product Liability

WEDNESDAY, JANUARY 25, 2023



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## TOP NEWS

### Fla. Judge Tosses BP Suits Alleging Injuries From Oil Cleanup

By David Minsky

A Florida federal judge dismissed Tuesday a group of cases brought against BP PLC by four individuals who alleged their chronic medical conditions were caused by cleanup efforts following BP's 2010 Deepwater Horizon oil spill after finding expert testimony failed to link their ailments to chemicals in the oil.

 [Order attached](#) | [Read full article](#) »

### Siemens Liable For Miss. Water System Failure, Residents Say

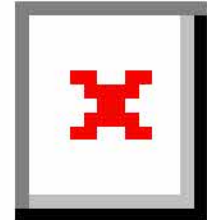
By Nate Beck

Residents of Jackson, Mississippi, told a court that Siemens Industry Inc. can't escape responsibility for its work on the city's water system that they say led the system into financial ruin ahead of an August collapse that deprived 150,000 people of drinking water for months.

 [Memorandum attached](#) | [Read full article](#) »

### FDA Unveils Proposed Guidance For Cutting Baby Food Lead

By Hailey Konnath



## LAW FIRMS IN TODAY'S NEWS

Alexander DeGance  
Appalachian Mountain Advocates  
Arnold & Porter  
Babst Calland  
Bailey & Glasser  
Barrack Rodos  
Beck Reed  
Bradley Arant  
Brian G. Miller Co. LPA



The U.S. Food and Drug Administration on Tuesday revealed its draft guidance for slashing the levels of lead in processed food intended for babies and young children, unveiling new standards that the agency said could reduce lead exposure by as much as 27%.

1 document attached | [Read full article »](#)

## **Procter & Gamble Duped DayQuil, Vitamin C Buyers, Suit Says**

*By Travis Bland*

Procter & Gamble was hit with a proposed class action alleging the company is misleading consumers about vitamin C's effectiveness in fighting colds by making claims debunked by science and selling product combinations barred by regulators.

Complaint attached | [Read full article »](#)

## **EQT Says Ex-Worker's Help Should DQ Plaintiffs' Law Firms**

*By Madeline Lyskawa*

Natural gas producer EQT Corp. claims a former employee has aided a proposed class action's counsel by providing insider information over the company's abandoned wells, marking another reason to disqualify the plaintiffs' law firms from the West Virginia federal litigation.

Motion attached | [Read full article »](#)

## **Full 5th Circ. To Rehear Vaping Cos.' Challenge Of FDA Denial**

*By Collin Krabbe*

The Fifth Circuit Court of Appeals will rehear en banc two vape companies' appeal over the U.S. Food and Drug Administration's denial of their premarket tobacco product applications, following one bench member's admonishment of the FDA's decision as a "mockery of 'reasoned' administrative decision-making" for changing the rules in the midst of the application process.

Opinion attached | [Read full article »](#)

## **Farmers Say Not To Cut Down Deere 'Right To Repair' Suit**

*By Mike Curley*

A group of farmers alleging John Deere forces tractor owners to go through its dealers and affiliates for repairs is urging an Illinois federal court to deny the company's bid to dismiss their suit, saying the complaint adequately alleges all the elements of their antitrust claims.

Memorandum attached | [Read full article »](#)

## **DRUGS & DEVICES**

### **Purdue Warns Tribe's NY Lawsuit Could 'Blow Up' Ch. 11 Plan**

Buckley LLP  
Butler Snow LLP  
Butler Weihmuller  
Carter Ledyard  
Casey Gerry  
Clifford Chance  
Cotchett Pitre  
Covington & Burling  
Davis Polk  
Day Pitney  
Debevoise & Plimpton  
Dechert LLP  
Douglas & London  
Figliulo & Silverman  
Foote Mielke  
Freeborn & Peters  
Gibbs Travis  
Gibson Dunn  
Guilday Law  
Gustafson Gluek  
Habba Madaio  
Hagens Berman  
Holland & Knight  
Jackson Walker LLP  
Jones Day  
Jones Walker  
Kershaw Talley  
Kilpatrick Townsend  
Kirkland & Ellis  
Klein Thomas & Lee  
Lieff Cabraser  
Lite DePalma  
Mayer Brown  
Maynard Cooper  
McCathern Shokouhi  
McDonald Toole  
Nexsen Pruet  
Orrick Herrington  
Paul Hastings  
Proskauer Rose  
Reed Smith  
Robinson & Cole

*By Leslie A. Pappas*

Purdue Pharma LP urged a New York bankruptcy court on Tuesday to reject a demand from an Indigenous tribe in Canada to lift a freeze on litigation against the bankrupt drugmaker and its Sackler family owners so the tribe can pursue its claims against the Sacklers in state court.

2 documents attached | [Read full article »](#)

## **4th Circ. Weighs Help Of W.Va. Justices In Pelvic Mesh Appeal**

*By Hayley Fowler*

The Fourth Circuit on Tuesday seemed poised to seek assistance from West Virginia's highest court about whether a jury was properly instructed at trial in a product liability suit against Johnson & Johnson and its subsidiary over a pelvic mesh product, despite objections from both sides of the aisle.

[Read full article »](#)

## **CONSUMER GOODS**

### **\$6M Pet CBD Contract Suit Survives Summary Judgment Bids**

*By Brian Steele*

A \$6 million breach of contract lawsuit pitting CBD manufacturer Sage Fulfillment against a pet product company survived competing bids for summary judgment Tuesday when a Connecticut federal judge ruled there are still many disputes of fact, although the allegation that Earth Animal Ventures Inc. violated an unfair trade practices law is too weak to pursue.

Order attached | [Read full article »](#)

### **Indian Hair Care Co. Says Ohio Court Can't Hear Cancer Case**

*By Travis Bland*

An India-based cosmetics company ensnared in a lawsuit alleging that L'Oréal and other companies sold chemical hair straighteners that cause cancer urged an Ohio federal judge Tuesday to toss the case, arguing that international businesses can't be dragged into U.S. courts.

Motion attached | [Read full article »](#)

### **EPA Asks 9th Circ. To Clarify 'Untenable' Pesticide Order**

*By Peter McGuire*

U.S. environmental regulators told the Ninth Circuit they intend to complete an assessment of the risk the insecticide sulfoxaflor poses to endangered species by a court-imposed deadline, but it is unrealistic to expect a full evaluation of the chemical's potential impacts to threatened plants and wildlife within the tight time frame.

Sheehan & Associates  
PC  
Sidley Austin  
Smith Gambrell  
The Miller Law Firm PC  
Thompson Coburn  
Thompson Hine  
Tucker Ellis  
Waller Lansden  
West & Associates LLP  
Wexler Boley  
Williams & Connolly  
Yankwitz LLP

## **COMPANIES IN TODAY'S NEWS**

American Airlines Group Inc.  
American Bar Association  
American Farm Bureau Federation  
BP PLC  
Belo Corp.  
Berlin Rosen Ltd.  
Binance Holdings Ltd.  
Bose Corp.  
Bridgewater Associates LP  
Campbell Soup Co.  
Center for Biological Diversity  
Corteva Inc.  
Deere & Co.  
Democratic National Committee  
Deutsche Bank AG  
Dow Inc.  
EQT Corp.  
Earth Animal  
Earthjustice  
Ericsson Inc.  
FCA US LLC  
Fiat Chrysler Automobile NV

 Motion attached | [Read full article »](#)

## **Recidivist Eyewear Fraudster Pleads Guilty For Third Time**

*By Elliot Weld*

A New York man pled guilty Tuesday for a third time to charges that he defrauded customers through an online eyewear service.

 Complaint attached | [Read full article »](#)

## **TOBACCO**

### **Chicago Says Underage Vape Sales Suit Is Beyond Dispute**

*By Mike Curley*

The City of Chicago is asking a federal judge to grant it a partial win in an enforcement action against the owners of Vapes.com, saying the undisputed evidence shows the website allowed sales of nicotine electronic cigarettes to minors, as well as flavored tobacco in violation of city code.

 Memorandum attached | [Read full article »](#)

## **AUTOMOTIVE**

### **Drivers Rip Fiat's Bid To Snuff Minivan Fire-Risk Recall MDL**

*By Linda Chiem*

Consumers have told a Michigan federal judge that Fiat Chrysler cannot dodge consolidated class claims alleging certain Pacifica plug-in hybrid electric minivans could spontaneously explode and erupt into flames, insisting they've adequately spelled out how the automaker skimped on safety when developing the minivans.

 Response attached | [Read full article »](#)

## **ENERGY**

### **Fla. Agency Says New Septic Tanks Won't Kill Manatees**

*By David Minsky*

Florida officials asked a federal judge to dismiss a suit brought by nonprofit Bear Warriors United Inc. accusing a state agency of violating the Endangered Species Act by allowing wastewater pollution that the group says is killing manatees, saying mitigation efforts are already in motion to protect the marine mammals.

 Motion attached | [Read full article »](#)

## **EXPERT ANALYSIS**

Financial Industry  
Regulatory Authority Inc  
Getty Images Inc.  
GoDaddy Inc.  
Godrej Consumer  
Products Ltd.  
Groupe PSA  
Happy Family Organics  
Instagram Inc.  
Johnson & Johnson  
Ketchum Inc.  
LinkedIn Corp.  
Nationwide Mutual  
Insurance Co.  
Oracle Corp.  
Purdue Pharma LP  
Robinhood Markets Inc.  
Silver Spring Networks  
Inc.  
Stellantis NV  
The Hain Celestial Gro  
Inc.  
The Procter & Gamble  
Co.  
Trump Organization Inc  
Walmart Inc.  
YouTube Inc.

## **GOVERNMENT AGENCIES IN TODAY'S NEWS**

Equal Employment  
Opportunity Commissio  
Financial Crimes  
Enforcement Network  
Fish and Wildlife Servic  
Florida Fish and Wildlife  
Conservation  
Commission  
Food and Drug  
Administration  
National Highway Traffic  
Safety Administration  
National Marine Fisher  
Service

## Minimizing Landlord Exposure To NY's Gray Cannabis Market

As New York rolls out its legal adult-use cannabis regime, landlords renting to as-yet unlicensed cannabis establishments may face liability under two statutes — but a few commonsense steps can help protect them from this risk, say attorneys at Carter Ledyard.

[Read full article »](#)

## Trial Lawyers Rejoice: Justices May Clarify Issue Preservation

The U.S. Supreme Court's recent grant of certiorari in Dupree v. Younger should be a boon to trial and appellate lawyers as the decision will likely standardize a rule for appellate issue preservation, bringing much-needed clarity to an area critical to general litigation success, says Jeremy Christiansen at Gibson Dunn.

[Read full article »](#)

## And Now A Word From The Panel: 2022 MDLs By The Numbers

A highlight of the Judicial Panel on Multidistrict Litigation's practice during 2022 was the significant percentage increase of new MDL petitions granted — and given how many actions and plaintiffs may be involved in a single MDL, the true impact of this increase may be even greater than it appears, says Alan Rothman at Sidley.

[Read full article »](#)



## LEGAL INDUSTRY

### Freeborn & Peters To Combine With Smith Gambrell In March

*By Emma Cueto*

Chicago-based firm Freeborn & Peters LLP will merge into Atlanta-based Smith Gambrell & Russell LLP, with the firms saying in an announcement Tuesday that the combination will produce a nearly 400-attorney and 14-office firm that will continue to operate under the Smith Gambrell name.

[Read full article »](#)

### Proskauer Gets Key Win In Trade Secret Beef With Ex-Partner

*By Pete Brush*

A Manhattan federal judge on Tuesday enjoined the former chief operating officer of Proskauer Rose LLP from using any of the 800-lawyer firm's allegedly misappropriated trade secrets, weighing in on an unusually bitter BigLaw dispute.

New York Attorney  
General's Office

Office of Foreign Assets  
Control

U.S. Attorney's Office for  
the District of New Jersey

U.S. Attorney's Office for  
the Southern District of  
New York

U.S. Bankruptcy Court for  
the Southern District of  
New York

U.S. Court of Appeals for  
the District of Columbia  
Circuit

U.S. Court of Appeals for  
the Eighth Circuit

U.S. Court of Appeals for  
the Eleventh Circuit

U.S. Court of Appeals for  
the Fifth Circuit

U.S. Court of Appeals for  
the First Circuit

U.S. Court of Appeals for  
the Fourth Circuit

U.S. Court of Appeals for  
the Ninth Circuit

U.S. Court of Appeals for  
the Second Circuit

U.S. Department of  
Justice

U.S. Department of the  
Treasury

U.S. District Court for the  
Central District of Illinois

U.S. District Court for the  
District of Connecticut

U.S. District Court for the  
District of Maryland

U.S. District Court for the  
Eastern District of  
Michigan

U.S. District Court for the  
Middle District of Florida

U.S. District Court for the  
Northern District of  
California

[Read full article »](#)

## **ABA To Consider Atty-Client Disclosure Resolution**

*By Tracey Read*

The American Bar Association's policymaking House of Delegates will meet next month to discuss a resolution urging Congress not to increase regulation of the legal profession, over concerns that attorney-client privilege is being narrowed.

[Read full article »](#)

## **Ga. DA Says 'Decisions Are Imminent' In Trump Election Probe**

*By Rosie Manins*

A Georgia district attorney told a state judge on Tuesday that "decisions are imminent" in her investigation of potential criminal interference by former President Donald Trump and others in the state's 2020 general election, asking for a grand jury's final report in the case to remain sealed in the meantime.

[Read full article »](#)

## **FINRA Enforcement Chief To Step Down**

*By Aaron West*

The Financial Industry Regulatory Authority's head of enforcement will step down from her position in February after nearly two decades with the regulator, the investor protection nonprofit announced Tuesday.

[Read full article »](#)

## **Reed Smith Opens Orange County Office, Firm's 5th In Calif.**

*By Emily Sawicki*

Reed Smith has further cemented its foothold in the California market, announcing a new Orange County office that will be the firm's fifth in the Golden State and 31st worldwide.

[Read full article »](#)

## **Kraken Hires Former SEC Enforcer To Head Compliance**

*By Aislinn Keely*

Cryptocurrency exchange Kraken announced Tuesday it hired a former U.S. Securities and Exchange Commission enforcer to head its compliance efforts in the wake of a 2022 settlement agreement with the U.S. Department of the Treasury that saw the firm commit to further investing in compliance measures.

[Read full article »](#)

## **Kirkland Doubles Down On Axing Ex-Atty's Harassment Suit**

*By James Mills*

Kirkland & Ellis LLP has contended that a former associate's claims for sexual harassment and defamation fail in part because "routine

U.S. District Court for the Northern District of Florida

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Mississippi

U.S. District Court for the Southern District of New York

U.S. Environmental Protection Agency

U.S. Securities and Exchange Commission

U.S. Supreme Court

United States District Court for the Northern District of Ohio

United States District Court for the Northern District of West Virginia

United States District Court for the Southern District of Ohio

performance management" can't form the foundation for a Title VII claim, according to a reply brief reiterating the firm's stance that the associate's sex bias suit should be tossed.

1 document attached | [Read full article »](#)

## Trump Drops 2nd Suit Against NY AG Following Sanctions

*By Hailey Konnath*

Former President Donald Trump on Tuesday dropped his bid to revive a suit challenging the New York attorney general's investigation into his business dealings, the second time Trump has abandoned litigation against Letitia James since a Florida federal judge hit him with sanctions last week.

2 documents attached | [Read full article »](#)

## Jerry Jones' Atty In Paternity Suit, A State Senator, Gets Stay

*By Lauren Castle*

A Texas state legislator who is also the attorney for Dallas Cowboys owner Jerry Jones in a paternity lawsuit won a stay of the proceedings while a Lone Star State appeals court considers whether he should have time to meet his state Senate obligations this spring.

2 documents attached | [Read full article »](#)

## Law Firm, Building Seek Termite Coverage From Nationwide

*By Elizabeth Daley*

Nationwide Insurance owes a Jacksonville law office and real estate company more than \$250,000 in termite and water damage, the office and company told a Florida federal court.

Complaint attached | [Read full article »](#)

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## JOBS

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Hunton Andrews Kurth  
Richmond, Virginia

### Litigation Legal Assistant

Corr Cronin  
Seattle, Washington

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Email secured by Check Point

**From:** Lipp, Robin  
**Sent:** Fri, 13 Jan 2023 18:40:49 +0000  
**To:** Sebold, Meghan; Niemasik, Kaylee; Trumka Jr., Richard  
**Subject:** Fwd: APPLE NEWS TODAY: Why you're hearing so much about gas stoves right now

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**From:** Robin Lipp (b)(6)  
**Sent:** Friday, January 13, 2023 1:39 PM  
**To:** Lipp, Robin  
**Subject:** APPLE NEWS TODAY: Why you're hearing so much about gas stoves right now

**Why you're hearing so much about gas stoves right now**

Plus, investigating the Idaho murders, positive news about the ozone layer, and the Black coaches fighting for opportunities in the NFL.

Listen: <https://apple.news/nowPlaying/AnYIG-Ss4QDOUuVpdmJVwaA>

Shared from [Apple News](#)

Sent from my iPhone

Email secured by Check Point



**From:** (b)(6)  
**Sent:** Tue, 10 Jan 2023 10:58:48 -0500  
**To:** Trumka Jr., Richard  
**Subject:** Fwd: Banning gas ovens?

And your claim they effect breathing is totally fabricated bullshit. Knock it off you're a lying idiot.

Sent from my iPhone

Begin forwarded message:

**From:** (b)(6)  
**Date:** January 10, 2023 at 10:10:25 AM EST  
**To:** (b)(6)  
**Subject: Banning gas ovens?**

I was in the restaurant business for many years and am a professionally trained chef. You CANNOT cook properly without gas ovens and a gas range. One of your moronic counterparts on the DC Council proposed a similar effort to prevent greenhouse gases in DC from gas appliance users like restaurants, without which they cannot operate and will NOT open in DC. So go ahead kill them off and then wonder why there's no turnaround in DC. You're scratching the greenhouse gas out of your ass. Then I'd expect this from a dunce who grew up in MoCo, no common sense just a bedwetter sucking his thumb. And you wonder why more of the electorate can't stand what much of their government does.

Sent from my iPhone

Email secured by Check Point

**From:** Meredith Berkman  
**Sent:** Wed, 18 Jan 2023 09:43:03 -0500  
**To:** Trumka Jr., Richard  
**Subject:** Fwd: California Today: The gas-stove debate

Assuming you saw this but just in case...a very positive and forward thinking approach to a serious issue that you have wisely raised!

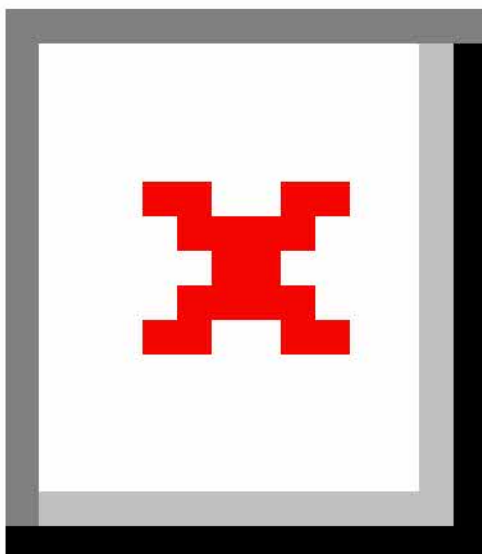
Begin forwarded message:

**From:** The New York Times <[nytdirect@nytimes.com](mailto:nytdirect@nytimes.com)>  
**Subject:** **California Today: The gas-stove debate**  
**Date:** January 18, 2023 at 9:30:01 AM EST  
**To:** (b)(6) [@parentsagainstvaping.org](mailto:parentsagainstvaping.org)  
**Reply-To:** [nytdirect@nytimes.com](mailto:nytdirect@nytimes.com)

[View in browser](#) | [nytimes.com](https://nytimes.com)

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The New York Times

# California Today

January 18, 2023



**By Soumya Karlamangla**  
California Today, Writer

*It's Wednesday. How the debate around gas stoves is playing out in California. Plus, in Montecito, million-dollar views still come with mudslide risks.*



Alex Welsh for The New York Times

You may have heard chatter recently about gas stoves: whether they're bad for your health, or the planet's, and whether they're soon going to be banned in your city or state.

Last week, a suggestion that gas stoves may one day be regulated by the federal government started [a rumpus in Washington](#). There's growing recognition that gas stoves [release hazardous chemicals](#) into homes, [contribute to global warming](#) and produce emissions that may be linked to rates of childhood asthma.

Bans on gas appliances are unlikely to advance in Washington anytime soon because of fierce opposition from the gas industry and its political allies. But what about in California?

For the past few years, our state has been on the leading edge of gas-stove bans.

Republicans tend to be the loudest defenders of natural gas, but gas-powered stoves tend to be most common largely in Democratic-controlled states, [my colleagues Elena Shao and Lisa Friedman report](#). In fact, the state with the highest percentage of households using natural gas for cooking (70 percent) is

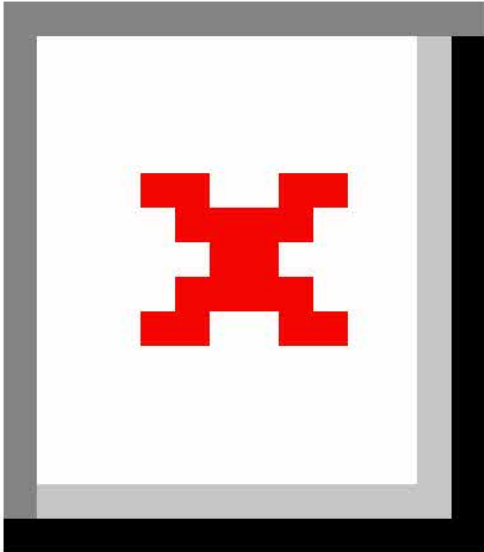
California, according to [a 2020 analysis](#) from the Energy Information Administration.

(If you have a gas stove, here's a guide to [mitigating the risks](#). "No one should freak out," said Dr. Aaron Bernstein, the interim director of the Center for Climate, Health and the Global Environment at Harvard T.H. Chan School of Public Health.)

[Continue reading the main story](#)

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Much of the research on gas stoves is conducted in California, including recent highly publicized studies finding that the stoves [leak benzene, a carcinogen](#), and methane, a potent greenhouse gas, [even when they're turned off](#).

And “like many climate policies, the push to phase out natural gas in buildings began in California,” [my colleague Brad Plumer writes](#).

In 2019, Berkeley became the first city in the nation to [ban gas hookups](#) in most new residences and commercial buildings, mainly to reduce carbon emissions that contribute to climate change. Since then, at least 50 California cities and counties, including San Francisco, Sacramento and Los Angeles, [have adopted similar rules](#), often over the objections of local gas utilities.

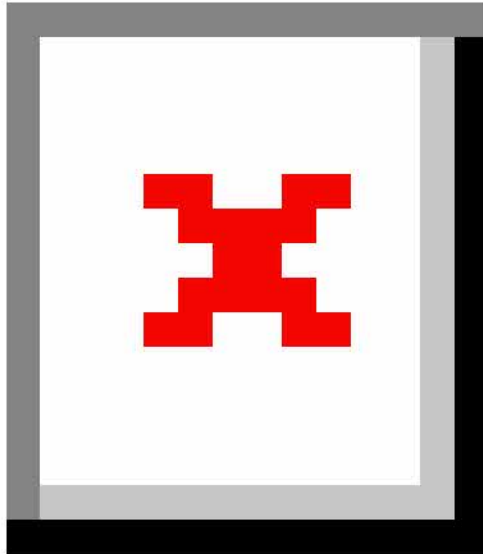
The industry has leaned heavily into promoting gas stoves, in the belief that consumers — and chefs — still love cooking over an open flame. The California Restaurant Association first sued Berkeley in 2019 over its ban.

[Continue reading the main story](#)

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There's no statewide regulation to prohibit gas stoves here, but California is pushing forward with other ways to limit use of natural gas.

Gas water heaters and furnaces remain popular in California homes, and in September, the California Air Resources Board unanimously approved a proposal to [ban the sale of all new gas furnaces and water heaters by 2030](#). The regulation would require zero-emission alternatives like electric heating to be used instead. (Stoves wouldn't be affected.)

More votes are required before the rule would become official, but even so, the September vote is seen as a major step.

“We’re really hopeful that this is the beginning of a domino effect, and other states will follow California’s lead,” Leah Louis-Prescott, a senior associate at RMI, a nonprofit group promoting a transition to clean energy, [told Bloomberg at the time.](#)

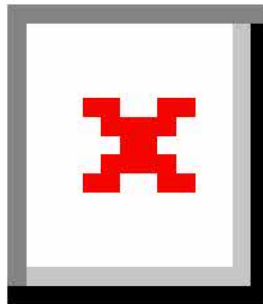
**For more:**

- What to know about [alternatives to gas stoves.](#)
- A Times opinion columnist, [Farhad Manjoo, asks](#) (and answers): How much should you worry about your gas stove?
- You turned off the stove, [but maybe not the gas.](#)

[Continue reading the main story](#)

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Vidhya Nagarajan

## If you read one story, make it this

Laws went into effect in California and Washington State this month that require companies to post salary ranges for job openings. [Who will benefit?](#)

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President Biden delivering remarks at the National Action Network's Martin Luther King Jr. Day breakfast in Washington, D.C., on Monday. Pete Marovich for The New York Times

## The rest of the news

- **Biden visit:** The president will [travel to the Central Coast](#) on Thursday to visit areas that have been devastated by extreme weather, The Associated Press reports.

### SOUTHERN CALIFORNIA

- **Freezing temperatures:** A rare [cold weather alert was issued](#) for parts of Los Angeles County that are expected to dip below freezing this week, The Los Angeles Times reports.
- **City hall leak:** The Los Angeles Police Department is [widening its investigation](#) into the leak of a meeting among three Los Angeles City

Council members and a labor leader that was filled with racist and offensive comments, The Los Angeles Times reports.

#### CENTRAL CALIFORNIA

- **Montecito on the edge:** In Montecito, a town still haunted by the catastrophic mudslides of 2018, [residents found themselves spending the fifth anniversary of the disaster evacuating again.](#)

#### NORTHERN CALIFORNIA

- **Reparations:** San Francisco officials are [considering one-time lump-sum payments of \\$5 million](#) for each longtime Black resident, The San Francisco Chronicle reports.
- **Reservoir levels:** The San Francisco Chronicle is tracking [daily water storage levels](#) at 15 of California's major water supply reservoirs and comparing them with historical averages.



Wayne Ford Photography

## What you get

[For \\$4.5 million:](#) A 1927 Spanish-style home in Los Angeles, a four-bedroom townhouse in Manhattan Beach and a compound on more than 400 acres in Yorkville.

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Andrew Scrivani for The New York Times

## What we're eating

[Recipes for a rainy day.](#)

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## Where we're traveling

Today's tip comes from Dick Estel, who lives in Clovis. He recommends the Grace Hudson Museum & Sun House in Ukiah:

“Grace Hudson was born in 1865 in Potter Valley, not far from Ukiah, but lived in the latter town most of her life, which ended in 1937. A member of a distinguished and accomplished family, Grace

showed a talent for art early in life, and entered the San Francisco School of Design at age 14. Although she worked in various media and with multiple subjects, her focus was the Pomo Indian people she had grown up among, and she created hundreds of luminescent paintings of Native Americans. Her husband, originally a physician, gave up his practice to study the Pomo culture and history.

Although the museum presents local history and artifacts, the thing that most impressed me were her paintings of the Pomo people. Several works that feature children reminded me of my own grand- and great-grandchildren — scenes that show universal human experience and remind us of the unity of the inhabitants of our fragile spaceship.”

**Tell us about your favorite places to visit in California.** Email your suggestions to [CAtoday@nytimes.com](mailto:CAtoday@nytimes.com). We'll be sharing more in upcoming editions of the newsletter.

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## Tell us

To live in California is to live with the power of nature — the Santa Ana wind, the earthquake's rumble, the burn scar, the flood warning, the evacuation order. And as our editor, Kevin Yamamura, [noted this week](#), most Californians have some immense natural occurrence among their most vivid memories.

**Tell us yours.** Where were you when the [Northridge earthquake](#) hit, or [Loma Prieta](#)? Is there an image from [wildfire season](#) or a [winter storm](#) that will stick in your mind forever? Was there a moment when the ferocity of nature in California took you out of yourself and upended your perspective? Email us at [CAtoday@nytimes.com](mailto:CAtoday@nytimes.com) with your memories.

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San Francisco SPCA

## And before you go, some good news

In December, a pup named Polaris arrived in San Francisco with a traveler from an international destination. But the dog was abandoned at the airport when “the customer chose to continue traveling on without his animal,” according to the San Francisco SPCA.

The local animal shelter and United Airlines staff partnered to care for the puppy and ensure he met necessary requirements to stay in the United States. Once the dog completed a quarantine period, a United pilot decided to adopt the puppy, [CNN reports](#).

“It’s a great feeling to see this story come full circle and that Polaris will have a loving home,” Vincent Passafiume, director of customer service at United Airlines, said.

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***Thanks for reading. I’ll be back tomorrow. — Soumya***

*P.S. Here's [today's Mini Crossword](#).*

*Briana Scalia and Isabella Grullón Paz contributed to California Today. You can reach the team at [CAtoday@nytimes.com](mailto:CAtoday@nytimes.com).*

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**From:** Meredith Berkman  
**Sent:** Fri, 20 Jan 2023 11:28:39 -0500  
**To:** Trumka Jr., Richard  
**Subject:** Fwd: We tested our gas stoves

!!! Do you know them?I get their stuff...happy to reach out...xo

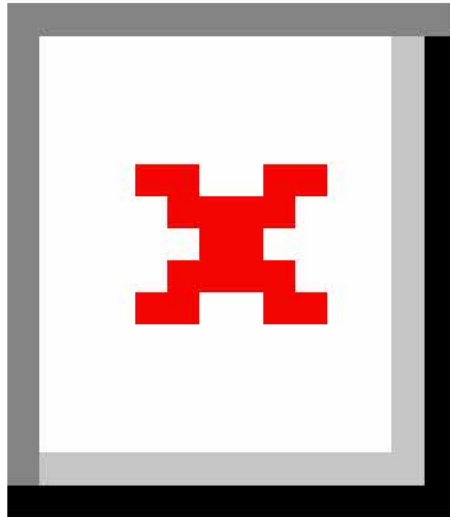
Begin forwarded message:

**From:** "Danielle Berkowitz-Sklar & Sam Schmitz, Moms Clean Air Force"  
<[takeaction@email.momscleanairforce.org](mailto:takeaction@email.momscleanairforce.org)>  
**Subject:** **We tested our gas stoves**  
**Date:** January 20, 2023 at 11:16:22 AM EST  
**To:** (b)(6) <[REDACTED]>@[parentsagainstvaping.org](mailto:parentsagainstvaping.org)  
**Reply-To:** Moms Clean Air Force <[info@momscleanairforce.org](mailto:info@momscleanairforce.org)>



We tested our stove.





**Today's Action at the Speed of Moms:**  
**[Tell CPSC: Protect Our Families From Gas Stove Pollution](#)**

Dear friend,

**You've probably heard a lot in the news lately about gas stoves.** It's causing a lot of anxiety. We're feeling that anxiety too. In fact, we've been thinking about it for a while.

**Last month we tested the gas stoves in our apartments** for nitrogen dioxide (NO<sub>2</sub>), a harmful chemical that can cause and worsen asthma. Danielle learned that her stove emits harmful levels of NO<sub>2</sub>—the highest levels the tester had seen, in fact—and has been reluctant to use her stove since.

We both live in small apartments that can trap indoor pollutants. Plus, because we are renters, we can't just replace our major appliances. It is so frustrating that landlords and building owners are not aware of the pollutants and harm associated with gas stoves.

Many people across the country are in the same boat—unable to replace potentially dangerous appliances and worried about their health and the health of those they live with.

**But there is no need to panic.** There are things we can all do to protect ourselves from gas stove pollution—without the expense of replacing a working appliance.

**First, join Moms Clean Air Force in calling on the Consumer Product Safety Commission to implement commonsense standards for these appliances.** Range hoods should meet standards of performance. Methane leakage should be stopped with automatic shut-off valves. The public should have easy access to steps they can take to minimize the risk of these appliances.

[CONTACT  
CPSC](#)

Then, consider these ways to protect yourself and others in your home from pollution from your gas stove:

- If you have a vent hood, make sure it's on when cooking on the gas stove or using the oven.
- If you don't have a vent hood, open the windows while you're cooking.
- Call the gas company or a service technician to ask them to check the connections on your stove for leaks and tighten them up.
- Use alternative appliances for cooking and heating food where possible, like electric kettles, portable induction cooktops, toaster ovens, air fryers, and microwave ovens.
- Check with your city and county government to find an indoor air quality professional to perform a ventilation audit for your home.

Whenever you are ready to replace your gas stove, consider electric or induction cooktops—and keep an eye out for new rebate programs for clean appliance alternatives made available thanks to the Inflation Reduction Act.

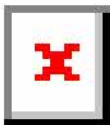
Communities around the country have formed coalitions to address gas stoves as a source of indoor air pollution and have made huge strides at the local level. We'll bring you opportunities to engage in these efforts as they arise.

**In the meantime, take 2 minutes to tell CPSC to protect our families from gas stove pollution.**

For clean air indoors *and* out,



Danielle Berkowitz-Sklar  
National Field Events Coordinator, Moms  
Clean Air Force



Sam Schmitz  
DC Field Events Coordinator, Moms Clean  
Air Force

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ON FACEBOOK](#)

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VOTE

[www.momscleanairforce.org](http://www.momscleanairforce.org)



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**From:** Rich Trumka  
**Sent:** Sun, 8 Jan 2023 22:55:34 -0500  
**To:** Trumka Jr., Richard  
**Subject:** Gas stoves could be making thousands of children in America sick



**NewsBreak**

Used by over 45 million people

Open

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## Gas stoves could be making thousands of children in America sick

Popular Science

I found this on NewsBreak: Gas stoves could be making thousands of children in America sick



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**From:** Product Liability Law360  
**Sent:** Tue, 7 Feb 2023 08:34:11 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Girardi Competency Hearing Ordered In LA Wire Fraud Case



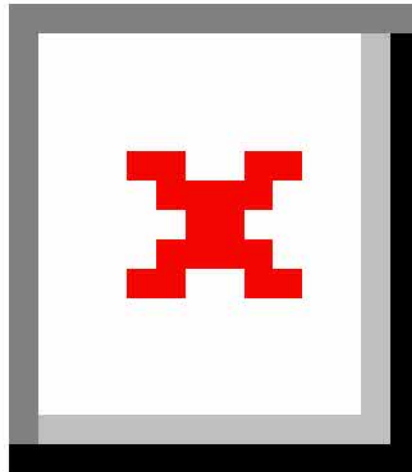
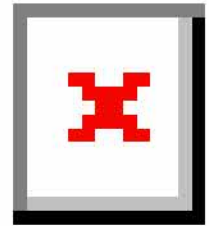
# Product Liability

TUESDAY, FEBRUARY 7, 2023



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## TOP NEWS



### LAW FIRMS IN TODAY'S NEWS

Amin Turocy  
Arnold & Porter  
Aylstock Witkin  
Barnes & Thornburg  
Barrack Rodos  
Bondurant Mixson  
Bowman & Brooke  
Bradley Grombacher  
Brown Rudnick  
Buchanan Ingersoll  
Caplin & Drysdale  
Clement & Murphy  
Clyde & Co  
Cole Scott  
Dechert LLP

### [Girardi Competency Hearing Ordered In LA Wire Fraud Case](#)

*By Craig Clough*

A California federal magistrate judge entered a not guilty plea Monday for disgraced former attorney Tom Girardi on behalf of the court, pending a competency hearing to determine his ability to face wire fraud charges connected to his alleged theft of millions from clients of his former firm, Girardi Keese.

[Read full article »](#)

## **Fla. Judge Axes Sanctions In Deadly Tesla Collision Suit**

*By David Minsky*

A Florida magistrate judge on Monday declined Tesla's request to impose penalties on the estate of a 22-year-old woman that sued the carmaker over a deadly collision in 2019, finding answers to the company's demand for admissions over disputed facts in the case were neither untimely nor noncompliant.

 [Motion attached | Read full article »](#)

## **Ga. Family Reveals Generational Opioid Addiction At Trial**

*By Rosie Manins*

Three generations of opioid addiction within a south Georgia family were detailed Monday in a trial against major prescription drug distributors accused of flooding a coastal Peach State community with pills for profit.

[Read full article »](#)

## **Cos. Sued Over Recalled Eyedrops Linked To Outbreak**

*By Emily Field*

A Kentucky man hit several companies with a proposed class action over recently recalled eyedrops linked to an outbreak of drug-resistant bacteria that has caused at least one death and permanent blindness in some cases.

 [Complaint attached | Read full article »](#)

## **Gov't Wants To Weigh In On 3M 7th Circ. Bankruptcy Appeal**

*By Daniel Wilson*

The U.S. Trustee's Office has asked the Seventh Circuit to be allowed to participate in oral argument in a 3M Co. subsidiary's appeal over a bankruptcy court's refusal to extend a stay to cover multidistrict litigation over faulty earplugs, saying its views should be important to the court.

 [Motion attached | Read full article »](#)

## **FOOD & BEVERAGE**

### **Coke Hit With False Ad Suit Over Apple Juice Preservatives**

*By Jonathan Capriel*

A Chicago woman is suing the Coca-Cola Co. claiming it misled consumers into believing that its Minute Maid apple juice is free of

Eaton & Wolk  
Engstrom Lipscomb  
Fabian VanCott  
Faegre Drinker  
Faruqi & Faruqi  
Fox Rothschild  
Gibson Dunn  
Girardi & Keese  
Greenberg Traurig  
Griffin Durham  
Heideman Nudelman  
Holland & Hart  
Hunter Maclean  
Irell & Manella  
Johnson Becker  
K&L Gates  
KTBS Law  
Kaplan Fox  
Kaplan Hecker  
Kellogg Hansen  
King & Spalding  
Kirkland & Ellis  
Levine Kellogg  
Lieff Cabraser  
Lincoln Derr  
Lowenstein &  
Weatherwax  
McCarter & English  
McGuireWoods  
Oberheiden PC  
Otterbourg PC  
Paskowitz Law  
Poses & Poses  
Potomac Law Group  
Quinn Emanuel  
Reed Smith  
Richards Layton  
Riker Danzig  
Rousso Boumel  
Rubin & Levin  
Semenza Kircher  
Sheehan & Associates  
PC

preservatives by highlighting the drink's "Vitamin C" properties while downplaying that it is a chemically modified version of the micronutrient.

📄 Complaint attached | [Read full article »](#)

## **Starbucks Faces Sanctions Bid In Burn Suit Discovery Row**

*By Travis Bland*

A Starbucks customer who sued after being scalded by spilled drinks in a North Carolina drive-thru urged a federal court Monday to sanction the coffee powerhouse for its "frivolous" objections to her discovery requests, arguing that the company doesn't back its claim that her requests are premature.

📄 Memorandum attached | [Read full article »](#)

## **ENERGY**

### **Tenn. Woman Says L'Oreal Products Caused Her Cancer**

*By Collin Krabbe*

A Tennessee woman is suing personal care company L'Oreal over allegations that her longtime use of two products led to her endometrial cancer diagnosis years later, saying the company used chemicals known to interfere with people's hormonal and reproductive systems.

📄 Complaint attached | [Read full article »](#)

### **EQT Asks For \$16M In Ending Faulty Valve Case**

*By P.J. D'Annunzio*

After reaching a settlement, natural gas company EQT has agreed to dismiss all of its pending claims against companies involved in litigation against a drill manufacturer that allegedly supplied EQT with faulty emergency shutoff valves and has asked the court for multimillion default judgments against Aspen Flow Control LLC.

📄 Motion attached | [Read full article »](#)

### **Marine Traffic Org. Must Face Suit For SoCal Oil Spill**

*By Jonathan Capriel*

The maritime monitor for commercial traffic in San Pedro Bay can't escape a lawsuit by Amplify Energy Corp. which seeks to hold it partially responsible for a crude oil pipeline leak which has cost the company roughly \$69 million, a California federal judge ruled Monday, rejecting the entity's claims that it operates under the U.S. Coast Guard.

📄 Order attached | [Read full article »](#)

### **Experts Hired By Mich. Tribe Wary Of Line 5 Explosion Risk**

*By Nate Beck*

An environmental group opposing a tunnel carrying Enbridge's Line 5 pipeline under the Straits of Mackinac pointed on Monday to testimony from two tribal engineers concerned that the project could jeopardize the

Sullivan Blackburn  
White and Williams  
Williams & Connolly  
WilmerHale

## **COMPANIES IN TODAY'S NEWS**

10X Capital  
3M Co.  
American Bar Association  
BDO USA LLP  
Bacardi Ltd.  
Cardinal Health Inc.  
Carlyle Group LP  
ChargePoint Inc.  
Chevron Corp.  
Clayton Dubilier & Rice LLC  
CoStar Group Inc.  
Continental AG  
CoreLogic Inc.  
DocuSign Inc.  
EQT Corp.  
Earthjustice  
Faraday & Future Inc.  
Harvard University  
Hobby Lobby Stores  
J.M. Smith Corp.  
Johnson & Johnson  
KnowBe4 Inc.  
L'Oreal SA  
LinkedIn Corp.  
Madison Square Garden Entertainment Corp.  
Masimo Corp.  
McKesson Corp.  
Meta Platforms Inc.  
Nardello & Co. LLC  
New York Law School  
News Corp.  
Nokia Corp.  
Okada Manila



Great Lakes, even as Michigan officials said they still see the proposal as an improvement.

 [Comments attached](#) | [Read full article](#) »

## PEOPLE

### [Barnes & Thornburg Grows In NJ, Pa. With 5 New Attys](#)

*By Jack Rodgers*

Barnes & Thornburg LLP has added a partner with 15 years of experience and four associates to its Morristown, New Jersey, and Philadelphia offices.

[Read full article](#) »

### [King & Spalding Adds Ex-Greenberg Attys To Trial Team](#)

*By Andrea Keckley*

King & Spalding LLP announced Monday that it is continuing to strengthen its trial and global disputes practice with the addition of two former Greenberg Traurig LLP partners.

[Read full article](#) »

## LEGAL INDUSTRY

### [ABA Votes Law School Admissions Tests Must Stay, For Now](#)

*By Sarah Martinson*

The American Bar Association's policymaking body on Monday rejected a proposal that would make it optional for accredited law schools to use standardized test scores in their admissions processes.

[Read full article](#) »

### [ABA House Urges Binding Ethics Code For Supreme Court](#)

*By Hailey Konnath*

The American Bar Association's policymaking body on Monday pushed the U.S. Supreme Court to adopt an ethics code for its justices, a proposal that comes in the wake of ethics questions surrounding Justice Clarence Thomas and comments made by his wife.

 [1 document attached](#) | [Read full article](#) »

### [Fox Rothschild Taps Health Pro As Firm Managing Partner](#)

*By Lynn LaRowe*

A veteran health care attorney is taking over as firmwide managing partner of Fox Rothschild LLP as part of a series of leadership changes at the Pennsylvania-based powerhouse firm, it announced Monday.

[Read full article](#) »

Riverside Management Group LLC  
Starbucks Corp.  
State Bar of California  
Tao Group Hospitality  
Tesla Inc.  
The Coca-Cola Co.  
The New York Times Co.  
TransUnion LLC  
Vista Equity Partners  
Walmart Inc.  
Washington & Lee University  
Wells Fargo & Co.  
Wynnchurch Capital LL

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Bay Mills Indian Community  
Centers for Disease Control and Prevention  
Consumer Financial Protection Bureau  
Delaware Court of Chancery  
Federal Bureau of Investigation  
Food and Drug Administration  
Internal Revenue Service  
National Highway Traffic Safety Administration  
New York Attorney General's Office  
New York City Police Department  
New York State Comptroller  
New York State Unified Court System  
U.S. Attorney's Office for the Central District of California  
U.S. Coast Guard

Exclusive

## **NY Chief Judges Failed To Report Taxable Chauffeur Perks**

*By Frank G. Runyeon*

Resigned New York Chief Judge Janet DiFiore and acting Chief Judge Anthony Cannataro appear to have underreported their compensation to state tax authorities by failing to declare any personal use of their full-time chauffeured cars in 2022, a Law360 investigation has found.

[Read full article »](#)

## **MSG Entertainment Nixes Adverse Atty Ban For Tao Litigation**

*By Lauren Berg*

Madison Square Garden Entertainment Corp. on Monday said it has partially pulled back its policy of prohibiting attorneys whose firms are engaged in litigation against the company from entering its venues, noting the updated guidelines only affect litigation involving its majority interest in Tao Group Hospitality.

[Read full article »](#)

## **Vidal Berates OpenSky While Granting VLSI Atty Fees**

*By Dani Kass*

OpenSky Industries must pay VLSI Technology's attorney fees after its abuse of the patent system drew the latter company into sanctions proceedings, U.S. Patent and Trademark Office Director Kathi Vidal has ruled.

 [Order attached](#) | [Read full article »](#)

## **Receiver Wants Levine Kellogg Ponzi Probe Of Wells Fargo**

*By Jack Karp*

The court-appointed receiver in a lawsuit against an attorney shot by FBI agents has asked a Nevada federal judge to let Levine Kellogg Lehman Schneider & Grossman LLP investigate and possibly sue Wells Fargo Bank NA over claims the bank helped run a \$449 million Ponzi scheme he allegedly participated in.

 [Motion attached](#) | [Read full article »](#)

## **Dechert Says Ex-WSJ Reporter's Hacking Suit Missed Deadline**

*By Ben Kochman*

A former Wall Street Journal reporter waited too long to file a lawsuit in which he accuses Dechert LLP and its partners of hacking into his email account and leaking his inappropriate communications with a source, the law firm has argued in D.C. federal court.

 [Motion attached](#) | [Read full article »](#)

## **Ex-Rep. Ron Kind Joins Arnold & Porter Public Policy Group**

U.S. Court of Appeals for the Seventh Circuit

U.S. Department of Justice

U.S. District Court for the Central District of California

U.S. District Court for the District of Columbia

U.S. District Court for the Eastern District of Kentucky

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Middle District of Tennessee

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Florida

U.S. District Court for the Western District of Pennsylvania

U.S. Patent and Trademark Office

U.S. Securities and Exchange Commission

U.S. Supreme Court

United States District Court for the District of Nevada

*By Alison Knezevich*

Former U.S. Rep. Ron Kind has joined Arnold & Porter's lobbying practice in Washington as a senior policy adviser after 26 years in Congress, the firm said Monday.

 1 document attached | [Read full article »](#)

## Catching Up With Delaware's Chancery Court

*By Leslie A. Pappas*

Bacardi and Jay-Z finally clinked glasses and resolved their long-running dispute over D'Usse cognac, a 72-year-old rule on judicial appointments got tossed, and three more electric vehicle companies asked the court to retroactively validate shares.

[Read full article »](#)

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## JOBS

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**Products and Mass Tort Associate**

Hunton Andrews Kurth  
Richmond, Virginia

**Litigation Legal Assistant**

Corr Cronin  
Seattle, Washington

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**From:** Product Liability Law360  
**Sent:** Mon, 6 Feb 2023 09:01:41 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Girardi Thefts A Tough Lift For Client Restitution Funds



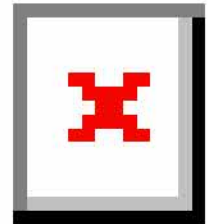
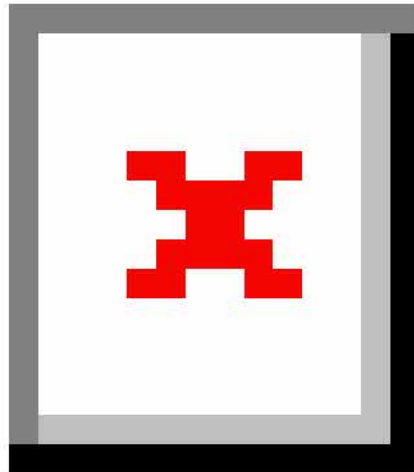
# Product Liability

MONDAY, FEBRUARY 6, 2023



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## TOP NEWS



### LAW FIRMS IN TODAY'S NEWS

Ahmad Zavitsanos  
Akin Gump  
Allen & Overy  
Arnold & Porter  
Aylstock Witkin  
Brabners LLP  
Bracewell LLP  
Bristows LLP  
Brown Rudnick  
Candey Ltd.  
Caplin & Drysdale  
Clarke Willmott  
Constangy Brooks  
Cooley LLP  
DAC Beachcroft

### [Girardi Thefts A Tough Lift For Client Restitution Funds](#)

*By Andrew Strickler*

In recent years, the legal business has seen some ambitious liars, grifters and embezzlers — and the ripped-off victims left in their wake. But the scale of Los Angeles lawyer Thomas Girardi's alleged theft promises to surpass the financial limitations of client restitution funds.

[Read full article »](#)

## **Food Co. Pleads Guilty, Agrees To Pay \$19.2M Over Outbreak**

*By Emily Field*

A food ingredient company pled guilty to making breakfast cereal under unsanitary conditions at an Illinois plant connected to a 2018 salmonella outbreak involving Kellogg's Honey Smacks, and agreed to a record \$19.2 million fine, the U.S Department of Justice announced Friday.

[Read full article »](#)

## **2 Texas Energy Cos. Win \$42M Verdict Over Well Seepage**

*By Jonathan Capriel*

A Texas state jury has awarded nearly \$42 million to two oil and gas producers in their lawsuit against fossil fuel giant Energy Transfer Co. after finding that it allowed poisonous, corrosive and flammable chemicals to seep from a containment well into their land, hindering its use.

 Verdict attached | [Read full article »](#)

## **Opioids Ravaged Ga. Family, Jury Told In Distributor Case**

*By Cara Salvatore*

A Georgia fire captain took the stand Friday as the first plaintiff to testify in a private opioid trial against major drug distributors, telling jurors the drugs exacted a heavy toll on his relatives and their relationships.

[Read full article »](#)

## **USDA Floats New Limits On Sodium, Sugar In School Meals**

*By Hailey Konnath*

The U.S. Department of Agriculture on Friday unveiled proposed updated nutrition guidelines for school lunches, in particular suggesting new limits on salt and added sugars and emphasizing whole grain products.

[Read full article »](#)

## **Tort Report: Live Nation Can't Exit \$60M Suit In Rapper's Death**

*By Y. Peter Kang*

A ruling that Live Nation must face a suit over a rapper's backstage stabbing death at a 2021 concert in California and the Sixth Circuit's remand of a coronavirus death suit lead Law360's Tort Report, which compiles recent personal injury and medical malpractice news that may have flown under the radar.

[Read full article »](#)

DMH Stallard  
DWF LLP  
Douglas Leonard  
Drummond Woodsum  
Epstein Becker Green  
Fish & Richardson  
Fox Rothschild  
Freeths LLP  
Gibson Dunn  
Girardi & Keese  
Goodwin Procter  
Gordon Feinblatt  
Gori Law Firm  
Griffin Durham  
Haynes & Boone  
Hilgers Graben  
Hogan Lovells  
Hogan Thompson LLP  
Hunter Maclean  
Ice Miller  
Javerbaum Wurgaft  
Jomarron Lopez  
Jones Day  
Julien & Schlesinger  
KTBS Law  
Kennedys Law LLP  
Kirkland & Ellis  
LK Law Pty Ltd  
Laminack Pirtle  
Latham & Watkins  
Leech Tishman  
Leigh Day  
Lewis Brisbois  
Lieff Cabraser  
Littlepage Booth  
Locke Lord  
Lupton Fawcett  
Lynn Pinker  
Macfarlanes LLP  
Montgomery Jonson  
Morgan Lewis  
Myerson Solicitors

## CONSUMER GOODS

### [Sig Sauer Wants Defective Pistols Lawsuit Broken Up](#)

*By Jonathan Capriel*

Firearms manufacturer Sig Sauer Inc. has urged a New Hampshire federal court to break apart a lawsuit brought by 20 law enforcement officers that alleges that one of its pistols will unexpectedly fire without warning, saying claims should be sent to different state jurisdictions.

2 documents attached | [Read full article »](#)

### [Pure Body Naturals Not Really Natural, Suit Says](#)

*By Collin Krabbe*

Pure Body Naturals was hit with a suit Friday accusing the beauty company of falsely labeling its products as all natural when they actually include synthetic ingredients.

Complaint attached | [Read full article »](#)

## TOBACCO

### [Philip Morris Says Baltimore Litter Rules Usurp Federal Law](#)

*By Collin Krabbe*

Philip Morris USA Inc. says a suit from the city of Baltimore for allegedly creating a public nuisance by using non-biodegradable filters that are frequently littered should be moved to the District of Maryland because it seeks to usurp federal law regarding cigarette manufacturing and marketing, a Friday notice of removal shows.

2 documents attached | [Read full article »](#)

## TRANSPORTATION

### [NJ Transit, County Face Class Action Over Flooding From Ida](#)

*By Aaron Keller*

New Jersey Transit and a county public works department are liable for damage to dozens of homes and businesses due to open flood control gates and a train that frustrated mitigation efforts when it became disabled in the rising waters, a putative class action filed in state court alleges.

Complaint attached | [Read full article »](#)

### [Boeing Toxic Air Cabin Suit To Stay in Illinois](#)

*By Donald Morrison*

Boeing can't transfer a former flight attendant's suit over the company's alleged failure to research and address a toxic cabin air issue it has known about for decades, according to an Illinois appellate panel opinion Friday, saying the company failed to provide real proof of inconvenience.

Naman Howell  
Norton Rose  
O'Kelly & O'Rourke  
Otterbourg PC  
Parafinczuk Wolf  
Patterson Belknap  
Paul LLP  
Penningtons Manches  
Perkins Coie  
Pietragallo Gordon  
Pinsent Masons  
Plexus Law  
Power Rogers  
Quarles & Brady  
Quinn Emanuel  
Rubin & Levin  
Saltz Mongeluzzi  
Scheef & Stone  
Schofield Sweeney  
Seeger Weiss  
Skadden Arps  
Spratt Endicott  
Sultzer Law Group  
Troutman Pepper  
Wedlake Bell  
Weitz & Luxenberg  
Williams & Connolly  
Winston & Strawn  
Withersworldwide  
Yetter Coleman

## COMPANIES IN TODAY'S NEWS

3M Co.  
AXA SA  
AXA XL Ltd.  
Altria Group Inc.  
Amazon.com Inc.  
American Immigration  
Lawyers Association  
Apple Inc.  
Balfour Beatty PLC  
Banc of California Inc.

Opinion attached | [Read full article »](#)

## BANKRUPTCY

### [Vets With Hearing Loss Seek Dismissal Of 3M Bankruptcy](#)

*By Alyssa Aquino*

Soldiers who say they lost hearing due to faulty 3M earplugs urged an Indiana judge to throw out a 3M subsidiary's bankruptcy case, saying the filing was as unwarranted as a Johnson & Johnson unit's doomed bid for bankruptcy protections.

Motion attached | [Read full article »](#)

## EXPERT ANALYSIS

### [Pending FDA Cosmetics Review Allows Class Action Defense](#)

The recently signed Modernization of Cosmetics Regulation Act directs the U.S. Food and Drug Administration to assess the use and safety of so-called forever chemicals in cosmetic products, and offers manufacturers the primary jurisdiction doctrine as a strong defense until the FDA completes its review, say attorneys at Patterson Belknap.

[Read full article »](#)

### [A Litigation Move That Could Conserve Discovery Resources](#)

Bennett Rawicki at Hilgers Graben proposes the preliminary legal opinion procedure — seeking a court's opinion on a disputed legal standard at the outset, rather than the close, of discovery — as a useful resource-preservation tool for legally complex, discovery-intensive litigation.

[Read full article »](#)

## LEGAL INDUSTRY

### [Legal Industry Continued Job Growth In January](#)

*By Sarah Martinson*

Despite recession worries and law firm layoffs, employment in the legal industry is continuing to grow, with the sector adding 2,400 jobs in January, according to preliminary data released Friday by the U.S. Department of Labor.

[Read full article »](#)

### [Gilstrap, Albright May Be Overruled More In Non-Patent Cases](#)

*By Catherine Marfin*

A patent-heavy docket like the ones managed by U.S. District Judges Alan Albright and Rodney Gilstrap may lead them to render lower-quality

Barings LLC  
Bloomberg  
British American Tobacco PLC  
BuzzFeed Inc.  
Cardinal Health Inc.  
ChargePoint Inc.  
Chobani LLC  
FTX US  
Gartner Inc.  
Google LLC  
Green Roads CBD  
HSBC Holdings PLC  
Integra LifeSciences Corp.  
Johnson & Johnson  
Keurig Dr Pepper Inc.  
Lex Machina Inc.  
Liggett Group LLC  
Live Nation Entertainment Inc.  
McDonald's Corp.  
Meta Platforms Inc.  
Michigan State University  
Mylan NV  
NASDAQ Inc.  
New Jersey Transit Corp  
PDC Energy  
R.J. Reynolds Tobacco Co. Inc.  
Regency Energy Partners LP  
Rimini Street Inc.  
Rocket Software Inc.  
Shell PLC  
Smith Drug Co.  
Spotify Technology SA  
State Bar of California  
The Boeing Co.  
The Royal Bank of Scotland Group PLC  
Travelex Holdings Ltd.  
Twitter Inc.

decisions in non-patent cases than their counterparts, according to new research out of the University of California, Berkeley School of Law.

📄 Study attached | [Read full article »](#)

## Live Nation Brings On Antitrust Litigator From Latham

*By Emily Sawicki*

A longtime antitrust adviser to Live Nation who began his relationship with the company in 2009 during its merger with Ticketmaster has retired from Latham & Watkins LLP and accepted the role of executive vice president for corporate and regulatory affairs at the entertainment company.

[Read full article »](#)

## Target Of Del. Funding Probe Seeks Pause For High Court Bid

*By Ryan Boysen*

Nimitz Technologies — an alleged stalking horse for so-called patent troll IP Edge — plans on going to the U.S. Supreme Court to fight a Delaware federal judge's headline-grabbing "inquisition" into its business practices, asking an appeals court to freeze that investigation until it files with the justices.

📄 Motion attached | [Read full article »](#)

## Ohio Judge Hit With \$1.1M Verdict For Firing Jewish Staff Atty

*By Eric Heisig*

A federal jury in Cincinnati on Friday delivered a verdict worth more than \$1.1 million against an Ohio judge accused of firing his Jewish staff attorney and magistrate because she wanted to take off time during the High Holidays.

📄 Verdict attached | [Read full article »](#)

## Virtual Immigration Hearing Denials Improper, NJ Judge Rules

*By Britain Eakin*

U.S. District Judge John Vazquez ruled Friday that the Newark Immigration Court has breached a stipulation requiring immigration judges there to issue timely, reasoned rulings on attorney motions for remote hearings during the COVID-19 pandemic.

[Read full article »](#)

## GC Cheat Sheet: The Hottest Corporate News Of The Week

*By Michele Gorman*

A new report found that corporations around the world face increased expectations for good governance in the wake of the pandemic and a bipartisan group of U.S. senators introduced legislation that would severely limit the ability of employers to enforce noncompete pacts. These

University of California  
Davis

Wells Fargo & Co.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Attorney Registration and  
Disciplinary Commission

Bureau of Labor Statistics

Centers for Disease

Control and Prevention

Delaware Court of

Chancery

Executive Office for

Immigration Review

Federal Bureau of

Investigation

Federal Trade

Commission

Financial Conduct

Authority

Food and Drug

Administration

Food and Nutrition

Service

Information

Commissioner's Office

National Oceanic and

Atmospheric

Administration

New Jersey Supreme

Court

The Crown Prosecution

Service

U.S. Air Force

U.S. Army

U.S. Army Corps of

Engineers

U.S. Attorney's Office for

the District of New Jersey

U.S. Bankruptcy Court for

the Southern District of

Indiana

U.S. Court of Appeals for

the Federal Circuit



are some of the stories in corporate legal news you may have missed in the past week.

[Read full article »](#)

## UK Litigation Roundup: Here's What You Missed In London

By *Tabitha Burbidge*

The past week in London has seen the Financial Conduct Authority hoping to put care home Ponzi schemes to bed in separate claims against Lupton Fawcett, a law firm in Leeds, and a social care group, MBI; oil giant Shell in a sticky situation in a claim over pollution in two Nigerian communities; and Plexus Law's former boss suing the personal injury firm in a commercial contracts claim.

[Read full article »](#)

## In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Read full article »](#)

Podcast

## Pro Say: Using Bankruptcy To Duck Mass Torts Is Now Harder

This week, the Third Circuit ruled that Johnson & Johnson can't use the controversial "Texas two-step" maneuver to spin off the billions of dollars in talc liability it's facing. The appellate court held that the talc unit's bankruptcy should've been tossed because the company is clearly not in financial distress and the bankruptcy petition wasn't filed in good faith.

[Read full article »](#)

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## JOBS

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### Products and Mass Tort Associate

Hunton Andrews Kurth  
Richmond, Virginia

### Litigation Legal Assistant

Corr Cronin  
Seattle, Washington

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Department of Agriculture

U.S. Department of Justice

U.S. Department of Labor

U.S. District Court for the Central District of California

U.S. District Court for the District of Delaware

U.S. District Court for the District of Maryland

U.S. District Court for the District of Minnesota

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of New York

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Northern District of California

U.S. District Court for the Northern District of New York

U.S. District Court for the Southern District of Florida

U.S. Immigration and Customs Enforcement

U.S. Patent and Trademark Office

U.S. Securities and Exchange Commission

U.S. Supreme Court

United States District Court for the Southern District of Ohio

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**Sent:** Fri, 27 Jan 2023 09:31:52 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Girardi Victims' \$6.3M Suit Against NY Firm Tossed, For Now



# Personal Injury & Medical Malpractice

FRIDAY, JANUARY 27, 2023



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## TOP NEWS

### [Girardi Victims' \\$6.3M Suit Against NY Firm Tossed, For Now](#)

*By Craig Clough*

A California federal judge on Thursday dismissed a suit against a New York lawyer and his firm alleging they illegally received \$6.3 million of a burn victim's settlement from Girardi Keese founder Tom Girardi, finding the complaint contains allegations of fraud that must be pled with more particularity.

 [Order attached](#) | [Read full article](#) »

### [Ga. Judges Say Foreign Law Governs In Wrongful Death Suits](#)

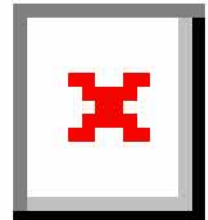
*By Rosie Manins*

The family of two Georgia men killed in connected trucking accidents on a South Carolina highway can pursue punitive damages in their wrongful death suits against UPS and others under South Carolina law, the Georgia Court of Appeals affirmed Thursday.

 [Opinion attached](#) | [Read full article](#) »

### [8th Circ. Revives Iowa Man's Suit Over Electrocution](#)

*By Mike Curley*



## LAW FIRMS IN TODAY'S NEWS

Abir Cohen  
Bailey & Wyant  
Bayard PA  
Brown Rudnick  
Burnham & Gorokhov  
Burns Charest  
Caplin & Drysdale

The Eighth Circuit on Thursday reinstated a negligence claim against the City of Sibley, Iowa, in a suit by a worker who was electrocuted by a city-owned and operated power line, but left dismissed his claim for negligence per se against the city.

 [Opinion attached](#) | [Read full article](#) »

## **RFK Jr.-Repped Doc Wins Halt Of COVID Misinformation Law**

*By Craig Clough*

A California federal judge has halted implementation of a state law that could punish medical professionals for disseminating misinformation about COVID-19 to patients, giving a temporary win to two lawsuits that challenged the law, including one set of plaintiffs represented by Robert F. Kennedy Jr.

 2 documents attached | [Read full article](#) »

## **Pa. Nursing Home Hit With \$19M Verdict In Death Suit**

*By P.J. D'Annunzio*

A Pennsylvania jury has returned a \$19 million verdict against a nursing home that was sued for the death of a resident who died after falling and injuring her hip, something her daughters said was allowed to happen due to neglect.

 Verdict attached | [Read full article](#) »

## **NJ Atty Claiming She Was Fired For Not Lying Will Get Trial**

*By Emily Sawicki*

Two law firm owners accused of retaliatory termination and failure to pay earned commissions have lost their bid to have the lawsuit in New Jersey state court tossed after previously telling Law360 the former employee, who accused them of directing her to lie in an affidavit, was "just making up a lot of stuff."

 2 documents attached | [Read full article](#) »

# **ENFORCEMENT**

## **Boeing, Victims Spar In Texas Court Over 737 Max Monitor**

*By Lauren Castle*

A Texas federal judge pressed federal prosecutors on Thursday on whether The Boeing Co. should have an outside monitor to enforce a deferred prosecution agreement for accusations stemming from two plane crashes during an arraignment at which families of victims who'd traveled from afar spoke their piece.

[Read full article](#) »

# **LITIGATION**

Cleary Gottlieb  
Clement & Murphy  
Clifford Law Offices PC  
Cohen Milstein  
Conlin Law Firm  
Covington & Burling  
Dykema  
Fredman Lieberman  
Gibson Dunn  
Girardi & Keese  
Grant & Eisenhofer  
Gupta Wessler  
Hamrick & Evans  
Hueston Hennigan  
KTBS Law  
Karpf Karpf  
Kellogg Hansen  
Kessler Topaz  
Kim & Park  
Kim Park  
Kirkland & Ellis  
Klass Law Firm  
Kline & Specter  
Kramer Levin  
Kreindler & Kreindler  
Lankler Siffert  
Lewis Brisbois  
Lippes Mathias  
McGuireWoods  
Milbank LLP  
Morgan Lewis  
Mozley Finlayson  
Otterbourg PC  
Podhurst Orseck  
Potter Anderson  
Prickett Jones  
Pryor Cashman  
Rubin & Levin  
Selman Leichenger  
Shook Hardy  
Squire Patton  
Weinberg Wheeler

## 4th Circ. Doubts Renter's Injury In Facebook Ad Age Bias Suit

By Hayley Fowler

The Fourth Circuit on Thursday seemed skeptical a would-be renter had standing to sue several real estate firms for age discrimination based on Facebook advertisements targeting younger tenants, as the court questioned whether she could have been personally subjected to unequal treatment by "passively" scrolling on social media.

[Read full article »](#)

## 4th Circ. Says Stacking Limits Insurer Coverage In Deadly Fire

By Elizabeth Daley

An anti-stacking endorsement prevents the residents of a home in which two children died in a house fire from receiving more than the \$2 million in damages they already recovered from their insurer, the Fourth Circuit affirmed.

 [Opinion attached | Read full article »](#)

## Insurer Says No Coverage For Woman's Home Exercise Injury

By Jennifer Mandato

A Nationwide unit told a Colorado federal court it has no coverage obligations to a contractor being sued by a woman who said she was injured after the company improperly installed aerial hoops in her home, arguing that the incident occurred after the policy was canceled.

 [Complaint attached | Read full article »](#)

## Messer Faces More Suits Over Fatal Leak At Ga. Poultry Plant

By Madeline Lyskawa

Messer Gas LLC and its subsidiaries were slapped with another two lawsuits in Georgia state court in relation to a fatal liquid nitrogen leak at a Peach State chicken processing plant by individuals claiming they were permanently injured in the incident.

 [2 documents attached | Read full article »](#)

## BANKRUPTCY

### 3M Earplug Unit's Bankruptcy Contrived, 7th Circ. Told

By Daniel Wilson

A group of multidistrict litigation plaintiffs has urged the Seventh Circuit not to pause the sprawling litigation over injuries allegedly caused by faulty 3M Co. earplugs while a subsidiary's bankruptcy case proceeds, saying the companies tried to misuse bankruptcy law.

## COMPANIES IN TODAY'S NEWS

3M Co.  
American Immigration Lawyers Association  
Apple Inc.  
Buffalo Bills  
CBS Corp.  
CBS Interactive Inc.  
California Attorney Lending  
Children's Defense Fund  
Cisco Systems Inc.  
Counsel Financial Services LLC  
Ethiopian Airlines Enterprise  
Farm Family Holdings Inc.  
Fordham University  
George Washington University  
Google LLC  
Instagram Inc.  
International Business Machines Corp.  
Liberty Mutual Insurance Group  
LinkedIn Corp.  
Meta Platforms Inc.  
Microsoft Corp.  
National Amusements Inc.  
New Civil Liberties Alliance  
New York State Bar Association  
New York University  
Onyx Renewable Partners LP  
PG&E Corp.  
Paramount Global  
Princeton University  
RELX PLC

2 documents attached | [Read full article »](#)

## PRACTICAL GUIDANCE

### 5 Keys To A Productive Mediation

Cortney Young at ADR Partners discusses factors that can help to foster success in mediation, including scheduling, preparation, managing client expectations and more.

[Read full article »](#)



## LEGAL INDUSTRY

### Kavanaugh Praises High Court Colleagues At Notre Dame Talk

*By Lauren Berg*

Despite some recent contentious dissents in their U.S. Supreme Court decisions, Justice Brett Kavanaugh told students at Notre Dame Law School on Thursday that he and his colleagues work well together, emphasizing that they try to walk in each other's shoes when there are disagreements.

[Read full article »](#)

### Eastman Hit With Ethics Charges In Calif. Over 2020 Election

*By Jack Karp*

Controversial Trump attorney John Eastman has been charged with multiple ethics violations that could result in his disbarment, the State Bar of California announced Thursday.

1 document attached | [Read full article »](#)

### Ex-Pryor Cashman Atty Gets 1 Year For Molotov Incident

*By Frank G. Runyeon*

A Brooklyn federal judge on Thursday sentenced a former Pryor Cashman attorney to 12 months and one day in prison for his role in a Molotov cocktail attack on a vacant NYPD vehicle amid racial injustice protests following the police killing of George Floyd in 2020.

[Read full article »](#)

### Top Counsel Depart Senate Judiciary Committee

*By James Arkin*

Two top attorneys on the Senate Judiciary Committee departed recently for roles in the Biden administration, the panel's chairman announced Thursday.

Scottsdale Insurance Co  
Spotify Technology SA  
State Bar of California  
States United Democrati  
Center  
The Boeing Co.  
The Bozzuto Group Inc.  
Twitter Inc.  
U.S. News & World  
Report  
United Parcel Service Ir  
YouTube Inc.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

California Attorney  
General's Office  
Centers for Disease  
Control and Prevention  
Delaware Court of  
Chancery  
European Union  
Executive Office for  
Immigration Review  
Federal Aviation  
Administration  
Federal Bureau of  
Investigation  
Federal Trade  
Commission  
Food and Drug  
Administration  
Georgia Supreme Court  
New York City Police  
Department  
Office of Justice  
Programs  
Pennsylvania Departme  
of Health  
U.S. Attorney's Office fo  
the District of New Jerse  
U.S. Attorney's Office fo  
the Eastern District of  
New York

[Read full article »](#)

## **Deputy SG To Fight For Narrow BigTech Immunity In Top Court**

*By Jimmy Hoover*

The U.S. Supreme Court agreed to let a top Biden administration attorney argue in favor of narrowing immunity for internet platforms like Google and Twitter in next month's blockbuster hearing on Section 230 of the Communications Decency Act, according to a Thursday order.

[Read full article »](#)

Analysis

## **Old Biz, New Court, Big Breakup: Inside The New Google Suit**

*By Bryan Koenig*

The U.S. Department of Justice wants to break up Google's highly profitable advertising business, and it wants to do it fast, according to a new complaint that adds to the company's other battles against four different and overlapping government enforcement actions.

[Read full article »](#)

## **Ex-NY State Judge To Lead Federal Sex Offender Office**

*By Emily Lever*

A retired New York state judge has been appointed to lead the U.S. Department of Justice office that monitors and supports police departments and other law enforcement agencies in managing sex offender registries, the Office of Justice Programs said Thursday.

[Read full article »](#)

## **Redstone Gives Detail On Cleary Email Amid Chancery Fight**

*By Rose Krebs*

Media mogul Shari E. Redstone has provided detail to the Delaware Chancery Court about how she "mistakenly" sent an email intended only for attorneys to a third party, as the court continues to consider whether it will order Cleary Gottlieb Steen & Hamilton LLP to turn the email over to CBS stockholder plaintiffs.

[Read full article »](#)

## **Ex-GC Can't Duck Trade Secrets Suit By Energy Co.**

*By Jasmin Jackson*

A New York federal judge has refused to toss a solar company's trade secrets suit against its former general counsel over thousands of allegedly stolen documents, finding that the allegations are adequate to survive the pleading stage.

 [Order attached](#) | [Read full article »](#)

## **NYSBA Seeks Immediate Pay Raise For Assigned Counsel**

U.S. Attorney's Office for the Northern District of Texas

U.S. Court of Appeals for the Eighth Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Department of Justice

U.S. District Court for the Central District of California

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of California

U.S. District Court for the Eastern District of New York

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of New York

U.S. Supreme Court  
United States District Court for the District of Colorado

*By Ryan Boysen*

Lawyers for indigent children and criminal defendants across New York need immediate pay raises to prevent a "staggering crisis" that's left criminal defendants languishing in cells, domestic violence victims unable to secure protective orders and children separated from their families, the New York State Bar Association said Wednesday in a preliminary injunction motion.

[Read full article »](#)

## Immigration Attys Say No Deal In Remote Hearing Row

*By Ryan Harroff*

The American Immigration Lawyers Association's New Jersey chapter asked a federal judge to enforce a stipulation requiring immigration judges to allow remote hearings by request in light of the COVID-19 pandemic, writing Thursday that the government's proposed settlement is not enough.

 [Letter attached](#) | [Read full article »](#)

Podcast

## The Term: Why Did Justices Duck Attorney-Client Privilege?

At long last, the U.S. Supreme Court handed down its first two decisions of the term this week, but one of them was a curious one-line dismissal of a case argued just weeks ago. Law360's The Term examines the possible reasons the justices decided to punt in a closely watched case about the scope of attorney-client privilege.

[Read full article »](#)

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## JOBS

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Workers Compensation**

Illinois Attorney General's Office  
Belleville, Illinois

**Attorney**

Cozen O'Connor

-, -

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**From:** Product Liability Law360  
**Sent:** Thu, 2 Feb 2023 08:21:35 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Girardi's Mental State Emerges As Early Legal Battleground



# Product Liability

THURSDAY, FEBRUARY 2, 2023



## TOP NEWS

Analysis

### **Girardi's Mental State Emerges As Early Legal Battleground**

*By Phillip Bantz*

Now that federal grand juries in California and Illinois have indicted Girardi Keese founder Tom Girardi, who is 83 and diagnosed with Alzheimer's disease, on charges stemming from his firm's theft of millions from clients, the stage is set for a court battle over the former legal titan's fitness to stand trial.

 2 documents attached | [Read full article »](#)

### **Tom Girardi Indicted In Calif., Ill. Over Client Theft Scandal**

*By Brandon Lowrey*

Federal grand juries in Los Angeles and Chicago have indicted Girardi Keese founder Tom Girardi on 13 counts of wire fraud and four counts of criminal contempt stemming from his firm's theft of millions from its clients, prosecutors announced Wednesday, saying their criminal investigation into the once-legendary law firm is not yet finished.

 2 documents attached | [Read full article »](#)

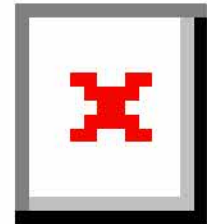
### **3rd Circ. Revives Six Flags Rider's Suit Over Blinded Eye**

*By Gina Kim*

The Third Circuit on Wednesday revived a roller coaster passenger's suit accusing Six Flags of negligence after he was hit and blinded in one eye by another passenger's cellphone, rejecting a New Jersey federal judge's conclusion that an expert was needed to establish the amusement park's standard of care under state law.

 Opinion attached | [Read full article »](#)

### **From Star Litigator To Criminal Defendant: A Girardi Timeline**



## LAW FIRMS IN TODAY'S NEWS

Akin Gump  
Allen Chesson  
Appalachian Mountain Advocates  
Babst Calland  
Bailey & Glasser  
Baron & Budd  
Beasley Allen  
Berens & Miller  
Browning Kaleczyc  
Buchanan Ingersoll  
Bush Seyferth  
Carlton Fields  
Childers Schlueter  
Clement & Murphy

*By Dorothy Atkins*

Over the last four years, the plaintiffs bar has been rocked by the swift collapse of the once-bustling Los Angeles plaintiffs firm Girardi Keese and the disbarment of founder Thomas V. Girardi, who now faces criminal charges of misappropriating millions of dollars in client settlement funds.

[Read full article »](#)

## **Judge Puts A Safety On NJ AG's New Gun Law For Now**

*By Ryan Harroff*

New Jersey Attorney General Matthew J. Platkin cannot enforce the Garden State's new law allowing it to sue gunmakers for endangering public safety, according to a federal judge's order blocking him from doing so while a firearms trade group challenges the statute.

 [Decision attached](#) | [Read full article »](#)

## **Ill. AG Sues 3M, Bayer, DowDuPont Over PFAS Contamination**

*By Celeste Bott*

The state of Illinois sued 3M, Bayer Corp., DowDuPont and a dozen other companies in state court Tuesday claiming they knew they were polluting Illinois waters for decades with toxic "forever chemicals" but continue to actively promote the chemicals as safe to manufacture and use.

 [Complaint attached](#) | [Read full article »](#)

# **DRUGS & DEVICES**

## **Insys Founder Asks To Leave Prison After 2 Heart Attacks**

*By Chris Villani*

The convicted founder of Insys Therapeutics Inc. asked a Massachusetts federal judge to leave prison before the end of his 5½-year term for orchestrating an opioid kickback scheme, saying in a late Tuesday motion that he's had two heart attacks behind bars and needs care that the prison system cannot provide.

 [Motion attached](#) | [Read full article »](#)

## **Vanda Sues FDA Over Approval Of Teva Generic Sleep Drug**

*By Mike Curley*

Vanda Pharmaceuticals Inc. has brought a suit against the U.S. Food and Drug Administration and U.S. Department of Health and Human Services, saying the FDA must undo its approval of a generic version of Vanda's sleep-wake disorder drug made by Teva Pharmaceuticals USA Inc. because it does not include braille on the label.

 [Complaint attached](#) | [Read full article »](#)

## **Eisai Settles Recalled Diet Drug Cancer Claims**

Colson Hicks  
Continental PLLC  
Covington & Burling  
Davis Graham  
Dewey & LeBoeuf  
DiCello Levitt  
Edelman Combs  
Edelson PC  
Engstrom Lipscomb  
Farella Braun  
Foley & Lardner  
Gibson Dunn  
Girardi & Keese  
Habba Madaio  
Haight Brown  
Hausfeld LLP  
Heins Mills  
Hogan Lovells  
Holland & Knight  
Jenner & Block  
Katten Muchin  
Keating Muething  
Kellogg Hansen  
Kirkland & Ellis  
Latham & Watkins  
Lewis Brisbois  
Lief Cabraser  
McDermott Will  
Miller Monroe & Plyler  
Nixon Peabody  
Nordman Cormany  
O'Melveny & Myers  
Ogletree Deakins  
Orrick Herrington  
Paul Weiss  
Perkins Coie  
Podhurst Orseck  
Price Law Firm  
Pryor Cashman  
Robert & Robert PLLC  
Romano Garubo  
Sanger Swysen

*By Collin Krabbe*

Eisai Inc. and Arena Pharmaceuticals Inc. have agreed to settle a suit with a woman who alleged the companies' recalled diet drug Belviq caused her breast cancer, asking the Middle District of Florida for a three-month stay while the agreement is completed.

 Report attached | [Read full article »](#)

## FOOD & BEVERAGE

### **Mother Says Cow Milk-Based Formula Killed Premature Baby**

*By Mike Curley*

A Georgia mother is suing Mead Johnson & Co. over the death of her premature infant son, saying cow milk-based baby formula he was given while in a neonatal intensive care unit caused damage to his intestines, leading to renal failure.

 Complaint attached | [Read full article »](#)

## CONSUMER GOODS

### **Procter & Gamble Seeks To Dismiss Tampon False Ad Suit**

*By P.J. D'Annunzio*

A Procter & Gamble unit urged an Illinois federal judge to toss a suit accusing it of running misleading advertisements marketing its tampons as "100% organic" despite containing non-cotton and non-organic ingredients, arguing that courts have thrown out similar cases from the plaintiffs' lawyer.

 Motion attached | [Read full article »](#)

## AUTOMOTIVE

### **GM Ducks Flex-Fuel Fraud Suit For Now**

*By Carolyn Muyskens*

An Illinois federal judge on Wednesday freed General Motors of a putative class action accusing the company of duping buyers by failing to tell them up front that flex fuel cars can be damaged by excessive use of ethanol-based fuel.

 Memorandum attached | [Read full article »](#)

### **Buyers Say Toyota Unit Can't Ditch Fake Emissions Data Suit**

*By Linda Chiem*

Truck buyers told a Florida federal judge that Toyota unit Hino Motors Ltd. cannot dodge proposed class allegations that it illegally manipulated emissions and fuel-economy test results for vehicles sold in the U.S.,

Sheehan & Associates  
PC

Shook Hardy

Skadden Arps

Spector Gadon

Squire Patton

Veen Firm

Weil Gotshal

Wicker Smith

Wilkinson Stekloff

Winston & Strawn

Zelle LLP

## COMPANIES IN TODAY'S NEWS

3M Co.

American Association for  
Justice

Arena Pharmaceuticals  
Inc.

Atlanta Falcons Football  
Club LLC

BASF SE

Bayer AG

Clariant AG

Corteva Inc.

DuPont de Nemours Inc  
EQT Corp.

Eisai Co. Ltd.

Florida Coastal School of  
Law

Glencore Xstrata PLC

Hino Motors

Manufacturing USA Inc.

Hino Motors Sales USA  
Inc.

Indianapolis Colts

LinkedIn Corp.

National Football League  
Players Association

National Shooting Sport  
Foundation Inc.

State Bar of California

Teva Pharmaceutical  
Industries Ltd.

saying the Sunshine State has jurisdiction over claims against the Japanese truck manufacturer.

☒ Response attached | [Read full article »](#)

## ENERGY

### [9th Circ. Affirms Cleanup Ruling For Montana Smelter Site](#)

*By Tom Lotshaw*

A Ninth Circuit panel affirmed a district court ruling that apportioned cleanup costs to a BP unit and a Glencore PLC unit for a former aluminum smelting site in Columbia Falls, Montana.

☒ Opinion attached | [Read full article »](#)

### [Toshiba Can't Kill \\$500M Hydro Plant Job Contract Breach Suit](#)

*By Craig Clough*

A Michigan federal judge ruled on Wednesday that Toshiba Corp. will not be able to avoid a lawsuit accusing its American unit of performing shoddy work and botching a \$500 million contract to overhaul a hydroelectric plant, finding the plant owners plausibly alleged breach of contract and breach of parent guaranty claims.

☒ Order attached | [Read full article »](#)

### [Former EQT Atty Rips 'Vague' DQ Bid In Abandoned-Well Suit](#)

*By Emily Sawicki*

An attorney who previously worked for EQT Corp. and is now representing West Virginia landowners in a suit alleging the company abandoned natural gas wells has responded to a demand he be booted from the case, saying any knowledge he had of the company was general and attorneys he worked with most closely have since departed.

☒ Response attached | [Read full article »](#)

## PEOPLE

### [Christopher Warren Joins Buchanan Ingersoll As Counsel](#)

*By Collin Krabbe*

National law firm Buchanan Ingersoll & Rooney PC has tapped new additions to expand its liability and labor practices in Newark, with Christopher Warren being named as counsel and Leonard Jones as associate.

[Read full article »](#)

## LEGAL INDUSTRY

The Chemours Co.

The Procter & Gamble Co.

Toshiba Corp.

Toyota Motor Corp.

Trump Organization Inc

Twitter Inc.

University of Southern California

Vanda Pharmaceuticals Inc.

YouTube Inc.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Federal Communication Commission

Federal Energy Regulatory Commission

Food and Drug Administration

Illinois Attorney General's Office

Illinois Environmental Protection Agency

Internal Revenue Service

New Jersey Attorney General's Office

New Jersey Legislature

New York Attorney General's Office

U.S. Attorney's Office for the District of Massachusetts

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Department of Health and Human Services

U.S. Department of Justice

## McCarthy Taps Akin Gump Atty As House General Counsel

By James Arkin

House Speaker Kevin McCarthy tapped Matthew Berry, a recent partner at Akin Gump Strauss Hauer & Feld LLP and longtime Federal Communications Commission official, as the next general counsel of the U.S. House of Representatives, the speaker announced Wednesday.

[Read full article »](#)

## Judge Rips Trump's Reply To AG's \$250M Suit, Vows Oct. Trial

By Frank G. Runyeon

A New York state judge lectured Donald Trump's attorneys Wednesday for their excessively wordy responses to the attorney general's mammoth civil fraud case against him but declined to consider the state's request for sanctions as the suit marches toward an October trial.

[Read full article »](#)

## NC Justice Hushes Attys In Debate Over Holland & Knight Call

By Hayley Fowler

The contents of a secretly recorded phone call with Holland & Knight LLP took center stage Wednesday during oral arguments at the North Carolina Supreme Court, where the chief justice chided attorneys for oversharing in their bid to convince the court that the call can be wielded as evidence in an underlying dispute over corporate ownership of a software company.

[Read full article »](#)

## Ex-O'Melveny Attorney Drops Wrongful Firing Suit

By Patrick Hoff

A former attorney with O'Melveny & Myers LLP has resolved his suit accusing the firm of denying him work opportunities because of his race, gender and sexual orientation and wrongfully firing him for billing too many pro bono hours, according to a California state court filing.

 2 documents attached | [Read full article »](#)

## Ogletree Announces New Managing Shareholder-Elect

By Emily Sawicki

Atlanta-based Ogletree Deakins Nash Smoak & Stewart PC announced Tuesday new leadership will be taking the helm of the labor and employment firm beginning in 2024, including the firm's first female managing shareholder.

[Read full article »](#)

## Calif. Gov. Taps Perkins Coie, Gibson Dunn Alumni For Bench

By Dave Simpson

U.S. District Court for the Central District of California

U.S. District Court for the District of Columbia

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Middle District of Florida

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Florida

U.S. Environmental Protection Agency

U.S. House of Representatives

United States District Court for the Northern District of West Virginia

California Gov. Gavin Newsom nominated the former managing partner of Perkins Coie's Los Angeles office, a former Gibson Dunn & Crutcher attorney and two others to state appellate court positions Tuesday while appointing 10 new trial court judges, including a former Lewis Brisbois Bisgaard & Smith partner and a former Kirkland & Ellis attorney.

[Read full article »](#)

Analysis

## **Brady's Dominance On The Field Coincided With Time In Court**

*By Elaine Briseño*

Tom Brady announced Wednesday that he's retiring "for good" this time, leaving behind not only a legacy of championships, but a string of litigation stemming from both his personal and professional life.

[Read full article »](#)

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## **JOBS**

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Hunton Andrews Kurth  
Richmond, Virginia

### **Litigation Legal Assistant**

Corr Cronin  
Seattle, Washington

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**From:** Public Policy Law360  
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**To:** Trumka Jr., Richard  
**Subject:** Halkbank Prosecution Holds 'Cataclysmic' Risk, Justices Told



# Public Policy

WEDNESDAY, JANUARY 18, 2023



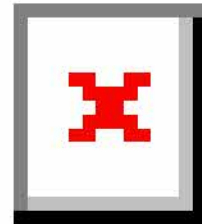
## TOP NEWS

### Halkbank Prosecution Holds 'Cataclysmic' Risk, Justices Told

*By Caleb Symons*

The U.S. Supreme Court wrestled on Tuesday with a question of whether the federal government may press criminal charges against entities owned by foreign nations, with several justices suggesting they could remand the suit for a closer look at immunity relief.

[Read full article »](#)



### 11th Circ. Hints CDC Mask Mandate Procedurally Flawed

*By Rosie Manins*

An Eleventh Circuit panel grappled Tuesday with a Florida district court's order vacating the federal mask mandate for public transportation, indicating that the Centers for Disease Control and Prevention likely has the power to issue such a requirement but may have failed to give proper notice.

[Read full article »](#)

### DOJ Adds New Incentives To Corporate Enforcement Policy

*By Stewart Bishop*

The Department of Justice on Tuesday unveiled another round of tweaks to its corporate criminal enforcement policies as part of its ongoing campaign to convince more companies to self-report misconduct, with changes including steep discounts on fines and expanded declination eligibility.

[Read full article »](#)

### Pa. Man Pleads Guilty To Threatening Judge, President

## LAW FIRMS IN TODAY'S NEWS

Akin Gump  
Arnold & Porter  
Bass Berry  
Berger Montague  
Boies Schiller  
Bradley Arant  
BraunHagey & Borden  
Bredhoff & Kaiser  
Cahill Gordon  
Cain & Skarnulis  
Constangy Brooks  
Cooley LLP  
Covington & Burling  
Cravath Swaine  
Davillier Law Group



*By P.J. D'Annunzio*

A Pennsylvania man has pled guilty to threatening a federal judge and vowing to kill a congressman and President Joe Biden, changing his previous plea of not guilty.

 Motion attached | [Read full article »](#)

## **GOP Rep Hints At Subpoenas In Long-Running WH Docs Bid**

*By James Arkin*

The new Republican chairman of the House Judiciary Committee on Tuesday sent a series of letters reiterating previous requests for documents concerning the Biden administration's response to harassment and threats of violence against school officials, and suggested the committee could soon be issuing subpoenas if the requests aren't met.

 7 documents attached | [Read full article »](#)

## **DC Circ. Won't Revisit Judicial Staff Political Speech Rules**

*By Katie Buehler*

The D.C. Circuit has rejected the federal judiciary's request for the full court to review a panel's August ruling that found unconstitutional a policy forbidding employees from championing political candidates and parties outside of work.

 Order attached | [Read full article »](#)

## **Mich. County Loses Challenge To \$800M Opioid Payout Plan**

*By Carolyn Muyskens*

Michigan's first wave of funds from a national settlement with opioid distributors and manufacturers can start to flow to local governments after a federal court dismissed one county's challenge to how the funds were apportioned.

 2 documents attached | [Read full article »](#)

Analysis

## **Justices Ignite FCA Debate: Fairness Vs. 'Invitation To Fraud'**

*By Jeff Overley and Daniel Wilson*

A U.S. Supreme Court showdown over False Claims Act punishment for commonplace regulatory violations carries "great importance" for fraud enforcement and is likely to spark congressional and administrative responses if justices severely weaken the powerful law, attorneys say.

[Read full article »](#)

Durie Tangri  
Epstein Becker Green  
FeganScott  
Freedman Normand  
Freshfields  
Gibson Dunn  
Gilbert Litigators  
Glenn Agre  
Goldman Ismail  
Hagens Berman  
Hogan Lovells  
Holland & Knight  
Hooper Lundy  
Jenner & Block  
Jones Day  
K&L Gates  
Kasowitz Benson  
King & Spalding  
Koskoff Koskoff  
Latham & Watkins  
Law Office of Darrell J. O'Neal  
Law Offices of F. Bryan Brice Jr.  
Lewis Brisbois  
Littler Mendelson  
Mayer Brown  
McCarter & English  
McDaniel Wolff  
McDermott Will  
Michael Best  
Miller Shakman  
Morgan Lewis  
Munger Tolles  
Murphy Thompson Arnold  
Nielsen Merksamer  
Norton Rose  
Novack & Macey  
Orrick Herrington  
Paul Weiss  
Perkins Coie  
Pillsbury Winthrop  
Quinn Emanuel

## BANKING & SECURITIES

### OCC's Hsu Says 'Too-Big-To-Manage' Banks May Face Cleaver

By Jon Hill

Acting Comptroller of the Currency Michael Hsu warned Tuesday that large banks may need to be broken up if they repeatedly break the law and don't mend their ways, saying that option should be kept on the table for dealing with "too-big-to-manage" financial institutions.

1 document attached | [Read full article »](#)

### Ex-SEC Officials, Law Professors Challenge New Proxy Rules

By Tom Zanki

The U.S. Securities and Exchange Commission violated federal rules when it repealed Trump-era regulations that increased oversight of proxy advisory firms, legal experts including former SEC Chair Harvey Pitt and former commissioner Joseph Grundfest have told a Texas appellate court.

2 documents attached | [Read full article »](#)

### DeSantis Bans Fla. Retirement System From ESG Investing

By Peter McGuire

Florida Gov. Ron DeSantis on Tuesday formalized rules banning the state's asset managers from considering environmental, social and governance issues when investing public money, in the latest move against a radical "woke" agenda he said corporations were foisting on the Sunshine State.

[Read full article »](#)

### Justices Urged To Wait For 'Cleaner Vehicle' On CFPB Funding

By Jon Hill

A pair of payday lender trade groups have urged the U.S. Supreme Court to turn down a rushed effort from the Consumer Financial Protection Bureau to appeal a landmark Fifth Circuit decision that held the agency is unconstitutionally funded.

2 documents attached | [Read full article »](#)

## ENERGY & ENVIRONMENTAL

### Pennsylvania Sets Limits On PFAS In Drinking Water

By Juan Carlos Rodriguez

Rainwater Holt  
Recht Kornfeld  
Ropes & Gray  
Saltzman & Evinch  
Saul Ewing  
Seila Law  
Sidley Austin  
Skadden Arps  
Starnes Davis  
Steptoe & Johnson LLP  
Venable LLP  
Wachtell Lipton  
White & Case  
Whiteford Taylor  
Williams & Connolly  
WilmerHale  
Womble Bond

## COMPANIES IN TODAY'S NEWS

ABN AMRO Bank NV  
AdvaMed  
Allergan PLC  
Alliance Defending Freedom  
Altman Weil Inc.  
Amazon.com Inc.  
American Bar Association  
American Civil Liberties Union  
American Federation of Labor & Congress of Industrial Organizations  
American Immigration Council Inc.  
American Immigration Lawyers Association  
American Legislative Exchange Council  
AmerisourceBergen Corp.  
Baltimore Orioles  
Boston Red Sox  
California Institute of Technology  
Cardinal Health Inc.

Pennsylvania has become the latest state to set mandatory drinking water standards for two types of toxic chemicals that are also under scrutiny by the federal government.

Final Rule attached | [Read full article »](#)

## **EPA Defends Reviving Calif. Vehicle Emissions Standards**

*By Peter McGuire*

Federal environmental regulators have urged the D.C. Circuit to reject a challenge to California's authority to create its own greenhouse gas standards and an electric vehicle mandate, saying Republican-led states have sued the agency using an "invented" constitutional argument with no basis in law or history.

Brief attached | [Read full article »](#)

## **No Further Review Of Carbon Metric Needed, 8th Circ. Told**

*By Keith Goldberg*

The federal government has urged the Eighth Circuit to stick with its ruling that Republican-led states can't challenge the way the Biden administration calculates harm from greenhouse gas pollution, saying it's clear that generalized fears of future climate change regulations can't sustain a suit.

Brief attached | [Read full article »](#)

## **FWS Seeks To Down Challenge To Parrot Import Ban**

*By Brian Steele*

The U.S. Fish and Wildlife Service is upholding a key law that protects wild birds by refusing a request to allow imports of two parrot species, the agency told a Florida federal court Tuesday in seeking to knock down a lawsuit brought by bird-breeding nonprofits that want to overturn the ban.

Motion attached | [Read full article »](#)

## **NC Asphalt Plant Rules Too Late To Halt Project, Firm Says**

*By Nate Beck*

The would-be developer of an asphalt plant in western North Carolina argued in state court that a local planning director's opposition led to years of litigation over a permit needed to build the plant that environmental groups say should be rejected, and that laws preventing the project are invalid.

Brief attached | [Read full article »](#)

## **HEALTH & LIFE SCIENCES**

Chevron Corp.  
Cisco Systems Inc.  
Community Financial Corp  
Cornell University  
Corteva Inc.  
Craig Tribal Association  
DISH Network Corp.  
Danske Bank Group  
Deutsche Bank AG  
DocuSign Inc.  
Eutelsat Communications SA  
First Liberty Institute  
Fordham University  
Georgetown University  
Glass Lewis & Co. LLC  
Grupo Televisa SAB  
Harley-Davidson Inc.  
Honeywell International Inc  
Institutional Shareholder Services Inc.  
International Business Machines Corp.  
JPMorgan Chase & Co.  
Jazz Pharmaceuticals Inc.  
Johns Hopkins University  
Johnson & Johnson  
Kohl's Corp.  
Law Practice Consultants LLC  
LinkedIn Corp.  
London Stock Exchange Group PLC  
Madison Square Garden Entertainment Corp.  
Massachusetts Institute of Technology  
MasterCard Inc.  
McKesson Corp.  
Microsoft Corp.  
Morgan Stanley  
Mylan NV  
National Association for La Placement Inc.

## Fed. Circ. Urged Not To Reverse Jazz's Orange Book Delisting

By Kelly Lienhard

Avadel CNS Pharmaceuticals LLC has asked the Federal Circuit to immediately remove patent protection for Jazz Pharmaceuticals' narcolepsy drug even though Jazz is appealing a district court order to delist a patent for the treatment, arguing access to Avadel's version of the drug would be "life-changing" for patients.

☒ Response attached | [Read full article »](#)

## FDA Urges Texas Judge Not To Reverse Abortion Pill Approval

By Hannah Albarazi

The U.S. Food and Drug Administration has urged a Texas federal judge to reject anti-abortion groups' bid to block FDA approvals of the abortion medication mifepristone, saying that an injunction would block patient access to a safe and effective drug that has been on the market for over two decades.

☒ 2 documents attached | [Read full article »](#)

## Calif. Wants High Court To Toss \$302M J&J Mesh Fine Appeal

By Dorothy Atkins

The state of California fired back Tuesday against Johnson & Johnson's request that the U.S. Supreme Court review its \$302 million court-ordered fine for violating the state's false advertising statute by misleading consumers about the safety of its pelvic mesh products, arguing that the statute isn't unconstitutionally vague.

☒ Brief attached | [Read full article »](#)

## MEDIA & ENTERTAINMENT

### Election Conspiracist Must Pay For Aborted Appeal

By Daniel Ducassi

A conservative activist accused of defamation over election conspiracy claims must pay a former Dominion Voting Systems executive nearly \$21,000 in fees over his failed appeal of a sanctions order that was also about attorney fees, a Colorado state judge has ordered.

☒ Order attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### DC Circ. Says NLRB Jumped Gun With Parts Of Election Rule

By Braden Campbell

National Association of Attorneys General  
National Association of Manufacturers  
Natural Gas Services Group Inc.  
New York Rangers  
New York University  
Ohio State University  
Overstock.com Inc.  
Safeco Insurance Co.  
Safeway Inc.  
Space Exploration Technologies Corp.  
Supervalu Inc.  
Syngenta AG  
The Bank of New York Mellon Corp.  
The Home Depot Inc.  
Twitter Inc.  
U.S. Chamber of Commerce  
United Airlines Holdings Inc.  
Universal Health Services Inc.  
University of Virginia  
Walmart Inc.  
Washington Legal Foundation  
Washington Nationals  
Wells Fargo & Co.  
World Resources Institute  
Yale University  
YouTube Inc.  
Zeughauser Group LLC

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Alaska Department of Law  
Arkansas Supreme Court  
Bureau of Citizenship and Immigration Services  
Bureau of Indian Affairs

The National Labor Relations Board rushed some of a set of 2019 changes to its representation election process but not others, a split D.C. Circuit panel said Tuesday in a partial reversal, faulting the board for freezing results in certain disputed votes but not for stretching the election timeline.

[Read full article »](#)

## **DC Council Votes To Delay Tipped Wage Rollback**

*By Irene Spezzamonte*

The D.C. Council unanimously agreed on Tuesday to postpone the initial process that will phase out tipped minimum wage, pushing the rollout back to May.

 [Bill attached](#) | [Read full article »](#)

## **Calif. Fast Food Wage Law Will Wait For Referendum**

*By Irene Spezzamonte*

A California law raising wages and other labor standards for workers in the fast food industry will stay on hold until Golden State residents have a chance to vote on the legislation, a state judge ruled.

 [Order attached](#) | [Read full article »](#)

## **DC Health Care Co. To Pay \$1.5M For Shorting Pandemic Staff**

*By Caleb Drickey*

A defunct District of Columbia assisted living company and its owners agreed to pay \$1.5 million to settle allegations that it forced workers to pull 24-hour shifts during the COVID-19 pandemic without adequate pay, D.C.'s attorney general announced Monday.

 [Settlement attached](#) | [Read full article »](#)

## **United Airlines: Colo. Sick Leave Law Preempted By Feds**

*By Daniel Ducassi*

United Airlines has filed a challenge in Colorado federal court to a 2020 state law setting up sick leave requirements for workers, arguing that federal laws like the Airline Deregulation Act preempt the Colorado law and regulations.

 [Complaint attached](#) | [Read full article »](#)

# **COMPETITION**

## **Elite Schools, Former Students Spar Over Discovery**

*By Bryan Koenig*

Admissions processes, donations tracking, scholarships, college decisions and more are on the line as discovery continues to heat up in an antitrust lawsuit from former students accusing Yale, Columbia,

Bureau of Industry and Security  
California Attorney General Office  
California Department of Justice  
California Labor and Workforce Development Agency  
California Supreme Court  
Centers for Disease Control and Prevention  
Cherokee Nation  
Colorado Department of Labor and Employment  
Consumer Financial Protection Bureau  
Denver International Airport  
European Commission  
European Union  
Executive Office for Immigration Review  
Executive Office of the President  
Export-Import Bank of the United States  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Reserve Bank of New York  
Federal Reserve System  
Federal Trade Commission  
Fish and Wildlife Service  
Food and Drug Administration  
Gwichyaa Zhee Gwich'in Tribal Government  
International Telecommunication Union  
Metlakatla Indian Community  
National Labor Relations Board

Duke, Emory and other top private universities of conspiring to limit financial aid.

 [Motion attached](#) | [Read full article »](#)

## INTERNATIONAL TRADE

### Commerce Issues Export Curbs On Marine Toxins

*By Alyssa Aquino*

Certain marine toxins used in medical research will face tighter export controls, with the U.S. Department of Commerce requiring exporters to obtain licenses to ship them abroad after determining that the chemicals could be used to develop biological weapons.

 [Final Rule attached](#) | [Read full article »](#)

## TAX

### EU Tax Adviser Regulations Postponed Until June

*By Matt Thompson*

European Union rules meant to prevent rogue advisers from facilitating tax evasion and aggressive tax planning have been postponed until June, according to the bloc's legislative schedule published Tuesday.

 [1 document attached](#) | [Read full article »](#)

## IMMIGRATION

### Justices Mull Jurisdiction Guidance For Deportation Appeals

*By Britain Eakin*

U.S. Supreme Court Justice Brett Kavanaugh suggested Tuesday that the court ought to clarify when federal appellate courts have the authority to review Board of Immigration Appeals decisions in a case involving a Guatemalan woman facing deportation.

[Read full article »](#)

### Atty Calls For More Info On Expanded Border Processing App

*By Alyssa Aquino*

An American Immigration Council attorney criticized the Biden administration on Tuesday for requiring migrants to use a border processing mobile device app to access new humanitarian migration pathways, without providing clear information on how the platform works.

[Read full article »](#)

Navajo Nation  
New York Attorney General's Office  
Ninilchik Village Tribe  
Office of Foreign Assets Control  
Office of the Comptroller of the Currency  
Ohio Attorney General's Office  
Ohio Department of Commerce  
Ohio Supreme Court  
U.S. Attorney's Office for the District of New Jersey  
U.S. Attorney's Office for the Middle District of Florida  
U.S. Attorney's Office for the Middle District of Pennsylvania  
U.S. Court of Appeals for the District of Columbia Circuit  
U.S. Court of Appeals for the Eighth Circuit  
U.S. Court of Appeals for the Eleventh Circuit  
U.S. Court of Appeals for the Federal Circuit  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Customs and Border Protection  
U.S. Department of Commerce  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. District Court for the District of Alaska  
U.S. District Court for the District of Columbia  
U.S. District Court for the District of New Jersey

## NATIVE AMERICAN

### [DC Circ. Revives Navajo Nation Judicial Funding Row](#)

*By Ali Sullivan*

The D.C. Circuit has reversed a lower court's granting of summary judgment to the U.S. Department of Interior in a suit over annual funding for the Navajo Nation's judicial system, finding the agency did not have authority under Indian Self-Determination and Education Assistance Act regulations to reduce funding after a higher sum had been established.

 [Opinion attached](#) | [Read full article](#) »

### [Alaska Sues To Block US From Putting Land Into Trust](#)

*By Gina Kim*

The state of Alaska sued the U.S. Department of the Interior on Tuesday for taking a piece of land in Juneau to put into a trust and proclaim it a reservation, arguing that doing so limits its sovereign jurisdiction and undermines key terms of the Alaska Native Claims Settlement Act.

 [Complaint attached](#) | [Read full article](#) »

### [Ark. Judge Voids Cherokee Nation Casino License](#)

*By Ali Sullivan*

An Arkansas judge has struck down a casino license issued to the Cherokee Nation allowing the influential tribe to build a casino in Pope County, ruling that a state commission's approval of the license flouted Arkansas' constitution.

 [2 documents attached](#) | [Read full article](#) »

## TELECOMMUNICATIONS

### [Guidance Needed In C-Band Relocation, Satellite Co. Says](#)

*By Christopher Cole*

Eutelsat has told the Federal Communications Commission that a framework is urgently needed for satellite operators to certify that they've vacated a portion of the C-Band under an FCC relocation plan to make room for 5G wireless.

 [Letter attached](#) | [Read full article](#) »

### [SpaceX, Dish Dueling Over FCC's Next-Gen Satellite Approval](#)

*By Christopher Cole*

SpaceX has asked the D.C. Circuit for permission to intervene in Dish Network Corp.'s challenge to a recent Federal Communications

U.S. District Court for the Middle District of Pennsylvania

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Florida

U.S. District Court for the Western District of Texas

U.S. Drug Enforcement Administration

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Securities and Exchange Commission

U.S. Supreme Court

United States District Court for the District of Colorado

United States District Court for the Northern District of Ohio

Commission approval of the next generation of Starlink nongeostationary orbit satellites.

 2 documents attached | [Read full article »](#)

## CANNABIS

### [Ohio Pot Co. Turns To State High Court In License Dispute](#)

*By Mike Curley*

An Ohio cannabis processor is asking the state Supreme Court to intervene in a suit alleging the state Department of Commerce unlawfully denied its bid for one of the state's cannabis licenses, saying that allowing the decision to stand will cause administrative case law to be "thrown into chaos."

 Memorandum attached | [Read full article »](#)

## PEOPLE

### [Former SDNY Judge Joins Paul Weiss From Cravath](#)

*By Tracey Read*

Former U.S. District Judge Katherine B. Forrest of the Southern District of New York has left Cravath Swaine & Moore LLP to become a partner in Paul Weiss Rifkind Wharton & Garrison LLP's antitrust litigation department in New York, effective Tuesday.

[Read full article »](#)

### [New York Fed Deputy GC Moves To WilmerHale As Partner](#)

*By Tracey Read*

WilmerHale has hired a 23-year veteran of the Federal Reserve Bank of New York as a partner in its financial institutions group, the firm said Tuesday.

[Read full article »](#)

### [Ex-DC Attorney General Karl Racine Returns To Hogan Lovells](#)

*By Jack Rodgers*

After serving two terms as the first elected attorney general in Washington, D.C., Karl Racine has been rehired by Hogan Lovells as a litigation partner, rejoining the firm where he began his legal career, the firm announced Tuesday.

[Read full article »](#)

## EXPERT ANALYSIS



## **Navigating Potential Changes In Carbon Reporting Standards**

The World Resources Institute may soon update its GHG Protocol, and the Federal Trade Commission its Green Guides, for the first time in over a decade, potentially affecting voluntary corporate sustainability actions and compliance reporting — so companies should participate in these iterative processes to shape prudent carbon reporting, investing and marketing policies, say attorneys at K&L Gates.

[Read full article »](#)

## **5 Gen X Characteristics That Can Boost Legal Leadership**

As Generation X attorneys rise to fill top roles in law firms and corporations left by retiring baby boomers, they should embrace generational characteristics that will allow them to become better legal leaders, says Meredith Kahan at Whiteford Taylor.

[Read full article »](#)



# **LEGAL INDUSTRY**

## **How To Avoid Atty Fee Disputes In Firm Spinoffs And Splits**

*By Anna Sanders*

Law firms and departing lawyers can take steps to avoid costly litigation and disputes over attorney fees when clients change hands following spinoffs and splits, according to experts who stress the importance of communication in sidestepping any legal battles over bills.

[Read full article »](#)

## **Constangy Brooks Adds 32-Atty Team From Lewis Brisbois**

*By Xiumei Dong*

Employment and labor law firm Constangy Brooks Smith & Prophete LLP is bulking up its cybersecurity and data privacy practice with a 32-attorney team from Lewis Brisbois Bisgaard & Smith LLP, the firm announced Tuesday.

[Read full article »](#)

## **Norton Rose's Frankfurt Office Raided Amid Cum-Ex Probes**

*By Kevin Penton*

Norton Rose Fulbright's Frankfurt office was the subject of an investigation by German authorities Tuesday, as a probe into the European cum-ex tax evasion scandal continues.

[Read full article »](#)

## **Quinn Emanuel Antitrust Head Stephen Neuwirth Dies At 60**

*By Jack Karp*

Stephen Neuwirth, chair of Quinn Emanuel Urquhart & Sullivan LLP's global antitrust and competition practice and one of the country's leading antitrust attorneys, has died, the firm announced.

[Read full article »](#)

## **Armed Man Shot Near Philly Federal Courthouse**

*By P.J. D'Annunzio*

A man with sharp weapons was shot several times by a security guard while approaching the James A. Byrne U.S. Courthouse in Philadelphia on Tuesday morning, according to the U.S. Marshals Service.

[Read full article »](#)

## **Conn. Judge Declines To Sanction Alex Jones' Texas Attorney**

*By Christine DeRosa*

Alex Jones' Texas attorney will not be disciplined for his disclosure of Sandy Hook families' sensitive medical and financial information despite the fact he engaged in misconduct and violated Connecticut Rules of Professional Conduct, a Connecticut judge ruled Tuesday.

 Decision attached | [Read full article »](#)

## **Danske Bank's Chief Compliance Officer To Step Down In 2024**

*By Sarah Jarvis*

Danske Bank's chief compliance officer, first hired in the wake of investigations into anti-money laundering failures at the Danish lender's Estonian branch that eventually led to a \$2 billion fine, will step down next year, the bank confirmed Tuesday.

[Read full article »](#)

## **Pillsbury Atty Confirmed As California Appeals Court Judge**

*By James Mills*

A Pillsbury Winthrop Shaw Pittman LLP attorney was unanimously confirmed on Friday as an associate justice on the Sixth District Court of Appeals in San Jose, California.

[Read full article »](#)

## **Justices Decline To Take Court Reporter's Race Bias Suit**

*By Emmy Freedman*

The U.S. Supreme Court declined Tuesday to review a pay bias lawsuit from a Black former court reporter, turning away a case the worker said was prematurely tossed when a judge concluded the jury couldn't rule in her favor.

 Order List attached | [Read full article »](#)

## **AILA, US Agree On Enforceability Of Remote Hearing Rules**

*By Rae Ann Varona*

The American Immigration Lawyers Association and the U.S. government asked a New Jersey federal judge to skip briefing for a stipulation requiring immigration judges to allow remote hearings during the COVID-19 pandemic, saying they agree the stipulation is enforceable.

 Letter attached | [Read full article »](#)

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Email secured by Check Point

**From:** Public Policy Law360  
**Sent:** Wed, 8 Feb 2023 09:25:40 +0000  
**To:** Trumka Jr., Richard  
**Subject:** How Va. Appellate Overhaul Is Shaking Up The Old Dominion



# Public Policy

WEDNESDAY, FEBRUARY 8, 2023



## TOP NEWS

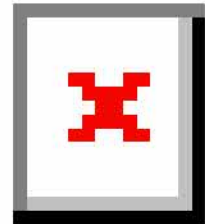
Analysis

### How Va. Appellate Overhaul Is Shaking Up The Old Dominion

By Jess Krochtengel

Just over a year ago, Virginia's appellate court underwent the biggest change to the state's judicial system in nearly 40 years, and the repercussions are still roiling the commonwealth's judicial system.

[Read full article »](#)



### Judge Greenaway Will Retire From 3rd Circuit In June

By James Arkin

Judge Joseph A. Greenaway Jr. is retiring from the Third Circuit in June after more than two decades on the federal bench, giving President Joe Biden another appellate vacancy to fill.

[Read full article »](#)

### Gov't Seeks Toss Of FOIA Suit Over Trump Docs Tied To Raid

By Ivan Moreno

The U.S. government asked a Massachusetts federal judge to toss a lawsuit seeking records regarding former President Donald Trump's purported standing declassification order for documents he took from the Oval Office, saying merely acknowledging whether such materials exist would compromise an ongoing investigation.

 [Motion attached | Read full article »](#)

### House Dems Fight High Court Input In Trump Hotel Lease Suit

By Grace Dixon

## LAW FIRMS IN TODAY'S NEWS

Akin Gump  
American Center for Law & Justice Inc.  
ArentFox Schiff  
Arnold & Porter  
Axinn Veltrop  
Baker & Hostetler  
Baker McKenzie  
Bakke Grinolds  
Ballard Spahr  
Banner Witcoff  
Bartlett LLP  
Beatty & Wozniak  
Berrigan Litchfield  
Block & Leviton

Current and former House Democrats urged the U.S. Supreme Court not to get involved in their dispute over a request for documents linked to the Trump Organization's lease at the Old Post Office in Washington, D.C., arguing the "legal unicorn" case doesn't conflict with appellate precedent.

 Brief attached | [Read full article »](#)

## **Pupils Say DC Museum Booted Them For Anti-Abortion Hats**

*By Katie Buehler*

A group of Catholic school students from South Carolina and their chaperones have accused the Smithsonian's National Air and Space Museum of violating their rights to free speech and religious freedom, claiming in D.C. federal court that security guards kicked them out of the museum when they didn't remove their anti-abortion hats.

 Complaint attached | [Read full article »](#)

## **NY Chief Judges' Unreported Perks 'Corrupt,' State Sen. Says**

*By Frank G. Runyeon*

A top New York lawmaker on Tuesday accused the state's high court of corruption in the wake of revelations that former Chief Judge Janet DiFiore and her successor failed to report taxable chauffeur perks.

[Read full article »](#)

# **BANKING & SECURITIES**

## **SEC To Test Adviser Compliance With New Marketing Rule**

*By Jessica Corso*

A trio of new rules governing how investment advisers advertise and run their businesses will be one of the focuses of examinations conducted by the U.S. Securities and Exchange Commission this year, the agency announced Tuesday.

 Report attached | [Read full article »](#)

## **SEC Sues Pa. Investment Adviser Over Alleged \$200M Scheme**

*By P.J. D'Annunzio*

The U.S. Securities and Exchange Commission has levied civil claims against a Pennsylvania investment adviser accused of running a scheme that garnered approximately \$200 million in illicit loans, which he used to make personal investments and pay off debt.

 Complaint attached | [Read full article »](#)

## **Fed's Climate Risk Management Pitch Gets Divided Feedback**

*By Sarah Jarvis*

Bondurant Mixson  
Carollo Law Group  
Condon & Forsyth  
Cooley LLP  
Covington & Burling  
Crowell & Moring  
DLA Piper  
Davidoff Hutcher  
Davis Wright Tremaine  
DuBose Miller  
Eckert Seamans  
Ellis George  
Eversheds Sutherland  
Foley Hoag  
Fox Rothschild  
Gibson Dunn  
Girardi & Keese  
Goodwin Procter  
Greenspoon Marder  
Gregor Wynne  
Griffin Durham  
Gunderson Dettmer  
Hamrick & Evans  
Haynes & Boone  
Holland & Hart  
Hunter Maclean  
Jarrard & Davis  
Johnson Anselmo  
Jones Day  
Jones Gregg  
Jones Walker  
Kaempfer Crowell  
Kasowitz Benson  
Kemp Jones  
Kirkland & Ellis  
Kramer Levin  
Levi & Korsinsky  
Lippes Mathias  
Lotfi Legal LLC  
Martin LLP  
Miller Barondess  
Morris Manning

The Federal Reserve's recent proposed guidance on climate risk management for large banks has garnered a range of reactions from trade groups and advocacy organizations, whose feedback runs the gamut from decrying the proposal as overly burdensome to calling for even stronger measures.

5 documents attached | [Read full article »](#)

## House GOP Seeks To Block Socially Conscious Investing Rule

*By Patrick Hoff*

Two House Republicans filed a resolution Tuesday seeking to block a recently finalized U.S. Department of Labor rule governing how retirement plan managers can consider climate change and social justice when making investment decisions, asserting that the regulations play politics with Americans' retirement savings.

[Read full article »](#)

## SEC Small Biz Panel Fears Private Fund Rules Will Overreach

*By Tom Zanki*

A small-business focused U.S. Securities and Exchange Commission panel Tuesday urged regulators to tread carefully before enacting new rules governing private fund advisers, worried that a proposal intended to protect investors could unintentionally harm smaller companies.

[Read full article »](#)

# ENERGY & ENVIRONMENTAL

## EU To Consider Ban On Toxic 'Forever Chemicals'

*By Emily Field*

The European Union on Tuesday began to contemplate a proposal to ban the making and use of toxic "forever chemicals" used in tens of thousands of products that, if passed, would be one of the largest bans on chemicals in Europe.

[Read full article »](#)

## Nev. Judge Largely Backs Thacker Pass Lithium Mine

*By Caleb Symons*

A federal judge in Nevada has largely cleared the way for plans to tap the largest-known lithium deposit in the United States, rejecting the bulk of a challenge in which environmentalists, Indigenous tribes and a local rancher sought to invalidate the mining project's federal permit.

Order attached | [Read full article »](#)

## TotalEnergies Unit Can't Stop Enforcement Case, FERC Says

Morris Nichols  
Mowry & Grimson  
Naman Howell  
Norton Rose  
Oldenburg Law Office  
Perkins Coie  
Polsinelli PC  
Potomac Law Group  
Potter Anderson  
Quinn Emanuel  
Reed Smith  
Ropes & Gray  
Sands Anderson  
Sercarz & Riopelle  
Sidley Austin  
Simpson Thacher  
Stewart Taylor  
Stinson LLP  
Stroock & Stroock  
Sykes Bourdon  
Taylor English  
Troutman Pepper  
Wiley Rein  
Williams & Connolly  
Williams Weese  
Wormser Kiely

## COMPANIES IN TODAY'S NEWS

Adelphia  
Communications Corp.  
Air Transport Associati  
of America  
Amazon.com Inc.  
American Academy of  
Pediatrics  
American Airlines Group  
Inc.  
American Bankers  
Association  
American Bar Associati  
American Civil Liberties  
Union

*By Keith Goldberg*

The Federal Energy Regulatory Commission on Monday urged a Texas federal court to reject a TotalEnergies unit's bid to halt a gas market manipulation probe, saying the company can't challenge an enforcement case that hasn't been completed yet.

 Brief attached | [Read full article »](#)

## **Green Groups Sue EPA Over Ship Discharge Regulations**

*By Joyce Hanson*

Two nonprofit groups have sued the U.S. Environmental Protection Agency in California federal court on claims that it has failed to fight pollution from oceangoing vessels by establishing discharge regulations that would protect American waterways, saying the EPA is two years late in setting those standards.

 Complaint attached | [Read full article »](#)

## **EPA Can't Justify Denver Air Plan Approval, 10th Circ. Told**

*By Peter McGuire*

The Center for Biological Diversity told the Tenth Circuit that a clean air plan for the Denver area illegally allows pollution from new oil and gas wells and was approved with insufficient public input, despite arguments to the contrary from federal regulators and petrochemical interests.

 Brief attached | [Read full article »](#)

# **HEALTH & LIFE SCIENCES**

## **DC Court Nixes Challenge To Canadian Medicine Import Rule**

*By Alyssa Aquino*

Groups representing the domestic pharmaceutical industry lost their suit against a federal policy allowing states and tribes to import cheaper Canadian drugs, after a D.C. federal judge ruled the groups can't claim harm when no imports have been cleared yet.

 Order attached | [Read full article »](#)

## **Drug Execs Testify About DEA Compliance In Ga. Opioid Trial**

*By Kelcey Caulder*

Compliance executives from two major prescription drug distributors on Tuesday detailed processes used to ensure that controlled substances aren't used for purposes not intended by the prescriber as part of a trial in which the distributors are accused of flooding a coastal Georgia community with pills for profit.

[Read full article »](#)

American Civil Liberties Union of Massachusetts  
American Immigration Lawyers Association  
American Petroleum Institute Inc.  
Animal Legal Defense Fund  
Asian American Center for Advancing Justice  
Asian Americans Advancing Justice  
Association of National Advertisers  
Avet Pharmaceuticals Inc.  
BBB National Programs Inc.  
Bank Policy Institute  
Binance Holdings Ltd.  
Bittrex Inc.  
CGI Merchant Group LL  
California Attorney Lending  
Cardinal Health Inc.  
Center for Biological Diversity  
Cisco Systems Inc.  
Coinbase Global Inc.  
Community Financial Corp.  
CoreCivic Inc.  
Cornerstone Research Inc.  
Corrections Corporation of America  
Counsel Financial Services LLC  
Delta Air Lines Inc.  
FedEx Corp.  
Financial Services Foru  
First Liberty Institute  
Florida Cancer Specialists & Research Institute  
Gemini Trust Co. LLC

## MEDIA & ENTERTAINMENT

### '2000 Mules' Creators Want Out Of Defamation Suit

By Tom Lotshaw

The creators of "2000 Mules" want a Georgia federal judge to dismiss defamation, invasion of privacy and conspiracy claims filed against them by a man who says they used footage of him lawfully voting as proof that hired "mules" trafficked and cast fraudulent ballots in the 2020 election.

 3 documents attached | [Read full article »](#)

## TRANSPORTATION & INFRASTRUCTURE

### Biden State Of The Union Touts 'Buy America'

By Linda Chiem

President Joe Biden vowed to shore up American manufacturing, continue funding transportation infrastructure projects and electric vehicle development, and unveiled measures to curb airlines' customer fees in his second State of the Union address Tuesday night.

[Read full article »](#)

### House Transpo Panel Laments Safety Gaps In FAA Bill Hearing

By Linda Chiem

Recent near-misses at airports, technological gaps and workforce shortages are among the chief safety concerns that aviation industry stakeholders urged Congress to prioritize when it negotiates legislation to renew funding for the Federal Aviation Administration this year.

[Read full article »](#)

## REAL ESTATE

### Ga. Court Says Landowner Lacks Right To Land Development

By Madeline Lyskawa

The Georgia Court of Appeals largely ruled against an Atlanta metropolitan area landowner on Tuesday in his case challenging density zoning rules, saying he lacks the right to develop property on land he purchased seven years ago.

 Opinion attached | [Read full article »](#)

### Pittsburgh Rental Registry Too Invasive, Pa. Panel Told

By Matthew Santoni

Attorneys for landlord groups told the Commonwealth Court of Pennsylvania on Tuesday that the city of Pittsburgh's rental registration

Georgetown University  
Insurance Europe Ltd.  
International Brotherhood of Electrical Workers  
J.M. Smith Corp.  
Johnson & Johnson  
Keysight Technologies Inc.  
Korea Electric Power Corp.  
LexisNexis Group Inc.  
LexisNexis Risk Solutions Inc.  
McKesson Corp.  
NBCUniversal Media LLC  
NFL Enterprises LLC  
National Hockey League  
National Hockey League Players Association  
National Immigration Law Center  
Northeastern University  
Nucor Corp.  
Oxfam America Inc.  
POSCO  
Palo Alto Networks Inc.  
Pfizer Inc.  
Pharmaceutical Research and Manufacturers of America  
PrimeSource Building Products Inc.  
Protect Democracy Project Inc.  
Public Citizen Inc.  
RELX PLC  
Red Bull GmbH  
Salem Media Group Inc  
Sephora SA  
Sientra Inc.  
Sierra Club  
Smith Drug Co.  
Southwest Airlines Co.  
Techstars Central LLC



and inspection ordinance is unconstitutional because it invades their privacy and imposes duties on their businesses not allowed by state law.

[Read full article »](#)

## EMPLOYMENT & BENEFITS

### [DOL Secretary Expected To Leave For NHL Union](#)

*By Max Kutner*

U.S. Department of Labor Secretary Marty Walsh is poised to leave the agency to oversee the collective bargaining unit for NHL players, leaving a key role vacant halfway through President Joe Biden's term, according to a congressional statement and media reports Tuesday.

[Read full article »](#)

## COMPETITION

### [\\$460M Tenaris Factory Buy Spiked After DOJ Antitrust Fears](#)

*By Kelly Lienhard*

Luxembourg-based Tenaris' \$460 million takeover of Benteler Group's Louisiana steel tube plant has been abandoned, the companies announced, after the U.S. Department of Justice's Antitrust Division looked into the anti-competitive effects of the deal.

[Read full article »](#)

## CYBERSECURITY & PRIVACY

### [Biden Pushes For Targeted Ad Ban, Tighter Data Privacy Rules](#)

*By Allison Grande*

President Joe Biden in his State of the Union address on Tuesday night stepped up pressure on Congress to ban targeted advertising to children and to put "stricter" guardrails on major tech companies' ability to collect, use and share personal data from all consumers.

[Read full article »](#)

## CONSUMER PROTECTION

### [La. Meat Labeling Law 'Orwellian,' Tofurky Co. Tells 5th Circ.](#)

*By Lauren Castle*

The maker of Tofurky and other plant-based meat substitutes told the Fifth Circuit that a Louisiana prohibition on using meat-related terms for non-meat foods was "Orwellian" during oral arguments on Tuesday that also included a debate on whether a hamburger was misleadingly named because it includes no ham.

Tenaris S.A.

Tesla Inc.

Texas Civil Rights Project

The American Legion

The New York Times Company

Thomson Reuters Corp

TikTok Inc.

Trump Organization Inc

Trustmark Corp.

U.S. Chamber of Commerce

Western Alliance Bancorporation

Wyndham Hotels & Resorts Inc.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Arizona Supreme Court

Bureau of Citizenship and Immigration Services

Bureau of Land Management

Burns Paiute Tribe

California Labor and Workforce Development Agency

Centers for Disease Control and Prevention

Central Intelligence Agency

Cherokee Nation

Commodity Futures Trading Commission

Congressional Research Service

Consumer Financial Protection Bureau

European Commission

European Union

Executive Office of the President

Federal Aviation Administration

[Read full article »](#)

## PERSONAL INJURY & MEDICAL MALPRACTICE

### [Ohio Senators Mull Litigation Funding Disclosures Bill](#)

*By Eric Heisig*

Ohio lawmakers are mulling a bill that would, among other things, require third-party litigation financiers to disclose their participation in particular lawsuits, a move that its sponsor says is necessary to help make the state friendlier for businesses and litigators.

 2 documents attached | [Read full article »](#)

## PRODUCT LIABILITY

### [Ga. Justices Balk At Professors' Bid To Void Gun Carry Law](#)

*By Rosie Manins*

Georgia Supreme Court justices struggled Tuesday with an attempt by university professors to void a state law permitting guns on campus, given that the board governing Georgia's university system adopted its own matching policy.

 3 documents attached | [Read full article »](#)

## AEROSPACE & DEFENSE

### [Biden Vows To Address Veteran Suicide In State Of The Union](#)

*By Daniel Wilson*

Veterans' issues formed a key part of President Joe Biden's State of the Union address on Tuesday, as he pledged his administration would take additional actions to reduce veteran suicides and ensure veterans can secure post-military employment and housing.

[Read full article »](#)

## INTERNATIONAL TRADE

### [Fed. Circ. Reaffirms National Security Duty Expansion](#)

*By Rae Ann Varona*

The U.S. Court of Appeals for the Federal Circuit on Tuesday again endorsed the presidential authority to increase national security tariffs on steel, saying former President Donald Trump's decision to expand tariffs to steel derivatives was clearly within his authority.

 Opinion attached | [Read full article »](#)

Federal Bureau of Investigation  
Federal Communication Commission  
Federal Deposit Insurance Corp.  
Federal Energy Regulatory Commission  
Federal Reserve System  
Federal Trade Commission  
Financial Crimes Enforcement Network  
Food and Drug Administration  
Georgia Attorney General's Office  
Georgia Supreme Court  
Government Accountability Office  
Internal Revenue Service  
Louisiana Attorney General's Office  
National Geospatial-Intelligence Agency  
National Security Agency  
National Telecommunications and Information Administration  
National Transportation Safety Board  
New York State Commission on Judicial Conduct  
North Dakota Attorney General's Office  
Office of the Comptroller of the Currency  
Office of the Director of National Intelligence  
Office of the U.S. Trade Representative  
Ohio Legislative Service Commission  
Oklahoma Legislature

## Fed. Circ. Mulls How Steel Tariffs Fit With Other Duties

By Jennifer Doherty

The U.S. Department of Commerce broke with its own policy when it crafted higher anti-dumping duties on steel imports by deducting national security tariffs from the price of the goods, counsel for a Turkish steel importer told a Federal Circuit panel Tuesday.

[Read full article »](#)

## 'Secret Stash' Of Docs Needed To Save China Tariffs, CIT Told

By Jennifer Doherty

Counsel for importers challenging sweeping tariffs on Chinese goods repeatedly complimented the government for its careful handling of comments around what products to levy during oral arguments Monday but concluded that the trade court must nevertheless lift the duties.

[Read full article »](#)

## Nucor Seeks Higher Duties On S. Korean Steel Plate

By Micah Danney

American steel producer Nucor is requesting that the U.S. Department of Commerce revisit South Korea's electricity pricing scheme, arguing that the agency erred in deciding its Korean competitors did not receive subsidized power.

 [Complaint attached | Read full article »](#)

## TAX

### Insurance Group Wants New EU Tax System To Be Optional

By Todd Buell

A group representing European insurance companies said Tuesday that the proposed new corporate tax system in the European Union should be optional, at least until it's clear that the new rules aren't overly complex.

 [Statement attached | Read full article »](#)

## IMMIGRATION

### Biden Glosses Over Border In State Of The Union Address

By Britain Eakin

President Joe Biden didn't spend much time Tuesday evening talking about immigration or the border, focusing his State of the Union address more on touting his economic and job creation initiatives.

[Read full article »](#)

### Border Patrol Chiefs Tell Lawmakers More Resources Needed

Reno-Sparks Indian Colony

Three Affiliated Tribes of the Fort Berthold Reservation

U.S. Attorney's Office

U.S. Attorney's Office for the Southern District of New York

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Customs and Border Protection

U.S. Department of Commerce

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. District Court for the District of Columbia

U.S. District Court for the District of Delaware

U.S. District Court for the District of Massachusetts

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Northern District of California

*By Britain Eakin*

A pair of border patrol chiefs mostly tried to dodge partisan politics Tuesday during a House oversight committee hearing as they addressed their respective challenges along the U.S.-Mexico border, which saw record migrant crossings last year.

☒ Memorandum attached | [Read full article »](#)

## **Justices Told COVID-19 Emergency End Moots Title 42 Fight**

*By Britain Eakin*

The Biden administration told the U.S. Supreme Court Tuesday that when the public health emergency ends in May, it will moot a bid by Republican states to intervene in a suit to defend the Title 42 border policy.

☒ 2 documents attached | [Read full article »](#)

## **Feds, Red States Spar Over Delaying Ruling On Title 42's End**

*By Micah Danney*

The Biden administration asked the Fifth Circuit to suspend its appeal of a district court ruling requiring the Biden administration to keep in place Title 42, saying the COVID-19 national health emergency's planned end in May will moot the case.

☒ 2 documents attached | [Read full article »](#)

## **Harms Remain From Nixed Travel Ban, Court Told**

*By Rae Ann Varona*

Individuals who were banned from entering the U.S. under Trump-era travel restrictions chided the Biden administration's attempt to dismiss their lawsuit, saying they are still experiencing harms even if the majority of them have now received their visa decisions.

☒ Letter attached | [Read full article »](#)

## **Fla. Town Tells Appeals Court Neighbor Thwarted ICE Facility**

*By Carolina Bolado*

A Broward County, Florida, town that accused a neighboring city of thwarting a proposed U.S. Immigration and Customs Enforcement detention facility by breaching local road and fire agreements urged an appeals court Tuesday to overturn a jury verdict in the city's favor.

[Read full article »](#)

# **NATIVE AMERICAN**

## **ND Must Produce Transcripts In Native Redistricting Case**

*By Crystal Owens*

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Southern District of New York

U.S. Drug Enforcement Administration

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. Immigration and Customs Enforcement

U.S. Securities and Exchange Commission

U.S. Senate

U.S. Supreme Court

United States District Court for the District of Nevada

United States District Court for the District of North Dakota

United States District Court for the Southern District of Indiana

Wage and Hour Division

A North Dakota federal court has said the state must produce video and audio transcripts of its legislative sessions as part of an ongoing case brought by two residents who allege the legislature intentionally redrew two House district lines to include more Native Americans, despite claims from the state that the redistricting was meant to be inclusive.

 Opinion attached | [Read full article »](#)

## **Okla. Lawmaker Reintroduces Bill To Find Missing Adults**

*By Joyce Hanson*

Oklahoma lawmaker Ken Luttrell has reintroduced a state bill that would create an alert system for locating "critically missing" Native American adults and coordinate its implementation with the U.S. Department of Justice.

 Bill attached | [Read full article »](#)

## **TELECOMMUNICATIONS**

### **FCC Urged To Get Started On Next Alaska Plan**

*By Piper Hudspeth Blackburn*

Several Alaskan telecom carriers have called on the Federal Communications Commission to kick-start the development of a new 10-year plan for fixed and mobile broadband deployment across the state.

 2 documents attached | [Read full article »](#)

### **FCC Republican Backs Bill To Disclose Chinese Gov't Ties**

*By Piper Hudspeth Blackburn*

The Federal Communications Commission's senior Republican has announced support for bipartisan legislation that would require the agency to publish a list of every entity that holds an FCC license or authorization that has substantial ties to authoritarian regimes, including the Chinese Communist Party.

 Bill attached | [Read full article »](#)

### **FCC Urged To Beef Up 'Connect America' Rural Programs**

*By Christopher Cole*

Rural carriers are pressing the Federal Communications Commission to increase financial support to providers in exchange for deploying higher internet speeds in more locations.

 Letter attached | [Read full article »](#)

## **PEOPLE**

### **Ex-NC Sen. Burr Joins DLA Piper As Principal Policy Adviser**

*By Jack Rodgers*

DLA Piper has hired former senior North Carolina Sen. Richard Burr as a principal policy adviser and as leader of its health policy strategic consulting practice, the firm announced Tuesday.

[Read full article »](#)

## EXPERT ANALYSIS

### **The Discipline George Santos Would Face If He Were A Lawyer**

Rep. George Santos, who has become a national punchline for his alleged lies, hasn't faced many consequences yet, but if he were a lawyer, even his nonwork behavior would be regulated by the American Bar Association's Model Rules of Professional Conduct, and violations in the past have led to sanctions and even disbarment, says Mark Hinderks at Stinson.

[Read full article »](#)

### **Bank Secrecy Act's Crypto Expansion Is On The Horizon**

The pending Digital Asset Anti-Money Laundering Act is a reminder that increased regulation in the cryptocurrency space is likely, and companies should at a minimum view it as a harbinger of what is to come as they assess whether they should create or update an anti-money laundering compliance program, say attorneys at Troutman Pepper.

[Read full article »](#)

### **Shift In Health Care Antitrust Prosecutions Is Likely**

A recent memorandum of understanding between the U.S. Department of Justice Antitrust Division and the U.S. Department of Health and Human Services Office of Inspector General raises the possibility that health care providers will face exclusion from key federal health care programs for antitrust offenses, signaling a consequential sea change, say attorneys at Axinn.

[Read full article »](#)

### **Financial Services, Fintech Are Top CFPB Areas To Watch**

Amid a flurry of recent developments related to the consumer financial services and fintech sectors, the Consumer Financial Protection Bureau's enforcement trends show it is focusing on large corporate repeat offenders, fair lending, junk fees, consumer data and more, says Eamonn Moran at Norton Rose.

[Read full article »](#)

Opinion

### **Bankruptcies Aren't The Real Problem In Mass Tort System**

While some have criticized recent moves by Johnson & Johnson and 3M to resolve mass tort lawsuits through bankruptcy, these maneuvers are a response to a system that is not working well for plaintiffs or defendants, and that urgently needs reform, says Andrew Gould, a former justice of the Arizona Supreme Court.

[Read full article »](#)

## **US-India Advance Pricing Resolutions Should Reassure Cos.**

The United States' and India's tax authorities' recent resolution of a significant number of pending advance pricing agreements should reduce taxpayer uncertainty, reassure companies of the nations' good working relationship and improve India's investment environment, say Miller Williams and Caroline Setliffe at Eversheds Sutherland.

[Read full article »](#)

## **5 Key Areas Of Privacy Compliance Following State Laws**

As comprehensive data privacy laws take effect in California, Colorado, Connecticut, Utah and Virginia this year, organizations should ensure compliance with changing obligations related to vendor agreements, sensitive personal information, cookies and more, say Catherine Kozlowski and Aaron Ogunro at Polsinelli.

[Read full article »](#)

## **Aggressive Insider Trading Enforcement Will Persist This Year**

Enforcement agencies' aggressive crackdown on insider trading last year — focusing on the rapidly developing digital asset industry, new theories of liability, rule amendments and congressional stock activity — is expected to continue apace in what promises to be an active and innovative period to come, say attorneys at Kasowitz.

[Read full article »](#)

# **LEGAL INDUSTRY**

## **Davis Wright Trims Staff, Citing Overcapacity**

*By Xiumei Dong*

Davis Wright Tremaine LLP has laid off 21 professional staff members, it confirmed Tuesday, becoming the latest BigLaw firm to cite "excess capacity" as a reason for reducing its workforce amid economic uncertainty.

[Read full article »](#)

## **Girardi Trustee's Claims Against Litigation Funder Axed**

*By Hailey Konnath*

A California federal judge has thrown out the Girardi Keese bankruptcy trustee's claims that New York litigation lenders owned by a convicted felon drove thousands of cases to disgraced attorney Thomas Girardi and his law firm and helped him loot millions of dollars from clients, counsel for the funders confirmed Tuesday.

 1 document attached | [Read full article »](#)

## **Judge McKenna, H.W. Bush Appointee To SDNY, Dies At 89**

*By Andrew Strickler*

Former New York federal Judge Lawrence M. McKenna, who oversaw cases ranging from the Adelphia Communications scandals to the legal troubles of boxing promoter Don King, died Friday after a long illness, a family member confirmed Tuesday.

[Read full article »](#)

## **Kramer Levin Attorney's 'Baseless Attacks' Earn PTAB Block**

*By Dani Kass*

The Patent Trial and Appeal Board on Tuesday blocked a Kramer Levin Naftalis & Frankel LLP managing partner from representing Centripetal Networks in a patent challenge, citing his 2021 sanctions for baselessly accusing Amazon of relying on antisemitism to win over a jury.

 Order attached | [Read full article »](#)

Analysis

## **Musk Victory Unlikely To Move The Needle On Securities Trials**

*By Jessica Corso*

Elon Musk may have been willing to put Tesla's future in the hands of jurors last week, but his rare victory in a securities class action trial is unlikely to leave other corporate defendants clamoring to do the same, legal experts told Law360.

[Read full article »](#)

## **ROSS Can't Hide Behind Fair Use, Thomson Reuters Says**

*By Andrea Keckley*

Legal services company ROSS Intelligence has fallen short of showing that it engaged in fair use when it created a database that Thomson Reuters alleges illegally used its law database, Westlaw, without permission or compensation, the media conglomerate argued to a Delaware federal court in a filing.

 Brief attached | [Read full article »](#)

## **Ex-LA DA Trims But Can't Nix Activists' Suit Over Gun Incident**

*By Gina Kim*

A California judge on Tuesday threw out activists' false imprisonment claims against former Los Angeles District Attorney Jackie Lacey and the estate of her late husband, who brandished a handgun when they rang the couple's doorbell in 2020, but kept the suit alive by declining to throw out a negligence claim.

[Read full article »](#)

## **Feds Say Ex-FBI Trainee Can't Ax Statements In Trading Case**



*By Elliot Weld*

A former FBI trainee who allegedly lied to insider-trading investigators shouldn't be able to keep those false statements out of evidence because he made them voluntarily, Manhattan federal prosecutors told a judge.

 Memorandum attached | [Read full article »](#)

## **NJ Judge Shortage Halts Civil, Divorce Trials In 2 Vicinages**

*By Jake Maher*

The New Jersey judiciary is halting all civil and matrimonial trials in two vicinages comprising six counties in the northwest and south of the state effective Feb. 21 due to a shortage of judges, according to an announcement from state Supreme Court Chief Justice Stuart Rabner.

[Read full article »](#)

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Washington, District of Columbia

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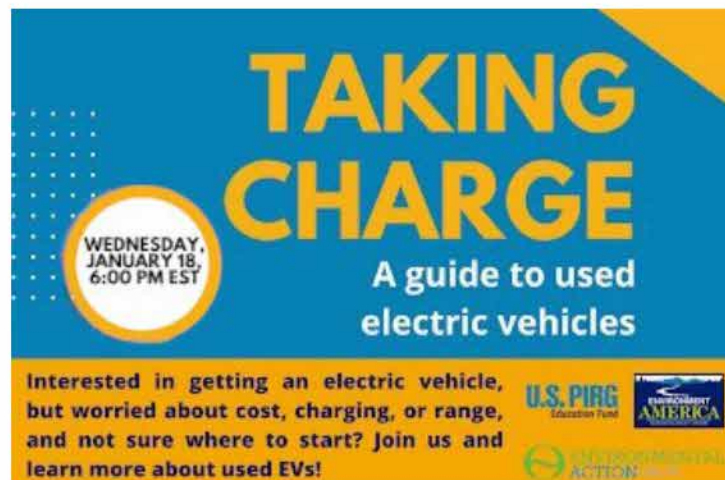
Email secured by Check Point

**From:** U.S. PIRG Education Fund  
**Sent:** Sun, 15 Jan 2023 12:32:51 -0500 (EST)  
**To:** Trumka Jr., Richard  
**Subject:** How to find the used electric vehicle that's right for you

Rich,

More and more Americans are interested in buying an electric vehicle (EV), but many have concerns like cost that are holding them back. For many people, a used vehicle can be an affordable way to get the environmental, financial, and personal benefits of an EV. And new federal incentives make 2023 a better year than ever to go electric.<sup>1</sup>

[Join us Wednesday, January 18th at 6 PM EST for a discussion with EV experts to find out more.](#)



If you're new to the EV world, you might have some questions and concerns. How does buying a used EV differ from buying a used gas car or a new EV? How can you ensure you're getting a good deal on a used electric vehicle? And how can consumers take advantage of tax incentives?

We'll be explaining everything you need to know about purchasing a used electric vehicle with electric vehicle advocates and professionals.

We'll be joined by electric vehicle advocates and experts, including:

- Gabe Shenhar, Associate Director of Auto Test Program at Consumer Reports

- Ellie Peichel, Policy Assistant at Plug In America
- Craig Van Batenburg, CEO of Automotive Career Development Center
- Mackenzie Brown, Global Warming Campaign Associate at Environment America

We're looking forward to an informative and exciting event where you can learn more about how to buy and maintain a quality used EV.

[RSVP to Taking charge: A guide to used electric vehicles today to reserve your spot.](#)

Sincerely,

The team at U.S. PIRG Education Fund

1. "[Used Clean Vehicle Credit](#)," Internal Revenue Service, last accessed January 10, 2023.

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Your donation will power our dedicated staff of organizers, policy experts and attorneys who drive all of our campaigns in the public interest, from banning Roundup and moving us beyond plastic, to saving our antibiotics and being your consumer watchdog, to protecting our environment and our democracy. None of our work would be possible without the support of people just like you.

---

U.S. PIRG Education Fund, Main Office: 1543 Wazee St., Suite 460, Denver, CO 80202, (303) 801-0582, Federal Advocacy Office: 600 Pennsylvania Ave. SE, 4th Fl., Washington, DC 20003,  
(202) 546-9707

Member questions or requests call 1-800-838-6554.

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Email secured by Check Point

**From:** Crockett, David  
**Sent:** Thu, 19 Jan 2023 22:17:49 +0000  
**To:** (b)(6) Comm Boyle's Office; (b)(6) - Comm Feldman Office; (b)(6) - Comm Trumka's Office  
**Cc:** Alpert, Matt; Ginsburg, Andrew  
**Subject:** ICYMI: Incoming Correspondence - Sen. Lummis, et al. re Gas Stoves  
**Attachments:** 828 - In - Sen. Lummis et al. re Gas Stoves.pdf

Good afternoon – please see the attached incoming correspondence from Senators Lummis, Risch, Crapo, Fischer, Boozman, Hyde-Smith, Blackburn, Scott, Ernst and Wicker.

Best regards,  
Dave

## David Crockett

Congressional Liaison

[U.S. Consumer Product Safety Commission](#) | Office of Legislative Affairs

4330 East West Highway | Bethesda, MD 20814

Office: (301) 504-7489

[dcrockett@cpsc.gov](mailto:dcrockett@cpsc.gov)

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# United States Senate

WASHINGTON, DC 20510

January 19, 2023

The Honorable Alexander Hoehn-Saric  
Chairman  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814

Dear Chair Hoehn-Saric,

We write to express our strong opposition to reporting that certain members of the U.S. Consumer Product Safety Commission (CPSC) may seek an outright ban on gas ranges and stoves. We also request additional information about the CPSC's plans regarding this proposed action. On January 9, 2023, Bloomberg published an article outlining Commissioner Trumka's desire to see gas stoves banned.<sup>1</sup> Since that time, our offices have fielded numerous calls from concerned constituents worried that they may not be able to purchase a new gas stove for their home moving forward. We were pleased to see your statement from January 11, 2023, that you are "not looking to ban gas stoves"<sup>2</sup> at this time. However, given the uncertainties that Commissioner Trumka's comments have created, it is our hope that by getting additional information, we can better understand how the CPSC plans to move forward on this issue.

According to the Energy Information Administration, over one-third of U.S. households use gas stoves.<sup>3</sup> Consumers have chosen their home appliances based on numerous factors, including upfront price, operating costs, maintenance costs, and convenience. Gas stoves tend to result in lower utility bills than their electric counterparts.<sup>4</sup> Gas stoves are also generally more durable, with less parts being susceptible to breakages or other defects. A ban on these stoves would therefore likely result in higher utility bills, disproportionately affecting low-income populations. Additionally, a 2020 report from the National Fire Protection Association found that "households that used electric ranges showed a higher risk of cooking fires and associated losses than those using gas ranges."<sup>5</sup>

Like the CPSC, our desire is to ensure that consumer products are as safe as possible. Home appliances are some of the most expensive purchases that our constituents make each year, and those products must be designed first and foremost with safety in mind. However, we remain concerned about regulatory overreach from federal agencies. By denying consumers choice, the CPSC deciding to ban gas stoves would distort the marketplace and ultimately raise costs for consumers. Rather than pursuing this outright ban, we believe it would be most appropriate for the CPSC to gather additional information on the scope of the problem and, if appropriate, work with manufacturers to ensure that these stoves are as safe as possible.

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<sup>1</sup> <https://www.bloomberg.com/news/articles/2023-01-09/us-safety-agency-to-consider-ban-on-gas-stoves-amid-health-fears>

<sup>2</sup> <https://www.cpsc.gov/About-CPSC/Chairman/Alexander-Hoehn-Saric/Statement/Statement-of-Chair-Alexander-Hoehn-Saric-Regarding-Gas-Stoves>


<sup>3</sup> <https://www.eia.gov/todayinenergy/detail.php?id=53439>

<sup>4</sup> <https://www.quickenloans.com/learn/is-gas-or-electric-cheaper>

<sup>5</sup> <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/US-Fire-Problem/Fire-causes/oscooking.pdf>

We appreciate the work that CPSC does on behalf of American consumers. We respectfully request a response to this letter by January 27, 2023, that outlines how the CPSC plans to move forward in regards to potential regulations of gas stoves.

Sincerely,



---

Cynthia M. Lummis  
U.S. Senator



---

Jim Risch  
U.S. Senator



---

Mike Crapo  
U.S. Senator



---

Deb Fischer  
U.S. Senator



---

John Boozman  
U.S. Senator



---

Cindy Hyde-Smith  
U.S. Senator



---

Marsha Blackburn  
U.S. Senator



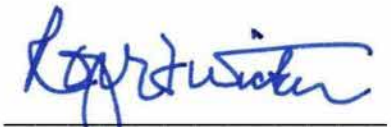
---

Tim Scott  
U.S. Senator



---

Joni Ernst  
U.S. Senator



---

Roger Wicker  
U.S. Senator

cc. Commissioner Mary Boyle  
cc. Commissioner Peter Feldman  
cc. Commissioner Richard Trumka

**From:** Crockett, David  
**Sent:** Thu, 2 Feb 2023 22:24:02 +0000  
**To:** (b)(6) - Comm Feldman Office; (b)(6) Comm Boyle's Office; (b)(6) Comm Trumka's Office  
**Cc:** Alpert, Matt; Ginsburg, Andrew  
**Subject:** ICYMI: Incoming Correspondence: Senators Lankford and Manchin re Gas Stoves  
**Attachments:** 831 - In - Sens. Lankford and Manchin re Gas Stoves.pdf

Good afternoon – please see the attached incoming correspondence from Senators Lankford and Manchin.

Best regards,  
Dave

## **David Crockett**

**Congressional Liaison**

[U.S. Consumer Product Safety Commission](#) | Office of Legislative Affairs  
4330 East West Highway | Bethesda, MD 20814

**Office:** (301) 504-7489

[dcrockett@cpsc.gov](mailto:dcrockett@cpsc.gov)

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# United States Senate

WASHINGTON, DC 20510

February 2, 2023

The Honorable Alexander Hoehn-Saric  
Chairman  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

Dear Chairman Hoehn-Saric,

We write today with deep concern regarding Commissioner Trumka's recent comments<sup>1</sup> about regulating gas stoves. We have heard from many of our constituents who are now suddenly, and rightfully, concerned about the future of gas stoves.

We recognize you have attempted to dissuade these concerns through reassurances<sup>2</sup> that the Consumer Product Safety Commission (the Commission) is not considering a ban on gas stoves. While that is encouraging, we remain concerned about the Commission's goals and potential future action on this issue.

While a gas stove ban is not yet on the table, the lead up to one is. In October 2022, the Commission adopted an amendment to begin the process of a Request for Information (RFI) to "seek public input on hazards associated with gas stoves and propose solutions to those hazards."<sup>3</sup>

As you know, gas stoves are used in about 35 percent of households nationwide, nearly 40 million homes. The household figure in some states is closer to 70 percent.<sup>4</sup> Natural gas stoves have been used for well over a century and have been proven to be both safe and efficient appliances.

We understand the Commission's mission is to ensure consumer safety. However, it is unclear what safety angle the Commission plans to take with the recent RFI.

If the Commission is concerned about the physical safety of consumers, the National Fire Protection Association has already proven that gas stoves pose a lower risk of cooking fires, deaths, and associated losses than other ranges.<sup>5</sup>

If the concern is about consumer health, neither the Commission nor the Environmental Protection Agency (EPA) has cited gas stoves as a significant contributor to adverse air quality or as a health

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<sup>1</sup> <https://www.bloomberg.com/news/articles/2023-01-09/us-safety-agency-to-consider-ban-on-gas-stoves-amid-health-fears>.

<sup>2</sup> <https://www.cpsc.gov/About-CPSC/Chairman/Alexander-Hoehn-Saric/Statement/Statement-of-Chair-Alexander-Hoehn-Saric-Regarding-Gas-Stoves>.

<sup>3</sup> [https://www.cpsc.gov/s3fs-public/Commission-Meeting-Minutes-FY-2023-Operating-Plan\\_0.pdf?VersionId=wiJw89I902pxZ\\_6C.Zz08whJ6l6.9fo5](https://www.cpsc.gov/s3fs-public/Commission-Meeting-Minutes-FY-2023-Operating-Plan_0.pdf?VersionId=wiJw89I902pxZ_6C.Zz08whJ6l6.9fo5).

<sup>4</sup> <https://www.eia.gov/consumption/residential/data/2020/state/pdf/State%20Appliances.pdf>.

<sup>5</sup> <https://www.nfpa.org/News-and-Research/Data-research-and-tools/US-Fire-Problem/Home-Cooking-Fires>.



hazard. In fact, a 2013 study in the scientific journal *The Lancet* found “no evidence of an association between the use of gas as a cooking fuel and either asthma symptoms or asthma diagnosis.”<sup>6</sup> Additionally, RMI manager Brady Seals said that the recently circulated study by the *International Journal of Environmental Research and Public Health*<sup>7</sup> “does not assume or estimate a causal relationship” between childhood asthma and natural gas stoves.<sup>8</sup>

If the concern is about environmental health, the American Gas Association notes that residential natural gas accounts for only 4 percent of total U.S. greenhouse gas emissions.<sup>9</sup> Furthermore, greater use of natural gas benefits our environment. Increased natural gas use has contributed to significant carbon emission reductions in the United States over the past 15 years.<sup>10</sup>


Despite the aforementioned evidence negating the hazards of gas stoves on both consumers’ physical health and safety and the environment, we have seen reports indicating that your staff is still being directed to draft an RFI by March 1, 2023 regarding the “hazards associated with gas stoves and proposed solutions to those hazards.”<sup>11</sup>

If this directive is still under consideration, please provide what event, peer reviewed research, or sudden new hazard has prompted this RFI since gas stoves have been in use for more than a century and studied for potential health hazards in the past.

In the event that the RFI is still moving forward, we urge that it be rescinded and that your office refrain from issuing a similar directive in the future.

Americans should be able to choose how to cook their food. Simply put, it is not the responsibility of the federal government to decide what kind of stove Americans can have in their kitchens. We appreciate your time and attention to this matter and look forward to receiving your response by February 24, 2023.

Sincerely,



James Lankford  
United States Senator



Joe Manchin III  
United States Senator

CC:

Commissioner Peter A. Feldman  
Commissioner Mary T. Boyle  
Commissioner Richard L. Trumka Jr.

<sup>6</sup> <https://pubmed.ncbi.nlm.nih.gov/24429203/>.

<sup>7</sup> *International Journal of Environmental Research and Public Health*, <https://www.mdpi.com/1660-4601/20/1/75>.

<sup>8</sup> <https://www.washingtonexaminer.com/policy/energy-environment/what-to-know-gas-stove-study>.

<sup>9</sup> <https://www.aga.org/wp-content/uploads/2022/02/aga-net-zero-emissions-opportunities-for-gas-utilities.pdf>.

<sup>10</sup> <https://cresforum.org/wp-content/uploads/2022/02/CRES-White-Paper-vol-1-US-Climate-Global-Emissions-Feb-4-2022-1.pdf>.

<sup>11</sup> [www.epsc.gov/s3fs-public/FY2023CPSCOOperatingPlan.pdf?VersionId=Z.vZzSezwTIX224uG66J5fHTkFctvL.G](http://www.epsc.gov/s3fs-public/FY2023CPSCOOperatingPlan.pdf?VersionId=Z.vZzSezwTIX224uG66J5fHTkFctvL.G).

**From:** Public Policy Law360  
**Sent:** Fri, 3 Feb 2023 09:16:37 +0000  
**To:** Trumka Jr., Richard  
**Subject:** In Trump Probe, DA Has Options But Little Precedent



# Public Policy

FRIDAY, FEBRUARY 3, 2023



## TOP NEWS

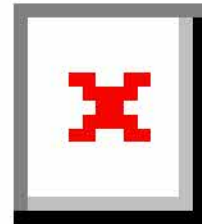
Analysis

### In Trump Probe, DA Has Options But Little Precedent

By Frank G. Runyeon

As former President Donald Trump reportedly faces a grand jury investigation over his alleged hush money payments to an adult film star in 2016, experts say Manhattan District Attorney Alvin Bragg has a few potential charges he could wield against the former president, even as Bragg enters uncharted territory.

[Read full article »](#)



### 5th Circ. Strikes Down Domestic Violence Firearms Prohibition

By Hailey Konnath

The Fifth Circuit on Thursday struck down a law banning individuals subject to domestic violence restraining orders from owning firearms, ruling that the decades-old statute is unconstitutional under a recent U.S. Supreme Court order that significantly expanded the scope of the Second Amendment.

 [Opinion attached | Read full article »](#)

### 10th Circ. Says Feds Botched NM Fracking Permit Review

By Madeline Lyskawa

The Tenth Circuit said the U.S. Department of the Interior failed to adequately examine climate change and air pollution impacts before approving fracking permits in New Mexico's Mancos Shale formation and barred the agency from issuing new permits based on its flawed analysis.

 [Opinion attached | Read full article »](#)

## LAW FIRMS IN TODAY'S NEWS

Adams & Reese  
Addleshaw Goddard  
Akin Gump  
Axinn Veltrop  
Bailey & Glasser  
Bracewell LLP  
Brody Hardoon  
Brownstein Hyatt  
Bryan Cave  
Burr & Smith  
Consovoy McCarthy  
Cravath Swaine  
Dugan Law Firm  
Fennemore Craig  
Foley & Lardner

## Senate Panel Approves 15 Judge Picks In 1st Votes Of Year

By James Arkin

The Senate Judiciary Committee approved 15 judicial nominees Thursday, teeing up the first tranche of federal court picks available for confirmation votes this year by the newly expanded Democratic majority.

[Read full article »](#)

## Judiciary Committee Chairs Seek Info On Indicted FBI Official

By Elliot Weld

The chairmen of the Senate and House Judiciary committees on Thursday demanded federal prosecutors provide more information regarding the recently unsealed indictment of a former high-ranking FBI official accused of helping a Russian oligarch avoid sanctions, saying the case raises broader questions about national security and counterintelligence operations.

 2 documents attached | [Read full article »](#)

## Fla. Justices Erase 'Diversity' From Judicial Education Rule

By Madison Arnold

The Florida Supreme Court on Thursday eliminated language from its continuing education requirements for judges that said courses in "fairness and diversity" could fulfill a judicial ethics class mandate, but one justice "strenuously" dissented.

 Opinion attached | [Read full article »](#)

## Full 10th Circ. Won't Hear 'Big Lie' Attys' Bid To Nix Sanctions

By Gina Kim

The Tenth Circuit on Thursday rejected a bid for rehearing en banc and a request to review its decision affirming a Colorado federal judge's order sanctioning Trump-allied attorneys \$187,000 for bringing a "frivolous, politically motivated" suit over phony rigged 2020 election claims that should've never been filed to begin with.

 Order attached | [Read full article »](#)

## Minn. District Judge Taking Senior Status

By James Arkin

Judge John R. Tunheim of the U.S. District Court for the District of Minnesota declared this week his intent to move to senior status, giving President Joe Biden another vacancy to fill on the court.

 Letter attached | [Read full article »](#)

Fox Williams  
Freedman Normand  
Freshfields  
Galloway Johnson  
Gibson Dunn  
Girardi & Keese  
Greenberg Glusker  
Greenberg Law PC  
Groom Law Group  
Herbert Smith Freehills  
Hinshaw & Culbertson  
Hogan Lovells  
Holwell Shuster  
Ice Miller  
Jomarron Lopez  
Kaplan Hecker  
Keller Postman  
Lanier Law Firm  
Latham & Watkins  
Law Office of Jason H. Coffman  
Lehotsky Keller  
Lewis Baach  
Low Swinney  
Maynard Cooper  
McCarter & English  
Meyer Walker  
Milbank LLP  
Morgan Lewis  
Orrick Herrington  
Quarles & Brady  
Quinn Emanuel  
Sacks Tierney  
Saul Ewing  
Schonekas Evans  
Sherman & Lacey  
Skadden Arps  
Stephan Zouras  
Stris & Maher  
Stroock & Stroock  
Sullivan & Cromwell  
Taylor Porter  
Vedder Price

## BANKING & SECURITIES

### House Republican Rips DOJ Over Incomplete AML Filing Stats

By Jon Hill

The Republican chairman of a U.S. House panel on illicit finance is accusing the U.S. Department of Justice of shrugging off a requirement to share metrics on how much value it gets out of the millions and millions of suspicious-transaction reports that banks file each year.

Letter attached | [Read full article »](#)

### NY Budget Proposal Includes Bank Overdraft Fee Crackdown

By Jon Hill

New York Gov. Kathy Hochul is calling for state lawmakers to approve "nation-leading legislation" on bank overdraft fee practices as part of her policy agenda for the coming year, putting forward measures that would empower the state's banking agency to set new fee-related restrictions.

2 documents attached | [Read full article »](#)

## ENERGY & ENVIRONMENTAL

### End Is Near In Fight Over Plant Upgrade For \$1B Power Line

By Keith Goldberg

NextEra Energy and the developer of a proposed \$1 billion transmission line in New England have largely resolved their fight over a power plant upgrade that's crucial to the line's completion, but the Federal Energy Regulatory Commission won't let NextEra shift certain upgrade costs to the transmission developer, according to an order issued Wednesday.

Order attached | [Read full article »](#)

### EPA Urges 10th Circ. To Toss Refiner's Fuel Credit Fight

By Peter McGuire

An informal email explaining to a subsidy of Sinclair Oil Co. why it would not be refunded for years-old renewable fuel credits is not a final agency action the company can challenge in the Tenth Circuit, according to federal environmental regulators.

Brief attached | [Read full article »](#)

### Farm Takes Clean Water Act Citizen Suit To High Court

By Juan Carlos Rodriguez

Vinson & Elkins  
Vorys  
White & Case  
WilmerHale  
Wilson Sonsini

## COMPANIES IN TODAY'S NEWS

3M Co.  
AT&T Inc.  
Amazon.com Inc.  
American Civil Liberties Union  
American Immigration Council Inc.  
American Immigration Lawyers Association  
Apple Inc.  
Avangrid Inc.  
Bayer AG  
Binance Holdings Ltd.  
Binance.US  
Black Horse Carriers Inc.  
C.R. Bard Inc.  
CTIA  
CVS Health Corp.  
Catalent Inc.  
Cigna Corp.  
Competitive Carriers Association  
Consumer Attorneys Association of Los Angeles  
Consumer Attorneys of California  
Conversant Wireless Licensing Ltd.  
Daimler AG  
Dallas Mavericks Inc.  
Detroit Lions  
Douglas Elliman Realty LLC  
Edison Electric Institute Inc  
EverQuote Inc.  
Exelon Corp.  
Express Scripts Holding Co

A South Carolina farm being sued for allegedly failing to get needed stormwater permits has asked the U.S. Supreme Court to review the Fourth Circuit's decision to greenlight environmentalists' Clean Water Act citizen enforcement provision lawsuit.

 Petition attached | [Read full article »](#)

## HEALTH & LIFE SCIENCES

### 20 AGs Warn CVS, Walgreens Against Mailing Abortion Pills

*By Lauren Berg*

Since the U.S. Food and Drug Administration cleared the way for retail pharmacies to offer customers the prescription abortion medication mifepristone, a group of attorneys general, led by Missouri, is now warning CVS Health and Walgreens not to sell the drug through the mail.

 2 documents attached | [Read full article »](#)

## IP & TECHNOLOGY

### Ex-USPTO Chiefs Say Patent System 'Overhaul' Not Needed

*By Adam Lidgett*

A group headed by former Obama and Trump administration officials said the U.S. Patent and Trademark Office's request for ideas on how to improve the patent process wrongly implied the entire patent system needed to be updated.

 8 documents attached | [Read full article »](#)

## MEDIA & ENTERTAINMENT

### DirecTV Would Bring Back Newsmax Under 'Right Terms'

*By Piper Hudspeth Blackburn*

After facing pressure from House and Senate Republicans for its decision to drop right-leaning channel Newsmax from its programming slate, DirecTV said Thursday it would consider returning the channel to its lineup.

 1 document attached | [Read full article »](#)

### Md. Bill Would Create Small-Biz Credit For Buying Local Ads

*By Sanjay Talwani*

Small businesses in Maryland would be eligible for income tax credits for the costs of advertising with news media organizations under legislation introduced in the state House.

FTX US  
FirstEnergy Corp.  
Fordham University  
Gallup Inc.  
Genentech Inc.  
Getty Images Inc.  
Google LLC  
Graham Media Group Inc.  
HF Sinclair Corp.  
Harley-Davidson Inc.  
Huawei Technologies Co. Ltd.  
Johns Manville Corp.  
Kinder Morgan Inc.  
Kohl's Corp.  
LG Electronics Inc.  
Lane Enterprises Inc.  
Lockheed Martin Corp.  
Madison Square Garden Entertainment Corp.  
Major League Soccer LLC  
Meta Platforms Inc.  
Microsoft Corp.  
New York Giants  
New York Knicks  
New York Rangers  
New York State Bar Association  
NextEra Energy Inc.  
Nokia Corp.  
Openwave Mobility Inc.  
PG&E Corp.  
Pac-12 Enterprises LLC  
PacifiCorp  
Pacific Legal Foundation  
Portland Timbers  
QUALCOMM Inc.  
SAP AG  
San Diego Gas & Electric Co.  
Service Employees International Union  
Sierra Club

1 document attached | [Read full article »](#)

## INSURANCE

### [Staff Survey Details Depth Of Anger At Wash. Insurance Chief](#)

*By Eli Flesch*

Many employees working under Washington Insurance Commissioner Mike Kreidler feared meeting him in the halls, while top executives' efforts to improve the agency's reputation were laughable, staffers said in survey comments obtained by Law360.

1 document attached | [Read full article »](#)

## REAL ESTATE

### [Wash. Tenant Advocates Push To Score More Legislative Wins](#)

*By Grace Dixon*

Spokane is teed up to become the latest Washington city to enact a spread of rental regulations implementing more exacting standards for landlords after the pandemic thrust the dynamic between landlords and tenants into stark relief.

[Read full article »](#)

## EMPLOYMENT & BENEFITS

### [2nd Circ. Mulls Viking River's Impact On ERISA Arbitration](#)

*By Kellie Mejdrich*

A Second Circuit panel appeared skeptical Thursday of a group of financial services companies' push to send a proposed class action accusing them of overcharging an employee stock ownership plan into individual arbitration, though judges disagreed over how a recent U.S. Supreme Court decision should apply to the case.

[Read full article »](#)

### [1st Circ. Won't Reinstate Fired Cop's Race Bias Suit](#)

*By Grace Elletson*

The First Circuit upheld the dismissal of a Black and Hispanic ex-cop's suit alleging he was unfairly fired because of his race after a violent altercation with a civilian, saying that he didn't show officers accused of similar infractions got to keep their jobs.

Decision attached | [Read full article »](#)

Sinclair Oil Corp.  
Smithfield Foods Inc.  
SolarWinds Corp.  
Southern California Edison Co.  
Southern California Gas Co.  
Southern Poverty Law Center  
Southwest Airlines Co.  
Southwest Gas Holdings Inc.  
Spotify Technology SA  
State Bar of California  
TPG Capital LP  
Tesla Inc.  
The Center for Reproductive Rights Inc.  
The DIRECTV Group, Inc.  
The New York Times Co.  
The Seattle Times  
Trump Organization Inc.  
Unified Patents Inc.  
United States Telecom Association  
Viking Cruises Inc.  
WEC Energy Group Inc.  
Walgreens Co.  
Western Environmental Law Center  
eBay Inc.  
iFinex Inc.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Ak-Chin Indian Community  
Argonne National Laboratory  
Arizona Department of Water Resources  
Brookhaven National Laboratory  
Bureau of Land Management  
California Air Resources Board

## 3M's Vaccine Mandate A 'Faustian Bargain,' Ex-Worker Says

By Kelcey Caulder

A former 3M Co. employee said that the company's requirement that salaried employees get COVID-19 vaccinations was a "Faustian bargain" that required her to choose between her livelihood and her faith, according to a Georgia federal suit that invoked, among other things, the U.S. Constitution and the Nuremberg Code.

📄 Complaint attached | [Read full article »](#)

## COMPETITION

### Google Will Look To Move DOJ AdTech Case To NY

By Kelly Lienhard

Google told the New York federal court already overseeing antitrust litigation from state enforcers and private plaintiffs that it will ask to transfer a similar case recently filed by the U.S. Department of Justice from Virginia, so discovery for the cases can be coordinated.

📄 Letter attached | [Read full article »](#)

### La. Auto Regulators Look To Duck Tesla Direct Sale Suit

By Piper Hudspeth Blackburn

Members of the Louisiana Motor Vehicle Commission have asked a Louisiana federal judge to toss claims against them in their official capacity in a suit from Tesla challenging state restrictions on the direct sale of cars to consumers.

📄 2 documents attached | [Read full article »](#)

## CYBERSECURITY & PRIVACY

### GOP Reps Seek Info On Hack Attempt Targeting Nuclear Labs

By Ben Kochman

The Republican leaders of two House committees pushed Thursday for the U.S. Department of Energy to turn over any documents and communications produced in its response to Russia's reported hacking attempts in 2022 on three laboratories used to research U.S. nuclear weapons programs.

📄 Letter attached | [Read full article »](#)

### NY Bar Scrutinizing Facial Recognition Tech Amid MSG Saga

By Renee Hickman

The New York State Bar Association said Thursday it would begin studying the legal and ethical implications of facial recognition software

California Public Utilities Commission

Colorado Supreme Court

Confederated Salish & Kootenai Tribes

Congressional Research Service

Consumer Financial Protection Bureau

Crow Nation

Executive Office for Immigration Review

Federal Bureau of Investigation

Federal Communications Commission

Federal Emergency Management Agency

Federal Energy Regulatory Commission

Federal Trade Commissior

Financial Crimes Enforcement Network

Florida Supreme Court

Food and Drug Administration

Gila River Indian Communi

Illinois Supreme Court

Internal Revenue Service

International Trade Administration

International Trade Commission

Lawrence Livermore

National Laboratory

National Labor Relations Board

Navajo Nation

New York Attorney Genera Office

New York Department of Financial Services

New York State Senate

San Carlos Apache Nation

as a battle rages between Madison Square Garden Entertainment owner James Dolan and attorneys for his legal adversaries, whom he has banned from the company's arenas through the use of the technology.

[Read full article »](#)

## CONSUMER PROTECTION

### Calif. Regulators Hasten Relief Amid Skyrocketing Gas Bills

*By Hailey Konnath*

The California Public Utilities Commission voted Thursday to speed up distributing relief to Californians grappling with soaring natural gas bills, ordering utilities to provide annual climate credits to residential customers as soon as possible rather than waiting until the spring.

 1 document attached | [Read full article »](#)

### Ill. Justices Give BIPA Claims 5-Year Time Limit

*By Lauraann Wood*

Individuals have five years to launch any claim under the Biometric Information Privacy Act, Illinois' top court said Thursday, reversing an intermediate appellate court that put a one-year limit on claims that companies unlawfully profited from or shared people's data.

 Opinion attached | [Read full article »](#)

## INTERNATIONAL TRADE

### ITC Says Indian Chemical Harming US Industry

*By Alyssa Aquino*

The U.S. International Trade Commission ruled Thursday that U.S. businesses were being economically harmed by subsidized Indian imports of a chemical used in oil refineries and to heat-treat salts and metals.

[Read full article »](#)

### Menendez Wants Administration To Bar Rifles For Azerbaijan

*By Daniel Wilson*

Senate Foreign Relations Committee Chairman Bob Menendez, D-N.J., has urged the U.S. Department of Commerce to bar any proposed export of U.S. rifles to Azerbaijan, citing human rights concerns including alleged "atrocities" against neighboring Armenia.

 Letter attached | [Read full article »](#)

South Carolina Department of Health & Environmental Control

Texas Supreme Court

U.S. Attorney's Office

U.S. Attorney's Office for the Central District of California

U.S. Attorney's Office for the District of New Jersey

U.S. Attorney's Office for the Northern District of Texas

U.S. Attorney's Office for the Southern District of New York

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Department of Commerce

U.S. Department of Energy

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. District Court for the District of Columbia

U.S. District Court for the District of Minnesota

U.S. District Court for the District of New Jersey



## TAX

### [Judge Tosses IRS Notice Requiring Easement Disclosure](#)

*By Kat Lucero*

An Alabama federal judge on Thursday set aside a 2016 Internal Revenue Service notice requiring the disclosure of certain conservation easement transactions, handing a win to a land donation advisory firm that sought relief from the notice.

 [Order attached](#) | [Read full article](#) »

### [Agency Shouldn't Back Kinder Morgan, Texas Justices Told](#)

*By Lauren Castle*

An attorney questioned why a tax appraisal district is paying thousands to defend Kinder Morgan in a school district's challenge to the appraisals on mineral rights, telling the Texas Supreme Court on Thursday that the local governmental agency should at least be a neutral party.

[Read full article](#) »

## IMMIGRATION

### [DHS Says 1K Children Separated From Families Not Reunited](#)

*By Dave Simpson*

Nearly 1,000 of the 5,636 children separated from their guardians at the southern border still have not been reconnected with family, according to a Thursday report from the U.S. Department of Homeland Security.

[Read full article](#) »

## NATIVE AMERICAN

### [Feds Allocate \\$580M For Water Rights Settlements](#)

*By Tom Lotshaw*

The U.S. Department of the Interior said Thursday it is allocating nearly \$580 million this year to help develop water infrastructure and continue fulfilling Indian water rights settlements terms.

[Read full article](#) »

### [FEMA Amends STORM Act To Include More Native Nations](#)

*By Crystal Owens*

A change in a Federal Emergency Management Agency grant program now extends eligibility to 20 federally recognized Native American

U.S. District Court for the Eastern District of Virginia  
U.S. District Court for the Northern District of California  
U.S. District Court for the Northern District of Georgia  
U.S. District Court for the Southern District of New York  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Patent and Trademark Office  
U.S. Postal Service  
U.S. Securities and Exchange Commission  
U.S. Senate  
U.S. Supreme Court  
United States District Court for the Northern District of Alabama

nations, giving them access to a \$50 million fund aimed at providing stronger relief protections against natural disasters and other hazards.

[Read full article »](#)

## **Colo. River Dispute A Matter Of Human Rights, Navajos Say**

*By Caleb Symons*

The Navajo Nation is casting its attempt to draw water from the drought-stricken Colorado River as a question of human rights, telling the U.S. Supreme Court that its citizens risk losing their livelihoods, or even their homeland, if federal officials keep withholding such resources.

 Brief attached | [Read full article »](#)

## **TELECOMMUNICATIONS**

### **AT&T Wants Traffic Pumping Rule Loopholes Closed ASAP**

*By Nadia Dreid*

It's time for the Federal Communications Commission to close loopholes that let internet-based call traffic get around rules restricting schemes that inflate phone traffic so that telecoms can receive more fees, AT&T told the agency.

 Letter attached | [Read full article »](#)

### **Top Groups Lobbying The FCC**

*By Christopher Cole*

Lobbying at the Federal Communications Commission dipped in January, but there were still dozens of organizations that shared their perspectives on issues ranging from utility pole upgrades to outages of the national 988 crisis hotline, disaster response, competition from video streaming and more.

[Read full article »](#)

### **FCC Again Extends Waivers For Tribal Users Of Phone Plan**

*By Joyce Hanson*

The Federal Communications Commission has once again waived rules for tribal users of the FCC's Lifeline phone subsidy program in response to the continuing impact of the COVID-19 pandemic, saying it won't ask for several paperwork requirements until April.

 Order attached | [Read full article »](#)

## **PEOPLE**

### **Binance Hires Ice Miller For New Lobbying Efforts**

*By Aislinn Keely*

Cryptocurrency exchange Binance has tapped three members of Ice Miller LLP to lead its lobbying efforts in Washington, D.C., including former Vice President Mike Pence's nephew, according to a recent lobbying disclosure, after it says multiple congressional offices asked its perspective on the recent collapse of crypto exchange FTX.

 4 documents attached | [Read full article »](#)

## EXPERT ANALYSIS

Opinion

### **The Speaker Of The House Cannot Be Just Anyone**

Though some have suggested that last month's gridlock over the speaker of the U.S. House of Representatives vote could have been broken by electing a nonmember, tried-and-true indicia of constitutional meaning clearly show the speaker must be a member of the House, say Michael Ellis at Rumble and Gregory Dubinsky at Holwell Shuster.

[Read full article »](#)

### **Questions Surround FDA's Orphan Drug Exclusivity Approach**

In light of a new U.S. Food and Drug Administration notice, which contrasts with an Eleventh Circuit ruling on orphan drug exclusivity, the exact scope of orphan drug exclusivity periods appears uncertain and companies may want to reconsider their strategies for requesting designations, say Jacqueline Berman and Nikita Bhojani at Morgan Lewis.

[Read full article »](#)

### **Navigating DOJ's Fresh Focus On Criminal Monopoly Charges**

For the first time in nearly 45 years, the U.S. Department of Justice has brought criminal charges for violations of Section 2 of the Sherman Act in two very different cases, displaying a renewed willingness to level criminal charges for price-fixing or other coordination under both Sections 1 and 2, say attorneys at Foley & Lardner.

[Read full article »](#)

### **Litigators Should Approach AI Tools With Caution**

Artificial intelligence tools like ChatGPT hold potential to streamline various aspects of the litigation process, resulting in improved efficiency and outcomes, but should be carefully double-checked for confidentiality, plagiarism and accuracy concerns, say Zachary Foster and Melanie Kalmanson at Quarles & Brady.

[Read full article »](#)

Opinion

### **Enhanced Damages Necessary In No-Injunction Patent System**

Because the world's largest corporations can infringe patents and engage in stalling tactics to force patent owners to undertake costly and protracted litigation, Congress should consider adjusting the current statute to mandate enhanced damages for patent owners when injunctive relief is unavailable, say David Kappos at Cravath and Jonathan Barnett at USC Gould Law School.

[Read full article »](#)

## LEGAL INDUSTRY

### **Girardi Indictment Sparks Joy, Frustration, Disbelief**

*By Brandon Lowrey*

Before the sun rose Thursday in Jakarta, Indonesia, Bias Ramadhan woke up and scanned his emails to find news he thought would never come: Thomas Girardi, the American lawyer who allegedly stole from his family's settlement, had been indicted.

[Read full article »](#)

### **Sullivan & Cromwell Slams 'Harassing' FTX-Related Subpoena**

*By Dave Simpson*

Sullivan & Cromwell LLP urged a New York state court to stop a "harassing" subpoena from investors who are suing FTX promoters like Tom Brady in Florida state court and now seek documents from the firm that opine about whether tokens offered by the failed cryptocurrency exchange, its client in other matters, constituted securities.

 1 document attached | [Read full article »](#)

### **Kyle Roche's Ex-Firm Must Sit For Depo Over Financial Ties**

*By Bonnie Eslinger*

A California federal judge overseeing allegations that crypto company Dfinity sold unregistered securities ordered a representative of the plaintiff investors' law firm to sit for a deposition on Dfinity's claim that secretly recorded comments from ex-firm partner Kyle Roche reveal financial ties that require disqualifying the firm, formerly called Roche Freedman.

[Read full article »](#)

Analysis

### **Link Between Seat And Venue Mostly Undisturbed By COVID**

*By Caroline Simson*

Arbitration is famously popular for its flexibility, a feature that means that the legal seat designation and the physical venue for hearings aren't necessarily in the same place. Surprisingly, however, lawyers tell

Law360 that the ability to hold hearings anywhere hasn't necessarily changed the never-ending race among cities to compete for the business of the arbitration community.

[Read full article »](#)

## **Gov't Denies It's 'Not Playing Ball' On Remote Hearings**

*By Micah Danney*

The federal government has rebuffed a claim by the American Immigration Lawyers Association that it is "not playing ball in a serious way" to provide a remote option for immigration hearings, saying the group was the uncooperative party.

 [Letter attached](#) | [Read full article »](#)

## **DC Court Orders Better Legal Access At Ariz. ICE Center**

*By Alyssa Aquino*

A Washington, D.C., federal court ordered U.S. Immigration and Customs Enforcement to improve access to counsel at an Arizona detention facility, saying the facility appears to have completely blocked attorneys' access to detainees.

 [Order attached](#) | [Read full article »](#)

## **The Top In-House Hires Of January**

*By Sue Reisinger*

Legal department hires during the first month of the new year included high-profile appointments at Bayer AG, the U.S. House of Representatives and CVS, plus several professional sports teams.

[Read full article »](#)

Podcast

## **The Term: The Jane Roberts Recruiting Story, Explained**

A whistleblower has come forward with new details about the lucrative recruitment work that the wife of Chief Justice John Roberts does for large law firms, including some with prolific Supreme Court practices. Law360's The Term discusses the story in this week's episode, with insights from an expert in the world of legal recruiting.

[Read full article »](#)

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Email secured by Check Point

**From:** Pat Safeharbour  
**Sent:** Fri, 27 Jan 2023 11:37:52 -0500  
**To:** Trumka Jr., Richard  
**Subject:** Independent Newspaper in Pennsylvania - request for interview

Hello Mr. Trumka,

My name is Pat LaMarche. I write for the Bucks County Beacon. It's an independent weekly paper that is now published solely on line. I had the opportunity to meet and interview your father a decade ago when I was writing a book about the middle class. As I'm sure you'd expect, his answers were short, to the point and helpful for my task at hand. (BTW, I'm sorry for your loss).

I'd like to interview you about your current position as one of the administrations front line people tasked with guarding public safety. Additionally, I'm curious what you think of captured natural gas like the plant approved for Bucks county in 2022. I'll attach a news story below. Would this solve some of the problems with natural gas usage without having to frack, etc.?

Might you have some time to chat via phone or zoom?

Thanks for considering my request.

Pat LaMarche

(b)(6)

<https://www.phillyburbs.com/story/news/2022/10/19/waste-management-natural-gas-facility-approved-for-falls-township-bucks-county-landfills/69571592007/>

Email secured by Check Point

**From:** Product Liability Law360  
**Sent:** Wed, 8 Feb 2023 08:35:02 +0000  
**To:** Trumka Jr., Richard  
**Subject:** JPML Sends L'Oreal Hair Relaxer-Cancer Link Suits To Illinois



# Product Liability

WEDNESDAY, FEBRUARY 8, 2023



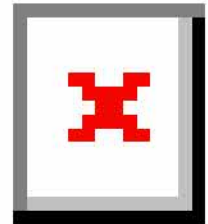
## TOP NEWS

### JPML Sends L'Oreal Hair Relaxer-Cancer Link Suits To Illinois

*By Dorothy Atkins*

The Judicial Panel on Multidistrict Litigation has consolidated dozens of product liability and consumer protection lawsuits in Illinois federal court that allege L'Oreal USA Inc. and other companies' hair relaxers — which are primarily marketed to Black women — cause breast, uterine and other cancers.

 [Order attached](#) | [Read full article](#) »



### Drug Execs Testify About DEA Compliance In Ga. Opioid Trial

*By Kelcey Caulder*

Compliance executives from two major prescription drug distributors on Tuesday detailed processes used to ensure that controlled substances aren't used for purposes not intended by the prescriber as part of a trial in which the distributors are accused of flooding a coastal Georgia community with pills for profit.

[Read full article](#) »

### Zantac Plaintiffs Must File Separate Complaints, Judge Says

*By Bonnie Eslinger*

A Florida federal judge ruled Tuesday that tens of thousands of consumers claiming they developed cancer after taking the heartburn medication Zantac could not be combined in multi-plaintiff personal injury cases in the wake of the court's decision that there was insufficient evidence the drug's active ingredient caused cancer.

 [Order attached](#) | [Read full article](#) »

## LAW FIRMS IN TODAY'S NEWS

Anapol Weiss  
Appalachian Mountain Advocates  
ArentFox Schiff  
Arnold & Porter  
Babst Calland  
Bailey & Glasser  
Banner Witcoff  
Bartlett LLP  
Ben Crump Law  
Block & Leviton  
Bondurant Mixson  
Condon & Forsyth  
Cooley LLP  
Crowell & Moring

### EU To Consider Ban On Toxic 'Forever Chemicals'



*By Emily Field*

The European Union on Tuesday began to contemplate a proposal to ban the making and use of toxic "forever chemicals" used in tens of thousands of products that, if passed, would be one of the largest bans on chemicals in Europe.

[Read full article »](#)

## FOOD & BEVERAGE

### Walmart Fake Fudge Suit Gets Tossed Again

*By Jonathan Capriel*

An Illinois federal judge on Tuesday tossed a proposed class action against Walmart that claimed the retail chain deceived consumers by selling mint fudge cookies made with vegetable oil instead of dairy fat, saying the suit itself says "fudge can contain vegetable oils."

 [Order attached](#) | [Read full article »](#)

### Parents Put Squeeze On Coca-Cola Over 'Healthy' Juice Boxes

*By Lauren Berg*

The Coca-Cola Co. deceptively markets fruit juice as a healthy drink choice for children when the beverage actually increases the risk of heart disease and other illnesses, all in an effort to sell its Minute Maid juice boxes, according to a consumer lawsuit filed Monday in California federal court.

 [Complaint attached](#) | [Read full article »](#)

## AUTOMOTIVE

### Fiat Chrysler Gets Pentastar Engine Class Action Trimmed

*By Collin Krabbe*

A Delaware federal judge has trimmed a proposed class action against Fiat Chrysler over vehicles equipped with the Pentastar 3.6 liter V6 engine that allegedly fail prematurely, leaving a handful of claims on the table in the litigation.

 [Memorandum attached](#) | [Read full article »](#)

### Volvo Escapes Class Action Over Hybrid Car Driving Range

*By Jonathan Capriel*

Volvo has beaten a false advertising lawsuit accusing it of overstating how far its plug-in hybrid SUVs could travel on their electric batteries, after a New Jersey federal judge ruled that the various statements issued about the vehicle did not constitute a promise to consumers that it would reach that range.

Davidoff Hutcher  
Davis Wright Tremaine  
Dechert LLP  
DiCello Levitt  
Eckert Seamans  
Ellis George  
Fitzgerald Joseph  
Fox Rothschild  
Gibson Dunn  
Girardi & Keese  
Goodwin Procter  
Gordon & Partners  
Greenspoon Marder  
Griffin Durham  
Gunderson Dettmer  
Hamrick & Evans  
Haynes & Boone  
Hunter Maclean  
Jenner & Block  
Jones Day  
Kazerouni Law Group  
King & Spalding  
Kirkland & Ellis  
Kopelowitz Ostrow  
Kramer Levin  
Levi & Korsinsky  
Lippes Mathias  
Miller Barondess  
Morris Nichols  
Naman Howell  
Paul Weiss  
Pope McGlamry  
Potter Anderson  
Pulaski Kherkher  
Quinn Emanuel  
Reed Smith  
Ropes & Gray  
Sands Anderson  
Sercarz & Riopelle  
Sheehan & Associates  
PC  
Sher Edling  
Simpson Thacher

Opinion attached | [Read full article »](#)

## **SEC Can't Force VW To Name Who Knew About Cheat Devices**

*By Dorothy Atkins*

A California federal magistrate judge held on Tuesday that the U.S. Securities and Exchange Commission can't force Volkswagen to disclose every "officer, director or employee" who allegedly knew about its use of so-called defeat devices that allowed thousands of clean diesel vehicles to cheat emissions tests, upholding the automaker's work-product objection.

Order attached | [Read full article »](#)

## **ENERGY**

### **RI, Hawaiian Counties Say No Review Needed In Climate Row**

*By Madeline Lyskawa*

Rhode Island and two Hawaii municipalities told the U.S. Supreme Court that no review is needed of the federal appeals court decisions remanding their climate change torts against fossil fuel companies back to state court, arguing that the cases clearly aren't matters of federal law.

2 documents attached | [Read full article »](#)

### **W.Va. Landowners Fight Energy Co. EQT's Bid To DQ Attys**

*By Katherine Smith*

A proposed class of West Virginia landowners slammed EQT Corp.'s bid to disqualify their counsel from their suit accusing it and another energy company of abandoning natural gas wells, arguing that the company failed to prove a former employee shared privileged or confidential information with them when assisting in preparation for the suit.

Response attached | [Read full article »](#)

## **EXPERT ANALYSIS**

Opinion

### **Bankruptcies Aren't The Real Problem In Mass Tort System**

While some have criticized recent moves by Johnson & Johnson and 3M to resolve mass tort lawsuits through bankruptcy, these maneuvers are a response to a system that is not working well for plaintiffs or defendants, and that urgently needs reform, says Andrew Gould, a former justice of the Arizona Supreme Court.

[Read full article »](#)

### **The Discipline George Santos Would Face If He Were A Lawyer**

Rep. George Santos, who has become a national punchline for his alleged lies, hasn't faced many consequences yet, but if he were a lawyer, even

Stewart Taylor  
Stinson LLP  
Stroock & Stroock  
Sullivan & Cromwell  
Sykes Bourdon  
Williams & Connolly  
Wormser Kiely

## **COMPANIES IN TODAY'S NEWS**

Adelphia  
Communications Corp.  
Amazon.com Inc.  
American Academy of Pediatrics  
American Bar Association  
American Heart Association  
Beiersdorf AG  
Boehringer Ingelheim  
Vetmedica Inc.  
California Attorney Lending  
Cardinal Health Inc.  
Chevron Corp.  
Cisco Systems Inc.  
Cornerstone Research Inc.  
Counsel Financial Services LLC  
EQT Corp.  
FCA US LLC  
First Liberty Institute  
J.M. Smith Corp.  
Johnson & Johnson  
Keysight Technologies Inc.  
L'Oreal SA  
McKesson Corp.  
Mr. Cooper Group Inc.  
NFL Enterprises LLC  
Palo Alto Networks Inc.  
Pfizer Inc.  
Sanofi SA

his nonwork behavior would be regulated by the American Bar Association's Model Rules of Professional Conduct, and violations in the past have led to sanctions and even disbarment, says Mark Hinderks at Stinson.

[Read full article »](#)

## LEGAL INDUSTRY

### Davis Wright Trims Staff, Citing Overcapacity

*By Xiumei Dong*

Davis Wright Tremaine LLP has laid off 21 professional staff members, it confirmed Tuesday, becoming the latest BigLaw firm to cite "excess capacity" as a reason for reducing its workforce amid economic uncertainty.

[Read full article »](#)

### NY Chief Judges' Unreported Perks 'Corrupt,' State Sen. Says

*By Frank G. Runyeon*

A top New York lawmaker on Tuesday accused the state's high court of corruption in the wake of revelations that former Chief Judge Janet DiFiore and her successor failed to report taxable chauffeur perks.

[Read full article »](#)

### Girardi Trustee's Claims Against Litigation Funder Axed

*By Hailey Konnath*

A California federal judge has thrown out the Girardi Keese bankruptcy trustee's claims that New York litigation lenders owned by a convicted felon drove thousands of cases to disgraced attorney Thomas Girardi and his law firm and helped him loot millions of dollars from clients, counsel for the funders confirmed Tuesday.

 1 document attached | [Read full article »](#)

### Judge Greenaway Will Retire From 3rd Circuit In June

*By James Arkin*

Judge Joseph A. Greenaway Jr. is retiring from the Third Circuit in June after more than two decades on the federal bench, giving President Joe Biden another appellate vacancy to fill.

[Read full article »](#)

### Judge McKenna, H.W. Bush Appointee To SDNY, Dies At 89

*By Andrew Strickler*

Former New York federal Judge Lawrence M. McKenna, who oversaw cases ranging from the Adelphia Communications scandals to the legal troubles of boxing promoter Don King, died Friday after a long illness, a family member confirmed Tuesday.

Shell PLC  
Smith Drug Co.  
Sunoco LP  
Tesla Inc.  
The Coca-Cola Co.  
Thomson Reuters Corp  
U.S. Chamber of  
Commerce  
Volkswagen AG  
Volvo Car Corp.  
Walmart Inc.  
Western Alliance  
Bancorporation

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Arizona Supreme Court  
California Air Resources  
Board  
European Commission  
European Union  
Federal Bureau of  
Investigation  
Internal Revenue Servic  
National Highway Traffic  
Safety Administration  
National Institutes of  
Health  
New York State  
Commission on Judicial  
Conduct  
Ohio Legislative Service  
Commission  
Rhode Island Attorney  
General's Office  
U.S. Attorney's Office  
U.S. Attorney's Office fc  
the Southern District of  
New York  
U.S. Department of  
Commerce  
U.S. Department of  
Justice  
U.S. District Court for th  
District of Delaware

[Read full article »](#)

## **Kramer Levin Attorney's 'Baseless Attacks' Earn PTAB Block**

*By Dani Kass*

The Patent Trial and Appeal Board on Tuesday blocked a Kramer Levin Naftalis & Frankel LLP managing partner from representing Centripetal Networks in a patent challenge, citing his 2021 sanctions for baselessly accusing Amazon of relying on antisemitism to win over a jury.

 [Order attached](#) | [Read full article »](#)

Analysis

## **Musk Victory Unlikely To Move The Needle On Securities Trials**

*By Jessica Corso*

Elon Musk may have been willing to put Tesla's future in the hands of jurors last week, but his rare victory in a securities class action trial is unlikely to leave other corporate defendants clamoring to do the same, legal experts told Law360.

[Read full article »](#)

Analysis

## **How Va. Appellate Overhaul Is Shaking Up The Old Dominion**

*By Jess Krochtengel*

Just over a year ago, Virginia's appellate court underwent the biggest change to the state's judicial system in nearly 40 years, and the repercussions are still roiling the commonwealth's judicial system.

[Read full article »](#)

## **Ohio Senators Mull Litigation Funding Disclosures Bill**

*By Eric Heisig*

Ohio lawmakers are mulling a bill that would, among other things, require third-party litigation financiers to disclose their participation in particular lawsuits, a move that its sponsor says is necessary to help make the state friendlier for businesses and litigators.

 [2 documents attached](#) | [Read full article »](#)

## **ROSS Can't Hide Behind Fair Use, Thomson Reuters Says**

*By Andrea Keckley*

Legal services company ROSS Intelligence has fallen short of showing that it engaged in fair use when it created a database that Thomson Reuters alleges illegally used its law database, Westlaw, without permission or compensation, the media conglomerate argued to a Delaware federal court in a filing.

 [Brief attached](#) | [Read full article »](#)

U.S. District Court for th  
District of New Jersey

U.S. District Court for th  
Northern District of  
California

U.S. District Court for th  
Northern District of Illinc

U.S. District Court for th  
Southern District of  
California

U.S. District Court for th  
Southern District of  
Florida

U.S. District Court for th  
Southern District of Nev  
York

U.S. Drug Enforcement  
Administration

U.S. Environmental  
Protection Agency

U.S. Securities and  
Exchange Commission

U.S. Supreme Court  
United States District  
Court for the Northern  
District of West Virginia

United States District  
Court for the Southern  
District of Indiana

## Ex-LA DA Trims But Can't Nix Activists' Suit Over Gun Incident

By *Gina Kim*

A California judge on Tuesday threw out activists' false imprisonment claims against former Los Angeles District Attorney Jackie Lacey and the estate of her late husband, who brandished a handgun when they rang the couple's doorbell in 2020, but kept the suit alive by declining to throw out a negligence claim.

[Read full article »](#)

## Feds Say Ex-FBI Trainee Can't Ax Statements In Trading Case

By *Elliot Weld*

A former FBI trainee who allegedly lied to insider-trading investigators shouldn't be able to keep those false statements out of evidence because he made them voluntarily, Manhattan federal prosecutors told a judge.

 Memorandum attached | [Read full article »](#)

## NJ Judge Shortage Halts Civil, Divorce Trials In 2 Vicinages

By *Jake Maher*

The New Jersey judiciary is halting all civil and matrimonial trials in two vicinages comprising six counties in the northwest and south of the state effective Feb. 21 due to a shortage of judges, according to an announcement from state Supreme Court Chief Justice Stuart Rabner.

[Read full article »](#)

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## JOBS

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Hunton Andrews Kurth  
Richmond, Virginia

### Litigation Legal Assistant

Corr Cronin  
Seattle, Washington

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Email secured by Check Point

**From:** Class Action Law360  
**Sent:** Thu, 2 Feb 2023 09:34:24 +0000  
**To:** Trumka Jr., Richard  
**Subject:** James Murdoch Testifies Musk's Confidence In Deal Merited



# Class Action

THURSDAY, FEBRUARY 2, 2023



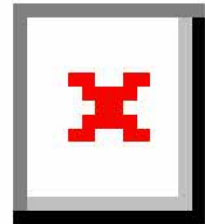
## TOP NEWS

### James Murdoch Testifies Musk's Confidence In Deal Merited

*By Bonnie Eslinger*

Tesla board member and ex-21st Century Fox CEO James Murdoch testified Wednesday in a California securities trial over Elon Musk's tweets about taking the company private, saying he wasn't surprised at Musk's confidence in a handshake deal with a Saudi sovereign wealth fund because such agreements aligned with his Mideast experience.

[Read full article »](#)



### Barrack Rodos, Faruqi To Lead Tesla 'Tweet' Suit In Del.

*By Jeff Montgomery*

Barrack Rodos & Bacine and Faruqi & Faruqi LLP drew co-lead counsel appointments Wednesday for a high-stakes Delaware Court of Chancery consolidated derivative suit seeking damages on Tesla Inc.'s behalf for Elon Musk's baseless tweets in 2018 about taking the company private.

[Read full article »](#)

### Coinbase Gets Unregistered Securities Suit Tossed For Good

*By Katryna Perera*

A New York federal judge tossed a putative class action brought by three cryptocurrency buyers who claimed crypto exchange Coinbase sold them unregistered securities, ruling that the buyers fell short in proving that the platform was the "immediate seller" of the alleged securities.

 [Order attached](#) | [Read full article »](#)

## SECURITIES

## NEW CASES

Class Actions (43)

## LAW FIRMS IN TODAY'S NEWS

Ahdoot & Wolfson

Akin Gump

Allen Chesson

Alston & Bird

Appalachian Mountain  
Advocates

Babst Calland

Bailey & Glasser

Baker & Hostetler

Baron & Budd

Barrack Rodos

Beasley Allen

## Crypto Suits Are Flying High As SPAC Litigation Cools: Report

By *Jessica Corso*

Securities class action lawsuits alleging misdeeds related to special purpose acquisition companies fell precipitously in the later half of 2022, but the number of lawsuits against the crypto industry hit a new record, marking the industry as a "new frontier" in securities fraud, according to a report released by Cornerstone Research on Wednesday.

Report attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### 9th Circ. Revives Alaska Airlines Paid Military Leave Suit

By *Patrick Hoff*

The Ninth Circuit restored a class action accusing Alaska Airlines of discriminating against pilots on short-term military leave by shorting them on pay, ruling Wednesday that a trial court improperly resolved factual disputes that should have been left to a jury.

Opinion attached | [Read full article »](#)

### Energy Co. Strikes Deal In ERISA Class Action

By *Grace Elletson*

An energy company has agreed to settle a class action filed in Connecticut federal court alleging it mismanaged its employees' retirement fund by retaining underperforming investments that saddled workers with high fees.

Notice attached | [Read full article »](#)

### MassMutual Seeks Escape From Workers' 401(k) Suit

By *Elliot Weld*

MassMutual wants to be let out of a proposed class action filed by one of its employees over its 401(k) plan, saying that her claims are time-barred and that she has failed to show how MassMutual's management of the plan was imprudent.

Memorandum attached | [Read full article »](#)

### Attys Urge Fed. Circ. To Review Gov't Shutdown Pay Rulings

By *Irene Spezzamonte*

Several worker-side attorneys groups asked the full Federal Circuit to reconsider two decisions ruling that federal employees weren't entitled to extra back pay after receiving late paychecks during government shutdowns, saying the decisions clashed with settled law.

2 documents attached | [Read full article »](#)

### Dish Should Be Freed From 401(k) Fee Suit, Judge Says

Berens & Miller  
Bernabei & Kabat  
Block & Leviton  
Bredhoff & Kaiser  
Bursor & Fisher  
Bush Seyferth  
Capozzi Adler  
Carlton Fields  
Chimicles Schwartz  
Cohen Milstein  
Colson Hicks  
Continental PLLC  
Covington & Burling  
Crotty & Son  
Debevoise & Plimpton  
Dewey & LeBoeuf  
DiBella Weinheimer  
Edelman Combs  
Edelsberg Law  
Edelson PC  
Engstrom Lipscomb  
Farella Braun  
Faruqi & Faruqi  
Gibson Dunn  
Girardi & Keese  
Glancy Prongay  
Golomb Spirt  
Goodwin Procter  
Groom Law Group  
Gupta Wessler  
Habba Madaio  
Haight Brown  
Hausfeld LLP  
Heins Mills  
Hogan Lovells  
Holland & Knight  
Jack Goodrich & Associates  
Kalijarvi Chuzi  
Kellogg Hansen  
Kirkland & Ellis  
Latham & Watkins



*By Emmy Freedman*

Former Dish Network Corp. employees' lawsuit accusing the satellite company of running afoul of federal benefits law should be tossed because the fees the 401(k) participants paid were on par with those paid by participants in similarly sized retirement plans, a federal magistrate judge said.

Report attached | [Read full article »](#)

## **Pet Care Co. To Pay \$1.5M To End 401(k) Fee Suit**

*By Emmy Freedman*

An animal hospital company will pay \$1.5 million to end a proposed class action accusing it of saddling a retirement plan with excessive fees, a group of former workers said in urging a California federal judge to sign off on the deal.

Memorandum attached | [Read full article »](#)

## **PRODUCT LIABILITY**

### **Eisai Settles Recalled Diet Drug Cancer Claims**

*By Collin Krabbe*

Eisai Inc. and Arena Pharmaceuticals Inc. have agreed to settle a suit with a woman who alleged the companies' recalled diet drug Belviq caused her breast cancer, asking the Middle District of Florida for a three-month stay while the agreement is completed.

Report attached | [Read full article »](#)

### **Procter & Gamble Seeks To Dismiss Tampon False Ad Suit**

*By P.J. D'Annunzio*

A Procter & Gamble unit urged an Illinois federal judge to toss a suit accusing it of running misleading advertisements marketing its tampons as "100% organic" despite containing non-cotton and non-organic ingredients, arguing that courts have thrown out similar cases from the plaintiffs' lawyer.

Motion attached | [Read full article »](#)

## **CYBERSECURITY & PRIVACY**

### **iHeartMedia Accused Of Sharing Data With Facebook**

*By Piper Hudspeth Blackburn*

iHeartMedia Inc. has been hit with a proposed class action in Florida federal court by a woman who claims the company violated the Video Privacy Protection Act by sharing its digital subscribers' personal viewing information with Facebook without her consent.

Complaint attached | [Read full article »](#)

Law Firm of Carlton F. Bennett

Levi & Korsinsky

Lewis Brisbois

Lieff Cabraser

Lynch Carpenter

McGuireWoods

Mehri & Skalet

Melehy & Associates

Merlin Law Group

Miller Monroe & Plyler

Miller Shah LLP

Morgan Lewis

Moskowitz Law Firm

Murphy Anderson PLLC

Nordman Cormany

O'Melveny & Myers

Ogletree Deakins

Orrick Herrington

Outten & Golden

Paul Weiss

Perkins Coie

Pietragallo Gordon

Podhurst Orseck

Pollock Cohen

Pomerantz LLP

Price Law Firm

Pryor Cashman

Quinn Emanuel

Reed Smith

Robert & Robert PLLC

Rosen Law Firm PA

Sanger Swysen

Scott+Scott

Selendy Gay

Shamis & Gentile

Sheehan & Associates

PC

Shook Hardy

Shub Law Firm

Silver Golub

Skadden Arps

Squire Patton

## **Apple Seeks To Transfer Wiretap Suit From Pa. To Calif.**

*By Matthew Santoni*

A proposed class action accusing Apple of breaking state laws against wiretapping by allegedly collecting iPhone data even after users opt out should be transferred from Pennsylvania to California, the company told a Pennsylvania federal court.

 Motion attached | [Read full article »](#)

## **Publishers Clearing House Calls Privacy Suit 'Cut-And-Paste'**

*By Danielle Ferguson*

A class action alleging Publishers Clearing House sold customers' personal reading information to marketers is a "cut-and-paste" lawsuit that is too generic and speculative to continue, the company told a Michigan federal judge Wednesday in a bid to get the case dismissed.

 2 documents attached | [Read full article »](#)

## **KeyBank Data Breach Claims Centralized In Georgia MDL**

*By Hailey Konnath*

The U.S. Judicial Panel on Multidistrict Litigation on Wednesday held that six proposed class actions against KeyBank NA and an insurance services company over a July 2022 data breach should be centralized in multidistrict litigation in the Northern District of Georgia, according to an order.

 Order attached | [Read full article »](#)

## **ENERGY & ENVIRONMENTAL**

### **Former EQT Atty Rips 'Vague' DQ Bid In Abandoned-Well Suit**

*By Emily Sawicki*

An attorney who previously worked for EQT Corp. and is now representing West Virginia landowners in a suit alleging the company abandoned natural gas wells has responded to a demand he be booted from the case, saying any knowledge he had of the company was general and attorneys he worked with most closely have since departed.

 Response attached | [Read full article »](#)

## **INSURANCE**

### **Judge OKs Pause Of Virus Insurance MDL During Appeals**

*By Ben Zigterman*

A COVID-19 coverage dispute between Erie Insurance Co. and a group of businesses is on hold after a Pennsylvania federal judge agreed

Steptoe & Johnson LLP  
Sullivan & Cromwell  
The Miller Law Firm PC  
Veen Firm  
Warner Norcross  
Weil Gotshal  
Wicker Smith  
Wilshire Law Firm  
Wilson Elser  
Wilson Sonsini  
Winston & Strawn  
Zelle LLP

## **COMPANIES IN TODAY'S NEWS**

Adelphia  
Communications Corp.  
American Association for Justice  
Apple Inc.  
Arena Pharmaceuticals Inc.  
Armanino LLP  
Associated Press  
Atlanta Falcons Football Club LLC  
Binance Holdings Ltd.  
Center for Medicare Advocacy Inc.  
Coinbase Global Inc.  
Cornerstone Research Inc.  
Credit Karma LLC  
DISH Network Corp.  
EQT Corp.  
Eisai Co. Ltd.  
Erie Insurance Inc.  
Eversource Energy  
Fox Corp.  
Fulton Financial Corp.  
GameStop Corp.  
Hino Motors  
Manufacturing USA Inc.

Wednesday to pause the multidistrict litigation until the state Supreme Court weighs in on a separate suit's appeal.

1 document attached | [Read full article »](#)

## HEALTH

### HHS Escapes Attys' \$1.3M Fee Request In Decadelong Case

By Aaron Keller

A federal judge has declined to award \$1.3 million to attorneys who fought for more than 10 years to win a complex Medicare class action reimbursement dispute against the U.S. Department of Health and Human Services.

5 documents attached | [Read full article »](#)

### Fla. Mental Health Provider Is Sued Over Patient Data Breach

By David Minsky

Two Florida residents have sued mental health provider Circles of Care Inc. in a proposed class action over a data breach, alleging that the Melbourne-based nonprofit was negligent in allowing hackers to break into the company's servers and steal the highly sensitive personal and medical information of more than 61,000 patients.

Complaint attached | [Read full article »](#)

## AUTOMOTIVE

### GM Ducks Flex-Fuel Fraud Suit For Now

By Carolyn Muyskens

An Illinois federal judge on Wednesday freed General Motors of a putative class action accusing the company of duping buyers by failing to tell them up front that flex fuel cars can be damaged by excessive use of ethanol-based fuel.

Memorandum attached | [Read full article »](#)

### 'Volkswagen' Gag Not Used To Mislead Investors, Car Co. Says

By Kelly Lienhard

Volkswagen and its investors disputed in a Virginia federal court on Wednesday whether its U.S. subsidiary's 2021 April Fools' Day joke saying the auto company would change its name to "Volkswagen" as part of an electric energy campaign qualified as fraud under U.S. securities law.

[Read full article »](#)

### Buyers Say Toyota Unit Can't Ditch Fake Emissions Data Suit

Hino Motors Sales USA Inc.

Horizon Air Industries Ir Indianapolis Colts

Instagram Inc.

Johnson Controls International PLC

Justice in Aging

LinkedIn Corp.

Massachusetts Mutual Life Insurance Co.

Meta Platforms Inc.

National Employment Law Project

National Employment Lawyers Association

National Football League Players Association

National Treasury Employees Union

Publishers Clearing House Inc.

Sky PLC

State Bar of California

State Farm Mutual Automobile Insurance C

TSR Inc.

Tesla Inc.

The Impact Fund

The Procter & Gamble Co.

Toyota Motor Corp.

TransUnion LLC

Trump Organization Inc

Twitter Inc.

University of Southern California

VCA Inc.

Valor Equity Partners LI

Volkswagen AG

Vonage Holdings Corp.

iHeartMedia Inc.

By Linda Chiem

Truck buyers told a Florida federal judge that Toyota unit Hino Motors Ltd. cannot dodge proposed class allegations that it illegally manipulated emissions and fuel-economy test results for vehicles sold in the U.S., saying the Sunshine State has jurisdiction over claims against the Japanese truck manufacturer.

 Response attached | [Read full article »](#)

## EXPERT ANALYSIS

### Agency Actions Show Shared Focus On Digital Ad Tactics

Recent coordinated actions taken by the Consumer Financial Protection Bureau, U.S. Department of Justice and Federal Trade Commission demonstrate a new focus on assailing two distinct digital advertising practices — dark patterns and the use of algorithms for targeting consumers, say Kyle Tayman and Tierney Smith at Goodwin.

[Read full article »](#)

### Crypto Coverage After FTX Fall: Accountant And Atty Liability

The recent fall of cryptocurrency firm FTX highlights complexities regarding accounting and tax reporting for digital assets, and reveals lawyers' potential liability exposure when providing services to crypto firms — as a result, insurers may face unintended vulnerabilities related to this nebulous landscape, say Anjali Das and Farzana Ahmed at Wilson Elser.

[Read full article »](#)

## LEGAL INDUSTRY

Analysis

### Girardi's Mental State Emerges As Early Legal Battleground

By Phillip Bantz

Now that federal grand juries in California and Illinois have indicted Girardi Keese founder Tom Girardi, who is 83 and diagnosed with Alzheimer's disease, on charges stemming from his firm's theft of millions from clients, the stage is set for a court battle over the former legal titan's fitness to stand trial.

 2 documents attached | [Read full article »](#)

### Tom Girardi Indicted In Calif., Ill. Over Client Theft Scandal

By Brandon Lowrey

Federal grand juries in Los Angeles and Chicago have indicted Girardi Keese founder Tom Girardi on 13 counts of wire fraud and four counts of criminal contempt stemming from his firm's theft of millions from its clients, prosecutors announced Wednesday, saying their criminal investigation into the once-legendary law firm is not yet finished.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

Delaware Court of Chancery

Federal Communication Commission

Federal Trade Commission

Internal Revenue Service  
New York Attorney General's Office

Pennsylvania Supreme Court

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Department of Health and Human Services

U.S. Department of Justice

U.S. District Court for the Central District of California

U.S. District Court for the District of Connecticut

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Middle District of Florida

2 documents attached | [Read full article »](#)

## **From Star Litigator To Criminal Defendant: A Girardi Timeline**

*By Dorothy Atkins*

Over the last four years, the plaintiffs bar has been rocked by the swift collapse of the once-bustling Los Angeles plaintiffs firm Girardi Keese and the disbarment of founder Thomas V. Girardi, who now faces criminal charges of misappropriating millions of dollars in client settlement funds.

[Read full article »](#)

## **McCarthy Taps Akin Gump Atty As House General Counsel**

*By James Arkin*

House Speaker Kevin McCarthy tapped Matthew Berry, a recent partner at Akin Gump Strauss Hauer & Feld LLP and longtime Federal Communications Commission official, as the next general counsel of the U.S. House of Representatives, the speaker announced Wednesday.

[Read full article »](#)

## **Judge Rips Trump's Reply To AG's \$250M Suit, Vows Oct. Trial**

*By Frank G. Runyeon*

A New York state judge lectured Donald Trump's attorneys Wednesday for their excessively wordy responses to the attorney general's mammoth civil fraud case against him but declined to consider the state's request for sanctions as the suit marches toward an October trial.

[Read full article »](#)

## **NC Justice Hushes Attys In Debate Over Holland & Knight Call**

*By Hayley Fowler*

The contents of a secretly recorded phone call with Holland & Knight LLP took center stage Wednesday during oral arguments at the North Carolina Supreme Court, where the chief justice chided attorneys for oversharing in their bid to convince the court that the call can be wielded as evidence in an underlying dispute over corporate ownership of a software company.

[Read full article »](#)

## **Ex-O'Melveny Attorney Drops Wrongful Firing Suit**

*By Patrick Hoff*

A former attorney with O'Melveny & Myers LLP has resolved his suit accusing the firm of denying him work opportunities because of his race, gender and sexual orientation and wrongfully firing him for billing too many pro bono hours, according to a California state court filing.

2 documents attached | [Read full article »](#)

## **Ogletree Announces New Managing Shareholder-Elect**

U.S. District Court for th  
Northern District of  
California

U.S. District Court for th  
Northern District of Illinc

U.S. District Court for th  
Southern District of  
Florida

U.S. District Court for th  
Southern District of Nev  
York

U.S. District Court for th  
Western District of  
Pennsylvania

U.S. House of  
Representatives

U.S. Securities and  
Exchange Commission

U.S. Supreme Court

United States District  
Court for the District of  
Colorado

United States District  
Court for the Northern  
District of West Virginia

*By Emily Sawicki*

Atlanta-based Ogletree Deakins Nash Smoak & Stewart PC announced Tuesday new leadership will be taking the helm of the labor and employment firm beginning in 2024, including the firm's first female managing shareholder.

[Read full article »](#)

## **Calif. Gov. Taps Perkins Coie, Gibson Dunn Alumni For Bench**

*By Dave Simpson*

California Gov. Gavin Newsom nominated the former managing partner of Perkins Coie's Los Angeles office, a former Gibson Dunn & Crutcher attorney and two others to state appellate court positions Tuesday while appointing 10 new trial court judges, including a former Lewis Brisbois Bisgaard & Smith partner and a former Kirkland & Ellis attorney.

[Read full article »](#)

Analysis

## **Brady's Dominance On The Field Coincided With Time In Court**

*By Elaine Briseño*

Tom Brady announced Wednesday that he's retiring "for good" this time, leaving behind not only a legacy of championships, but a string of litigation stemming from both his personal and professional life.

[Read full article »](#)

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# **JOBS**

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**Senior Manager Lateral Partner Recruiting**  
Perkins Coie LLP  
Los Angeles, CA

**Client Accounts Assistant**  
Perkins Coie LLP  
Holbrook, AZ

**Litigation Associate (Hybrid Schedule)**  
Duane Morris LLP  
-, California

**Labor and Employment Attorney**  
Hunton Andrews Kurth LLP  
-, -

**Labor and Employment Attorney**  
Albright, Yee & Schmit, APC  
Los Angeles, California

**COMMERCIAL LITIGATION ASSOCIATE**  
McCarter & English, LLP  
Stamford, Connecticut

**LABOR & EMPLOYMENT ASSOCIATE – Newark, NJ Office**  
McCarter & English, LLP  
Newark, New Jersey

**INSURANCE COVERAGE ASSOCIATE**  
McCarter & English, LLP  
Newark, New Jersey

**TRADEMARK PARALEGAL (NY NY, Newark NJ, Boston MA, Hartford or Stamford CT)**

**ENERGY ASSOCIATE**  
McCarter & English, LLP  
Washington, District of Columbia

McCarter & English, LLP  
New York, New York

**LABOR & EMPLOYMENT ASSOCIATE**  
– **Hartford, CT Office**  
McCarter & English, LLP  
Hartford, Connecticut

**Global Insurance Department –**  
**Associate**  
Cozen O'Connor  
Philadelphia, Pennsylvania

**Strategic Risk and Complex Litigation**  
**Attorney**  
Cozen O'Connor  
Philadelphia, Pennsylvania

**Patent Attorney/ Patent Agent/**  
**Technical Specialist**  
ArentFox Schiff  
NY or DC, -

**MID-LEVEL ASSOCIATE: Traditional**  
**Labor**  
Epstein Becker Green  
Los Angeles , California

**Labor and Employment Attorney**  
Hunton Andrews Kurth LLP  
Los Angeles, California

**Part-Time Biotech Patent**  
**Agent/Technical Specialist**  
ArentFox Schiff  
-, -

**Patent Litigation Associate**  
Antonelli, Harrington & Thompson LLP  
Houston, Texas

**Labor and Employment Associate**  
Hunton Andrews Kurth LLP  
Los Angeles, California

**MID-LEVEL or SENIOR ASSOCIATE:**  
**Labor & Employment Litigation**  
Epstein Becker Green  
Newark, New Jersey

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**From:** Public Policy Law360  
**Sent:** Thu, 19 Jan 2023 09:49:09 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Justices Reject A 2nd Bid To Block New NY Gun Control Laws



# Public Policy

THURSDAY, JANUARY 19, 2023



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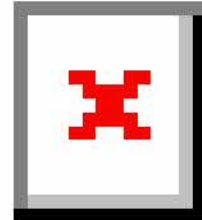
## TOP NEWS

### Justices Reject A 2nd Bid To Block New NY Gun Control Laws

By Y. Peter Kang

For the second time in two weeks, the U.S. Supreme Court rejected an emergency bid to halt enforcement of New York's recently overhauled firearms licensing regime, instead allowing appeals lodged by gun owners and dealers to play out before the Second Circuit.

 [Order attached](#) | [Read full article](#) »



### 9th Circ. Cuts Bank Fraudster's 'Illegally Excessive' Sentence

By Dorothy Atkins

The Ninth Circuit vacated Wednesday a Seattle man's three-year prison sentence for violating supervised release after he was sentenced to more than 16 years for running a \$7.5 million bank fraud scheme, finding that the additional sentence is "illegally excessive" even if it runs concurrently with his fraud sentence.

 [Opinion attached](#) | [Read full article](#) »

### 2nd Circ. OKs Longer Sentence For Election Denier

By Katie Buehler

A Second Circuit panel has affirmed a three-year prison sentence for a man who threatened politicians, journalists and their families with

## LAW FIRMS IN TODAY'S NEWS

Allen Stovall Neuman & Ashton

Andersen Banducci

Arnall Golden

Bartlett LLP

Best Best & Krieger

Beveridge & Diamond

Butler Snow LLP

Caldwell Carlson

Cravath Swaine



violence to publicly dispute the 2020 presidential election results, rejecting the man's request to vacate the sentence for exceeding what sentencing guidelines recommend.

 Order attached | [Read full article »](#)

## 1st Circ. Pick Among Biden's First Judge Nominations Of 2023

*By James Arkin*

President Joe Biden is nominating a former New Hampshire attorney general to the First Circuit and naming three district court picks in his first round of new judicial nominations in 2023, the White House announced Wednesday.

[Read full article »](#)

## SD District Judge Karen E. Schreier Moves To Senior Status

*By James Arkin*

U.S. District Judge Karen E. Schreier of the South Dakota federal court is moving to senior status upon confirmation of a successor, giving President Joe Biden another vacancy to fill.

[Read full article »](#)

# ENERGY & ENVIRONMENTAL

## Green Groups Agree To Drop CWA Suit Following New Rule

*By Ali Sullivan*

Environmental groups have agreed to drop their suit in Washington federal court challenging a Trump-era rule that narrowed the scope of the Clean Water Act after the federal government unveiled a final rule expanding the definition of "waters of the United States."

 Order attached | [Read full article »](#)

## Texas, Groups Sue To Take Down New 'WOTUS' Definition

*By Juan Carlos Rodriguez*

Texas and several industry groups leaped into court Wednesday to challenge the Biden administration's new rule defining the scope of the Clean Water Act on the same day the rule was published in the Federal Register.

 2 documents attached | [Read full article »](#)

## EPA Says Greenlight Of Denver Air Plan Was Proper

*By Juan Carlos Rodriguez*

DL Law Group  
Dorsey & Semrau  
Dorsey & Whitney  
Feinberg Jackson  
Hedin Hall  
Hogan Lovells  
Hogan McDaniel  
Holland & Hart  
Kellogg Hansen  
Kramer Levin  
Landis Rath  
Latham & Watkins  
Mayer Brown  
McDermott Will  
McLane Middleton  
McNees Wallace  
Miner Barnhill  
Morris Nichols  
Napoli Shkolnik  
Norton Rose  
Paul Hastings  
Phelps Dunbar  
Range PC  
Richards Layton  
Rumberger Kirk  
Sheppard Mullin  
Sills Cummis  
Simpson Thacher  
Stinson LLP  
Sullivan & Cromwell  
The Berkman Law Office  
Weil Gotshal  
Weinberg Roger  
Williams & Connolly  
WilmerHale  
Wilson Sonsini  
Young Conaway

## COMPANIES IN TODAY'S NEWS

ACA Connects- America's Communications Associati

The U.S. Environmental Protection Agency on Tuesday told the Tenth Circuit that environmentalists have no legal grounds to challenge its approval of Colorado's ozone control plan for the Denver area.

 Brief attached | [Read full article »](#)

## **Challenge To EPA's Air Finding Is DOA, Enviros Tell DC Circ.**

*By Keith Goldberg*

Pro-fossil fuel groups have neither standing nor legal basis to challenge the U.S. Environmental Protection Agency's 2009 finding that certain greenhouse gases endanger public health and welfare, environmental and health groups told the D.C. Circuit Tuesday.

 Brief attached | [Read full article »](#)

## **Groups Tell Biden Not To Back Down To EU Trade Threats**

*By Madeline Lyskawa*

Five groups sent a letter to the Biden administration on Wednesday saying it shouldn't back down to European Union trade threats and should implement the Inflation Reduction Act of 2022 as intended and without delays or changes that could undermine historic clean energy investments.

 Letter attached | [Read full article »](#)

## **Biden Admin. Must Deliver New Offshore Plan, Oil Groups Say**

*By Madeline Lyskawa*

Oil and gas industry groups urged the D.C. Circuit to force the Biden administration to promptly release a new five-year program for offshore oil and gas leasing between 2023 and 2028, accusing the U.S. Department of the Interior of unlawfully dragging its feet on issuing a new plan.

 Brief attached | [Read full article »](#)

# **HEALTH & LIFE SCIENCES**

## **NJ Judge Blocks Township's Ambulance Services Ordinance**

*By Isaac Monterose*

A New Jersey judge sided with a retirement community operator by preliminarily blocking a township's ordinance that requires health care companies to provide 24/7 ambulance services and also penalizes emergency ambulance calls for situations that don't require advanced life support.

 Order attached | [Read full article »](#)

AMC Entertainment Holdin Inc.

Allergan PLC

Alvarez & Marsal Holdings LLC

American Bar Association  
American Farm Bureau Federation

American Petroleum Instittu Inc.

Bank of America Corp.

Barclays PLC

Boehringer Ingelheim  
Vetmedica Inc.

Boston College

CTIA

Center for Biological Diversity

Center for Strategic and International Studies

Cigna Corp.

Citigroup Inc.

Clean Air Task Force Inc.

Colorado Legal Services

Competitive Enterprise Institute

Discord Inc.

Earthjustice

Environmental Defense Fund Inc.

FTX US

FirstEnergy Corp.

GameStop Corp.

Getty Images Inc.

Google LLC

Imperial Sugar Co.

Instagram Inc.

International Association of Machinists & Aerospace Workers

JPMorgan Chase & Co.

JUUL Labs Inc.

JetBlue Airways Corp.

Johnson & Johnson

KBR Inc.

## MEDIA & ENTERTAINMENT

### Justices Urged To Back Social Media Immunity In Terror Suits

By Piper Hudspeth Blackburn

The Washington Legal Foundation has warned the U.S. Supreme Court that the internet's marketplace of ideas would "shut down" if the court refuses to back a Ninth Circuit ruling that shielded Google from a family's Anti-Terrorism Act claims.

 [Brief attached](#) | [Read full article](#) »

## REAL ESTATE

### 11th Circ. Ends Farm Permit Case Against Fla. City Leaders

By Faith Williams

The Eleventh Circuit agreed with a lower court's ruling to dismiss a Florida property owner's suit against Haines City leaders over the city's requirement that the property owner acquire permits for farming operations.

 [Opinion attached](#) | [Read full article](#) »

### NYC Council Probes Housing Voucher Program Delays

By Grace Dixon

City council members and advocates pushed city officials at a Wednesday hearing to clarify why unhoused adults and families in New York City's shelter system who qualify for a city-funded voucher program are being kept at shelters longer than strictly necessary.

[Read full article](#) »

## EMPLOYMENT & BENEFITS

### 9th Circ. Backs Culver City's COVID-19 Hazard Pay Win

By Beverly Banks

A California hospital can't squash Culver City's so-called hazard pay ordinance giving temporary raises to certain workers, the Ninth Circuit ruled Wednesday, saying the National Labor Relations Act did not preempt the statute and the law didn't violate the U.S. Constitution.

 [Opinion attached](#) | [Read full article](#) »

### Patients Seek Class Cert. In Cigna Benefits Underpayment Suit

By Kellie Mejdrieh

A proposed class of at least 8,000 patients who accuse health insurer Cigna and its billing contractor, MultiPlan, of colluding to underpay their

Louis Dreyfus Holding B.V.  
Meta Platforms Inc.  
Morgan Stanley  
National Association of Consumer Bankruptcy Attorneys  
National Association of Manufacturers  
National Association of Realtors  
National Consumer Law Center  
National Telephone Cooperative Association  
New York University  
Organization for Economic Cooperation and Development  
PKF International Ltd.  
PKF Texas  
Perella Weinberg Partners LP  
Public Citizen Inc.  
Quiznos  
Reddit Inc.  
SAExploration Holdings Inc  
Service Employees International Union  
Sierra Club  
Texas Public Policy Foundation  
The Walt Disney Co.  
Twitter Inc.  
U.S. Sugar Corp.  
United Auto Workers  
United States Telecom Association  
United Steelworkers  
Urban Land Institute  
Walgreens Co.  
Washington Legal Foundation  
YouTube Inc.

out-of-network claims for substance use disorder treatments sought class status in their lawsuit alleging the companies' repricing scheme violated federal anti-corruption and benefits laws.

 [Motion attached](#) | [Read full article](#) »

## **Colo. Farms Say State's Labor Rights Law Is Unconstitutional**

*By Beverly Banks*

A group of Colorado farms and ranches challenged a bid to dismiss their suit in federal court over an access provision in the state's agricultural workers' rights law, arguing the statute flouts U.S. Supreme Court precedent and unconstitutionally restricts employers' property rights.

 [2 documents attached](#) | [Read full article](#) »

## **COMPETITION**

### **3rd Circ. Prods DOJ On Sugar Distributors In Merger Appeal**

*By Matthew Perlman*

A Third Circuit panel questioned the U.S. Department of Justice on Wednesday during oral arguments about whether distributors should be considered competitors when looking at U.S. Sugar Corp.'s recently completed acquisition of Imperial Sugar Co.

[Read full article](#) »

### **FTC Won't Stay In-House Trial Over Meta-Within Deal**

*By Kelly Lienhard*

The Federal Trade Commission on Tuesday formally rejected tech giant Meta's request to pause a trial challenging its proposed merger with virtual reality company Within after attorneys from both parties agreed to push the trial back two weeks to allow more time for the judge to consider the agency's preliminary injunction bid.

 [Order attached](#) | [Read full article](#) »

### **Amid Aggressive Domestic Antitrust Push, Fine Amounts Fall**

*By Bryan Koenig*

A reduction in whistleblowers disclosing price-fixing and other antitrust cartels continues to contribute to dropping enforcer fines that contrast with ramped-up domestic and government contracting-based enforcement efforts, according to a report Wednesday from Simpson Thacher & Bartlett LLP.

[Read full article](#) »

## **GOVERNMENT AGENCIES IN TODAY'S NEWS**

Bureau of Citizenship and Immigration Services

Bureau of Land Management

Bureau of Ocean Energy Management

Colorado Department of Labor and Employment

Commodity Futures Trading Commission

Equal Employment Opportunity Commission

European Commission

European Union

Executive Office for Immigration Review

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Trade Commission International

Telecommunication Union

Jicarilla Apache Nation

National Aeronautics and Space Administration

National Labor Relations Board

North Carolina Attorney General's Office

Ohio Attorney General's Office

Ohio Supreme Court

Pascua Yaqui Tribe

U.S. Army

U.S. Army Corps of Engineers

U.S. Attorney's Office for the Central District of California

## CONSUMER PROTECTION

### Crunch Gym Hit With Class Action Over Telemarketing Texts

By Jade Martinez-Pogue

Fitness center giant Crunch Gym was hit with a class action in New York federal court for allegedly engaging in illegal telemarketing efforts to advertise its business in violation of the Florida Telephone Solicitation Act, with the proposed class seeking damages up to \$5 million.

 [Complaint attached](#) | [Read full article »](#)

## BANKRUPTCY

### \$415M In Crypto Hacked Since Ch. 11, FTX Tells Creditors

By Vince Sullivan

Bankrupt cryptocurrency exchange FTX Trading Ltd. has told unsecured creditors that \$415 million in cryptocurrency has been lost to hackers since the company filed for Chapter 11 in November, even as it has recovered \$5.5 billion in liquid assets in that time period.

 [Report attached](#) | [Read full article »](#)

## IMMIGRATION

### US Immigration Court Backlog Reaches All-Time High

By Britain Eakin

The backlog of asylum cases has surpassed 800,000 for the first time, while the overall backlog of pending immigration court cases has likewise reached an all-time high of nearly 2.1 million, according to new data released Wednesday.

[Read full article »](#)

## WHITE COLLAR

### Ex-JetBlue Mechanic Avoids Prison For Role In COVID Fraud

By Pete Brush

A Brooklyn federal judge gave a former JetBlue Airways mechanic probation Wednesday for stealing \$201,000 of COVID-19 loan money, then criticized the airline and other employers for "stupid" policies forbidding felony convicts from returning to their chosen fields.

[Read full article »](#)

### Ohio High Court To Review Freezing Of Ex-Regulator's Assets

U.S. Attorney's Office for the Eastern District of New York

U.S. Attorney's Office for the Southern District of New York

U.S. Bankruptcy Court for the District of Delaware

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of the Interior

U.S. District Court for the Central District of California

U.S. District Court for the District of Columbia

U.S. District Court for the Eastern District of New York

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of Washington

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Securities and Exchange Commission

*By Eric Heisig*

The Ohio Supreme Court will review whether an appellate court made the right decision to unfreeze millions of dollars in assets belonging to a former state regulator implicated but not charged in a \$60 million bribery scandal involving utility FirstEnergy Corp.

 1 document attached | [Read full article »](#)

U.S. Senate

U.S. Supreme Court

United States District Cour  
for the District of Colorado

World Trade Organization

## **Oilfield Co. Says Auditor's 'Epic Failure' Allowed Fraud**

*By Tom Lotshaw*

SAExploration Holdings Inc. alleges that negligence by its former auditor, PKF Texas, allowed corporate fraud and embezzlement by its former directors to continue for years, resulting in losses of roughly \$50 million.

 Complaint attached | [Read full article »](#)

# **TELECOMMUNICATIONS**

## **FCC Reworks 4.9 GHz Band, Keeps Public Safety Focus**

*By Christopher Cole*

The Federal Communications Commission agreed Wednesday to revamp the 4.9 gigahertz band to create a new leasing model for unused parts of the spectrum but retain its primary purpose as public safety bandwidth.

[Read full article »](#)

## **FCC Seeks \$62M Fine For Alleged Broadband Subsidy Fraud**

*By Piper Hudspeth Blackburn*

Telecom company Q Link Wireless is facing a \$62 million fine for allegedly violating Emergency Broadband Benefit Program rules by obtaining as much as \$33 million in improper disbursement by overclaiming support for hundreds of thousands of computer tablets, the Federal Communications Commission said Tuesday.

 Notice attached | [Read full article »](#)

## **FCC Could Start To Reassess Carriers' Nat'l Security Risks**

*By Christopher Cole*

The Federal Communications Commission will soon weigh whether to reassess foreign telecom carriers' authorizations to provide service in the U.S. market in response to evolving national and cybersecurity risks, the agency's chair said.

[Read full article »](#)

## **Industry Groups Seek More Clarity On FCC Broadband Labels**

*By Kelly Lienhard*

A group of telecommunications industry trade groups has asked the Federal Communications Commission to clarify how to comply with two elements of newly required broadband "nutritional labels."

 Petition attached | [Read full article »](#)

## CANNABIS

### [Ex-Calif. Mayor To Plead Guilty In Pot Bribery Scheme](#)

*By Collin Krabbe*

Former Adelanto mayor Richard Kerr will plead guilty to one count of honest services wire fraud after accepting \$57,500 in bribes and kickbacks tied to a cannabis licensing and permit scheme, according to the U.S. Attorney's Office for the Central District of California.

[Read full article »](#)

### [Prosecutors Tell NC Justices To Reject Hemp Appeal](#)

*By Mike Curley*

North Carolina prosecutors are asking the state's highest court to deny an appeal from a man who was convicted of cannabis-related crimes after sheriff's deputies intercepted a package containing marijuana, saying the sheriffs didn't violate his Fourth Amendment rights.

 Response attached | [Read full article »](#)

## PEOPLE

### [Kramer Levin Names New Land Use Practice Co-Chair](#)

*By Andrea Keckley*

Kramer Levin Naftalis & Frankel LLP has chosen longtime New York-based partner Elise Wagner to serve as co-chair of the firm's land use practice, the firm said Wednesday.

[Read full article »](#)

## EXPERT ANALYSIS

### [Proposed Immigration Fee Increases May Have A Silver Lining](#)

The recent proposal to increase immigration filing fees may help U.S. Citizenship and Immigration Services improve efficiency, and even the 2,050% increase in the cost of registering for the H1-B lottery may have an upside, say Rebecca Bernhard and Mike Sevilla at Dorsey & Whitney.

 Proposed Rule attached | [Read full article »](#)

### [3 SEC Enforcement Trends To Watch In 2023](#)

With the U.S. Securities and Exchange Commission signaling it will continue its aggressive push for reform regulations and prosecute compliance breaches, expect to see intense regulatory focus on several emerging areas at the intersection of securities and technology in 2023, says Brian Lynch at SteelEye.

[Read full article »](#)

## **Atty-Client Privilege Arguments Give Justices A Moving Target**

Recent oral arguments before the U.S. Supreme Court in a case regarding the scope of the attorney-client privilege appeared to raise more questions about multipurpose counsel communications than they answered, as the parties presented shifting iterations of a predictable, easily applied test for evaluating the communications' purpose, say Trey Bourn and Thomas DiStanislao at Butler Snow.

[Read full article »](#)



## **LEGAL INDUSTRY**

### **Watchdog Sues DOJ Over Justices' Missing Security Reports**

*By Andrew Strickler*

A judicial watchdog group has sued the U.S. Department of Justice for failing to fulfill a public records request for reports on recent travel by U.S. Supreme Court justices.

 [Complaint attached | Read full article »](#)

### **DOJ Names New Director For US Trustee Program**

*By Jack Rodgers*

The U.S. Department of Justice has promoted a new director for its U.S. Trustee Program, the agency said in a news release Wednesday.

[Read full article »](#)

### **Labor, Employment Issues Top Of Mind For GCs, Survey Says**

*By Emmy Freedman*

A surge in unionization and heightened awareness of social justice issues helped make labor and employment liability the top areas of concern for in-house lawyers for the coming year, according to a Norton Rose Fulbright survey of general counsel and in-house attorneys released Wednesday.

[Read full article »](#)

### **North Carolina AG Stein Announces Run For Governor**



***By Hayley Fowler***

North Carolina Attorney General Josh Stein on Wednesday officially launched his 2024 gubernatorial run on the Democratic ticket, making him the first to declare his candidacy from either party.

[Read full article »](#)

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Email secured by Check Point

**From:** Consumer Protection Law360  
**Sent:** Mon, 23 Jan 2023 10:27:02 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Juul's \$255M Economic Loss MDL Deal To Get Green Light



# Consumer Protection

MONDAY, JANUARY 23, 2023



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## TOP NEWS

### Juul's \$255M Economic Loss MDL Deal To Get Green Light

*By Lauren Berg*

A California federal judge on Friday indicated he would grant preliminary approval of a \$255 million settlement resolving nationwide economic loss claims in sprawling multidistrict litigation over Juul Labs Inc.'s vape marketing practices.

 1 document attached | [Read full article »](#)

### FTC Wants Shkreli Held In Contempt Over Stonewalling

*By Piper Hudspeth Blackburn*

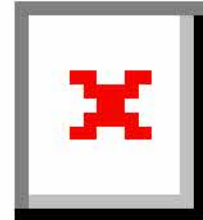
The Federal Trade Commission asked a New York federal judge on Friday to hold "Pharma Bro" Martin Shkreli in contempt for failing to turn over documents it said were essential to the agency's investigation into whether he violated an order banning him from working in the pharmaceutical industry.

 Memorandum attached | [Read full article »](#)

### 9th Circ. OKs Finjan's \$44M Sale Tag Over Investor Objections

*By Jessica Corso*

The Ninth Circuit on Friday upheld the dismissal of a lawsuit alleging leadership at cybersecurity company Finjan Holdings shortchanged



## LAW FIRMS IN TODAY'S NEWS

Aliant Law  
Arnold & Porter  
BDB Pitmans LLP  
Baker McKenzie  
Baron & Budd  
Beck Reed  
Berger Montague  
Bird & Bird  
Buckley LLP  
Butler Snow LLP

investors when they sold the business to Fortress Investment Group for \$44 million, saying there is nothing to indicate that the company wasn't properly valued.

Decision attached | [Read full article »](#)

## Columbia Law Grad Judge Won't Recuse From Rankings Suit

By *Elliot Weld*

A Manhattan federal judge who attended Columbia Law School said Friday that he will not recuse himself from a suit against the university by a proposed class of students over its removal from the U.S. News & World Report rankings.

Order attached | [Read full article »](#)

## Shower Curtain Cos. Want \$1.5M Atty Fee In Patent Feud

By *Joyce Hanson*

Six companies that won nearly \$3 million in a patent infringement trial over Hookless brand shower curtains have asked a New York federal judge for about \$1.5 million in attorney fees, arguing that the two competitors they sued have wasted the court's time for seven years.

Motion attached | [Read full article »](#)

## AndroGel Patent Suit Ruled Baseless For Antitrust Claims

By *Matthew Perlman*

A Pennsylvania federal court ruled that an infringement case filed in 2011 by AbbVie and Besins over AndroGel was objectively baseless, siding with drug wholesalers on a key allegation in their suit accusing the companies of delaying generic versions of the testosterone drug.

Opinion attached | [Read full article »](#)

## BofA's Zelle Glitch Caused 'Immense Hardship,' Suit Says

By *Jon Hill*

A recent, short-lived glitch affecting Bank of America users of Zelle has boiled over into litigation, with a class action complaint filed in Arizona federal court alleging that customers were blocked from accessing their funds and suffered "immense hardship" as a result.

Complaint attached | [Read full article »](#)

## POLICY & REGULATION

### Bank Groups Say CFPB Must Slow Roll On Credit Card Fees

By *Jon Hill*

A coalition of bank and credit union trade groups is crying foul over potential Consumer Financial Protection Bureau plans to propose

Capstone Law APC  
Cleary Gottlieb  
Coblentz Patch  
Covington & Burling  
DAC Beachcroft  
Debevoise & Plimpton  
Dentons Cohen  
DiCello Levitt  
Dykema  
Eversheds Sutherland  
Faegre Drinker  
Faruqi & Faruqi  
Fieldfisher  
Foley & Lardner  
Ford O'Brien  
Freeths LLP  
GCA Law Partners  
Gainey McKenna  
Gallet Dreyer  
Garwin Gerstein  
Gibson Dunn  
Girard Sharp  
Girardi & Keese  
Goodman Law Group  
Chicago  
Goodwin Procter  
Gordon & Partners  
Grant & Eisenhofer  
Hagens Berman  
Heim Payne  
Holland & Knight  
Jenner & Block  
Jones Day  
Kaplan Hecker  
Keller Rohrback  
Kiesel Law  
King & Spalding  
Kirkland & Ellis  
Latham & Watkins  
Law Office of John D. Cline  
Law Offices of Donald Cox  
Lieff Cabraser  
Lowey Dannenberg

tighter limits on credit card late fees, saying the agency appears to be about to skip a critical rulemaking step.

Letter attached | [Read full article »](#)

## **FCC Urged To Keep Telehealth Rates' Status Quo For Now**

*By Christopher Cole*

The Federal Communications Commission should keep paying current rates to providers participating in the Rural Health Care Program until a new payment model is put in place, an advocacy group said.

Letter attached | [Read full article »](#)

## **Flint, Groups Set New Water Pipe Replacement Deadline**

*By Peter McGuire*

Flint, Michigan, has agreed on a revised deadline to replace public waterlines in the city and will immediately create a plan to identify and restore properties where pipes have already been excavated and replaced, according to a requirement added to the settlement with a coalition of citizen groups.

Brief attached | [Read full article »](#)

## **FCC Asked To Clarify Broadband Labels Only For Retail**

*By Kelly Lienhard*

Tower and small-cell builder Crown Castle asked the Federal Communications Commission to clarify that new required broadband labels containing metrics about internet service apply only to mass-market retail and not to the services provided to schools, libraries and health care under FCC universal service programs.

Letter attached | [Read full article »](#)

## **FCC Encourages Tower Owners To Improve Lighting Monitors**

*By Piper Hudspeth Blackburn*

The Federal Communications Commission has granted a waiver to American Electric Power from requirements for quarterly antenna lighting inspections to prompt more tower owners to adopt self-diagnostic lighting systems.

Order attached | [Read full article »](#)

## **ENFORCEMENT**

### **Feds Say Elizabeth Holmes' Flight Risk 'Never Been Higher'**

*By Dorothy Atkins*

Federal prosecutors urged a California federal judge to deny convicted former Theranos CEO Elizabeth Holmes' request to stay out of prison

Matthew G. Miller PC  
Mishcon de Reya  
Monteverde & Associates  
Morgan Lewis  
Munger Tolles  
Nicolaidis Fink  
Norton Rose  
Odom & Des Roches  
Orrick Herrington  
Panish Shea  
Paul Hastings  
Perkins Coie  
Pinsent Masons  
Pollock Cohen  
Proskauer Rose  
Quinn Emanuel  
Robinson Calcagnie  
Shumaker Loop  
Skadden Arps  
Slayden Grubert  
Smith Segura  
Trowers & Hamblins  
Weitz & Luxenberg  
Whiteford Taylor  
Wilkinson Stekloff  
Williams & Connolly  
WilmerHale  
Winston & Strawn

## **COMPANIES IN TODAY'S NEWS**

AXA SA  
AbbVie Inc.  
Abbott Laboratories  
Allergan PLC  
Altria Group Inc.  
American Bankers Association  
American Civil Liberties Union  
American Civil Liberties Union of Michigan  
Ames & Gough

while she's appealing her 11-year investor fraud prison sentence, arguing that her incentive to flee the country has "never been higher" and she likely won't win her appeal.

 [Response attached](#) | [Read full article](#) »

## **Advisory Firm Must Pay SEC \$1.9M For Disclosure Failures**

*By Katryna Perera*

The U.S. Securities and Exchange Commission has ordered Boston-based investment adviser Moors & Cabot Inc. to pay nearly \$2 million over claims that it breached its fiduciary duty to advisory clients by, among other things, failing to disclose certain payments it received from clearing brokers.

 [Order attached](#) | [Read full article](#) »

## **LITIGATION**

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*By Mike Curley*

A Michigan federal judge has sent to arbitration claims from 17 out of 42 plaintiffs in a proposed class action alleging General Motors LLC sold vehicles with faulty engine valves, finding those plaintiffs had agreed to arbitration in their sales agreements.

 [Opinion attached](#) | [Read full article](#) »

### **Albright Scratches Patent Claims In Website Data Spat**

*By Andrew Karpan*

U.S. District Judge Alan Albright of the Western District of Texas has held that a Tennessee health care e-commerce website could not keep its patent suit in his court against a newer rival but decided that a single related accusation of false advertising online could stay in Waco.

 [Opinion attached](#) | [Read full article](#) »

### **Union Fund Seeks Docs For Visa Child Porn Payment Probe**

*By Aaron Keller*

A union pension fund wants the Delaware Chancery Court to force Visa Inc. to enforce a demand for documents that could detail whether child pornography payments connected to the websites MindGeek and Pornhub passed through the financial services company's systems.

[Read full article](#) »

### **Genesis Global Hits Ch. 11 As 'Crypto Winter' Blankets Sector**

*By Jeff Montgomery*

Apple Inc.  
Bank of America Corp.  
Burford Capital LLC  
Cash App  
Cerner Corp.  
Cognizant Technology Solutions Corp.  
Credit Union National Association Inc.  
Crown Castle International Corp.  
Digital Currency Group Inc  
Duquesne University  
Early Warning Services LL  
Finjan Holdings Inc.  
Fortress Investment Group LLC  
Furia Rubel Communicatio Inc.  
Gemini Trust Co. LLC  
Genesis Capital LLC  
Georgetown University  
Georgia State University  
Getty Images Inc.  
Google LLC  
Heineken Holding NV  
Hinduja Global Solutions L  
Independent Community Bankers of America  
Instagram Inc.  
Investments Ltd.  
JUUL Labs Inc.  
Johnson Controls International PLC  
Leadership Council on Leg Diversity  
Meta Platforms Inc.  
Microsoft Corp.  
Mitsui Sumitomo Marine Management USA Inc.  
Moors & Cabot Inc.  
NASDAQ Inc.  
National Association of Manufacturers

Cryptocurrency lender Genesis Global Holdco LLC and two affiliates have retreated into Chapter 11 in the Southern District of New York for a sale or equity distribution to pay creditors, citing \$5.1 billion in debt and blaming the "extraordinary challenges" of defaults and bankruptcies across the industry.

2 documents attached | [Read full article »](#)

## **BIPA Suit Covered, But Insurer's Duty Not Yet Triggered**

*By Hope Patti*

An Illinois federal court granted partial wins to an automotive accessory company and its insurer in a dispute over coverage for a proposed class action accusing the company of violating the state's Biometric Information Privacy Act, saying the insurer has a duty to defend but that it has not been triggered.

Order attached | [Read full article »](#)

## **EXPERT ANALYSIS**

### **The Time Is Ripe For FCC's Proposed New Data Breach Rules**

The Federal Communications Commission's recent proposal to update customer proprietary network information breach response obligations is well timed, as data leaks become increasingly common and as other regulators and legislatures prioritize efforts to secure consumer data, say Laura Phillips and Qiusi Newcom at Faegre Drinker.

Proposed Rule attached | [Read full article »](#)

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Natural Resources Defense Council

Omni Bridgeway Ltd.

Oracle Corp.

Paypal Holdings Inc.

Perrigo Co. PLC

Plastipak Holdings Inc.

QVC Inc.

Schools Health & Libraries Broadband Coalition

Spotify Technology SA

State Bar of California

T-Mobile US Inc.

Teva Pharmaceutical Industries Ltd.

Twitter Inc.

U.S. Chamber of Commerce

U.S. News & World Report

University of Georgia

Verizon Communications Inc.

Visa Inc.

Vyera Pharmaceuticals LLC

Wardell Armstrong LLP

## **GOVERNMENT AGENCIES IN TODAY'S NEWS**

COPRAC

Consumer Financial Protection Bureau

Delaware Court of Chancery

European Union

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Judicial Center

Federal Trade Commission

Florida Attorney General's Office

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Food and Drug Administration  
Government Accountability Office  
New York Department of Financial Services  
Pennsylvania Supreme Court  
U.S. Attorney's Office for the Northern District of California  
U.S. Attorney's Office for the Northern District of Georgia  
U.S. Bankruptcy Court for the District of Delaware  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Department of Justice  
U.S. District Court for the District of Arizona  
U.S. District Court for the Eastern District of Michigan  
U.S. District Court for the Eastern District of Pennsylvania  
U.S. District Court for the Northern District of California  
U.S. District Court for the Northern District of Florida  
U.S. District Court for the Northern District of Illinois  
U.S. District Court for the Southern District of Florida  
U.S. District Court for the Southern District of New York  
U.S. District Court for the Western District of Texas  
U.S. House Committee on Energy and Commerce  
U.S. Secret Service  
U.S. Securities and Exchange Commission  
U.S. Senate  
U.S. Supreme Court

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[Read full article »](#)

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The past week in London has seen Getty Images sue an AI art platform for copyright breaches, former London mayoral candidate Zac



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**To:** Trumka Jr., Richard  
**Subject:** Juul's \$255M Economic Loss MDL Deal To Get Green Light



# Product Liability

MONDAY, JANUARY 23, 2023



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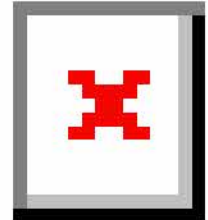
## TOP NEWS

### Juul's \$255M Economic Loss MDL Deal To Get Green Light

By Lauren Berg

A California federal judge on Friday indicated he would grant preliminary approval of a \$255 million settlement resolving nationwide economic loss claims in sprawling multidistrict litigation over Juul Labs Inc.'s vape marketing practices.

 1 document attached | [Read full article »](#)



### Feds Say Elizabeth Holmes' Flight Risk 'Never Been Higher'

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Federal prosecutors urged a California federal judge to deny convicted former Theranos CEO Elizabeth Holmes' request to stay out of prison while she's appealing her 11-year investor fraud prison sentence, arguing that her incentive to flee the country has "never been higher" and she likely won't win her appeal.

 Response attached | [Read full article »](#)

Analysis

### How Big Tech's Section 230 Liability Shield Got Wider In NY

By Hannah Albarazi

A New York model's attempt to hold Amazon, Walmart and Ulta Beauty liable for using her image online to promote a French skincare product without her consent has resulted in a first-of-its-kind ruling backing Big

## LAW FIRMS IN TODAY'S NEWS

Aliant Law  
Arnold & Porter  
BDB Pitmans LLP  
Baker McKenzie  
Baron & Budd  
Beck Reed  
Berger Montague  
Bird & Bird  
Bowman & Brooke  
Buckley LLP

Tech's liability shield in the Empire State under Section 230 of the Communications Decency Act.

[Read full article »](#)

## **Beech-Nut Escapes Heavy Metal Baby Food Claims, For Now**

*By Dave Simpson*

A New York federal judge dismissed a putative consolidated class action accusing Beech-Nut Nutrition Co. of violating a slew of consumer protection laws by including heavy metals in its baby food, ruling that the U.S. Food and Drug Administration, not the court, has jurisdiction over the matter.

 2 documents attached | [Read full article »](#)

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A Michigan federal judge has sent to arbitration claims from 17 out of 42 plaintiffs in a proposed class action alleging General Motors LLC sold vehicles with faulty engine valves, finding those plaintiffs had agreed to arbitration in their sales agreements.

 Opinion attached | [Read full article »](#)

## **States Ask Court To Reverse Block On NY Gun Act**

*By Faith Williams*

Fourteen states, the District of Columbia and the Northern Mariana Islands showed support Friday for New York state in its legal battle over enforcement of a state law that would prohibit carrying concealed weapons in "sensitive locations."

 Brief attached | [Read full article »](#)

## **6th Circ. Says Fatal Car Crash Can't Be Pinned On Recall**

*By Collin Krabbe*

A Sixth Circuit panel has upheld summary judgment in a wrongful death suit over a country musician who died after his Chrysler Town and Country minivan plowed into the back of a tractor trailer on the Mississippi interstate, dismissing as unsupported the theory that a recalled ignition and key remote caused his death.

 Opinion attached | [Read full article »](#)

## **Mich. Appellate Panel Refuses To Revive Flint Criminal Cases**

*By Carolyn Muyskens*

A Michigan state appellate panel has upheld the dismissal of charges against two public officials for their conduct during the Flint water crisis, calling the issues in the government's appeal "unsubstantial," another blow to the state attorney general's efforts to move criminal cases forward.

Butler Snow LLP  
Capstone Law APC  
Coblentz Patch  
Covington & Burling  
DAC Beachcroft  
Debevoise & Plimpton  
Dentons Cohen  
DiCello Levitt  
Dugan Schlozman  
Dykema  
E. Stewart Jones Hacke  
Eversheds Sutherland  
Fieldfisher  
Ford O'Brien  
Freeths LLP  
Gallet Dreyer  
Gibson Dunn  
Girard Sharp  
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Gordon & Partners  
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Ketterer Browne  
Kiesel Law  
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Latham & Watkins  
Law Office of John D. Cline  
Lief Cabraser  
Lowey Dannenberg  
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Mishcon de Reya  
Morgan Lewis  
Norton Rose  
Orrick Herrington  
Panish Shea  
Paul Hastings

2 documents attached | [Read full article »](#)

## CONSUMER GOODS

### [Cancer Patient Files Civil Rights Suit Against Attys, Monsanto](#)

By *Emily Sawicki*

A Virginia farmworker has challenged Bayer's ability to toss out Roundup weed killer litigation brought forward by undocumented workers on the grounds the practice violates 150-year-old U.S. civil rights legislation and has also leveled claims against her onetime legal team.

Complaint attached | [Read full article »](#)

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Pear Sperling  
Perkins Coie  
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Pollock Cohen  
Proskauer Rose  
Quinn Emanuel  
Robinson Calcagnie  
Scott+Scott  
Shumaker Loop  
Silver Golub  
Skadden Arps  
Stamboulieh Law  
Trowers & Hamllins  
Weitz & Luxenberg  
Whiteford Taylor  
Wilkinson Stekloff  
William J. Olson PC  
Williams & Connolly  
WilmerHale  
Winston & Strawn

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AXA SA  
Altria Group Inc.  
Amazon.com Inc.  
Ames & Gough  
Apple Inc.  
Burford Capital LLC  
Campbell Soup Co.  
Cash App  
Cognizant Technology Solutions Corp.  
Duquesne University  
Electronic Frontier Foundation  
FCA US LLC  
Fiat Chrysler Automobile NV  
Furia Rubel Communications Inc.  
Georgetown University  
Georgia State University

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Getty Images Inc.  
Google LLC  
Happy Family Organics  
Heineken Holding NV  
Hinduja Global Solution Ltd.  
Instagram Inc.  
Investments Ltd.  
JUUL Labs Inc.  
Johnson Controls International PLC  
Leadership Council on Legal Diversity  
Legal Aid Justice Center  
Meta Platforms Inc.  
Microsoft Corp.  
Monsanto Co.  
National Association of Manufacturers  
Natural Gas Services Group Inc.  
Northern Mariana Island Retirement Fund  
Omni Bridgeway Ltd.  
Pierre Fabre SA  
Plastipak Holdings Inc.  
Public Citizen Inc.  
Spotify Technology SA  
State Bar of California  
The Hain Celestial Group Inc.  
The Lawyers' Committee for Civil Rights Under Law  
Twitter Inc.  
U.S. Chamber of Commerce  
Ulta Beauty Inc.  
University of Georgia  
Walgreens Co.  
Walmart Inc.  
Wardell Armstrong LLP  
Washington Football Team  
YouTube Inc.

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Federal Judicial Center

Federal Trade Commission

Florida Attorney General's Office

Food and Drug Administration

Government Accountability Office

Michigan Attorney General's Office

Michigan Department of Health and Human Services

New York Attorney General's Office

New York State Police

Pennsylvania Supreme Court

U.S. Attorney's Office for the Northern District of California

U.S. Attorney's Office for the Northern District of Georgia

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Sixth Circuit

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Email secured by Check Point

**From:** Public Policy Law360  
**Sent:** Tue, 17 Jan 2023 09:57:00 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Law360 Names Practice Groups Of The Year



# Public Policy

TUESDAY, JANUARY 17, 2023

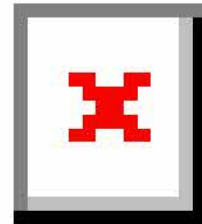


## TOP NEWS

### Law360 Names Practice Groups Of The Year

Law360 would like to congratulate the winners of its Practice Groups of the Year awards for 2022, which honor the attorney teams behind litigation wins and major deals that resonated throughout the legal industry this past year.

[Read full article »](#)



### Up Next At High Court: Turkish Bank Fights Criminal Charges

*By Jimmy Hoover*

This week, the U.S. Supreme Court will hear a dry procedural question that could make or break the hopes of many immigrants fighting removal from the country, as well as a state-owned Turkish bank's attempt to use sovereign immunity to defeat criminal charges from U.S. prosecutors.

[Read full article »](#)

Analysis

### No Need To Wait For Justices To End Title 42, Experts Say

*By Britain Eakin*

The Biden administration should use the formal rulemaking process and seek public input to end the use of Title 42 to rapidly expel migrants and not wait for the U.S. Supreme Court to weigh in, an American Civil Liberties Union attorney said Friday.

[Read full article »](#)

Analysis

### The Big IP Questions Artificial Intelligence Art Is Raising

*By Tiffany Hu*

## LAW FIRMS IN TODAY'S NEWS

Akin Gump  
Alfano Law Office  
Allen Matkins  
Arnold & Porter  
Baker & Hostetler  
Baker Botts  
Baker McKenzie  
Ballard Spahr  
Bartlit Beck  
Beck Reed  
Bernstein Litowitz  
Beveridge & Diamond  
Blacks Solicitors  
Blank Rome  
Bowles Rice



From graphic novels to photorealistic "magic avatars" made from users' selfies, artificial intelligence-generated art is growing more prolific and raising legal concerns about ownership of the works as well as potential infringement.

[Read full article »](#)

## **Meet The Special Counsel Probing Biden's Classified Docs**

*By Katie Buehler*

U.S. Attorney General Merrick Garland has appointed Gibson Dunn & Crutcher LLP partner and U.S. Department of Justice veteran Robert K. Hur as special counsel to oversee a probe into the handling of classified documents found at two locations related to President Joe Biden.

[Read full article »](#)

## **Walls Start To Close In On Acquitted Conduct Sentencing**

*By Stewart Bishop*

After years of failed congressional action and apparent disinterest by the U.S. Supreme Court, opposition to the use of acquitted conduct to increase the sentences of defendants who receive mixed verdicts at trial may have finally reached critical mass, enough to banish the practice from federal courts.

[Read full article »](#)

## **Pa. Court OKs State House Dems Special Election Date**

*By P.J. D'Annunzio*

Pennsylvania's Commonwealth Court on Friday approved the state House Democratic leader's plans to hold special elections Feb. 7 to fill vacancies in the chamber, while declining to wade into the fight over which party controls the majority.

 [Order attached](#) | [Read full article »](#)

## **Fla. Judge Says DeSantis Didn't Defy 'Stop WOKE' Injunction**

*By David Minsky*

A Florida federal judge has ruled that Gov. Ron DeSantis' administration did not violate a preliminary injunction preventing enforcement of the state's so-called Stop WOKE Act regulating classroom discussion on race and gender, denying a motion that attempted to compel compliance with the order.

 [2 documents attached](#) | [Read full article »](#)

## **BANKING & SECURITIES**

Interview

### **SEC's Uyeda Wants To Let Public In On Private Offerings**

Boyes Turner  
Brown Rudnick  
Cadwalader Wickersham  
Clark Hill  
Cleary Gottlieb  
Clement & Murphy  
Clyde & Co  
Cohen Milstein  
Consovoy McCarthy  
Cooper & Kirk  
Covington & Burling  
Cozen O'Connor  
Crowell & Moring  
DAC Beachcroft  
DLA Piper  
Davis Polk  
Davis Wright Tremaine  
Debevoise & Plimpton  
Dentons Cohen  
DiCello Levitt  
Dorsey & Whitney  
Duane Morris  
Dykema  
Edinger Leonard  
Eversheds Sutherland  
Faegre Drinker  
Fernelius Simon  
Fibich Leebron  
Fieldfisher  
Finnegan  
Fried Frank  
Friedman Kaplan  
Gallagher Law  
Gibson Dunn  
Gilbert LLP  
Gomez-Acebo & Pombo  
Goode Casseb  
Goodwin Procter  
Greenberg Traurig  
Greenspoon Marder  
Griffin Purnell  
Hagens Berman

*By Jessica Corso*

U.S. Securities and Exchange Commission member Mark Uyeda says he believes that more of the public should be allowed in on private investments, but is concerned that the agency isn't doing enough to advance opportunities for retail investors as it piles more rules onto the industry.

[Read full article »](#)

## **FinCEN Says Ownership Filings Could Cost \$22.7B In 1st Year**

*By Jon Hill*

The Financial Crimes Enforcement Network on Friday previewed the paperwork that companies could have to fill out for their required submissions to its under-construction corporate transparency database, estimating that its startup filing costs for firms could exceed \$20 billion in the first year.

📎 1 document attached | [Read full article »](#)

## **SEC Taps Ex-Cleary Lawyer To Lead Corporation Finance Unit**

*By Jessica Corso*

The U.S. Securities and Exchange Commission on Friday announced the appointment of a new department head for the second time this week, saying that a former Cleary Gottlieb Steen & Hamilton LLP attorney will take over the division of corporate finance after current director Renee Jones exits the agency next month.

[Read full article »](#)

## **Grayscale Targets SEC Process In Bitcoin ETF Appeal**

*By Aislinn Keely*

Grayscale Investments continued to bang the drum Friday that the U.S. Securities and Exchange Commission's denial of its bitcoin exchange-traded fund is "arbitrary to its core," telling the D.C. Circuit the regulator held its application to a more stringent standard than other products subject to the same kind of risk.

📎 Response attached | [Read full article »](#)

# **ENERGY & ENVIRONMENTAL**

Analysis

## **EPA Cumulative Impact Guidance Is Just A First Step**

*By Juan Carlos Rodriguez*

The U.S. Environmental Protection Agency's new legal guidance regarding its authority to consider the cumulative impacts of pollution exposure on vulnerable populations in its actions is the clearest articulation yet of the agency's powers, but it stops well short of any

Harris & Greenwell  
Harris Bricken  
Hausfeld LLP  
Hawley Troxell  
Haynes & Boone  
Helmer Martins  
Hilgers Graben  
Hill Dickinson  
Hiller PC  
Hogan Lovells  
Hogen Adams  
Holland & Knight  
Hueston Hennigan  
Hunton Andrews  
Independence Law Center  
Irell & Manella  
Jenner & Block  
Jomarron Lopez  
Jones Day  
Joseph Saveri Law Firm  
Kaplan Hecker  
Keller Rohrback  
Kellogg Hansen  
Keoghs LLP  
King & Spalding  
Kingsley Napley  
Kirkland & Ellis  
Lanier Law Firm  
Latham & Watkins  
Lester Aldridge  
Levine Lee  
Lewis Silkin  
Lieff Cabraser  
Maiello Brungo  
Mayer Brown  
McDermott Will  
McNees Wallace  
Milbank LLP  
Mills & Reeve  
Morgan Lewis  
Morris Manning  
Morrison Foerster

concrete requirements and is best seen as an incremental step on the issue.

[Read full article »](#)

## **FERC Says Mass. Pipeline Extension Approval Was Proper**

*By Keith Goldberg*

The Federal Energy Regulatory Commission defended its moves approving a Massachusetts gas compressor station that's part of an Enbridge Inc. unit's pipeline expansion project, telling the D.C. Circuit that opponents can't challenge the agency's decisions.

 [Brief attached](#) | [Read full article »](#)

## **EPA Accused Of Delaying Soot Reduction Plans In Calif., Pa.**

*By Peter McGuire*

Environmental advocates accused federal regulators of violating the Clean Air Act by missing deadlines to approve a plan to reduce soot and smog pollution in Los Angeles and determine air quality standards around Pittsburgh, in a suit filed Thursday in California federal court.

 [Complaint attached](#) | [Read full article »](#)

## **HEALTH & LIFE SCIENCES**

### **Pharmacies And Drug Cos. Want Out Of Texas Opioid MDL**

*By Catherine Marfin*

A group of Texas pharmacies and generic-drug manufacturers told a Harris County judge Friday that they should be allowed out of an opioid suit brought against them by Dallas and Bexar counties, arguing the jurisdictions didn't follow certain procedural requirements under state health care law and that federal law preempts some of their claims.

[Read full article »](#)

### **New Ill. Law Aims To Protect Out-Of-State Abortion Patients**

*By Celeste Bott*

Illinois Gov. J.B. Pritzker signed into law Friday a measure to shield out-of-state visitors seeking abortions and those who provide them from legal action, as a flood of patients seek reproductive health care in the state in the wake of the U.S. Supreme Court decision overturning *Roe v. Wade*.

[Read full article »](#)

### **Atty Fee Requests In School Masking Cases Fail At 3rd Circ.**

Morrison Mahoney  
Munger Tolles  
Myers Brier  
NechelesLaw  
Norton Rose  
Nossaman LLP  
O'Melveny & Myers  
Orrick Herrington  
Outten & Golden  
PCB Byrne  
Pachulski Stang  
Pasich LLP  
Patterson Belknap  
Paul Hastings  
Paul Weiss  
Penningtons Manches  
Powell Gilbert LLP  
Quilling Selander  
Quinn Emanuel  
RWK Goodman  
Reisinger Comber  
Reynolds Porter  
Robbins Geller  
Ropes & Gray  
Schofield Sweeney  
Sheppard Mullin  
Simon Greenstone  
Simons Muirhead Burton  
Simpson Thacher  
Sive Paget  
Skadden Arps  
Sparacino PLLC  
Spencer Fane  
Stephens Scown  
Steptoe & Johnson LLP  
Stoel Rives  
Sullivan & Cromwell  
Tarter Krinsky  
Thompson Hine  
Troutman Pepper  
Vinson & Elkins  
Wachtell Lipton

*By P.J. D'Annunzio*

The Third Circuit on Friday rejected attorney fee requests from Pennsylvania parents who sued two school districts over their COVID mask-optional policies only for the Centers for Disease Control to relax masking requirements amid litigation, reasoning that the cases' dismissal as moot negated fee awards.

2 documents attached | [Read full article »](#)

## REAL ESTATE

### [NY Neighbors Lose Challenge To Project Near Historic Church](#)

*By Grace Dixon*

A New York state judge inked an end to Brooklyn residents' suit seeking to block the construction of an apartment complex abutting a historic 19th-century church that they say skirted necessary public review, echoing an earlier decision deferring to a city review board.

Order attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### [Walmart Can't Ditch Claims Background Checks Discriminate](#)

*By Dave Simpson*

A New Jersey federal judge deemed timely a proposed class action alleging Walmart unlawfully discriminates against applicants with criminal backgrounds through broad screenings that don't consider evidence of rehabilitation, applying a six-year statute of limitations rather than the two-year limitation suggested by Walmart.

Opinion attached | [Read full article »](#)

### [Instacart To Pay \\$5.25M To Halt San Francisco Benefits Probe](#)

*By Grace Elletson*

Instacart has agreed to pay the city of San Francisco \$5.25 million to settle an investigation into allegations that it violated city labor laws by shorting workers on health care benefits and paid sick leave, the city attorney announced.

[Read full article »](#)

### [Wastewater Plant Sues To Vacate IBEW's \\$2.3M COVID Award](#)

*By Caleb Drickey*

A wastewater treatment plant petitioned an Illinois state court to vacate a \$2.3 million arbitral award in favor of a union, arguing that an

Watts Guerra  
Weiss Burkardt  
Weitz & Luxenberg  
Whistleblower Law Collaborative  
White & Case  
Williams & Connolly  
Willkie Farr  
WilmerHale  
Winston & Strawn  
Womble Bond  
Zuckerman Spaeder  
deRubertis Law

## COMPANIES IN TODAY'S NEWS

7-Eleven Inc.  
AARP Inc.  
ABB Asea Brown Boveri Lt  
AT&T Inc.  
Allergan PLC  
Amazon.com Inc.  
American Bankers Association  
American Civil Liberties Union  
American Civil Liberties Union of Illinois  
American Civil Liberties Union of Northern California  
American Hospital Association  
American International Group Inc.  
American Public Power Association  
Ankura Consulting Group LLC  
Apple Inc.  
Association of Corporate Counsel  
AstraZeneca PLC  
Bank of Ireland Group PLC  
Binance Holdings Ltd.  
BlockFi Inc.

arbitrator wrongly ruled that union members were owed additional pay for working during the COVID-19 pandemic.

 [Complaint attached](#) | [Read full article »](#)

## COMPETITION

Analysis

### [Attorneys See Sober Outlook For Deals After JP Morgan Event](#)

*By Tom Zanki*

Corporate attorneys returned from this year's J.P. Morgan Health Care Conference with cautious expectations for capital raising and acquisitions, which fell to earth in 2022, but noted deal-making opportunities can still be found.

[Read full article »](#)

## INTERNATIONAL TRADE

### [Senators Again Call For Wider National Security Steel Tariffs](#)

*By Rae Ann Varona*

Two Democratic lawmakers on Friday continued their calls for steel tariffs to cover grain-oriented electrical steel product imports they say have been killing investments in the United States' electrical steel industry and have threatened the domestic transformer supply chain.

 [Letter attached](#) | [Read full article »](#)

## BANKRUPTCY

Week In Bankruptcy

### [Voyager Sells Digital Assets For \\$1B, FTX Finds \\$5B In Crypto](#)

*By Vince Sullivan*

Cryptocurrency debtors put billions of dollars in play this week as Voyager Digital Holdings got the nod for a \$1 billion sale of assets and FTX Trading located \$5 billion of its own assets. Over at the U.S. Supreme Court, the justices wrestled with Puerto Rican sovereignty in a case involving the island's fiscal board. This is the week in bankruptcy.

[Read full article »](#)

## IMMIGRATION

### [Biden To Streamline Process Of Immigrant Labor Disputes](#)

Boston College  
Brigham Young University  
CBS Interactive Inc.  
CME Group Inc.  
CVS Health Corp.  
Carlyle Group LP  
Cato Institute  
Center for Biological Diversity  
Chiesi Farmaceutici SpA  
Church State Council  
Cigna Corp.  
Circle K Stores Inc.  
Cleveland-Cliffs Inc.  
Deere & Co.  
DoorDash Inc.  
Earthjustice  
Edison Electric Institute Inc  
Electric Reliability Council of Texas Inc.  
Eli Lilly & Co.  
Enbridge Inc.  
Equifax Inc.  
Ericsson Inc.  
Experian PLC  
FTI Consulting Inc.  
FTX US  
Financial Industry Regulatory Authority Inc.  
First Liberty Institute  
FirstEnergy Corp.  
Food & Water Watch  
Google LLC  
Grayscale Investments LLC  
HSBC Holdings PLC  
Honeywell International Inc  
Human Rights First  
Humana Inc.  
Instacart  
Insurance Europe Ltd.  
International Bar Association  
International Brotherhood of Electrical Workers

*By Rae Ann Varona*

The U.S. Department of Homeland Security on Friday announced a streamlined process to get deportation relief for undocumented workers who witness or fall victim to labor abuses and often fear immigration-related retaliation for reporting exploitative employers.

[Read full article »](#)

## NATIVE AMERICAN

### Justices Accept Tribal Case On Bankruptcy Rules

*By Caleb Symons*

The U.S. Supreme Court agreed late Friday afternoon to consider whether Indigenous tribes must adhere to federal rules that temporarily pause lawsuits against debtors who have filed for bankruptcy, heeding the request of a Wisconsin tribe that called the case of "utmost importance."

 [Order List attached](#) | [Read full article »](#)

### DOI Renames Places Formerly Named With Anti-Native Slur

*By Ali Sullivan*

The U.S. Department of the Interior on Thursday unveiled new names for five locations previously named with a slur against Indigenous women.

[Read full article »](#)

### Okla. Taking Reservation Mining Dispute To 10th Circ.

*By Caleb Symons*

Oklahoma is poised to ask the Tenth Circuit for permission to regulate mining in Indian Country, new court filings show, after a federal judge said last year that only the U.S. government has authority over such activities under a key 1977 statute.

 [Notice attached](#) | [Read full article »](#)

### BIA Plans New Rules For Troubled Osage Oil Fields

*By Peter McGuire*

The Bureau of Indian Affairs has proposed major changes to oil and gas leasing in the Osage Nation to update outdated policies surrounding the management of fossil fuel wealth underneath tribal land.

[Read full article »](#)

## TELECOMMUNICATIONS

### No Delay In Allocating Broadband Funds, NTIA Says

Ipsen SA  
JPMorgan Chase & Co.  
Jardine Lloyd Thompson Group PLC  
Jazeera Airways Co. KSC  
Johnson & Johnson  
Just Energy Group Inc.  
KT Corp.  
Liberty Mutual Insurance Group  
LinkedIn Corp.  
Lloyds Bank PLC  
ML Strategies LLC  
Major Lindsey & Africa LLC  
McDonald's Corp.  
Mediterranean Shipping Co SA  
Metropolitan Water Reclamation District  
Mylan NV  
NAACP Legal Defense and Educational Fund Inc.  
Nardello & Co. LLC  
National Association for the Advancement of Colored People  
National Association of Broadcasters  
National Rural Electric Cooperative Association  
Novo Nordisk A S  
Ohio State University  
Oracle Corp.  
Pharmaceutical Care Management Association  
Pharmaceutical Research and Manufacturers of America  
Purdue Pharma LP  
Safeco Insurance Co.  
Safeway Inc.  
Sanofi SA  
Sky PLC  
Sorenson Communications LLC

*By Nadia Dreid*

The National Telecommunications and Information Administration is sticking to its guns and the June 30 deadline by which it plans to have allocated the \$42.4 million set aside by Congress for states and localities to expand broadband infrastructure, despite a lot of flak over the accuracy of the maps it will be using to decide who gets how much.

[Read full article »](#)

## **FCC Eyes Lifting Privacy Screen Mandate In Services For Deaf**

*By Piper Hudspeth Blackburn*

The Federal Communications Commission has asked the public to weigh in on a petition from Sorenson Communications for a limited waiver of its privacy screen rule applying to video relay services, or VRS, for the deaf.

📎 2 documents attached | [Read full article »](#)

## **FCC Cautioned On 6 GHz Interference With Utilities**

*By Christopher Cole*

New studies show the need for strong protections against interference in the 6 GHz band as the Federal Communications Commission forges ahead with allowing unlicensed Wi-Fi devices to use the spectrum, a top utility group said.

📎 Letter attached | [Read full article »](#)

# **CANNABIS**

## **DC Zoning Program Reaches 1,500 Units, Report Says**

*By Isaac Monterose*

The District of Columbia's Department of Housing and Community Development's inclusionary zoning program has produced 1,583 units to date along with creating 372 units in fiscal year 2021, which was a 56% increase and the most ever in a fiscal year, according to a report.

📎 Report attached | [Read full article »](#)

## **3 Legal Ethics Issues For Psychedelics Attorneys**

*By Sam Reisman*

The nascent psychedelics industry and decriminalization movement have brought with them a rise in the need for legal services, posing a number of novel ethical questions for practitioners eyeing the space, experts said at a recent webinar.

[Read full article »](#)

## **Ky. Rep. Comer Wants To Investigate FDA 'Inaction' On Hemp**

Southern Poverty Law Center

Spotify Technology SA

Stericycle Inc.

Supervalu Inc.

TPG Capital LP

Tenaris S.A.

TransUnion LLC

Tricida Inc.

Trump Organization Inc.

UMB Financial Corp.

United Farm Workers

Vital Pharmaceuticals

Walgreens Co.

Walmart Inc.

Wynn Resorts Ltd.

XPO Logistics Inc.

YouTube Inc.

## **GOVERNMENT AGENCIES IN TODAY'S NEWS**

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Bureau of Labor Statistics

California Supreme Court

Centers for Disease Control and Prevention

Centers for Medicare & Medicaid Services

Central Intelligence Agency

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

Executive Office of the President

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Trade Commission

Financial Crimes

Enforcement Network

*By Collin Krabbe*

U.S. House Oversight Committee Chairman James Comer, R-Ky., says he wants to call U.S. Food and Drug Administration Commissioner Robert Califf in for questioning over alleged inaction at the agency, ranging from medical device to hemp regulation.

[Read full article »](#)

## **Cannabis Bill Roundup: Tex., Iowa and Ind. Eye Legalization**

*By Sam Reisman*

The past week saw the introduction of multiple new proposals to legalize cannabis for medical or adult recreational use in a number of states, including Texas, West Virginia, Iowa and Indiana.

[Read full article »](#)

## **PEOPLE**

### **Nardello & Co. Adds Latin American Public Policy Vet**

*By Jack Rodgers*

Nardello & Co. has added a former diplomat and public policy expert, with a particular focus on building Latin American partnerships, to its Washington, D.C. office, the security and investigations firm announced Thursday.

[Read full article »](#)

## **EXPERT ANALYSIS**

### **Industry Takeaways From IRS Guidance On EV Tax Credits**

The IRS and U.S. Department of the Treasury's recently issued documents on tax credit eligibility for clean vehicle purchases showcases three important points for the electric vehicle industry, including emphasis on the importance of in-service dates, guidance on how leased vehicles could be evaluated, and insight into manufacturing requirements, says Levi McAllister at Morgan Lewis.

[Read full article »](#)

### **Predictions For The 2023 Drug Pricing Landscape**

2022 was the year of legislative action around drug pricing, while 2023 is likely to serve up precedential judicial action — including active legal challenges with respect to the government's programs covering outpatient prescription drugs, accumulators and third-party funders, says Margaux Hall at Ropes & Gray.

[Read full article »](#)

### **Independent Contractor Laws Are Ignoring Economy's Evolution**

Food and Drug Administration  
Health Resources and Services Administration  
Internal Revenue Service  
Lac du Flambeau Band of Lake Superior Chippewa Indians  
Library of Congress  
National Archives and Records Administration  
National Labor Relations Board  
National Security Agency  
National Telecommunications and Information Administration  
Office of Surface Mining Reclamation and Enforcement  
Paskenta Band of Nomlaki Indians  
Pennsylvania Supreme Court  
Texas Supreme Court  
U.S. Attorney's Office  
U.S. Bankruptcy Court for the District of Delaware  
U.S. Bankruptcy Court for the District of New Jersey  
U.S. Bankruptcy Court for the Southern District of New York  
U.S. Copyright Office  
U.S. Court of Appeals for the District of Columbia Circuit  
U.S. Court of Appeals for the Eighth Circuit  
U.S. Court of Appeals for the Eleventh Circuit  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Second Circuit



Over the last year, federal and state approaches to independent contractor classification have demonstrated an inability to adjust to changes in the economy — save for New York's recently effective 12-factor test, which seems to balance gig economy prosperity and worker protections, say attorneys at Greenberg Traurig.

[Read full article »](#)

### **What We Learned From 2022's Top FCRA Developments**

Significant Fair Credit Reporting Act activity in 2022 — from Article III standing decisions to regulatory guidance for consumer reporting agencies and furnishers — will provide crucial direction to industry, courts and litigants in 2023, say attorneys at Troutman Pepper.

[Read full article »](#)

### **FCPA Enforcement Outlook: Sweeter Carrots, Sharper Sticks**

Corporate enforcement of the Foreign Corrupt Practices Act in 2023 will likely remain apace with last year's rebound from historic lows, continuing to demonstrate broad industry and geographic reach, as well as the U.S. Department of Justice's evolving approach to incentives and consequences, say attorneys at Debevoise.

[Read full article »](#)

### **6 Questions For Boutique Firms Considering Mergers**

To prepare for discussions with potential merger partners, boutique law firms should first consider the challenges they hope to address with a merger and the qualities they prioritize in possible partner firms, say Howard Cohl and Ron Nye at Major Lindsey.

[Read full article »](#)



## **LEGAL INDUSTRY**

### **IBA Elects First Woman President In 20 Years**

*By Andrea Keckley*

The International Bar Association announced on Thursday that it has elected its new president, the first woman in 20 years to serve in the role.

[Read full article »](#)

### **Trump Org. Fined \$1.6M After Criminal Tax Fraud Conviction**

*By Frank G. Runyeon*

A New York state judge on Friday ordered two Trump Organization companies to pay a total of \$1.6 million in fines after a jury found they

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Department of Commerce

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. District Court for the District of Columbia

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Arkansas

U.S. District Court for the Eastern District of New York

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of California

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Postal Service

U.S. Securities and Exchange Commission

U.S. Sentencing Commission

U.S. Supreme Court

ran a 15-year tax fraud conspiracy to benefit senior executives, saying the former president's corporation has continued to deflect blame.

[Read full article »](#)

United Nations

## **Justices Take Up Former Postal Worker's Religious Bias Suit**

*By Vin Gurrieri*

The U.S. Supreme Court accepted a case Friday from a Christian ex-postal worker who claimed he was unlawfully punished for not working on Sundays, giving the justices a chance to reevaluate a long-standing test for determining whether granting a worker's religious accommodation request would be too burdensome for employers.

[Read full article »](#)

## **Supreme Court Interrupters Receive 5 Mos. Probation**

*By Katie Buehler*

Three women who disrupted U.S. Supreme Court arguments in November in protest of its controversial Dobbs abortion decision last term pled guilty Friday to related charges in D.C. federal court and were sentenced to roughly five months' probation, lasting until the end of the high court's current term.

[Read full article »](#)

## **Dorsey & Whitney Opens Idaho Office With 2 Stoel Rives Attys**

*By Emily Sawicki*

The Mountain West boomtown of Boise, Idaho, will soon be host to a full-service office of Dorsey & Whitney LLP, with two longtime local attorneys coming aboard from Stoel Rives LLP to launch the international law firm's latest location.

[Read full article »](#)

## **Texas Justices Won't Hear Atty Dispute With Selena's Brother**

*By Lauren Castle*

The Texas Supreme Court refused on Friday to review a dispute over an attorney's fight to make the brother of singer Selena pay for allegedly cutting him out of legal fees concerning his former clients, two members of a popular 1990s cumbia band.

 [Petition attached | Read full article »](#)

## **GC Cheat Sheet: The Hottest Corporate News Of The Week**

*By Sue Reisinger*

The former general counsel at Wynn Resorts has escaped a lawsuit alleging she paid a bribe to help cover up an alleged rape by her boss and company founder Steve Wynn, and a novel enforcement action

against McDonald's Corp. and its ex-CEO has in-house counsel worrying about the need for deeper disclosures and more clawbacks.

[Read full article »](#)

## **UK Litigation Roundup: Here's What You Missed In London**

*By Tabitha Burbidge*

The past week in London has seen the company behind Dr. Martens kick off a copyright claim against a vegan footwear brand, SFO-investigated property developer Pinnacle Alliance sue a real estate management company and insurer AIG, and broadcaster Sky on the ropes following a lawsuit from British boxer Josh Taylor. Here, Law360 looks at these and other new claims in the U.K.

[Read full article »](#)

## **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Read full article »](#)

Podcast

### **Pro Say: The Looming Battle Over Noncompete Deals**

Decades of tension over the use of noncompete agreements in the workplace has bubbled over to start the year with a Federal Trade Commission proposal to ban those agreements across the board, drawing cheers from the labor movement, threats of swift litigation from the powerful business lobby, and the promise of a fierce legal and political clash in the coming months.

[Read full article »](#)

## **Supreme Court Will Scrutinize FCA's Scienter Standard**

*By Jeff Overley and Daniel Wilson*

The U.S. Supreme Court teed up a landmark fraud ruling by agreeing Friday to assess whether the False Claims Act covers compliance lapses with "objectively reasonable" explanations, a question central to the need for FCA cases to prove that improper billing occurred knowingly.

 [Order List attached | Read full article »](#)

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**From:** Class Action Law360  
**Sent:** Tue, 17 Jan 2023 09:24:26 +0000  
**To:** Trumka Jr., Richard  
**Subject:** Law360 Names Practice Groups Of The Year



# Class Action

TUESDAY, JANUARY 17, 2023



## TOP NEWS

### Law360 Names Practice Groups Of The Year

Law360 would like to congratulate the winners of its Practice Groups of the Year awards for 2022, which honor the attorney teams behind litigation wins and major deals that resonated throughout the legal industry this past year.

[Read full article »](#)

### Musk Jury Pool Not 'Radioactive' Enough To Move Tesla Trial

*By Bonnie Eslinger*

While noting that a few "radioactive" jury candidates held extreme negative views of Tesla CEO Elon Musk, a California federal judge declined his request to move consolidated securities litigation over his take-private tweet to Texas, saying that all prospective jurors had indicated they could be fair.

[Read full article »](#)

### Hagens Berman To Represent Students In RealPage Suit

*By Isaac Monterose*

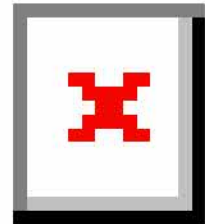
A Washington federal judge on Friday appointed law firm Hagens Berman Sobol Shapiro LLP as interim class counsel for 24 proposed class action suits that accuse property management software company RealPage Inc. and real estate companies of conspiring in a rent-fixing scheme for student housing.

 [Order attached | Read full article »](#)

### Deloitte Beats Workers' Suit Over Retirement Plan Fees

*By Patrick Hoff*

A New York federal judge said global accounting firm Deloitte doesn't have to face a proposed class action claiming it allowed two multibillion-



## NEW CASES

Class Actions (87)

## LAW FIRMS IN TODAY'S NEWS

Ahdoot & Wolfson  
Akin Gump  
Allen Matkins  
Andrews & Springer  
Arnold & Porter  
Bailey & Glasser  
Baker & Hostetler  
Baker Botts  
Baker McKenzie  
Bartlit Beck  
Beck Reed  
Berger Montague

dollar retirement plans to be saddled with excessive fees, ruling that workers failed to identify a valid comparable plan with lower costs.

☒ Memorandum attached | [Read full article »](#)

## **Endo Claimants Say It's Time For Alternative Ch. 11 Plans**

*By Rick Archer*

Representatives of unsecured and opioid injury claimants are asking a New York bankruptcy judge to reject Endo International's request to bar the filing of alternatives to its proposed Chapter 11 asset sale for another six months.

☒ 1 document attached | [Read full article »](#)

## **9th Circ. Open To Partially Reviving Fiat Chrysler Defect Suit**

*By Craig Clough*

A Ninth Circuit panel appeared open Friday to reviving part of a putative class action alleging transmission system defects on some Fiat Chrysler Automotive vehicles, suggesting there is hope for a fluid levels claim but less so for a claim about overheating that was stricken because of an error-filled expert report.

[Read full article »](#)

## **Electric Truck Co. Inks \$35M Deal To End Contract Boasts Suit**

*By Linda Chiem*

Investors have asked a California federal judge to bless a \$35 million cash-and-stock settlement in their proposed class action accusing electric-truck maker Workhorse Group Inc. investors of overhyping its production capabilities and its prospects for winning a multibillion-dollar contract to revamp the U.S. Postal Service's delivery fleet.

☒ Settlement attached | [Read full article »](#)

## **9/11 MDL Judge Won't Stay Kreindler Sanctions Over Leak**

*By Emily Lever*

Kreindler & Kreindler LLP can't hold off sanctions leveled against the firm in connection with the leak of a deposition transcript in the 9/11 multidistrict litigation that seeks to hold various countries responsible for the terrorist attacks, a New York federal judge has ruled.

☒ Order attached | [Read full article »](#)

## **SECURITIES**

### **Robbins Geller Gets \$12.6M Fee In Grubhub Suit**

*By Emilie Ruscoe*

Robbins Geller Rudman & Dowd LLP attorneys can collect a \$12.6 million fee for their work representing a class of Grubhub Inc. investors in a case

Bernstein Litowitz  
Blacks Solicitors  
Blank Rome  
Boni Zack  
Boyes Turner  
Bradford & Wilson  
Bradley Bernstein  
Branstetter Stranch  
Brown Rudnick  
Bryan Cave  
Cadwalader Wickershar  
Cafferty Clobes  
Calcaterra Pollack  
Capozzi Adler  
Capstone Law APC  
Ciresi Conlin  
Clark Hill  
Clarke Silvergate  
Cleary Gottlieb  
Clement & Murphy  
Clyde & Co  
Cohen Milstein  
Consovoy McCarthy  
Cooley LLP  
Corr Cronin  
Covington & Burling  
Cozen O'Connor  
Crowe & Dunlevy  
Crowell & Moring  
DAC Beachcroft  
DLA Piper  
Davis Polk  
Davis Wright Tremaine  
Debevoise & Plimpton  
Dechert LLP  
Dentons Cohen  
DiCello Levitt  
Dorsey & Whitney  
Duane Morris  
Dykema  
Environmental Litigator  
Group PC  
Eversheds Sutherland

alleging the takeout delivery company misrepresented its growth, a federal judge in Chicago has determined.

 [Order attached](#) | [Read full article](#) »

## **KB Home Stockholder Sues Over Invalid Meeting Dates**

*By Leslie A. Pappas*

Homebuilder KB Home violated notice requirements when scheduling its 2022 annual meeting and as a result its entire 11-member board is invalid, a KB Home stockholder alleged in a new Delaware Chancery Court lawsuit.

[Read full article](#) »

## **COMPETITION**

### **Google Wants Another Brief For 9th Circ. Class Appeal Bid**

*By Matthew Perlman*

Google is urging the Ninth Circuit to let it file another brief supporting its bid for a quick appeal of a ruling that certified a class of 21 million consumers in a case accusing the tech giant of monopolizing app distribution on Android devices.

 [3 documents attached](#) | [Read full article](#) »

## **EMPLOYMENT & BENEFITS**

Analysis

### **10th Circ. To Mull Forced Arbitration Of ERISA Class Actions**

*By Kellie Mejdrieh*

The Tenth Circuit will hear arguments Tuesday in a case that will give the appeals court a chance to decide whether Employee Retirement Income Security Act suits brought on behalf of an entire retirement plan can be forced into individual arbitration.

[Read full article](#) »

### **Walmart Can't Ditch Claims Background Checks Discriminate**

*By Dave Simpson*

A New Jersey federal judge deemed timely a proposed class action alleging Walmart unlawfully discriminates against applicants with criminal backgrounds through broad screenings that don't consider evidence of rehabilitation, applying a six-year statute of limitations rather than the two-year limitation suggested by Walmart.

 [Opinion attached](#) | [Read full article](#) »

### **Hudson's Bay Beats Ex-Lord & Taylor Worker's Severance Suit**

Faegre Drinker  
Fieldfisher  
Foley Hoag  
FrankelWyron  
Fried Frank  
Friedman Kaplan  
George Gesten  
Gibson Dunn  
Gilbert LLP  
Gomez-Acebo & Pomb  
Goode Casseb  
Goodwin Procter  
Greenberg Traurig  
Greenspoon Marder  
Griffin Purnell  
Hagens Berman  
Harris & Greenwell  
Hausfeld LLP  
Hawley Troxell  
Haynes & Boone  
Helmer Martins  
Hill Dickinson  
Hogan Lovells  
Holland & Knight  
Hueston Hennigan  
Hunton Andrews  
Ifediba Law Group  
Independence Law  
Center  
Irell & Manella  
Jenner & Block  
Jones Day  
Joseph Saveri Law Firm  
Kahn Swick  
Kaplan Fox  
Kaplan Hecker  
Katten Muchin  
Keller Rohrback  
Kellogg Hansen  
Keoghs LLP  
King & Spalding  
Kingsley Napley  
Kirkland & Ellis

*By Patrick Hoff*

Hudson's Bay Co. doesn't have to face a former employee's proposed class action claiming it violated federal benefits law by refusing to pay severance to laid-off Lord & Taylor workers, a Pennsylvania federal judge ruled, saying HBC's sale of the retailer eliminated any obligation it had.

2 documents attached | [Read full article »](#)

## **MRI Co., Receptionist Reach Deal To End Discrimination Suit**

*By Emmy Freedman*

A diagnostic imaging services company has reached a deal to end a former receptionist's proposed class action claiming she was fired after reporting a male colleague's abuse toward Black female employees, according to a filing in Florida federal court.

Settlement attached | [Read full article »](#)

## **PRODUCT LIABILITY**

### **Vets Tell 11th Circ. To Approve 3M Earplug MDL Sanctions**

*By Mike Curley*

A group of veterans who allege they were injured by 3M Co.'s Combat Arms Earplugs is urging the Eleventh Circuit to grant a quick review of the company's appeal of sanctions in a sprawling multidistrict litigation, saying it's clear that 3M's "brazen abuse" of the legal process by attempting to shift blame to a bankrupt subsidiary has left an "odor of ... mendacity" on the proceedings that must be punished.

Response attached | [Read full article »](#)

### **Ill. Judge Slices Kraft Mac And Cheese Chemical Suit In Half**

*By Lauraann Wood*

A group of consumers claiming Kraft deceptively included harmful chemicals in its macaroni and cheese haven't plausibly pointed to any false statements on the product label, but their material omission and unjust enrichment claims can proceed, an Illinois federal judge has ruled.

Memorandum attached | [Read full article »](#)

### **Nutrition Co. Hit With Suit Over Petrochemical Ingredient**

*By Jonathan Capriel*

A Texas-based health supplement company started by a former U.S. Army officer was hit with a lawsuit that claims it markets products as "clean" and "naturally flavored" when they allegedly include a petrochemical derivative, according to the suit filed in California federal court.

Complaint attached | [Read full article »](#)

Kirsch & Niehaus  
Kramer Levin  
Kreindler & Kreindler  
Lane Powell  
Latham & Watkins  
Lester Aldridge  
Levi & Korsinsky  
Levine Lee  
Lewis Brisbois  
Lewis Silkin  
Lieff Cabraser  
Lightfoot Franklin  
Lockridge Grindal  
Lowey Dannenberg  
Mayer Brown  
McDermott Will  
McGuireWoods  
Milbank LLP  
Mills & Reeve  
Morgan Lewis  
Morris Manning  
Morrison Foerster  
Morvillo Abramowitz  
Munger Tolles  
NechelesLaw  
Nicoll Black  
Norton Rose  
Nossaman LLP  
O'Melveny & Myers  
Orrick Herrington  
Outten & Golden  
PCB Byrne  
Pachulski Stang  
Pasich LLP  
Patterson Belknap  
Paul Hastings  
Paul Weiss  
Penningtons Manches  
Pentima Law Firm  
Pollock Cohen  
Powell Gilbert LLP  
Quinn Emanuel



## **BMW Drivers Urge 9th Circ. To Recharge Electric Battery Suit**

*By Craig Clough*

An attorney for a group of BMW drivers urged a Ninth Circuit panel Friday to revive a consolidated class action alleging the automaker overstated the battery life of its compact electric sedans, saying the drivers' own testimony and internal BWM documents should be enough to argue the cars were defective.

[Read full article »](#)

## **Grain Count Not Found In Look Of Bimbo's 'Brown Bread'**

*By Collin Krabbe*

A grocery shopper can't claim that bread sold under the Cheesecake Factory label was falsely branded as being whole grain because its color, appearance and packaging can't reasonably be used to infer how much grain is in the product, a federal judge has found in dismissing a class action suit from the customer.

 [Order attached](#) | [Read full article »](#)

## **CYBERSECURITY & PRIVACY**

### **Apple Accused Of 'Flagrant' Tracking Of Opted-Out NY Users**

*By Dave Simpson*

Apple is unlawfully collecting data from its iPhone and iPad users, even if they indicate they don't want to be tracked on their mobile devices, a user alleged in a New York federal court putative class action complaint.

 [Complaint attached](#) | [Read full article »](#)

## **ENERGY & ENVIRONMENTAL**

### **Gas Cos., Royalty Owners' \$45M Settlement Nabs Initial OK**

*By Madeline Lyskawa*

An Oklahoma federal magistrate judge gave the initial green light to a \$45 million deal resolving claims a natural gas royalty owner took improper deductions from royalty owners, after six years of hotly contested litigation.

 [Order attached](#) | [Read full article »](#)

### **Alabama Water District Joins PFAS MDL Against 3M, Others**

*By Tom Lotshaw*

A water district serving Birmingham, Alabama, has sued 3M Co. and more than two dozen other companies alleging aqueous film-forming foam products have contaminated its water supplies, joining several thousand other cases involving the foams in multidistrict litigation in the District of South Carolina.

RWK Goodman  
Reynolds Porter  
Robbins Geller  
Robins Kaplan  
Saenz & Anderson  
Sanford Heisler  
Sauder Schelkopf  
Schofield Sweeney  
Schwabe Williamson  
Sharp Law LLP  
Sheehan & Associates  
PC  
Sheppard Mullin  
Simons Muirhead Burto  
Simpson Thacher  
Skadden Arps  
Sparacino PLLC  
Starnes Davis  
Stephens Scown  
Steptoe & Johnson LLP  
Stoel Rives  
Stradley Ronon  
Sullivan & Cromwell  
Summit Law Group  
Tarter Krinsky  
Terrell Marshall  
Thompson Coburn  
Thompson Hine  
Togut Segal  
Troutman Pepper  
Vinson & Elkins  
Wachtell Lipton  
Weitz & Luxenberg  
Whistleblower Law  
Collaborative  
White & Case  
Williams & Connolly  
Willkie Farr  
WilmerHale  
Winston & Strawn  
Womble Bond  
Young Conaway  
deRubertis Law

2 documents attached | [Read full article »](#)

## HEALTH CARE

### [Devereux Foundation Can't Trim Claims From Abuse Suit](#)

By *Mike Curley*

A Pennsylvania federal judge won't trim claims from children who allege they were abused at The Devereux Foundation's behavior health facilities, saying the allegations in the most recent complaint show they have standing to ask for an order forcing Devereux to change its policies.

Memorandum attached | [Read full article »](#)

## EXPERT ANALYSIS

### [What We Learned From 2022's Top FCRA Developments](#)

Significant Fair Credit Reporting Act activity in 2022 — from Article III standing decisions to regulatory guidance for consumer reporting agencies and furnishers — will provide crucial direction to industry, courts and litigants in 2023, say attorneys at Troutman Pepper.

[Read full article »](#)

### [Chancery Ruling Reiterates Its Skepticism Of De-SPAC Deals](#)

The Delaware Chancery Court's recent refusal to dismiss a complaint brought by a stockholder of a special purpose acquisition company in *Delman v. GigAcquisitions3* follows a similar ruling last year and provides a further indication of the court's inherent mistrust of de-SPAC transactions, say attorneys at Sullivan & Cromwell.

Opinion attached | [Read full article »](#)

### [6 Questions For Boutique Firms Considering Mergers](#)

To prepare for discussions with potential merger partners, boutique law firms should first consider the challenges they hope to address with a merger and the qualities they prioritize in possible partner firms, say Howard Cohl and Ron Nye at Major Lindsey.

[Read full article »](#)



## LEGAL INDUSTRY

### [Meet The Special Counsel Probing Biden's Classified Docs](#)

By *Katie Buehler*

U.S. Attorney General Merrick Garland has appointed Gibson Dunn & Crutcher LLP partner and U.S. Department of Justice veteran Robert K.

## COMPANIES IN TODAY'S NEWS

3M Co.  
Allied Orion Group LLC  
Amazon.com Inc.  
American International Group Inc.  
Apple Inc.  
Association of Corporate Counsel  
BH Management Services LLC  
BMW of North America LLC  
Bank of Ireland Group PLC  
Brigham Young University  
CA Ventures LLC  
Campus Advantage  
Carlyle Group LP  
Church State Council  
Circle K Stores Inc.  
Cushman & Wakefield Inc.  
Deere & Co.  
Deloitte Touche Tohmatsu Ltd.  
Democracy Forward Foundation  
DuPont de Nemours Inc  
Endo International PLC  
Epic Games Inc.  
Equifax Inc.  
Experian PLC  
FCA US LLC  
FTI Consulting Inc.  
Financial Industry Regulatory Authority Inc  
First Liberty Institute  
Ford Motor Co.  
Google LLC  
Greystar Real Estate Partners LLC

Hur as special counsel to oversee a probe into the handling of classified documents found at two locations related to President Joe Biden.

[Read full article »](#)

## **IBA Elects First Woman President In 20 Years**

*By Andrea Keckley*

The International Bar Association announced on Thursday that it has elected its new president, the first woman in 20 years to serve in the role.

[Read full article »](#)

## **Trump Org. Fined \$1.6M After Criminal Tax Fraud Conviction**

*By Frank G. Runyeon*

A New York state judge on Friday ordered two Trump Organization companies to pay a total of \$1.6 million in fines after a jury found they ran a 15-year tax fraud conspiracy to benefit senior executives, saying the former president's corporation has continued to deflect blame.

[Read full article »](#)

## **Justices Take Up Former Postal Worker's Religious Bias Suit**

*By Vin Gurrieri*

The U.S. Supreme Court accepted a case Friday from a Christian ex-postal worker who claimed he was unlawfully punished for not working on Sundays, giving the justices a chance to reevaluate a long-standing test for determining whether granting a worker's religious accommodation request would be too burdensome for employers.

[Read full article »](#)

## **Supreme Court Interrupters Receive 5 Mos. Probation**

*By Katie Buehler*

Three women who disrupted U.S. Supreme Court arguments in November in protest of its controversial Dobbs abortion decision last term pled guilty Friday to related charges in D.C. federal court and were sentenced to roughly five months' probation, lasting until the end of the high court's current term.

[Read full article »](#)

## **Up Next At High Court: Turkish Bank Fights Criminal Charges**

*By Jimmy Hoover*

This week, the U.S. Supreme Court will hear a dry procedural question that could make or break the hopes of many immigrants fighting removal from the country, as well as a state-owned Turkish bank's attempt to use sovereign immunity to defeat criminal charges from U.S. prosecutors.

[Read full article »](#)

GrubHub Inc.  
HSBC Holdings PLC  
Hudson's Bay Co.  
Insurance Europe Ltd.  
International Bar Association  
JND Legal Administrativ Co.  
Jazeera Airways Co. KŞ  
KB Home  
KKR & Co. Inc.  
Liberty Mutual Insuranc Group  
Lloyds Bank PLC  
Lord & Taylor LLC  
M & F Worldwide Corp.  
ML Strategies LLC  
Major Lindsey & Africa LLC  
Match Group LLC  
McDonald's Corp.  
Mediterranean Shipping Co. SA  
MidFirst Bank  
NextEra Energy Inc.  
Oshkosh Corp.  
Petroquest Energy, Inc.  
Pinnacle Property Management Services  
RealPage Inc.  
Safeco Insurance Co.  
Safeway Inc.  
Sky PLC  
Spotify Technology SA  
Supervalu Inc.  
Tesla Inc.  
The Cheesecake Factor Inc.  
The Irvine Co. LLC  
The Kraft Heinz Co.  
The Michaels Organization  
TransUnion LLC  
Trump Organization Inc

## **Dorsey & Whitney Opens Idaho Office With 2 Stoel Rives Attys**

*By Emily Sawicki*

The Mountain West boomtown of Boise, Idaho, will soon be host to a full-service office of Dorsey & Whitney LLP, with two longtime local attorneys coming aboard from Stoel Rives LLP to launch the international law firm's latest location.

[Read full article »](#)

## **Texas Justices Won't Hear Atty Dispute With Selena's Brother**

*By Lauren Castle*

The Texas Supreme Court refused on Friday to review a dispute over an attorney's fight to make the brother of singer Selena pay for allegedly cutting him out of legal fees concerning his former clients, two members of a popular 1990s cumbia band.

 [Petition attached | Read full article »](#)

## **GC Cheat Sheet: The Hottest Corporate News Of The Week**

*By Sue Reisinger*

The former general counsel at Wynn Resorts has escaped a lawsuit alleging she paid a bribe to help cover up an alleged rape by her boss and company founder Steve Wynn, and a novel enforcement action against McDonald's Corp. and its ex-CEO has in-house counsel worrying about the need for deeper disclosures and more clawbacks.

[Read full article »](#)

## **UK Litigation Roundup: Here's What You Missed In London**

*By Tabitha Burbidge*

The past week in London has seen the company behind Dr. Martens kick off a copyright claim against a vegan footwear brand, SFO-investigated property developer Pinnacle Alliance sue a real estate management company and insurer AIG, and broadcaster Sky on the ropes following a lawsuit from British boxer Josh Taylor. Here, Law360 looks at these and other new claims in the U.K.

[Read full article »](#)

## **In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Read full article »](#)

Podcast

## **Pro Say: The Looming Battle Over Noncompete Deals**

Decades of tension over the use of noncompete agreements in the workplace has bubbled over to start the year with a Federal Trade Commission proposal to ban those agreements across the board, drawing cheers from the labor movement, threats of swift litigation from the

Twitter Inc.

U.S. Chamber of Commerce

UMB Financial Corp.

United Parcel Service Ir

Viking Cruises Inc.

Walmart Inc.

Wynn Resorts Ltd.

Yahoo Inc.

## **GOVERNMENT AGENCIES IN TODAY'S NEWS**

Bureau of Labor Statisti

California Supreme Cou

Central Intelligence Agency

Consumer Financial Protection Bureau

Delaware Court of Chancery

Federal Trade Commission

Food and Drug Administration

Library of Congress

National Archives and Records Administration

National Security Agenc

Pennsylvania Supreme Court

Texas Supreme Court

U.S. Army

U.S. Attorney's Office

U.S. Bankruptcy Court f the Southern District of New York

U.S. Court of Appeals fc the District of Columbia Circuit

U.S. Court of Appeals fc the Eighth Circuit

U.S. Court of Appeals fc the Eleventh Circuit

U.S. Court of Appeals fc the Ninth Circuit

powerful business lobby, and the promise of a fierce legal and political clash in the coming months.

[Read full article »](#)

## Supreme Court Will Scrutinize FCA's Scienier Standard

By *Jeff Overley and Daniel Wilson*

The U.S. Supreme Court teed up a landmark fraud ruling by agreeing Friday to assess whether the False Claims Act covers compliance lapses with "objectively reasonable" explanations, a question central to the need for FCA cases to prove that improper billing occurred knowingly.

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Seattle, WA

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Holbrook, AZ

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Perkins Coie LLP  
Holbrook, AZ

### Intellectual Property Patent Prosecution Associate (Chemistry)

Moore & Van Allen, PLLC

-, -

### Global Insurance Department - Associate Attorney (LA)

Cozen O'Connor  
Los Angeles, California

### GENERAL ATTORNEY

U.S. Securities and Exchange Commission  
Washington, District of Columbia

### IP Associate (Patent Prosecution)

McCarter & English, LLP  
Newark, New Jersey

### Real Estate Associate - (Boston MA, Stamford CT, or Hartford CT)

McCarter & English, LLP  
Stamford, Connecticut

### Perkins Coie Trust Company Executive Assistant & Coordinator

Perkins Coie LLP  
Seattle, WA

### ServiceNow Business Systems Analyst

Perkins Coie LLP  
Washington, DC

### Junior Patent Prosecution Associate or Patent Agent

Steptoe & Johnson LLP  
New York, New York

### Legal Administrative Assistant

Corr Cronin  
Seattle, Washington

### Attorney - Assistant Attorney General - Workers Compensation

Illinois Attorney General's Office  
Chicago, Illinois

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McCarter & English, LLP  
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McCarter & English, LLP  
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### IP ASSOCIATE (PATENT AND IP LITIGATION)

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Boston, Massachusetts

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Department of Education

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Lab

U.S. District Court for the Central District of California

U.S. District Court for the District of Columbia

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of New Jersey

U.S. District Court for the District of New Mexico

U.S. District Court for the District of South Carolina

U.S. District Court for the Eastern District of New York

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Middle District of Tennessee

U.S. District Court for the Northern District of California

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of California

**IP ASSOCIATE (PATENT - CHEMISTRY)**

McCarter & English, LLP  
Boston, Massachusetts

**Global Insurance Department - Associate Attorney**

Cozen O'Connor  
San Francisco, Pennsylvania

**ASSOCIATE: Employment Litigation**

Epstein Becker Green  
Stamford, Connecticut

**Attorney - Revenue Litigation - Springfield**

Illinois Attorney General's Office  
Springfield, Illinois

U.S. District Court for the Southern District of Florida

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of Texas

U.S. District Court for the Western District of Washington

U.S. Environmental Protection Agency

U.S. Postal Service

U.S. Securities and Exchange Commission

U.S. Supreme Court

United States District Court for the District of Colorado

United States District Court for the Eastern District of Oklahoma

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**Cc:** Lipp, Robin  
**Subject:** gas stoves interview  
**Attachments:** Gas Stoves Bloomberg Interview 1.4.22.docx, CLEAN Gas Stoves Bloomberg Interview 1.4.22.docx

(b)(5)

**Kaylee Niemasik**  
Special Counsel/Attorney Advisor  
Commissioner Richard L. Trumka Jr.  
U.S. Consumer Product Safety Commission

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**From:** GovExec Today  
**Sent:** Thu, 12 Jan 2023 06:03:21 -0500 (EST)  
**To:** Trumka Jr., Richard  
**Subject:** 5 States Challenged the Federal Contractor Wage Increase and Lost

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**Government  
Executive**

## GovExec Today

Thursday, January 12, 2023

### [5 States Challenged the Federal Contractor Wage Increase and Lost](#)// Courtney Bubl 

But this may not be the end of the dispute, which stems from an April 2021 executive order.

### [Why Do Americans Fear Government So Much?](#)// Adam Butler and Ross Gianfortune

Lisa Parshall joins the podcast to discuss the new edition of her book on the administrative state and the differences in administration between Donald Trump and Joe Biden.

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#### [There's Still Time to Give CFC, but Not for Long](#)

You can be the face of global change when you give to one (or more!) of these leading international charities through the Combined Federal Campaign (CFC): [Americares](#) (#10735), [Episcopal Relief & Development](#) (#80416), [Heifer International](#) (#12079), [International Relief Teams](#) (#11680), [Islamic Relief USA](#) (#10194) and [Prison Fellowship International](#) (#10991). Each of these orgs are making a profound difference around the world by reducing poverty and inspiring a brighter future.

This Saturday, Jan. 14 is the final day to pledge – give today!

[Make Your CFC Pledge](#)

### [How to Calculate Your 2023 Pay Raise, and More Pressure to Return to the Office](#)// Amelia Gruber

A weekly roundup of pay and benefits news.

### [Board Again Significantly Scales Back Marquee Federal Employee Firing Law](#)// Eric Katz

Tens of thousands of workers will no longer be eligible for expedited removal.

**[What Keeps Public Employees In Their Jobs? It's Not Just Pay](#)**// Gordon Abner and Hyunkang Hur

There are several factors more important than money in reducing staff turnover among government workers, a new study shows.

**[Burning Man Sues BLM Over Geothermal Project](#)**// Jennifer Solis

The nonprofit behind the festival says that the agency failed to comply with the National Environmental Policy Act when it ruled in October that the exploration project would have "no significant impact," meaning it doesn't require a more rigorous environmental review.

**[Pentagon Rescinds COVID-Vaccine Mandate](#)**// Bradley Peniston

The move was required by the 2023 defense policy bill. Troops who were ejected for refusing the vaccine may petition for a change in their discharge status.

**[VA's Initiative to Recruit Laid Off Tech Workers is Paying Off, Official Says](#)**// Edward Graham

The VA's ongoing efforts to recruit high-skilled professionals displaced by layoffs across the tech sector are helping to fill a host of tech-related vacancies in the department.

**[Navy Secretary Warns: If Defense Industry Can't Boost Production, Arming Both Ukraine and the US May Become 'Challenging'](#)**// Marcus Weisgerber

Carlos Del Toro's comments come as an admiral accuses weapons makers of using the pandemic as an excuse for not delivering arms on time.

**[This Dry January, Consider the Alcohol Excise Tax](#)**// Molly Bolan

Many states have abstained for decades from updating so-called sin taxes applied to wine, beer and liquor. One expert explains why changes could be on the horizon.

**[FAA System Outage Grounds All US Flights Overnight](#)**// Carten Cordell

An outage to a system providing real-time flight hazard information led to a nationwide ground stop of U.S. air travel Wednesday morning.

**[The PLA's People Problem](#)**// Taylor A. Lee and Peter W. Singer

China's military has long struggled to field quality personnel.

**[States at Center of Battle Over Gas Furnaces and Stoves](#)**// Daniel C. Vock

Moved by environmental and health concerns, action by state officials to ban gas power in buildings is heating up. But the plans are also sparking opposition.

**[How to Wake up Alert and Refreshed](#)**

"There are some very basic and achievable things you can start doing today, and tonight, to change how you awake each morning..."

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**[There's Still Time to Give CFC, but Not for Long](#)**

You can be the face of global change when you give to one (or more!) of these leading international charities through the Combined Federal Campaign (CFC): [Americares](#) (#10735), [Episcopal Relief & Development](#) (#80416), [Heifer International](#) (#12079), [International Relief Teams](#) (#11680), [Islamic Relief USA](#) (#10194) and [Prison Fellowship International](#) (#10991). Each of these orgs are making a profound difference around the world by reducing poverty and inspiring a brighter future.

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**Subject:** 7 Supreme Court Cases To Watch In 2023



# Public Policy

TUESDAY, JANUARY 3, 2023



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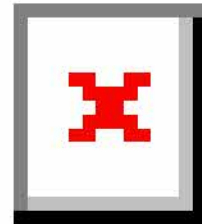
## TOP NEWS

### 7 Supreme Court Cases To Watch In 2023

*By Jimmy Hoover*

The new year brings a host of hot-button cases for the U.S. Supreme Court justices, who will tackle everything from President Joe Biden's student debt relief plan to Section 230 immunity for Big Tech companies over the next six months before the summer recess. Here, Law360 highlights the big-ticket items.

[Read full article »](#)



### Trials To Watch In 2023

*By Cara Salvatore*

The coming year is set to bring trials in high-profile corruption and kickback prosecutions, first bellwethers for two notable multidistrict cases, and an airing of securities fraud claims over Elon Musk's Tesla tweets, among others.

[Read full article »](#)

### Election Litigation Set To Continue Record Pace In 2023

*By Ryan Boysen*

Next year will continue to see a torrent of election litigation, with landmark cases in the U.S. Supreme Court, ongoing redistricting fights and dozens of voting lawsuits that will shape the 2024 election and beyond.

[Read full article »](#)

### Congress Sends \$1.7T Spending Deal To Biden

*By James Arkin*

The U.S. House of Representatives voted 225-201 on Friday to pass a \$1.7 trillion spending package funding the government through

## LAW FIRMS IN TODAY'S NEWS

Akerman LLP  
Akin Gump  
Alston & Bird  
ArentFox Schiff  
Arnold & Porter  
Baker & Hostetler  
Baker Botts  
Baker Donelson  
Baker McKenzie  
Benesch  
Beveridge & Diamond  
Blank Rome  
Boies Schiller  
Brown Goldstein  
Brown Rudnick



September and approving a number of last-minute policy agreements at the end of the congressional session.

 [Bill attached](#) | [Read full article](#) »

## Courts Experienced A Decrease In Case Filings In 2022

*By Katie Buehler*

Federal courts around the country docketed fewer cases in fiscal year 2022 compared to previous years, according to a year-end report issued Saturday by U.S. Supreme Court Chief Justice John Roberts that focused on data but was silent on the hot-button topic of high court ethics issues.

[Read full article](#) »

## Divided Congress Shifts Oversight In Opposing Directions

*By James Arkin*

House Republicans' new majority and Senate Democrats' expanded control is expected to result in a barrage of investigations led by lawmakers with competing priorities.

[Read full article](#) »

## Democrats Push To Keep Building Biden's Judicial Record

*By James Arkin*

Senate Democrats confirmed nearly 100 of President Joe Biden's nominees to the federal courts in his first two years in office and will have some new advantages next year as they seek to build on that record.

[Read full article](#) »

## 5 Compliance Trends To Watch In 2023

*By Sarah Jarvis*

Compliance personnel should be cautious heading into 2023, as they grapple with updated corporate enforcement policies from the U.S. Department of Justice against a backdrop of ongoing international tension, a focus on environmental, social and governance standards, and the possibility of an economic downturn.

[Read full article](#) »

## STATE DEVELOPMENTS TO WATCH

### Calif. High Court Extends Provisional Licensing Through 2025

*By James Mills*

California's Supreme Court on Friday issued an order allowing provisional licensure of attorneys to continue for another three years.

Brownstein Hyatt  
Bryan Cave  
Buchalter APC  
Butler Snow LLP  
Cadwalader Wickersham  
Clark Hill  
Cohen Milstein  
Consovoy McCarthy  
Cooley LLP  
Corr Cronin  
Covington & Burling  
Cozen O'Connor  
Crowell & Moring  
DLA Piper  
Davis Polk  
Davis Wright  
Debevoise & Plimpton  
Dechert LLP  
DiCello Levitt  
Dickinson Wright  
Dorsey & Whitney  
Duane Morris  
Dykema  
Edelson PC  
Eversheds Sutherland  
Faegre Drinker  
Ferguson Braswell  
Fisher Phillips  
Foley Hoag  
Freeman Mathis  
Fried Frank  
Gibson Dunn  
Girardi & Keese  
Goldberg Kohn  
Goodwin Procter  
Gordon & Rees  
GrayRobinson  
Greenberg Glusker  
Greenberg Traurig  
Greenspoon Marder  
Griesing Law  
Groom Law Group

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## California Legislation And Regulation To Watch In 2023

*By Dorothy Atkins*

California legal experts expect Golden State officials to issue guidance in 2023 on the state's new pay transparency rules and other major state employment and data privacy laws that take effect this year, while they also anticipate energy regulators to lay the groundwork for trailblazing renewable energy incentives.

[Read full article »](#)

## Texas Legislation To Watch In Early 2023

*By Lauren Castle*

The Texas Legislature will hit the ground running in a new session in January, as the recently reelected Republican majority, led in part by Lt. Gov. Dan Patrick, presses forward with anticipated property tax cuts, guidelines for data security and potential reforms to the Lone Star State's electrical grid.

[Read full article »](#)

## Florida Cases To Watch In 2023

*By Carolina Bolado*

From cryptocurrency exchange FTX investor lawsuits against celebrity promoters to abortion restrictions, Florida courts are expected to tackle a number of thorny issues in 2023, including a measure that could help defendants wield the anti-SLAPP statute more effectively and a bellwether trial on Lyft's for its drivers' use of its app.

[Read full article »](#)

## Florida Legislation to Watch in 2023

*By David Minsky*

Following a pivotal election cycle in Florida, voters have handed Republicans a supermajority in the Legislature, which government experts say has turned its attention to addressing a turbulent property insurance market and other legislation that will likely mirror national issues over the next two years, including abortion, infrastructure and sustainable investing.

[Read full article »](#)

## 6 Pennsylvania Cases To Watch In 2023

*By Matthew Santoni*

Pennsylvania-based cases that may be decided in 2023 will determine whether to count undated or misdated mail-in votes, if college athletes are "employees" of their institutions who can seek pay for their performances, and where companies can be sued within the Keystone State — if they're subject to its courts' jurisdiction at all.

[Read full article »](#)

Gunderson Dettmer  
Gunster Yoakley  
Hall Estill  
Harrity & Harrity  
Herrick Feinstein  
Hill Ward Henderson  
Hinshaw & Culbertson  
Hogan Lovells  
Holland & Hart  
Holland & Knight  
Holtzman Vogel  
Hudson Cook  
Hunton Andrews  
Jackson Walker LLP  
Jeffer Mangels  
Jenner & Block  
Jomarron Lopez  
Jones Day  
K&L Gates  
Katten Muchin  
Kelley Drye  
Kesselman Brantly  
Kirkland & Ellis  
Klafter & Burke  
Kramer Levin  
Latham & Watkins  
Lathrop GPM  
Lawrence & Bundy  
Levi & Korsinsky  
Lief Cabraser  
Lowenstein Sandler  
Lynn Pinker  
Mac Murray & Shuster  
Manatt Phelps  
Marler Clark  
Marshall Dennehey  
Martin LLP  
Mayer Brown  
McDermott Will  
McGuireWoods  
Mintz Levin  
Mitchell Silberberg

## Illinois Legislation To Watch In 2023

*By Celeste Bott*

Legislation taking effect this year in Illinois includes changes to leave law with which Prairie State employers should be ready to comply, which attorneys say reflects a growing trend to give employees more time off to deal with personal crises.

[Read full article »](#)

## 3 New Jersey Matters To Watch In 2023

*By Hayley Fowler*

As a new year of litigation dawns in New Jersey, state and federal courts have teed up for them a high-profile criminal trial, tax breaks for the gambling industry and a potential out for Uber drivers trying to keep their misclassification suit alive.

[Read full article »](#)

## Illinois Cases To Watch In 2023

*By Lauraann Wood*

The Illinois Supreme Court is set to significantly help businesses in 2023 assess the risk of litigating biometric privacy claims, with anticipated decisions regarding how long plaintiffs can wait to sue over violations and how often their claims accrue.

[Read full article »](#)

## Ga. Legislation To Watch In 2023

*By Rosie Manins*

Rulings against the Peach State in cases challenging its laws on abortion and elections are likely to prompt legislative change in those areas when state lawmakers gather for Georgia's 2023 legislative session, scheduled to start in January and run through March.

[Read full article »](#)

## What To Watch For In Massachusetts Courts In 2023

*By Chris Villani*

As the calendar flips to 2023, Massachusetts attorneys are keeping a watchful eye on the enforcement front with a new state attorney general and a U.S. attorney's office that has been relatively quiet in bringing new cases.

[Read full article »](#)

## BANKING & SECURITIES

### Banking Regulation To Watch In 2023

*By Jon Hill*

Morgan Lewis  
Morris Manning  
Morrison Foerster  
Motley Rice  
Mrachek Fitzgerald  
Neal Gerber  
Nelson Mullins  
Nixon Peabody  
Norton Rose  
O'Melveny & Myers  
Olshan Frome  
Orrick Herrington  
Paul Hastings  
Paul Weiss  
Perkins Coie  
Pillsbury Winthrop  
Polsinelli PC  
Porzio Bromberg  
Proskauer Rose  
Pryor Cashman  
Raines Feldman  
Ratzan Weissman  
Redgrave LLP  
Reed Smith  
Robins Kaplan  
Ropes & Gray  
Salvi Schostok  
Saul Ewing  
Seeger Weiss  
Sheppard Mullin  
Sidley Austin  
Simmons Hanly  
Skadden Arps  
Spangenberg Shibley  
Squire Patton  
Steptoe & Johnson LLP  
Stroock & Stroock  
Sullivan & Worcester  
Troutman Pepper  
Venable LLP  
Wallach Legal LLC  
Weil Gotshal

The new year could bring new rules for banks and other financial firms on everything from the capital they set aside for a rainy day to the capital they lend to small businesses to get off the ground.

[Read full article »](#)

## What Banking Attorneys Are Watching In The Courts In 2023

*By Jon Hill*

As the new year dawns, the Consumer Financial Protection Bureau is under the gun with an existential constitutional challenge potentially in store for the U.S. Supreme Court. But that's not all financial services attorneys will be watching in the courts in the months ahead.

[Read full article »](#)

## Fintech Policy & Regulation To Watch In 2023

*By Hannah Albarazi and Jon Hill*

U.S. policymakers may begin laying down serious regulatory guardrails for the digital asset industry in 2023 as the spectacular collapse of cryptocurrency exchange FTX looks to have opened a wider window of opportunity for bipartisan action.

[Read full article »](#)

## Fintech Litigation To Watch In 2023

*By Hannah Albarazi*

The breathtaking implosion and bankruptcy of cryptocurrency exchange FTX and the subsequent arrest of its founder showered negative attention on the largely unregulated digital asset space in 2022, prompting legal experts to forecast that more enforcement actions and bankruptcies would hit the crypto industry in 2023.

[Read full article »](#)

## Mastercard Cuts Deal With FTC Over E-Wallet Routing

*By Bryan Koenig*

Mastercard must allow competing options for merchants to process remote transactions carried out via virtual wallets like Apple Pay and Google Pay, under a settlement with the Federal Trade Commission announced Friday.

 1 document attached | [Read full article »](#)

## ENERGY & ENVIRONMENTAL

### Energy Legislation And Regulation To Watch In 2023

*By Keith Goldberg*

Building more U.S. energy infrastructure is a front-and-center issue in 2023, though the new partisan split in Congress means the industry may have to settle for regulatory action instead of legislative action.

Werman Salas

Wiley Rein

WilmerHale

Wilson Elser

Wilson Sonsini

Winston & Strawn

Womble Bond

## COMPANIES IN TODAY'S NEWS

3M Co.

Abbott Laboratories

Activision Blizzard Inc.

Albertsons Cos. Inc.

Altria Group Inc.

Alvarez & Marsal Holdings LLC

Amazon.com Inc.

American Airlines Group Inc

American Bar Association

American Civil Liberties Union

American Civil Liberties Union of Massachusetts

American Civil Liberties Union of Texas

American Constitution Society

American Farm Bureau Federation

American Federation of Teachers

American Institute of Certified Public Accountants

American Petroleum Institute Inc.

American Psychological Association

American Senior Communities LLC

Andreessen Horowitz LLC

Apple Inc.

Armanino LLP

Here's a list of policy moves energy attorneys will be watching closely this year.

[Read full article »](#)

## Environmental Policy To Watch In 2023

*By Juan Carlos Rodriguez*

2023 is shaping up to be a significant year for environmental policy, as some key Biden administration regulatory initiatives touching on air quality, climate change, greenwashing, chemicals and more begin to take shape.

[Read full article »](#)

## 5 Inflation Reduction Act Questions For The Energy Industry

*By Keith Goldberg*

The Inflation Reduction Act promises to supercharge clean energy development, but key questions about the recently-enacted law must be answered in order to turn that promise into a reality. Here, attorneys outline five major implementation questions that remain unanswered.

[Read full article »](#)

## Energy Litigation To Watch In 2023

*By Keith Goldberg*

While climate change will grab the energy litigation spotlight in 2023, looming decisions over the scope of Clean Water Act jurisdiction and federal and state power policies have major implications for the industry as well. Here's a list of cases that energy attorneys will be watching closely this year.

[Read full article »](#)

## Biggest Environmental Cases To Watch In 2023

*By Juan Carlos Rodriguez*

Some huge environmental cases are on the docket for courts across the country in 2023, including an expected Supreme Court ruling on the Clean Water Act's reach, lawsuits over the federal government's efforts to control vehicles' greenhouse gas emissions and fuel economy, a high court dispute over Superfund liability, and emerging chemicals litigation.

[Read full article »](#)

## Split DC Circ. Agrees To Pause Four EPA Pesticide Petitions

*By Dave Simpson*

A split D.C. Circuit Court approved the joint request from the U.S. Environmental Protection Agency and three environmental groups to hold in abeyance the registration petitions for four different types of

Assa Abloy AB  
BP PLC  
BancWest Corp.  
Bertucci's Inc.  
Binance Holdings Ltd.  
Bio-Rad Laboratories Inc.  
Biogen Inc.  
Black Horse Carriers Inc.  
BlockFi Inc.  
BlueCross BlueShield of Illinois  
Booz Allen Hamilton Holdir Corp.  
Boy Scouts of America  
Burger King Holdings Inc.  
Cable News Network Inc.  
CafePress Inc.  
California Trucking Association  
Canadian Pacific Railway Ltd.  
Cash App  
Catholic Health Initiatives  
Center for Biological Diversity  
Center for Science in the Public Interest  
Cerberus Capital Management LP  
Change Healthcare Inc.  
Chevron Corp.  
Cincinnati Financial Corp.  
Cognizant Technology Solutions Corp.  
Coinbase Global Inc.  
Comcast Corp.  
Commonwealth Edison Co  
Community Financial Corp  
Competitive Enterprise Institute  
Consumer Federation of America  
Consumer Reports Inc.  
Cornell University

pesticide while the EPA gets its approval process in order, with the dissent framing the pause as "judicial supervision."

 [Opinion attached | Read full article »](#)

## HEALTH & LIFE SCIENCES

Analysis

### [Health & Life Sciences Attys Share Policy Predictions For 2023](#)

*By Jeff Overley*

Congressional committees full of fresh faces and firebrands. A sharp rise in U.S. Food and Drug Administration inspections. Politically charged pandemic probes and legislative gridlock. High-stakes regulatory action on drug prices and health insurance disruptions. All that and more await the health care and life sciences industries in a tumultuous 2023, attorneys predict.

[Read full article »](#)

Analysis

### [Health Care & Life Sciences Litigation To Watch In 2023](#)

*By Jeff Overley*

Before the New Year's Eve confetti has even been swept up, lawyers specializing in health care and life sciences already have enough litigation to keep them busy for much of 2023, which is kicking off with federal courts eyeing suits that carry sweeping significance for administrative law, the False Claims Act, drug approvals, the opioid crisis and abortion rights.

[Read full article »](#)

Analysis

### [7 Transgender Health Care Bias Cases To Watch In 2023](#)

*By Kellie Mejdrieh*

A possible circuit split is among the key things to watch in 2023 as more district courts take contrary positions on whether the U.S. Supreme Court's ruling in *Bostock v. Clayton County* extends to the Affordable Care Act's nondiscrimination protections to transgender health care coverage. Here, Law360 looks at seven cases dealing with nondiscrimination provisions under the ACA and transgender health care coverage that benefits attorneys should keep their eyes on.

[Read full article »](#)

## IP & TECHNOLOGY

Analysis

### [Copyright & Trademark Policy To Watch in 2023](#)

*By Britain Eakin*

Copyright and trademark attorneys this year will be keeping an eye on intellectual property agencies' joint study on non-fungible tokens,

Cushman & Wakefield Inc.  
DaVita Inc.  
Daimler AG  
Defenders of Wildlife  
DoorDash Inc.  
Dynamex, Inc.  
Early Warning Services LL  
Electric Reliability Council  
Texas Inc.  
Eli Lilly & Co.  
Epic Games Inc.  
Ethereum GmbH  
Executive Health Resource  
Inc.  
EyeMed Vision Care LLC  
Financial Industry  
Regulatory Authority Inc.  
FirstEnergy Corp.  
Food & Water Watch  
Fordham University  
Gallup Inc.  
Georgia-Pacific LLC  
Getty Images Inc.  
Golden State Warriors  
Goodyear Tire & Rubber C  
Google LLC  
Grayscale Investments LL  
Greystar Real Estate  
Partners LLC  
H.I.G. Capital LLC  
Harvard University  
HaystackID LLC  
Health & Hospital Corp. of  
Marion County  
Helix Energy Solutions  
Group, Inc.  
Highgate Hotels Inc.  
Husqvarna  
Illumina Inc.  
Imperial Sugar Co.  
Imperial Sugar Company  
Instagram Inc.  
InterContinental Hotels  
Group PLC

developments involving artificial intelligence, as well as a Trademark Modernization Act provision that could speed up the trademark registration process. Here, Law360 looks at the top copyright and trademark policy issues to track in 2023.

[Read full article »](#)

Analysis

## Where Key Patent Policy Issues Stand In 2023

*By Dani Kass*

U.S. Patent and Trademark Office Director Kathi Vidal spent her first year in office rolling out initiatives on everything from patent eligibility to discretionary denials of patent challenges, efforts that attorneys still plan to watch as the new year unfolds. Here's a look at the policies that Vidal and others have set in motion and could advance in 2023.

[Read full article »](#)

## HOSPITALITY

Analysis

### Hospitality Cases To Watch In 2023

*By Joyce Hanson*

Franchisee-driven data privacy litigation against hotels, a push for a U.S. Supreme Court review of a lawsuit over public accommodations' accessibility for the disabled and a closer eye on COVID-19 science in suits involving pandemic-related insurance coverage are some of the cases that will dominate the hospitality landscape in 2023.

 1 document attached | [Read full article »](#)

## TRANSPORTATION & INFRASTRUCTURE

### Transportation Regulation & Legislation To Watch In 2023

*By Linda Chiem*

Infrastructure project funding, electric vehicles, air travel regulations, and rail and ocean shipping reforms are some of the transportation industry's top regulatory priorities to watch in 2023.

[Read full article »](#)

### Transportation Cases To Watch In 2023

*By Linda Chiem*

A high court fight that could reshape where companies can be sued, a criminal trial with implications for the autonomous vehicle industry, and ride-hailing drivers' efforts to gain employee status are among the cases that transportation attorneys are watching closely in 2023.

[Read full article »](#)

International Brotherhood of Teamsters

International Paper Co.

International Shoe Co.

JPMorgan Chase & Co.

Jazz Pharmaceuticals Inc.

JetBlue Airways Corp.

Johnson & Johnson

Kansas City Southern

Lex Machina Inc.

LexisNexis Group Inc.

Lincoln Property Co.

Lyft Inc.

M&T Bank Corp.

MUFG Union Bank NA

Marriott International Inc.

MasterCard Inc.

Match Group LLC

McDonald's Corp.

McKinsey & Co. Inc.

Meta Platforms Inc.

Microsoft Corp.

Migration Policy Institute

NCR Corp.

National Association for the Advancement of Colored People

National Association of Broadcasters

National Collegiate Athletic Association

National Federation of Independent Business

National Restaurant Association

National Rifle Association of America

National Shooting Sports Foundation Inc.

National Society of Compliance Professionals

Natural Resources Defense Council

Netflix Inc.

New York University

## REAL ESTATE

### Residential Real Estate Cases To Watch In 2023

By *Emma Whitford*

The high cost of housing is a through line connecting these high-profile residential real estate cases, which touch on rent stabilization, homelessness and allegedly anticompetitive landlords.

[Read full article »](#)

## EMPLOYMENT & BENEFITS

Analysis

### 5 Major Wage And Hour Cases To Watch In 2023

By *Jon Steingart*

In 2023, cases making their way through the judicial pipeline are poised to leave a mark on wage and hour law. From Fair Labor Standards Act suits covering numerous workers to the U.S. Department of Labor's power to define overtime exemptions, here are five cases to watch.

[Read full article »](#)

Analysis

### 5 Policy Moves Benefits Lawyers Should Watch In 2023

By *Kellie Mejdrih*

The U.S. Department of Labor, the Pension Benefits Guaranty Corp. and the U.S. Securities and Exchange Commission will be working on regulations impacting retirement savings and investment in 2023. Here are five policy developments that benefits attorneys will be looking out for in the new year.

[Read full article »](#)

## COMPETITION

### 2023 To Be A Year Of Merger Appeals, Fix-First Fights

By *Bryan Koenig*

U.S. antitrust enforcers are starting 2023 with a bad batting average on litigated merger challenges that they're hoping to reverse in a bid for new law discouraging problematic deals, helped along by major overhauls of their underlying policies.

[Read full article »](#)

### Antitrust Conduct Issues And Cases To Watch In 2023

By *Matthew Perlman*

The Federal Trade Commission prepares to test the limits of its authority to combat unfair methods of competition in the coming year, as the U.S. Department of Justice and state enforcers continue

Nike Inc.  
Norfolk Southern Corp.  
Novo Nordisk A S  
OkCupid.com  
Opportunity Financial, LLC  
Owner-Operator  
Independent Drivers  
Association Inc.  
Oxfam America Inc.  
PJM Interconnection LLC  
Pacific Legal Foundation  
Paypal Holdings Inc.  
Planned Parenthood  
Federation  
Poshmark Inc.  
Postmates Inc.  
Pratt & Whitney  
Purdue Pharma LP  
RELX PLC  
RSM US LLP  
Raytheon Technologies  
Corp.  
RealPage Inc.  
Ripple Labs Inc.  
SAE International  
Sanofi SA  
Sephora SA  
Shell PLC  
Slack Technologies Inc.  
Smith & Wesson Brands In  
Southeastern University  
Southern California Gas Co  
Spectrum Brands Inc.  
Spectrum Management  
Holding Co.  
Spotify Technology SA  
State Bar of California  
StockX LLC  
StoneTurn Group LLP  
Suncor Energy Inc.  
Sunoco LP  
Supervalu Inc.  
Surgical Care Affiliates Inc



pushing aggressive antitrust agendas alongside new proposed class actions from private parties.

[Read full article »](#)

## CYBERSECURITY & PRIVACY

### Privacy Legislation And Regulation To Watch In 2023

*By Allison Grande*

The new year kicks off with California and Virginia's new privacy laws taking effect, and things will only ramp up from there, with privacy professionals keeping a close eye on long-standing efforts to enact a federal data privacy framework and the Federal Trade Commission's increasingly aggressive approach to regulating data-handling practices.

[Read full article »](#)

## CONSUMER PROTECTION

Analysis

### Consumer Protection Policy and Cases To Watch In 2023

*By Allison Grande*

The Federal Trade Commission's ambitious consumer protection rulemaking and enforcement efforts will continue to command the spotlight in 2023 along with the Consumer Financial Protection Bureau's challenge to a ruling that threatens to dismantle the agency's work and a looming U.S. Supreme Court decision that could spell the end of a long-standing Big Tech liability shield.

[Read full article »](#)

## PERSONAL INJURY & MEDICAL MALPRACTICE

### Personal Injury And Med Mal Cases To Watch In 2023

*By Y. Peter Kang*

A U.S. Supreme Court case regarding the broad liability shield enjoyed by internet companies and another high court case that could decide whether private rights of action are still allowed under a federal nursing home law are among the cases injury and malpractice attorneys will be following in 2023.

[Read full article »](#)

## INTERNATIONAL TRADE

Analysis

### International Trade Policies To Watch In 2023

*By Jennifer Doherty*

Syngenta AG  
Tenet Healthcare Corp.  
Tesla Inc.  
Teva Pharmaceutical Industries Ltd.  
Texas Civil Rights Project  
Texas Oil & Gas Association Inc.  
Texas Public Policy Foundation  
The Brink's Co.  
The Florida Bar  
The Kroger Co.  
The New York Times Co.  
Thoma Bravo LLC  
Thurgood Marshall College Fund Inc.  
TikTok Inc.  
Trader Joe's Co.  
Twitter Inc.  
U.S. Bancorp  
U.S. Chamber of Commerce  
Uber Technologies Inc.  
United States Steel Corp.  
UnitedHealth Group Inc.  
UnitedLex Corp.  
Venmo LLC  
Viking Cruises Inc.  
Villanova University  
Visa Inc.  
Vonage Holdings Corp.  
WeWork Inc.  
Wells Fargo & Co.  
Weyerhaeuser Co.  
White Castle Management Co.  
WhiteWave Foods Co.  
YouTube Inc.  
eBay Inc.

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Trade policy offensives to reduce U.S. reliance on China dominated headlines in 2022 and implementation of those measures will be front of mind heading into the new year. Here are the top international trade policies Law360 is tracking for 2023.

[Read full article »](#)

## TAX

### [IRS Delays \\$600 Payment Reporting Requirement For 1 Year](#)

*By Theresa Schliep*

The IRS will push back for one year its implementation of a law requiring peer-to-peer payment platforms such as Venmo and PayPal to report aggregate payments of \$600 or more, the agency announced Friday, saying the delay will "help reduce confusion" over the new requirements.

 Notice attached | [Read full article »](#)

## BANKRUPTCY

### [Bankruptcy Cases And Trends To Watch In 2023](#)

*By Vince Sullivan*

The last quarter of 2022 saw a wave of cryptocurrency cases hit bankruptcy courts, with industry giant FTX Trading kicking off a period of distress for the industry, and bankruptcy experts say those troubles are just beginning.

[Read full article »](#)

## IMMIGRATION

Analysis

### [Immigration Policies To Watch In 2023](#)

*By Rae Ann Varona*

Border security, immigration backlogs and permanent residency for those who grew up in the U.S. without authorization will continue to be contentious issues this year for President Joe Biden and lawmakers. Here, Law360 previews policy moves that immigration attorneys are hoping to see in 2023.

[Read full article »](#)

### [Justices Again Keep Title 42 In Effect During Appeal](#)

*By Britain Eakin*

The U.S. Supreme Court on Tuesday granted a request from Republican officials in 19 states to block Title 42 from being lifted, agreeing to consider their challenge to a lower court's decision to end

Bureau of Citizenship and Immigration Services

Bureau of Labor Statistics

Bureau of Land Management

Bureau of Ocean Energy Management

California Air Resources Board

California Public Utilities Commission

California Supreme Court  
Centers for Disease Control and Prevention

Centers for Medicare & Medicaid Services

Colorado Department of Labor and Employment

Committee on Foreign Investment in the United States

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

Copyright Royalty Board

Eastern Band of Cherokee Indians

Employee Benefits Security Administration

Equal Employment Opportunity Commission

European Commission

European Union

Executive Office of the President

Federal Acquisition Regulatory Council

Federal Aviation Administration

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Emergency Management Agency

the use of the public health law to rapidly expel migrants arriving during the pandemic.

4 documents attached | [Read full article »](#)

## **ACLU Says ICE Atty Emails Were Policy, Not Privileged**

*By Micah Danney*

The American Civil Liberties Union asked a Massachusetts federal judge on Thursday to force U.S. Immigration and Customs Enforcement to hand over documents it allegedly redacted too heavily, saying the agency failed to show that the concealed information was privileged.

Memorandum attached | [Read full article »](#)

## **NATIVE AMERICAN**

### **Native American Cases To Watch In 2023**

*By Caleb Symons and Ali Sullivan*

All eyes are on the U.S. Supreme Court as it weighs a challenge to the Indian Child Welfare Act in a case that Indigenous-rights advocates say could threaten tribal sovereignty in many other areas, depending on the extent of the final ruling.

[Read full article »](#)

## **TELECOMMUNICATIONS**

Analysis

### **The Top Telecom Developments To Watch In 2023**

*By Christopher Cole*

A full plate lies ahead for the Federal Communications Commission and the telecom sector in 2023 as they grapple with a number of key issues, including better securing telecom networks from foreign threats and allocating scarce spectrum resources.

[Read full article »](#)

### **Congress Passes Bill For 'Reasonable' Prison Phone Rates**

*By Christopher Cole*

Congress has passed a bill to require the Federal Communications Commission to regulate prison phone rates to make them "just and reasonable."

Bill attached | [Read full article »](#)

### **Congress Clears Bill Protecting Low-Power TV Stations**

*By Christopher Cole*

The U.S. House has approved a bipartisan bill allowing eligible low-power TV stations to apply for Class A licenses from the Federal

Federal Energy Regulatory Commission

Federal Highway Administration

Federal Maritime Commission

Federal Railroad Administration

Federal Reserve System

Federal Trade Commission

Florida State Senate

Florida Supreme Court

Food Safety and Inspection Service

Food and Drug Administration

Georgia Attorney General's Office

Georgia General Assembly

Georgia Supreme Court

Harris County Appraisal District

Hopland Band of Pomo Indians

Illinois Supreme Court

Information Commissioner's Office

Internal Revenue Service

International Trade Commission

Morris K. Udall & Stewart L. Udall Foundation

National Aeronautics and Space Administration

National Credit Union Administration

National Highway Traffic Safety Administration

National Institute of Standards and Technology

National Institutes of Health

National Labor Relations Board

National Marine Fisheries Service

Communications Commission to protect their allocation of the broadcast airwaves.

 [Bill attached](#) | [Read full article](#) »

## CANNABIS

Analysis

### [Okla., Ohio Could Be Next States To Legalize Pot In 2023](#)

*By Sam Reisman*

Efforts to legalize cannabis for adult recreational use via the ballot process in Oklahoma and Ohio stalled out in 2022, thanks to lawsuits and other legal entanglements, but activists are eyeing a redo in the coming year.

[Read full article](#) »

### [Interstate Commerce To Top Pot's Appellate Docket In 2023](#)

*By Sam Reisman*

The First Circuit ruled in 2022 that the constitutional doctrine known as the dormant commerce clause applied to Maine's medical marijuana industry, and 2023 could see even more courts take up the issue, with wide-ranging implications for the cannabis industry.

[Read full article](#) »

## EXPERT ANALYSIS

### [State AGs May Double Down On Bipartisan Issues In 2023](#)

In 2023, state attorneys general may focus increasingly on bipartisan issues that affect their constituents on a daily basis — including privacy, competition and consumer protection — following the zero net change among the partisan divide of state attorneys general last year, says Stephen Cobb at Holland & Knight.

[Read full article](#) »

### [Expect More CPSC Litigation, Regulation, Penalties In 2023](#)

According to its recently issued operating plan, the U.S. Consumer Product Safety Commission will take a hard and fast approach to product safety in 2023 — with enforcement as a top priority, and all cases evaluated for potential referral for criminal prosecution — so ensuring compliance will be paramount for companies, say attorneys at Morgan Lewis.

[Read full article](#) »

### [5 Data Privacy Law Trends That Will Continue Into 2023](#)

As companies develop their 2023 privacy and data security compliance priorities, they should look to five trends, such as regulator action on data breaches, a continued focus on dark patterns, and challenges in

National Railroad Passenger Corp.

National Telecommunications and Information Administration  
Navajo Nation

New Jersey Supreme Court  
New York Attorney General's Office

New York Department of Financial Services

Occupational Safety and Health Administration

Office of Foreign Assets Control

Office of the Comptroller of the Currency

Ohio Department of Commerce

Oklahoma Supreme Court  
Pennsylvania Supreme Court

Public Utility Commission of Texas

Serious Fraud Office  
Surface Transportation Board

Texas Legislature

Texas Secretary of State

Texas Supreme Court

U.S. Air Force

U.S. Army

U.S. Army Corps of Engineers

U.S. Attorney's Office

U.S. Attorney's Office for the District of Massachusetts

U.S. Bankruptcy Court for the District of Delaware

U.S. Bankruptcy Court for the Eastern District of Virginia

U.S. Census Bureau

U.S. Consumer Product Safety Commission

U.S. Copyright Office

sending information from the EU to the U.S., says Liisa Thomas at Sheppard Mullin.

[Read full article »](#)

### **Top 10 Whistleblowing And Retaliation Events of 2022**

From huge whistleblower bounty awards to the U.S. Securities and Exchange Commission's renewed focus on employer restrictions and adoption of new whistleblower-friendly rules, 2022 saw highly impactful whistleblower and retaliation events that will have far-reaching impact, say attorneys at Proskauer.

[Read full article »](#)

### **10 Environmental And Energy Issues To Watch In 2023**

After a year of transformative changes in the environmental and energy space, 2023 promises more big developments — including greenwashing litigation, finalized environmental, social and governance regulations, further scrutiny of per- and polyfluoroalkyl substances, and an ongoing focus on environmental justice, say attorneys at ArentFox.

[Read full article »](#)

### **Food And Beverage Policy Trends Cos. Should Track In 2023**

The 2023 list of legal issues food and beverage companies should watch out for include regulatory changes in cultivated protein, plant-based milk alternatives, labeling and the U.S. Food and Drug Administration's Human Foods Program, say Bob Hibbert and Amaru Sanchez at Wiley.

[Read full article »](#)

### **Top 10 Employer Resolutions For 2023**

A recent wave of pivotal judicial, legislative and executive actions has placed an even greater responsibility on employers to reevaluate existing protocols, examine fundamental aspects of culture and employee relations, and update policies and guidelines to ensure continued compliance with the law, say Allegra Lawrence-Hardy and Bria Stephens at Lawrence & Bundy.

[Read full article »](#)

### **What Will Keep Legal Talent Professionals Up At Night In 2023**

Hybrid work environments, high demand for lateral hires and a potential slowdown of the economy defined 2022 in the always-busy marketplace for legal talent, and as BigLaw looks at the year ahead, there are five major sources of concern for the teams charged with securing and retaining that talent, say advisers at Baretz+Brunelle.

[Read full article »](#)

U.S. Court of Appeals for the District of Columbia Circuit  
U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Customs and Border Protection

U.S. Department of Agriculture

U.S. Department of Commerce

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of Veterans Affairs



# LEGAL INDUSTRY

## 4 Worries For Managing Partners Heading Into 2023

*By Xiumei Dong*

Although the legal industry has fared well with pandemic-induced uncertainties over the past few years, worries about a global business slowdown and a looming recession have again sent law firm leaders back to the drawing board as they prepare for 2023.

[Read full article »](#)

Analysis

## Discrimination Cases Against Law Firms To Watch In 2023

*By Anne Cullen*

Jones Day, Davis Polk and Levi & Korsinsky are among the legal industry players embroiled in discrimination and harassment cases brought from within their ranks that will see major developments in the coming year. Here, Law360 looks at five ongoing employment suits against law firms worth keeping track of in 2023.

[Read full article »](#)

Analysis

## Legal Ethics Cases To Watch In 2023

*By Andrew Strickler*

The professional responsibility bar will benefit from a long winter's nap as we head into a busy 2023. On deck is a slew of ethics cases for election "big lie" lawyers and a U.S. Supreme Court case addressing the attorney-client privilege. Here, Law360 looks at these and the other big legal ethics cases to watch in the coming year.

[Read full article »](#)

Analysis

## Patent Litigation Trends To Watch In 2023

*By Ryan Davis*

The continuing fallout from a decision that changed how patent cases are assigned to Western District of Texas judges, and a Delaware judge's investigation into the funding and ownership of patent plaintiffs are set to continue commanding the patent world's attention in 2023.

[Read full article »](#)

## California Cases To Watch In 2023

*By Dorothy Atkins*

In the coming year, California legal experts will keep a close eye on ex-technology executives' white collar appeals, lawsuits tied to the now-defunct law firm Girardi Keese, Golden State litigation over the collapse of cryptocurrency exchange FTX, and precedent-setting appeals clarifying the arbitrability of Private Attorneys General Act claims.

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. District Court for the Central District of California

U.S. District Court for the District of Columbia

U.S. District Court for the District of Connecticut

U.S. District Court for the District of Maine

U.S. District Court for the District of Maryland

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of New Jersey

U.S. District Court for the District of South Carolina

U.S. District Court for the Eastern District of California

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Middle District of Florida

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Northern District of California

U.S. District Court for the Northern District of Florida

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Northern District of New York

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of California

[Read full article »](#)

U.S. District Court for the Southern District of Florida

U.S. District Court for the Southern District of Illinois

U.S. District Court for the Southern District of Mississippi

U.S. District Court for the Southern District of New York

U.S. District Court for the Southern District of West Virginia

U.S. District Court for the Western District of Louisiana

U.S. District Court for the Western District of Pennsylvania

U.S. District Court for the Western District of Texas

U.S. District Court for the Western District of Washington

U.S. Environmental Protection Agency

U.S. Forest Service

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Patent and Trademark Office

U.S. Securities and Exchange Commission

U.S. Senate

U.S. Supreme Court

Unified Patent Court

United States District Court for the District of Colorado

United States District Court for the Northern District of Ohio

United States District Court for the Southern District of Ohio

United States District Cour  
for the Western District of  
Oklahoma

West Virginia Department of  
Health & Human Resource  
World Intellectual Property  
Organization

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Email secured by Check Point



**From:** Public Policy Law360  
**Sent:** Thu, 5 Jan 2023 09:12:18 +0000  
**To:** Trumka Jr., Richard  
**Subject:** 9th Circ. Dismisses Ex-Ariz. Gov.'s ARPA Relief Funds Dispute



# Public Policy

THURSDAY, JANUARY 5, 2023



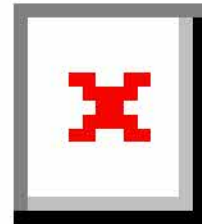
## TOP NEWS

### 9th Circ. Dismisses Ex-Ariz. Gov.'s ARPA Relief Funds Dispute

*By Jaqueline McCool*

Former Arizona Gov. Doug Ducey's case appealing the federal government's restrictions on pandemic relief funds from the American Rescue Plan Act has been tossed by the Ninth Circuit following Ducey's motion to dismiss.

 2 documents attached | [Read full article »](#)



### Border Wall Fraud Verdict Backed By Evidence, Judge Says

*By Elliot Weld*

A Manhattan federal judge has denied a bid to toss a fraud conviction for a man who schemed with two others to defraud investors who donated money to a GoFundMe page to fund a wall on the U.S. Southern border.

 Order attached | [Read full article »](#)

### Ex-Ohio House Speaker Can't Nix RICO Charge Ahead Of Trial

*By Craig Clough*

An Ohio federal judge ruled Tuesday that former Ohio House Speaker Larry Householder must face a Jan. 20 criminal trial on claims he orchestrated a \$60 million bribery scheme, finding the indictment sufficiently pleads a racketeering conspiracy charge and the ex-legislator's motion to dismiss makes some arguments only suitable for trial.

 Order attached | [Read full article »](#)

## LAW FIRMS IN TODAY'S NEWS

Al Tamimi & Co.  
Allen & Overy  
Alston & Bird  
Armstrong Teasdale  
Brancart & Brancart  
Buchalter APC  
Buckley Brion  
Campbell Durrant  
Consovoy McCarthy  
Davidoff Hutcher  
Debevoise & Plimpton  
Dillon Eustace  
Everett Dorey  
Eversheds Sutherland  
Farrah Martinez PLLC

## **FCC Chair Seeks Expanded Legal Powers To Fight Robocalls**

*By Christopher Cole*

The head of the Federal Communications Commission is urging several Democratic senators to give the agency new legal powers that she contends would aid its long-running fight against unlawful robocalls.

📎 2 documents attached | [Read full article »](#)

## **Bannon Seeks Review Of Feds' 'Egregious' Probe Of Atty's Life**

*By Lauren Berg*

Months after his contempt conviction, Steve Bannon asked a D.C. federal judge Wednesday to turn his attention to what Bannon called prosecutors' "egregious" and "intrusive" methods of obtaining his attorney's personal and professional records, saying the matter is ripe for review now that the criminal trial is over.

📎 Notice attached | [Read full article »](#)

## **BANKING & SECURITIES**

### **CFPB May Require Reporting On What's In Nonbank Contracts**

*By Jon Hill*

The Consumer Financial Protection Bureau is looking at requiring nonbank financial firms under its oversight to start reporting on the "terms and conditions" used in their standardized contracts, according to the agency's latest rulemaking agenda.

[Read full article »](#)

### **Former Ga. Restaurant Owners Sue SBA Over Relief Funds**

*By Tom Lotshaw*

Three former owners of a Golden Corral restaurant in Georgia are suing the U.S. Small Business Administration, arguing it violated their constitutional rights and the Administrative Procedure Act by failing to properly process and approve their application for \$1.8 million from pandemic relief funding available for restaurants.

📎 Complaint attached | [Read full article »](#)

## **ENERGY & ENVIRONMENTAL**

### **EPA Wants Chevron Offshore Emissions Suit Tossed**

*By Juan Carlos Rodriguez*

Fish & Richardson  
Garcia & Garcia Attorneys  
Law  
Girardi & Keese  
Glaser Weil  
Hochman Salkin  
Hogan Lovells  
Holland & Knight  
Horwich Farrelly  
Hunter Maclean  
Jones & Mayer  
Jones Day  
Jubelirer Pass  
K&L Gates  
Kelley Drye  
Kent & Risley  
King & Spalding  
Levi & Korsinsky  
Marein & Bradley  
McCarthy Lebit  
McGuireWoods  
Meringolo & Associates  
Montgomery & Andrews  
Much Shelist  
Munger Tolles  
Paxus LLP  
Pinsent Masons  
Quinn Emanuel  
Robles Rael  
Ropes & Gray  
Skadden Arps  
Snell & Wilmer  
Squire Patton  
Steptoe & Johnson LLP  
Troutman Pepper  
Vorys  
Waller Lansden  
WilmerHale  
Yetter Coleman

## **COMPANIES IN TODAY'S NEWS**

Amalgamated Transit Unio

Chevron Corp.'s attempt to sink the U.S. Environmental Protection Agency's alleged determination that two of the company's soon-to-be-decommissioned offshore oil platforms might be subject to Clean Air Act regulations is premature and legally unsupportable, the EPA told the Ninth Circuit on Tuesday.

 [Brief attached](#) | [Read full article](#) »

## Utah, US Say Green Groups Can't Join Monuments Litigation

*By Joyce Hanson*

State and U.S. authorities say environmental groups are not entitled to participate in federal litigation over the Biden administration's 2021 decision to restore two Utah national monuments to their original size, arguing that the case is too complicated already.

 [3 documents attached](#) | [Read full article](#) »

## Pa. Court Says Univ. Immune From Borough's Stormwater Tax

*By Paul Williams*

A Pennsylvania university is immune from paying a borough's stormwater management charge on properties it owns because the levy constitutes a tax instead of a fee, the state's Commonwealth Court ruled Wednesday.

 [Opinion attached](#) | [Read full article](#) »

## Enviro Group Sues FEMA For Info On Fossil Fuel Spending

*By Tom Lotshaw*

Environmentalists are suing the Biden administration to turn over records on how much the Federal Emergency Management Agency is spending on fossil fuels compared to renewable energy and energy efficiency initiatives in communities recovering from blizzards, fires, floods, hurricanes and other disasters worsened by climate change.

 [Complaint attached](#) | [Read full article](#) »

## IP & TECHNOLOGY

### Vidal Faults PTAB Ax Of Patents In Cases Deemed Abandoned

*By Ryan Davis*

U.S. Patent and Trademark Office Director Kathi Vidal has vacated Patent Trial and Appeal Board decisions invalidating claims of two instant messaging patents challenged by Apple, saying it was not clear the patent owner abandoned the case, as the board found.

 [2 documents attached](#) | [Read full article](#) »

Apple Inc.  
Axon Enterprise Inc.  
Center for Biological Diversity  
Chevron Corp.  
Council on Foreign Relations  
Earthjustice  
Environmental Restoration LLC  
FedEx Corp.  
FirstEnergy Corp.  
Georgetown University  
Getty Images Inc.  
GoFundMe Inc.  
Google LLC  
Instagram Inc.  
KBR Inc.  
KPMG International  
Meta Platforms Inc.  
Mexican American Legal Defense & Educational Fund  
Microsoft Corp.  
National Opinion Research Center  
National Parks Conservation Association  
Natural Resources Defense Council  
New Civil Liberties Alliance  
Pennsylvania's State System of Higher Education  
QUALCOMM Inc.  
Sierra Club  
Southern Utah Wilderness Alliance  
Tesla Inc.  
TikTok Inc.  
Trinity Health Corp.  
Twitter Inc.  
University of Iowa  
Upsher-Smith Laboratories Inc.  
Weston Solutions Inc.

## REAL ESTATE

### 9th Circ. Reverses City's Win In Sober Living Homes Suit

By Faith Williams

Two sober living home operators will get another chance to keep their current locations after the Ninth Circuit reversed a district court ruling that upheld a California city's decision to deny the operators special permits a new zoning ordinance required.

 Opinion attached | [Read full article »](#)

### Property Owner Accuses Dallas Of Misusing Nuisance Law

By Grace Dixon

The owner of a Dallas gas station leveled claims in Texas state court against the city over its use of a state regulation allowing municipalities to prosecute businesses that tolerate illegal activity on their property, citing a prior legislative report that castigated the city for its misuse of the law.

 Petition attached | [Read full article »](#)

## EMPLOYMENT & BENEFITS

### 8th Circ. Tosses Doc's Suit Over Law Prof's Criticism

By Mike Curley

The Eighth Circuit on Wednesday threw out a urologist's claim that a University of Iowa law professor retaliated against him by publicly criticizing the urologist's expert opinion in a labor regulations suit, saying the doctor didn't show that the professor was acting under the color of state law.

 Opinion attached | [Read full article »](#)

### Transit Agency, Union Drop Black Lives Matter Mask Dispute

By Matthew Santoni

The union for bus and light-rail operators at the Pittsburgh region's transit agency has settled and dropped its case over the agency's ban on face masks with "Black Lives Matter" messaging, following rulings from the district court and the Third Circuit blocking the ban on First Amendment grounds.

 1 document attached | [Read full article »](#)

### Ex-GC Can't Get \$3.9M Bonus, Dairy Co. Tells TX High Court

By Lauren Castle

## GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Citizenship and Immigration Services

Bureau of Reclamation

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

Dallas County, Texas

European Union

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Emergency Management Agency

Federal Energy Regulatory Commission

Federal Trade Commission  
Food and Drug Administration

Government Accountability Office

Hoop Valley Tribe

Hopi Tribe

International Trade Administration

International Trade Commission

Iowa Attorney General's Office

National Infrastructure Commission

National

Telecommunications and Information Administration

Navajo Nation

If the Texas Supreme Court allows the ex-general counsel and CEO of a dairy equipment manufacturer to collect \$3.9 million in bonuses from an alleged verbal agreement, the company said, it will spawn an "ugly species of litigation" in the Lone Star State over unethical deals with lawyers.

 Brief attached | [Read full article »](#)

## COMPETITION

### [GAO Says FTC, DOJ Deal Clearance Fights Infrequent](#)

*By Bryan Koenig*

Despite longstanding consternation about "clearance battles" between U.S. antitrust enforcers over which agency will handle a merger review, a U.S. Government Accountability Office report released Tuesday concluded that actual conflict between the U.S. Department of Justice and the Federal Trade Commission occurs only rarely.

 Report attached | [Read full article »](#)

### [Trinity Health Abandons Hospital Deal Despite Calif. AG's OK](#)

*By Piper Hudspeth Blackburn*

Trinity Health Corp. dropped plans to purchase a "financially distressed" hospital in California's Central Valley that serves rural communities, despite the merger receiving approval from the state's attorney general.

 1 document attached | [Read full article »](#)

## PERSONAL INJURY & MEDICAL MALPRACTICE

### [Houston Says Justices Need To Clarify Issues In Sidewalk Suit](#)

*By Catherine Marfin*

The City of Houston has asked the Texas Supreme Court to review a case brought against it by a woman who says she fell into an uncovered water meter box, telling the justices that the state's injury law is unclear about how to classify flaws in a sidewalk.

 Petition attached | [Read full article »](#)

## GOVERNMENT CONTRACTS

### [New Mexico Gets \\$5M From Colo. Mine Contractors Over Spill](#)

*By Caleb Symons*

North Carolina Attorney General's Office  
North Carolina Department of Justice  
Port Authority of Allegheny County  
Pueblo of Zuni  
Small Business Administration  
Texas Attorney General's Office  
Texas House of Representatives  
Texas Legislature  
Texas Supreme Court  
U.S. Attorney's Office  
U.S. Attorney's Office for the Central District of California  
U.S. Attorney's Office for the Southern District of New York  
U.S. Attorney's Office for the Southern District of Ohio  
U.S. Attorney's Office for the Southern District of Texas  
U.S. Court of Appeals for the Eighth Circuit  
U.S. Court of Appeals for the Fourth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Customs and Border Protection  
U.S. Department of Agriculture  
U.S. Department of Commerce  
U.S. Department of Defense  
U.S. Department of Education  
U.S. Department of Energy  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice

New Mexico has received a combined \$5 million from two federal contractors that were working on a Colorado gold mine when it ruptured in 2015 and spilled 3 million gallons of toxic waste into local waterways, as litigation over the environmental catastrophe winds toward a close.

☒ Settlement attached | [Read full article »](#)

## INTERNATIONAL TRADE

### Commerce Sets Final Duty Rates For Indian Sodium Nitrite

*By Micah Danney*

Imports of sodium nitrite from India threaten the U.S. market and will face anti-dumping duties of 42.76% and countervailing duties of 2.40%, according to the U.S. Department of Commerce's final determinations.

[Read full article »](#)

### Commerce Rebuffs Bid For Indian Chloride Tariffs

*By Alyssa Aquino*

The U.S. Department of Commerce refused to issue anti-dumping tariffs against Indian manufacturers and exporters of barium chloride, but agreed to enact countervailing tariffs on the chemical after finding it was illegally subsidized by New Delhi.

[Read full article »](#)

## IMMIGRATION

### 9th Circ. Says BIA Too Quick To Dismiss No-Notice Claim

*By Micah Danney*

The Ninth Circuit ordered the Board of Immigration Appeals to reconsider a Salvadoran woman's claim that she did not receive a notice rescheduling her immigration court hearing, ruling that the agency didn't follow its own standards for fair notice.

☒ Opinion attached | [Read full article »](#)

### Biden's New DACA Rule Invalid Like The Original, States Say

*By Britain Eakin*

The Biden administration's final rule protecting some young immigrants from deportation "suffers the same flaws" as its Obama-era predecessor that courts have found unlawful, Texas told a federal judge as part of its bid to strike down the Deferred Action for Childhood Arrivals program.

☒ Complaint attached | [Read full article »](#)

### Fulbright Applicant Wants 'Discriminatory' Policy Blocked

U.S. Department of the Treasury

U.S. District Court for the Central District of California

U.S. District Court for the District of Columbia

U.S. District Court for the District of New Mexico

U.S. District Court for the Eastern District of California

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of Pennsylvania

U.S. District Court for the Western District of Texas

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Patent and Trademark Office

U.S. Securities and Exchange Commission

U.S. Supreme Court

U.S.-China Economic and Security Review Commission

United Nations

United States District Court for the District of Utah

United States District Court for the Southern District of Ohio

Ute Mountain Ute Tribe

*By Hailey Konnath*

A rejected applicant for the U.S. Department of Education's prestigious Fulbright-Hays Fellowship has asked a Texas federal court to force the government to reevaluate her application, claiming that she was penalized under a "discriminatory native language penalty."

 Motion attached | [Read full article »](#)

## NATIVE AMERICAN

### [Calif. Water District Says Court Should Dismiss Tribe's Suit](#)

*By Ali Sullivan*

California's largest agricultural water district on Wednesday urged a California federal judge to toss a Native American tribe's suit accusing the federal government of violating its tribal sovereignty and fishing rights, saying the Hoopa Valley Tribe isn't entitled to court-ordered relief.

 2 documents attached | [Read full article »](#)

## TELECOMMUNICATIONS

### [Potential FCC Rules Over Drone Activity Take Flight](#)

*By Christopher Cole*

The Federal Communications Commission has launched an initiative to craft new rules for a slice of the airwaves set aside for drone operations.

 Proposed Rule attached | [Read full article »](#)

### [FCC Is Urged To Ditch Mandates On Blocking Robotexts](#)

*By Piper Hudspeth Blackburn*

Free-market think tank the Free State Foundation has urged the Federal Communications Commission to abandon its plans to make mobile networks apply technology developed to block voice robocalls to stop junk robotexts as well.

 1 document attached | [Read full article »](#)

## CANNABIS

State Net

### [Bills To Decriminalize Psychedelics Filed In 4 States](#)

*By Sam Reisman*

As the 2023 legislative sessions kick off in statehouses across the country, there are bills on tap in at least four states aimed at legalizing possession and governing the use of plant- and fungus-derived psychedelic substances.

3 documents attached | [Read full article »](#)

## **Wash. Bill Would Bar Hiring Based On Pot Test Results**

*By Collin Krabbe*

A Washington state senator has introduced legislation that would ban employers from not hiring someone for using cannabis in the past and put an end to drug tests measuring cannabis metabolites in the body.

Bill attached | [Read full article »](#)

## **NC Supreme Court Urged To Take Up Industrial Hemp Appeal**

*By Hayley Fowler*

A North Carolina man has asked the state's highest court to upend an appellate panel's decision that he said wrongfully criminalizes all non-flower forms of hemp, arguing it could lead to the "absurd" prosecution of individuals using otherwise legal products like CBD oil.

2 documents attached | [Read full article »](#)

# **EXPERT ANALYSIS**

## **FDA's 1st Cannabis Adviser May Mean CBD Regulation In 2023**

The U.S. Food and Drug Administration's decision to hire its first internal cannabis adviser, Norman Birenbaum, signals that the agency may finally take steps to develop a regulatory framework for CBD products this year, especially given Birenbaum's policy experience, say Michael Jordan and Agustin Rodriguez at Troutman Pepper.

[Read full article »](#)

## **Preparing For Congressional Oversight Of Chinese Trade**

Attorneys at WilmerHale discuss China-related priorities for the new Congress, including likely areas of focus for the new select committee on strategic competition between the U.S. and China, and suggest steps potentially affected businesses can take to prepare for heightened scrutiny.

[Read full article »](#)

## **Proposed FERC Backstop Siting Rule May Speed Grid Plans**

The Federal Energy Regulatory Commission's proposed rule to implement its legislatively reinvigorated backstop siting authority — which allows it to grant permits for electric transmission lines when states refuse to do so — could serve as a subtle warning to state commissions, and encourage approval of important grid infrastructure, say attorneys at Steptoe & Johnson.

[Read full article »](#)





## LEGAL INDUSTRY

### **Holland & Knight To Merge With Health Pros Waller Lansden**

*By Ryan Boysen*

Holland & Knight LLP will merge with Nashville-based Waller Lansden Dortch & Davis LLP to create a combined firm with nearly 2,000 attorneys in 35 offices, the firms announced Wednesday.

[Read full article »](#)

### **US Soccer Knee-Deep In Scandal As BigLaw Steps In**

*By Alex Lawson*

U.S. Soccer has commissioned Alston & Bird to probe a scandal sparked by allegations from the mother of U.S. Men's National Team midfielder Gio Reyna, who on Wednesday said she informed the federation about a decades-old domestic violence incident between manager Gregg Berhalter and his wife.

[Read full article »](#)

### **K&L Gates Launches Dublin Office With Lateral Finance Trio**

*By Emily Lever*

K&L Gates LLP has launched an office in Dublin with a focus on financial services work, the firm announced Wednesday.

[Read full article »](#)

### **Feds Say Ex-Girardi Keese CFO Hid Stolen Money Overseas**

*By Brandon Lowrey*

Girardi Keese's former chief financial officer sold his U.S. properties and used shell companies to wire \$2.9 million in stolen funds to accounts in the Bahamas and Hungary before his arrest — signs he might flee the country if allowed to post bond, prosecutors said in a Los Angeles federal court filing late Tuesday.

 2 documents attached | [Read full article »](#)

### **Law Firm Presses Justices To Endorse Broad Privilege Test**

*By David van den Berg*

An unnamed law firm seeking to avoid disclosure of confidential tax expatriation documents to a grand jury investigating a client has called on the U.S. Supreme Court to kick its case back to the district court for application of a broad test of attorney-client privilege.

 Brief attached | [Read full article »](#)

## **Ohio Federal Courthouse Evacuated Over Bomb Scare**

*By Eric Heisig*

The federal courthouse in downtown Akron, Ohio, was evacuated on Wednesday for several hours after an employee opened an envelope that contained both a white powder and a bomb threat, officials said.

[Read full article »](#)

Movers & Shakers

## **Paxus Founder On Junction Of Human Rights, Corporate Law**

*By Emily Lever*

Six months after London-based litigator and arbitrator Suzanne Spears left Allen & Overy LLP to found Paxus LLP, she tells Law360 Pulse about her new venture and the state of her field at the intersection of business and human rights.

[Read full article »](#)

## **Tesla Atty Wary Of Judge's Proposal To Bar Unvaxxed Jurors**

*By Bonnie Eslinger*

Tesla's attorney Alex Spiro of Quinn Emanuel expressed reservations over a California federal judge's proposal Wednesday to exclude jurors who aren't COVID-vaccinated and boosted from the upcoming trial in consolidated securities litigation over CEO Elon Musk's tweets about taking Tesla private, saying he's concerned how it could impact the jury pool.

[Read full article »](#)

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Email secured by Check Point

**From:** Consumer Protection Law360  
**Sent:** Wed, 11 Jan 2023 10:47:13 +0000  
**To:** Trumka Jr., Richard  
**Subject:** 9th Circ. Says Walmart Can't Arbitrate Tire Services Suit



# Consumer Protection

WEDNESDAY, JANUARY 11, 2023



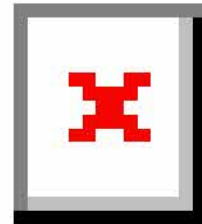
## TOP NEWS

### 9th Circ. Says Walmart Can't Arbitrate Tire Services Suit

By Hailey Konnath

Walmart can't force a customer to arbitrate his allegations that the retailer's auto centers failed to honor his lifetime tire services agreement, the Ninth Circuit held in a published opinion Tuesday, ruling that an arbitration agreement included in his tire purchase didn't apply to the lifetime services purchase.

 [Opinion attached](#) | [Read full article](#) »



### Juul Founders Must Face NY AG's Underage Marketing Suit

By Collin Krabbe

A New York appellate panel has found that Juul Labs Inc. founders Adam Bowen and James Monsees must face a state attorney general's suit claiming that the vape company and leadership misled consumers and addicted underage users, saying the two founders have connections to the Empire State.

 [Order attached](#) | [Read full article](#) »

### Disbarred Atty Found In Contempt For Hiding Crypto Assets

By Daniel Connolly

A California federal judge says a disbarred attorney likely hid cryptocurrency assets during a Consumer Financial Protection Bureau investigation of a student loan scam, and found him in contempt of court, ordering him to pay \$1,000 per day if he doesn't hand over control of the assets to a receiver.

 [Order attached](#) | [Read full article](#) »

## LAW FIRMS IN TODAY'S NEWS

Akin Gump  
Alioto Law Firm  
Baker Botts  
Ballard Spahr  
Barrack Rodos  
Barry Barall  
Bartlett LLP  
Bergeson LLP  
Berman Tabacco  
Bernstein Litowitz  
Block & Leviton  
Bonsignore Trial Lawyers  
Bradley Arant  
Cadwalader Wickersham  
Clark Hill

## Tyson Appealing NY Price Gouging Subpoena Ruling

By *Matthew Perlman*

Tyson Foods has asked a New York state court to pause a bid by the state attorney general to force the company into handing over information for a probe of potential price gouging during the COVID-19 pandemic as it appeals a ruling that refused to block the enforcer's subpoena.

3 documents attached | [Read full article »](#)

## Bayer Sunscreen Settlement Nets Class Attys \$766K

By *Ryan Harroff*

Class counsel was awarded a roughly \$766,000 fee and costs Monday for its work representing consumers who claimed Bayer Healthcare LLC and Beiersdorf Inc. sold Coppertone sunscreen containing dangerously high levels of benzene.

Order attached | [Read full article »](#)

## Gas Cos. Duck Price-Fixing Attributed To Trump

By *Bryan Koenig*

A California federal judge threw out a consumer gasoline price-fixing lawsuit against Chevron, Exxon, Phillips 66 and others, concluding that courts cannot touch agreements like the one here allegedly brokered between the Trump White House and the governments of Russia and Saudi Arabia.

Order attached | [Read full article »](#)

## Hagens, Keller Postman Ask To Lead Amazon Antitrust Suit

By *Gina Kim*

Attorneys for consumers who sued Amazon in a multibillion-dollar proposed class action accusing the e-commerce giant of imposing anti-competitive restrictions on third-party sellers asked a Washington federal judge Monday to appoint Hagens Berman Sobol Shapiro LLP and Keller Postman LLC to lead the charge.

Motion attached | [Read full article »](#)

## Progressive Dodges Some Claims In Undervalued Losses Suit

By *Hope Patti*

A proposed class of vehicle owners can pursue claims that Progressive failed to disclose material information regarding the way it values total-loss vehicles, an Illinois federal court ruled, while tossing several remaining claims that the insurer engaged in deceptive and unfair conduct in violation of the state's consumer fraud act.

Order attached | [Read full article »](#)

## Apex Meme Stock Suit Loses On 4th And Final Try

Clifford Law Offices PC  
Cohen & Gresser  
Cohen Milstein  
Consovoy McCarthy  
Covington & Burling  
Cravath Swaine  
Crowe LaFave  
Davis Wright Tremaine  
Dechert LLP  
Dentons Cohen  
Dinsmore & Shohl  
Dorsey & Whitney  
Edelsberg Law  
Foster Garvey  
Fried Frank  
Friedman Kaplan  
Garris Horn  
George Gesten  
Girardi & Keese  
Grant & Eisenhofer  
Greenspoon Marder  
Gutride Safier  
Hach Rose Schirripa  
Hagens Berman  
Hausfeld LLP  
Hawke McKeon  
Jenner & Block  
Kantrowitz Goldhamer  
Keller Postman  
Keller Rohrback  
Kessler Topaz  
King & Spalding  
Kirkland & Ellis  
Knight Law Group  
Kobre & Kim  
Kostelanetz & Fink  
Lafayette & Kumagai  
Landis Rath  
Latham & Watkins  
Levi & Korsinsky  
Levin Sedran  
Lewis Brisbois

*By Carolina Bolado*

Meme stock investors failed in their last attempt to plead claims against broker-dealer Apex Clearing Corp. after a Florida federal judge on Monday dismissed their suit looking to hold Apex liable for trading losses and declined to give them another shot at amending their complaint.

 Order attached | [Read full article »](#)

## POLICY & REGULATION

### [Banks Want More Time To Mull FDIC Advertising Proposal](#)

*By Katryna Perera*

Banking industry groups are calling on the Federal Deposit Insurance Corp. to allow more time for feedback on its recent proposal to modernize its signage and advertising rules that is intended to address concerns about the blurring of distinctions between insured banks and uninsured offerings like crypto assets.

 Letter attached | [Read full article »](#)

### [Team Telecom To Review Puerto Rico Broadcast Deal](#)

*By Donald Morrison*

A group of federal agencies informally known as Team Telecom said it will look into national security concerns over potential foreign ownership in eight Puerto Rican radio and television stations.

 3 documents attached | [Read full article »](#)

### [Pa. Records Office Must Review Health Dept. Pot Recall Docs](#)

*By Mike Curley*

A Pennsylvania appeals court on Tuesday ordered the state's Office of Open Records to privately review the state Department of Health's records that it had withheld as part of a Right-to-Know Law request over a cannabis vape recall, saying the department's affidavits are not enough to prove that they're exempt.

 Opinion attached | [Read full article »](#)

### [FAA Proposes Aircraft Upgrades To Avoid C-Band Issues](#)

*By Nadia Dreid*

If the Federal Aviation Administration gets its way, aircraft will have to upgrade some of their equipment to make sure they don't face any interference as mobile carriers begin to migrate into the C-band spectrum as part of the 5G rollout.

 Proposed Rule attached | [Read full article »](#)

Lynch Carpenter  
Marshall Gerstein  
McGuire Law PC  
McGuireWoods  
Mead Law  
Milberg Coleman  
Mintz Levin  
Morgan Lewis  
Mullen Coughlin  
Munck Wilson  
Munger Tolles  
NechelesLaw  
Norton Rose  
O'Melveny & Myers  
Orrick Herrington  
Patterson Belknap  
Pattis & Smith  
Paul Weiss  
Potter Anderson  
Prickett Jones  
Proskauer Rose  
Quantum Legal LLC  
Quinn Emanuel  
Robbins LLP  
Robinson Gray  
Safirstein Law  
Scott+Scott  
Shamis & Gentile  
Sheppard Mullin  
Shook Hardy  
Sidley Austin  
Simpson Thacher  
Smiley Wang-Ekwall  
Sullivan & Cromwell  
Sultzer Law Group  
Sweeney Merrigan  
Troutman Pepper  
Veen Firm  
Vinson & Elkins  
White & Case  
Wiley Rein  
Willkie Farr

## CFPB Plans Could 'Shame' Nonbanks Into Contract Rewrites

By Jon Hill

A Consumer Financial Protection Bureau blueprint for requiring nonbank financial companies to report customer contract terms to a public registry could be used to "shame" these firms into revamping their agreements, financial services attorneys say — and it could provoke an industry legal challenge if it goes forward.

[Read full article »](#)

## ENFORCEMENT

### Pending Appeal, Balwani Asks To Stay Out Of Prison

By Emily Field

Ex-Theranos executive Ramesh "Sunny" Balwani on Monday asked a California federal court to let him stay out of prison as he appeals his 13-year sentence for defrauding investors and patients with bogus blood-testing technology, arguing he does not pose a flight risk or danger to the community.

 Motion attached | [Read full article »](#)

### Feds Say Tenant Screener Is Subject To Fair Housing Act

By David Holtzman

The U.S. government told a Massachusetts federal court that tenant-screening firm SafeRent Solutions is subject to the Fair Housing Act, giving a boost to claims by two would-be renters that the company's algorithm was unfairly used against them.

 Brief attached | [Read full article »](#)

## LITIGATION

### Info Requests Heat Up In Antitrust Suit Against Zillow, NAR

By Grace Dixon

A former real estate brokerage told a Washington federal judge on Tuesday that a consultant's analysis of damages stemming from antitrust activities alleged in a suit against Zillow and the National Association of Realtors are protected under work product privilege.

 Response attached | [Read full article »](#)

### Coke Asks Judge To Discard '100% Recyclable' Bottle Suits

By Gina Kim

Coca-Cola and two major bottled water producers asked a California federal judge to permanently toss an amended proposed class action

Wolf Haldenstein  
Yoon Law  
Zashin & Rich  
Zuckerman Spaeder

## COMPANIES IN TODAY'S NEWS

Altria Group Inc.  
AmTrust Financial Services Inc.  
Amazon.com Inc.  
American Bankers Association  
American Civil Liberties Union  
American Civil Liberties Union of South Carolina  
American Friends Service Committee Inc.  
American Petroleum Institute Inc.  
AmerisourceBergen Corp.  
Apple Inc.  
Bank Policy Institute  
Bank of America Corp.  
Beiersdorf AG  
Best Buy Co. Inc.  
Brennan Center for Justice  
Cable News Network Inc.  
Casino Queen Inc.  
Chevron Corp.  
Citadel Securities LLC  
Connecticut Fair Housing Center  
Continental Resources Inc.  
CoreLogic Inc.  
Devon Energy Corp.  
DraftKings Inc.  
Energy Transfer LP  
Exxon Mobil Corp.  
Ford Motor Co.  
Getty Images Inc.  
Google LLC

accusing them of falsely advertising their single-use plastic bottles as being "100% recyclable," arguing that the plaintiffs again fail to plead the phrase is false or misleading.

 [Motion attached](#) | [Read full article](#) »

## **Ford Knew Of 'Shudder' Problems In Transmission, Jury Told**

*By Craig Clough*

A former Ford Fiesta owner who replaced his clutch three times due to a "shudder" problem told a California federal jury on Tuesday during opening statements that Ford knew of significant problems with the model's transmission while Ford contended the owner got consistent use from the vehicle.

[Read full article](#) »

## **Microsoft Trims BIPA Suit Over Cloud Storage For Paychex**

*By Bonnie Eslinger*

An Illinois federal judge on Monday cut two claims from a proposed class action seeking to hold Microsoft liable for violations of the state's biometric privacy law, as it provides cloud-based storage for payroll vendors to retain the employee fingerprints collected for timekeeping purposes.

 [Order attached](#) | [Read full article](#) »

## **Samsung Hit With False Ad Suit Over Galaxy Storage Capacity**

*By Gina Kim*

Samsung customers filed a putative class action in New York federal court Sunday, accusing the tech giant of falsely touting the memory capacity of a Galaxy smartphone without disclosing that the device's operating system and pre-installed applications take up 21% of storage space, leaving less for music, photos and videos.

 [Complaint attached](#) | [Read full article](#) »

## **Playing Card Co. Looks To Nix Info Request In Antitrust Suit**

*By Joyce Hanson*

A longtime U.S. playing card company has urged an Illinois federal court to put a stop to a subpoena in antitrust litigation by riverboat casino companies against Scientific Games Corp., saying it's not a party in the suit and doesn't participate in the automatic card shuffler market.

 [Motion attached](#) | [Read full article](#) »

## **Chancery Class Seeks Rare AmerisourceBergen Ruling Redo**

Greater Boston Legal Services  
Hemisphere Media Group Inc.  
Hilcorp Energy Co.  
Independent Community Bankers of America  
JUUL Labs Inc.  
Johns Hopkins University  
Jump Trading LLC  
LinkedIn Corp.  
MGM Resorts International  
Mercedes-Benz USA LLC  
Microsoft Corp.  
Mitchell International Inc.  
National Association for the Advancement of Colored People  
National Association of Realtors  
National Consumer Law Center  
Nestle SA  
Niagara Bottling LLC  
Occidental Petroleum Corp  
Phillips 66  
Public Citizen Inc.  
Robinhood Markets Inc.  
Samsung Electronics Co. Ltd.  
Scientific Games Corp.  
Searchlight Capital Partner L.P.  
Shields Health Care Group Inc.  
Shuffle Master Inc.  
Sierra Club  
Spokeo Inc.  
The Center for Reproductive Rights Inc.  
The Coca-Cola Co.  
The DIRECTV Group, Inc.  
Trump Organization Inc.  
Twitter Inc.  
Tyson Foods Inc.

*By Jeff Montgomery*

Citing new evidence, recent litigation developments and potential conflicts over Delaware court derivative claim policies, attorneys for AmerisourceBergen Corp. stockholders sought a rare order late Monday vacating the dismissal last month of a Chancery Court suit seeking billions in damages for company opioid diversion failures.

[Read full article »](#)

## **Crypto Investor Drops Class Action Over Terraform Stablecoin**

*By Katryna Perera*

A proposed class action against blockchain company Terraform Labs Ltd., registered broker-dealer Jump Trading LLC and others was voluntarily tossed by the suit's investor plaintiff, one month after Jump Trading moved for dismissal.

 Notice attached | [Read full article »](#)

## **Surgical Center Operator Hid Data Breach, Patients Say**

*By Elliot Weld*

A health care company that operates dozens of MRI and surgical centers around New England failed to disclose a data breach that compromised the personal information of its patients, according to a newly consolidated class action.

 Complaint attached | [Read full article »](#)

## **PEOPLE**

### **2 Sheppard Mullin Antitrust Litigators Jump To V&E In SF**

*By James Mills*

Vinson & Elkins LLP is expanding its West Coast antitrust capabilities by adding a Sheppard Mullin Richter & Hampton LLP team of two litigators as partners in its San Francisco office.

[Read full article »](#)

## **EXPERT ANALYSIS**

### **Parsing The New Wave Of State Tobacco Settlement Suits**

Attorneys at Troutman Pepper highlight the novel claims New Mexico and Iowa have recently brought against Philip Morris and others over violations of the tobacco master settlement agreement, and discuss challenges states and manufacturers will each face as disputes play out.

[Read full article »](#)

### **5 Tips For Adding Value To Legal Clients' Experience In 2023**

Universal Insurance Holdings Inc.

Walmart Inc.

Western Alliance Bancorporation

Wynn Resorts Ltd.

Zillow Group Inc.

## **GOVERNMENT AGENCIES IN TODAY'S NEWS**

Consumer Financial Protection Bureau

Delaware Court of Chancery

Federal Aviation Administration

Federal Bureau of Prisons

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Trade Commission

Food and Drug Administration

New York Attorney General's Office

South Carolina Judicial Branch

U.S. Attorney's Office for the District of Massachusetts

U.S. Attorney's Office for the Northern District of California

U.S. Bankruptcy Court for the District of Delaware

U.S. Court of Appeals for the Ninth Circuit

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. District Court for the Central District of California

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of South Carolina



Faced with a potential economic downturn this year, attorneys should look to strengthen client relationships now by focusing on key ways to improve the client experience, starting with a check-in call to discuss client needs and priorities for the coming year, say attorneys at Troutman Pepper.

[Read full article »](#)



## LEGAL INDUSTRY

### [Sullivan & Cromwell Faces Congressional Heat Over FTX Work](#)

*By Aislinn Keely*

A bipartisan group of U.S. senators questioned Sullivan & Cromwell's representation of failed cryptocurrency exchange FTX in its Chapter 11 proceedings and supported the appointment of an outside examiner to the case due what they said is a troubling relationship between the company and its counsel.

 [Letter attached](#) | [Read full article »](#)

### [Girardi Keese Trustee Blames Bank For Enabling Firm's Fraud](#)

*By Hailey Konnath*

The bankruptcy trustee for Girardi Keese on Tuesday accused a California bank of allowing the firm to misappropriate client funds despite numerous red flags and "suspicious activity" that she said "could not have gone unnoticed" by the financial institution, according to a complaint filed in federal bankruptcy court.

 [Complaint attached](#) | [Read full article »](#)

### [Girardi Keese Trustee Sues Firm's Former Attys For \\$9.4M](#)

*By Brandon Lowrey*

Ten former Girardi Keese attorneys may owe \$9.4 million to the firm to repay checks and personal charges on their company credit cards, the firm's bankruptcy trustee alleged in a series of adversary actions filed this week in Los Angeles.

[Read full article »](#)

### [Prominent Conservative Atty William Consovoy Dies At 48](#)

*By Alison Knezevich*

Prominent conservative attorney William Consovoy, a founder of the boutique law firm Consovoy McCarthy PLLC who led legal challenges

U.S. District Court for the Eastern District of New York  
U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Northern District of California

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Florida

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of Washington

U.S. Patent and Trademark Office

U.S. Securities and Exchange Commission

U.S. Supreme Court

to affirmative action and represented former President Donald Trump, died Monday at 48.

[Read full article »](#)

## **Ex-Kirkland Atty Urges Judge Not To Ax Harassment Case**

*By James Mills*

A former Kirkland & Ellis LLP associate urged a California federal judge to ignore the law firm's motion to dismiss her complaint claiming she was held to a stricter standard than her male colleagues before being wrongfully terminated, saying the firm's motion is meritless, but also asked for room to amend the complaint if necessary.

 Response attached | [Read full article »](#)

## **Ex-Trump Org CFO Who Implicated Company Gets 5 Mos. Jail**

*By Frank G. Runyeon*

Longtime Trump Organization Chief Financial Officer Allen Weisselberg was sentenced Tuesday to five months in a New York City jail under the terms of a plea agreement that required him to implicate former President Donald Trump's companies in a tax fraud scheme.

[Read full article »](#)

## **Alex Jones' Suspended Attorney Taken Off Capitol Riot Case**

*By Aaron Keller*

A lead attorney for Infowars host Alex Jones will not represent an alleged member of the Proud Boys in a seditious conspiracy case as the lawyer fights back against a six-month suspension in Connecticut, a federal court docket revealed Tuesday.

 5 documents attached | [Read full article »](#)

## **Ohio Atty Out Of Job Over Nasty Text To Female Colleague**

*By Eric Heisig*

A labor and employment attorney at Zashin & Rich Co. in Cleveland is no longer with the firm amid outrage over a screenshot of a text message circulating among the legal community that allegedly showed him telling a female associate who planned to leave the firm that she had taken a salary "while sitting on your ass" during her maternity leave.

[Read full article »](#)

Analysis

## **State Constitutions Take Spotlight Post-Dobbs**

*By Jess Krochtengel*

One of the biggest waves of state constitution litigation in modern history is playing out in reaction to the U.S. Supreme Court's rulings on abortion and voting rights, and legal scholars say they expect the trend to continue for years to come.

[Read full article »](#)

## **Judge Denies Atty Immunity Claim In Lewis Brisbois TM Suit**

*By Catherine Marfin*

A Texas federal judge has denied an attorney's bid to be removed from a trademark suit brought by Lewis Brisbois Bisgaard & Smith LLP, writing that he is "reluctant" to decide the nature of the lawyer's actions when he filed an assumed name certificate using the same name as the national law firm.

 Memorandum attached | [Read full article »](#)

## **NAACP Can Pursue Challenge To SC Court Doc 'Scraping' Ban**

*By Gina Kim*

A South Carolina judge on Tuesday refused to toss the NAACP's suit over the state court system's restriction on automated "scraping" of eviction-related cases, finding the organization stated a claim for a First Amendment violation since the records at issue have been historically available to the public in some form.

 Opinion attached | [Read full article »](#)

## **Mich. Justice Apologizes After Attack Pushes Out Clerk**

*By Danielle Ferguson*

A Michigan Supreme Court justice has apologized for his condemnation of a fellow justice's decision to hire a formerly incarcerated lawyer as a clerk, a rare public schism that caused the clerk to quit.

[Read full article »](#)

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