



April 28, 2023

Via WatchDox

Rob Schilling
Executive Director
Energy Policy Advocates
schilling@allhookedup.com

RE: Freedom of Information Act Request #23-F-00375: See Request Description for Details

Dear Mr. Schilling:

Thank you for your Freedom of Information Act (FOIA) request seeking records from the U.S. Consumer Product Safety Commission (CPSC). Your request seeks the following records:

... [c]opies of all ***email and/or text message correspondence*** sent to or from or copying Commissioner Richard Trumka Jr. and/or Meghan Sebold, at any time from December 1, 2022 through the date you conduct a search for records responsive to this request, inclusive, that:

1) is to or from or copies i) Dina Capiello and/or ii) Brady Seals; and also provide that which 2) *anywhere* uses, whether in a to/from/cc/bcc field, Subject filed, or body of correspondence or attachment, any of the following: i) @RMI.org, ii) Capiello, iii) Seals, iv) @climateimperative.org, and/or v) "culture war." These terms are not case sensitive and quotation marks merely indicate the search parameter and are not part of the search term (although the term in quotations is also responsive).

Enclosed are the copies of the records responsive to your request, consisting of 77 pages of emails, with certain excisions explained below. There is no responsive text message correspondence.

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

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 or their representatives, such information falls within the protection of this FOIA exemption to disclosure and is being withheld accordingly.

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) 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.

Before filing a formal appeal with the CPSC, you may contact me or one of CPSC's FOIA Public Liaisons, Korinne Super (ksuper@cpsc.gov) or Cooper Gerus (cgerus@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; 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: 2023.04.28
14:35:29 -04'00'

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

Enclosures: Email correspondence (77 pages)

From: Retail & E-Commerce Law360
Sent: Mon, 9 Jan 2023 10:18:27 +0000
To: (b)(6)@cpsc.gov
Subject: 3rd Circ. Denies Coverage For Businesses' Pandemic Losses

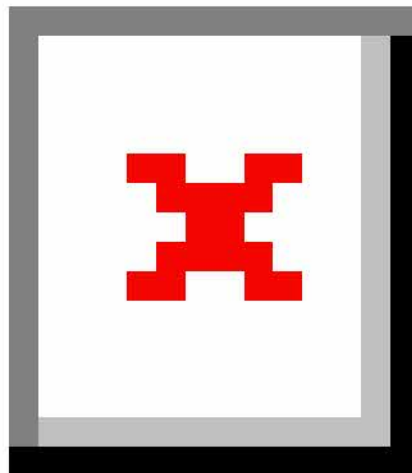
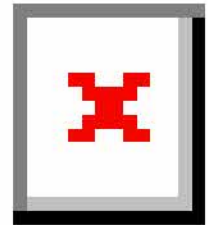


Retail & E-Commerce

MONDAY, JANUARY 9, 2023



TOP NEWS



COMPANIES IN TODAY'S NEWS

American Federation of
State County & Municip
Employees

American Property
Casualty Insurance
Association

Apple Inc.

Berkshire Hathaway Inc

Boehringer Ingelheim

Boehringer Ingelheim
Vetmedica Inc.

Brooklyn Law School

CVS Health Corp.

Campbell Soup Co.

Cincinnati Financial Cor

Cipla Ltd.

3rd Circ. Denies Coverage For Businesses' Pandemic Losses

By Matthew Santoni

The Third Circuit said a group of New Jersey and Pennsylvania businesses aren't entitled to insurance coverage for their lost income during pandemic-related closures, ruling Friday that the COVID-19 virus and its associated government closure orders did not create a "direct physical loss of or damage to" their properties.

2 documents attached | [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 »](#)

7th Circ. Skeptical Of Rabobank's Part In Chicken Price-Fixing

By Celeste Bott

A Seventh Circuit panel on Friday expressed some doubts about chicken buyers' contention that an agricultural bank was part of a conspiracy to fix chicken prices, appearing unconvinced that emails between a bank executive and two major poultry producers warranted revival of the antitrust claims.

[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 »](#)

Mars' Dark Chocolate Contains Toxic Heavy Metals, Suit Says

By Gina Kim

Mars Inc. was hit with a proposed class action Thursday in New York federal court accusing the confectionary giant of failing to disclose on its labels that its Dove-branded dark chocolate allegedly contains toxic levels of lead and cadmium, which could cause cancer, organ damage and other irreversible health risks.

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

POLICY & REGULATION

Citibank UK Ltd.
Citigroup Inc.
Comcast Corp.
Erie Insurance Inc.
Etihad Airways PJSC
Federalist Society
George Washington University
HSBC Holdings PLC
Harvard University
KBR Inc.
KPMG International
MFS Investment Management
MS Amlin PLC
Major Lindsey & Africa LLC
Mars Inc.
MasterCard Inc.
National Confectioners Association
Network Rail Ltd.
New Era Cap Company Inc.
Nordstrom Inc.
Orient Overseas Container Line Ltd.
Pfizer Inc.
Pilgrim's Pride Corp.
Qatar Airways
Rabobank
Rocket Software Inc.
Selective Insurance Group Inc.
Slack Technologies Inc.
Swiss Reinsurance Co. Ltd
Tesla Inc.
The Hartford Financial Services Group Inc.
The Hut.com Ltd.
Thomson Reuters Corp
Trader Joe's Co.
Turk Hava Yollari AO

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 »](#)

LITIGATION

Rival's TM Infringement Should Be Capped, Hat Co. Claims

By Renee Hickman

Sports headwear manufacturer New Era Cap LLC claims in a lawsuit filed Friday that a competing brand is unlawfully selling and distributing apparel caps with New Era's "22" flag design, as well as using visor stickers that infringe its visor sticker registrations and trade dress.

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

Flooring Cos. Urge Duty Remand, Say No Info Gaps Existed

By Rae Ann Varona

Chinese producers and U.S. importers of multilayered wood flooring on Friday pressed the U.S. Court of International Trade for a remand on countervailing duties, challenging the United States' use of unfavorable facts to impute that they benefited from Chinese subsidies.

 5 documents attached | [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 »](#)

EXPERT ANALYSIS

Twitter Inc.

Tyson Foods Inc.

U.S. Auto Parts Network Inc.

USI Insurance Services

University of Virginia

Walgreens Co.

Wayfair LLC

Winmark Corp.

uniQure NV

LAW FIRMS IN TODAY'S NEWS

Akerman LLP

Akin Gump

Allen & Overy

Alston & Bird

Baker McKenzie

Beasley Allen

Bickel PLLC

Birketts LLP

Boies Schiller

Bradley Arant

Bristows LLP

Bursor & Fisher

Butler Weihmuller

Carella Byrne

Carter-Ruck

Charles Russell

Speechlys

Clark Hill

Clifford Chance

Clyde & Co

Cooke Young

Cooley LLP

Crowell & Moring

DAC Beachcroft

DLA Piper

Doyle Clayton

Duane Morris

Faegre Drinker

Feldman Shepherd

Fenchurch Law

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 Reimbold and Monique Eginli at Clark Hill.

[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 »](#)

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Ahead Of Privilege Arguments, 4 Kavanaugh Rulings To Know

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[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 »](#)

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.

Fields Howell
Florio Perrucci
Fox Rothschild
Francis Mailman
Freeborn & Peters
Gibson Dunn
Goldberg Segalla
Golomb Spirt
Goodwin Procter
Greenberg Traurig
Gunderson Dettmer
Harter Secrest
Herrick Feinstein
Hill Dickinson
Hogan Lovells
Holland & Hart
Holland & Knight
Hunton Andrews
Jones Day
Kennedys Law LLP
Kingsley Napley
Kirkland & Ellis
Knobbe Martens
Latham & Watkins
Lawrence & Bundy
Levin Sedran
Lewis Silkin
Lynch Carpenter
Morgan Lewis
Morris Nichols
Mowry & Grimson
Osborne Clarke
Penningtons Manches
Pinsent Masons
Potter Anderson
Reed Smith
Reynolds Colman
Robbins Geller
Seeger Weiss
Sheppard Mullin
Sherman Silverstein
Simmons & Simmons

[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 »](#)

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 »](#)

Longtime Holland & Hart Litigators Take Leadership Roles

By Emily Sawicki

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[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 »](#)

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 »](#)

Skadden Arps
Spector Gadon
Spencer Fane
Stephenson Harwood
Steptoe & Johnson LLP
Stewart Smith
Sullivan & Cromwell
Taylor Wessing
Vinson & Elkins
Walker Wilcox
White and Williams
Wiggin LLP
Wiggin and Dana

GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Labor Statisti
European Union
Federal Reserve Syster
Federal Trade
Commission
HM Revenue & Custom
Judicial Conference of
the United States
Massachusetts Suprem
Judicial Court
Occupational Safety and
Health Administration
Pennsylvania Supreme
Court
Texas Supreme Court
U.S. Agency for
International
Development
U.S. Court of Appeals fr
the District of Columbia
Circuit
U.S. Court of Appeals fr
the Seventh Circuit
U.S. Court of Appeals fr
the Third Circuit
U.S. Department of
Commerce

JOBS

[Search full listings](#) or [advertise your job opening](#)

Investment Team Associate

Moore & Van Allen, PLLC
Charlotte, North Carolina

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 Lab

U.S. Department of Stai

U.S. District Court for th
District of Columbia

U.S. District Court for th
District of Delaware

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

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

U.S. Patent and
Trademark Office

U.S. Securities and
Exchange Commission

U.S. Senate

U.S. Supreme Court

United Nations

United States District
Court for the District of
Kansas

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Email secured by Check Point

From: Cybersecurity & Privacy Law360
Sent: Mon, 9 Jan 2023 10:05:53 +0000
To: (b)(6)@cpsec.gov
Subject: Interior Dept. Ripped For Using Easily Hackable Passwords



Cybersecurity & Privacy

MONDAY, JANUARY 9, 2023



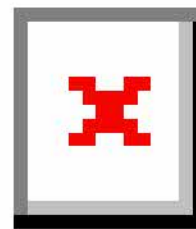
TOP NEWS

Interior Dept. Ripped For Using Easily Hackable Passwords

By Ben Kochman

Hundreds of accounts belonging to the U.S. Department of the Interior used weak passwords like "Password-1234," exposing the agency to potential hacks from even the most low-skilled of attackers, an agency watchdog said Friday.

[Read full article »](#)



Assurance IQ Shakes Website Activity Tracking Fight For Now

By Allison Grande

A California federal judge has axed a proposed class action accusing Assurance IQ and its software vendor of unlawfully recording website visitors' keystrokes and electronic communications, although he gave the plaintiff another chance to amend his claims in a dispute that has been widely credited with fueling a nationwide spike in similar lawsuits.

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

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 »](#)

Lower Awards Clear The Way For \$12M Magazine Settlements

LAW FIRMS IN TODAY'S NEWS

Akin Gump
Allen & Overy
Alston & Bird
Bickel PLLC
Birketts LLP
Bradley Arant
Bristows LLP
Bursor & Fisher
Carter-Ruck
Charles Russell Speechlys
Clifford Chance
Clyde & Co
Collins Einhorn
Cooke Young
Cooley LLP

By Danielle Ferguson

A Michigan federal judge on Friday gave preliminary approval to two settlement agreements worth almost \$12 million for separate class actions against magazine publishers accused of sharing customers' private information, after the parties slashed plaintiff awards the judge thought were far too high.

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

POLICY & REGULATION

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 »](#)

ENFORCEMENT

DA Violated Pa. Wiretap Act By Tipping Off Civil Litigators

By Matthew Santoni

A Chester County, Pa., prosecutor violated Pennsylvania's wiretap law when he disclosed part of a suspect's recorded jail calls to civil litigators since the law only allows that information to be passed between law enforcement or state investigators, an appellate panel ruled Friday.

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

Ohio AG Goes After 'Car Warranty' Robocallers

By Nadia Dreid

Ohio is going after a dozen people and companies it says were involved in a scheme to buy leads that were garnered through illegal robocalls so that they could in turn use those leads to hawk supposed car warranties.

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

LITIGATION

Mich. College Hit With Third Class Action After Data Breach

By Carolyn Muyskens

Hope College, a private liberal arts college in Michigan, has been hit with a third class action alleging that the school did not do enough to

Crowell & Moring
DAC Beachcroft
DLA Piper
Doyle Clayton
Faegre Drinker
Fenchurch Law
Fox Rothschild
Gibson Dunn
Goodwin Procter
Greenberg Traurig
Gunderson Dettmer
Hedin Hall
Herrick Feinstein
Hill Dickinson
Hogan Lovells
Holland & Hart
Holland & Knight
Jones Day
Kingsley Napley
Kirkland & Ellis
Knobbe Martens
Lamb McErlane
Latham & Watkins
Lawrence & Bundy
Lewis Silkin
Matthew G. Miller PC
Milberg Coleman
Morgan Lewis
Morris Nichols
Munger Tolles
Osborne Clarke
Penningtons Manches
Pinsent Masons
Potter Anderson
Reed Smith
Reynolds Colman
Rubin Winston
Sheppard Mullin
Simmons & Simmons
Skadden Arps
Spencer Fane
Stephenson Harwood

protect sensitive information that may have been exposed in a data breach last year.

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

EXPERT ANALYSIS

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 »](#)



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Sullivan & Cromwell
Taylor Wessing
The Miller Law Firm PC
Vinson & Elkins
Wiggin LLP
WilmerHale
Withersworldwide

COMPANIES IN TODAY'S NEWS

American Federation of State County & Municipal Employees

Apple Inc.

Assurance IQ LLC

Boehringer Ingelheim

Boehringer Ingelheim
Vetmedica Inc.

Brooklyn Law School

Cigna Corp.

Cipla Ltd.

Citibank UK Ltd.

Citigroup Inc.

Coinbase Global Inc.

Etihad Airways PJSC

Federalist Society

George Washington
University

HDR Global Trading Ltd.

HSBC Holdings PLC

Harvard University

KBR Inc.

KPMG International

MFS Investment
Management

MS Amlin PLC

Major Lindsey & Africa LLC

MasterCard Inc.

Network Rail Ltd.

Nordstrom Inc.

Orient Overseas Container
Line Ltd.

Pfizer Inc.

Prudential Financial Inc.

the front end of his high court career in the shadow of other leading conservative judges.

[Read full article »](#)

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Rocket Software Inc.
Slack Technologies Inc.
Swiss Reinsurance Co. Ltd
T-Mobile US Inc.
Tesla Inc.
The Hut.com Ltd.
Thomson Reuters Corp.
Turk Hava Yollari AO
United Services Automobile Association
University of Virginia
Winmark Corp.
uniQure NV

GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Labor Statistics
Commodity Futures Trading Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Reserve System
Federal Trade Commission
Financial Crimes Enforcement Network
Franklin County, Ohio
HM Revenue & Customs
Judicial Conference of the United States
New York Attorney General's Office
New York Department of Financial Services
Office of Foreign Assets Control
Ohio Attorney General's Office
Texas Supreme Court

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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. Department of Defense

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 the Interior

U.S. District Court for the District of Columbia

U.S. District Court for the District of Delaware

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

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 Michigan

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 Kansas

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Email secured by Check Point

From: Public Policy Law360
Sent: Mon, 9 Jan 2023 09:53:08 +0000
To: (b)(6)@cpsc.gov
Subject: CFPB Eyes Nonbank Arbitration Use In Draft Reporting Rule



Public Policy

MONDAY, JANUARY 9, 2023



TOP NEWS

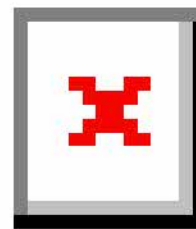
Exclusive

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 Lingerin 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

Noncompetes 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 noncompetes 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
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 Reimbold 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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Sent: Mon, 9 Jan 2023 09:45:12 +0000
To: (b)(6)@cpsc.gov
Subject: Alex Jones Atty Suspended Over 'Stunning' Discovery Leak

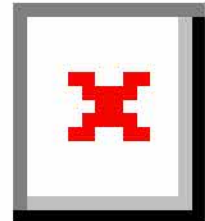
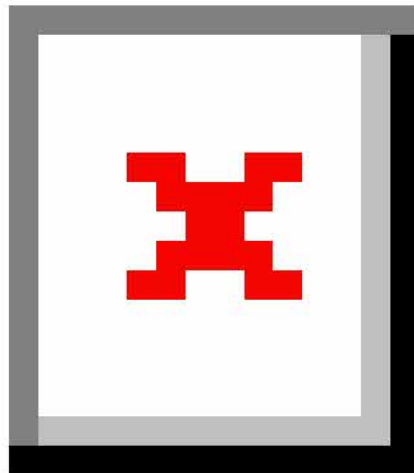


Personal Injury & Medical Malpractice

MONDAY, JANUARY 9, 2023



TOP NEWS



LAW FIRMS IN TODAY'S NEWS

Ahmad Zavitsanos
Akin Gump
Allen & Overy
Alston & Bird
Arnold & Itkin
Bartlit Beck
Bickel PLLC
Birketts LLP
Bradley Arant
Bristows LLP
Cain & Skarnulis
Carter-Ruck

[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 »](#)

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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 »](#)

Bauer Denies Assault Allegations As Dodgers Cut Him Loose

By Hailey Konnath

Pitcher Trevor Bauer on Friday firmly denied sexual assault allegations against him in ongoing litigation in California federal court, lodging an answer to his accuser's counterclaims just hours before the Los Angeles Dodgers announced that Bauer "will no longer be part of our organization."

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

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 »](#)

Parents Fight Nurture's Bid To Toss Toxic Baby Food Suit

By Mike Curley

A group of parents alleging that baby food manufacturer Nurture Inc. hid the presence of toxic heavy metals in its products are pushing back against a bid to dismiss their consolidated complaint, saying Nurture is mischaracterizing their claims as based on safety instead of false advertising and labeling.

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

11th Circ. Again Denies Shire's Bid To Dodge Label Case

By Brian Steele

The Eleventh Circuit has declined to take another look at a panel decision reviving a product liability lawsuit against Shire Inc., denying the

Charles Russell
Speechlys
Clifford Chance
Clyde & Co
Cooke Young
Cooley LLP
Creed & Gowdy
Crowell & Moring
DAC Beachcroft
DLA Piper
Doyle Clayton
Dwyer Williams
Faegre Drinker
Fenchurch Law
Fox Rothschild
Freedman & Taitelman
Garan Lucow
George Gesten
Gibson Dunn
Goodwin Procter
Greenberg Traurig
Gunderson Dettmer
Gunster Yoakley
Gustafson Gluek
Harvey Kruse
Herrick Feinstein
Hill Dickinson
Hinshaw & Culbertson
Hogan Lovells
Holland & Hart
Holland & Knight
Jones Day
Kingsley Napley
Kinsella Weitzman
Kirkland & Ellis
Knobbe Martens
Latham & Watkins
Law Offices of Sheldon
Schlesinger
Lawrence & Bundy
Lewis Silkin
Lugenbuhl Wheaton
Morgan & Meyers

pharmaceutical company's petition for a rehearing en banc or a panel rehearing.

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

MetLife Must Pay Ex-Flight Attendant Disability Benefits

By Emmy Freedman

Metropolitan Life Insurance Co. owes a former American Airlines flight attendant disability benefits after a Minnesota federal judge found the insurer relied on faulty reasoning when denying the worker's request to treat injuries he sustained from falling off a roof.

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

LITIGATION

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 »](#)

Mich. Appellate Panel Revives Man's Icy Parking Lot Suit

By Jonathan Capriel

A man hit by a pickup truck while walking across an ice-covered parking lot will get to continue his lawsuit against the companies that managed the parking lot, a Michigan state appeals court ruled, finding that the source of his injury, a vehicle crash, does not terminate his claims of premises liability.

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

Jeld-Wen Rebuffs Blame For Driver's Injury During Unloading

By Gianna Ferrarin

Manufacturing giant Jeld-Wen is arguing it isn't liable for a truck driver's injuries after about 40 windows fell on him while he was unloading a trailer, saying its responsibility for the trailer driven by the contractor ended once the trailer shipped.

 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

Morgan Lewis
Morris Nichols
Osborne Clarke
Patterson Belknap
Penningtons Manches
Pinsent Masons
Potter Anderson
Recht Kornfeld
Reed Smith
Reynolds Colman
Riley & Jackson
Searcy Denney
Sheehan & Associates
PC
Sheppard Mullin
Simmons & Simmons
Skadden Arps
Spears Moore
Spencer Fane
Stephenson Harwood
Sullivan & Cromwell
Taylor Wessing
Ulmer & Berne
Vinson & Elkins
Waters Kraus
Wexler Boley
White Arnold & Dowd
Wiggin LLP
Zuckerman Spaeder

COMPANIES IN TODAY'S NEWS

American Airlines Group Inc.
American Federation of State County & Municipal Employees
Apple Inc.
Boehringer Ingelheim
Boehringer Ingelheim Vetmedica Inc.
Brooklyn Law School
Cargill Inc.
Carrier Global Corp.

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 »](#)

Broken Equipment Kept Ship In Path Of Hurricane, Attys Say

By Catherine Marfin

Attorneys for a crew member who was aboard a deepwater drillship when Hurricane Zeta tore through the Gulf of Mexico told a Harris County judge Friday that broken equipment caused the ship to remain in the path of the storm.

[Read full article »](#)

Day Care, Staffer Not Covered In Toddler's Death, Insurer Says

By Riley Murdock

Progressive Hawaii Insurance Corp. has no duty to defend a now-defunct Memphis, Tennessee, day care center and its former owner from lawsuits over the hot car death of a toddler last year, the insurer said in a lawsuit Friday.

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

Florida Residents Say Cancer Claims Weren't Too Late

By Nate Beck

A group of Florida property owners told a federal trial court on Friday that the statute of limitations on their claims against Pratt & Whitney Group didn't start running when doctors initially found cancer that they only later learned was caused by radiative contamination in their subdivision.

✖ Response attached | [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

Cipla Ltd.
Citibank UK Ltd.
Citigroup Inc.
Etihad Airways PJSC
Federalist Society
Food & Water Watch
George Washington University
Gerber Products Co.
HSBC Holdings PLC
Happy Family Organics
Harvard University
JELD-WEN Inc.
KBR Inc.
KPMG International
MFS Investment Management
MS Amlin PLC
Major League Baseball Inc.
Major Lindsey & Africa LLC
Mandalay Bay Hotel & Casino
MasterCard Inc.
MetLife Inc.
Network Rail Ltd.
New Civil Liberties Alliance
Nordstrom Inc.
Orient Overseas Container Line Ltd.
Pfizer Inc.
Pratt & Whitney
Qatar Airways
Raytheon Technologies Corp.
Rocket Software Inc.
Slack Technologies Inc.
Swiss Reinsurance Co. Ltd
Tesla Inc.
The Hain Celestial Group Inc.

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 »](#)

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 »](#)

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 »](#)

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 »](#)

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.

The Hut.com Ltd.

Thomson Reuters Corp

Transocean Ltd.

Turk Hava Yollari AO

University of Virginia

Walmart Inc.

Winmark Corp.

uniQure NV

GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Labor Statisti

European Union

Federal Reserve Syster

Federal Trade
Commission

Florida Department of
Health

Food and Drug
Administration

HM Revenue & Custom

Judicial Conference of
the United States

Texas Supreme Court

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

U.S. Court of Appeals fr
the Eleventh Circuit

U.S. Court of Appeals fr
the Fifth Circuit

U.S. Department of
Defense

U.S. Department of
Homeland Security

U.S. Department of
Justice

U.S. Department of Lab

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

U.S. District Court for th
District of Columbia

U.S. District Court for th
District of Delaware

 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.

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Commercial Litigation - Department Attorney

Cozen O'Connor
Philadelphia, Pennsylvania

Attorney - Assistant Attorney General - Workers Compensation

Illinois Attorney General's Office
Chicago, Illinois

Attorney - Assistant Attorney General - Workers Compensation

Illinois Attorney General's Office
Belleville, Illinois

U.S. District Court for th
District of Minnesota

U.S. District Court for th
District of Oregon

U.S. District Court for th
Northern 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. District Court for th
Western District of New
York

U.S. District Court for th
Western District of
Tennessee

U.S. Environmental
Protection Agency

U.S. Patent and
Trademark Office

U.S. Securities and
Exchange Commission

U.S. Senate

U.S. Supreme Court

United Nations

United States District
Court for the District of
Kansas

United States District
Court for the Northern
District of Alabama

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Sent: Mon, 9 Jan 2023 08:43:28 +0000
To: (b)(6)@cpsc.gov
Subject: CFPB Eyes Nonbank Arbitration Use In Draft Reporting Rule



Class Action

MONDAY, JANUARY 9, 2023



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 »](#)

7th Circ. Skeptical Of Rabobank's Part In Chicken Price-Fixing

By Celeste Bott

A Seventh Circuit panel on Friday expressed some doubts about chicken buyers' contention that an agricultural bank was part of a conspiracy to fix chicken prices, appearing unconvinced that emails between a bank executive and two major poultry producers warranted revival of the antitrust claims.

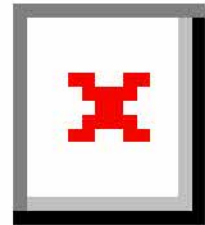
[Read full article »](#)

Lower Awards Clear The Way For \$12M Magazine Settlements

By Danielle Ferguson

A Michigan federal judge on Friday gave preliminary approval to two settlement agreements worth almost \$12 million for separate class actions against magazine publishers accused of sharing customers' private information, after the parties slashed plaintiff awards the judge thought were far too high.

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



NEW CASES

Class Actions (49)

LAW FIRMS IN TODAY'S NEWS

Abraham Fruchter
Advisors LLC
Akin Gump
Allen & Overy
Alston & Bird
Bartlit Beck
Beasley Allen
Berger Montague
Bickel PLLC
Birketts LLP
Block Law Firm APLC
Boies Schiller

La. Workers Settle BP Oil Spill Claims Against Attys, Insurers

By Josh Liberatore

Louisiana residents have settled a lawsuit they brought against a group of law firms, lawyers and insurance companies over missed relief money following the 2010 BP Deepwater Horizon oil spill, a Louisiana federal judge said in an order Friday dismissing the case.

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

SECURITIES

Icahn Stuck With Xerox Investors' Suit Over Nixed HP Merger

By Stewart Bishop

A New York state judge on Friday refused to dispose of consolidated shareholder derivative litigation brought by Xerox investors targeting activist investor Carl Icahn for allegedly trading on nonpublic information regarding a potential merger between Xerox and HP Inc., citing disputed facts about an internal investigation into the matter.

[Read full article »](#)

Cannabis Co. Can't Toss Investors' Stock Drop Suit

By Mike Curley

A New York federal judge on Friday refused to let a cannabis and tobacco engineering company escape claims that it hid a U.S. Securities and Exchange Commission investigation, finding that investors have sufficiently alleged that the company had motive and opportunity to avoid disclosing the matter, and later made statements it knew was false.

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

Investors Say NJ Real Estate Fund Ran \$630M Ponzi Scheme

By Katryna Perera

Investors in a New Jersey-based real estate investment company accuse several former officers and employees of misrepresenting the financial condition of one of the company's funds, carrying out a Ponzi scheme and diverting millions of invested dollars for personal gain.

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

COMPETITION

Sanderson Farms Latest To Cut Chicken Price-Fixing Deal

By Piper Hudspeth Blackburn

Sanderson Farms has cut a deal resolving class action claims accusing it and other poultry giants of working together to fix the price of chickens.

Bowles Rice
Bradley Arant
Bristows LLP
Bursor & Fisher
Bush Seyferth
Butler Weihmuller
Carella Byrne
Carter-Ruck
Charles Russell
Speechlys
Clifford Chance
Clyde & Co
Collins Einhorn
Cooke Young
Cooley LLP
Creed & Gowdy
Crowell & Moring
DAC Beachcroft
DLA Piper
Deutsch Kerrigan
Doyle Clayton
Duane Morris
Duke Holzman
Dworken & Bernstein
Dwyer Williams
Dykema
Faegre Drinker
Fедerman & Sherwood
Feldman Shepherd
Fenchurch Law
Fields Howell
Florio Perrucci
Foley & Lardner
Fox Rothschild
Francis Mailman
Freeborn & Peters
George Gesten
Gibson Dunn
Gieger Laborde
Goldberg Segalla
Goliday Law Firm
Golomb Spirt
Goodwin Procter

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

EMPLOYMENT & BENEFITS

Jeld-Wen Rebuffs Blame For Driver's Injury During Unloading

By Gianna Ferrarin

Manufacturing giant Jeld-Wen is arguing it isn't liable for a truck driver's injuries after about 40 windows fell on him while he was unloading a trailer, saying its responsibility for the trailer driven by the contractor ended once the trailer shipped.

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

PRODUCT LIABILITY

Ford Says Class Can't Swap Out NJ Driver In Faulty Pump Suit

By Danielle Ferguson

Ford Motor Co. says a proposed class suing it for allegedly defective water pumps should not be able to "change horses" by substituting an unwilling named plaintiff for one designed to keep the lawsuit alive in as many states as possible.

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

Think! Protein Bars Mislead On Artificial Sweetener, Suit Says

By Bonnie Eslinger

A proposed class action filed Thursday in Illinois state court against the maker of Think! protein bars claims the company misleads consumers into thinking its product contains no artificial sweeteners.

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

Mars' Dark Chocolate Contains Toxic Heavy Metals, Suit Says

By Gina Kim

Mars Inc. was hit with a proposed class action Thursday in New York federal court accusing the confectionary giant of failing to disclose on its labels that its Dove-branded dark chocolate allegedly contains toxic levels of lead and cadmium, which could cause cancer, organ damage and other irreversible health risks.

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

Parents Fight Nurture's Bid To Toss Toxic Baby Food Suit

By Mike Curley

Greenberg Traurig
Gunderson Dettmer
Gunster Yoakley
Gustafson Gluek
Hanna Campbell
Hausfeld LLP
Hedin Hall
Herrick Feinstein
Hill Dickinson
Hogan Lovells
Holland & Hart
Holland & Knight
Hunton Andrews
Jones Day
Kantrowitz Goldhamer
Kennedys Law LLP
Kessler Topaz
Kingsley Napley
Kirkland & Ellis
Knobbe Martens
Latham & Watkins
Law Offices of Sheldon
Schlesinger
Law Offices of Todd M.
Friedman
Lawrence & Bundy
Levin Sedran
Levine Lee
Lewis Silkin
Lugenbuhl Wheaton
Lynch Carpenter
Matthew G. Miller PC
McWherter Scott
Milberg Coleman
Miller & Stevens
Monteverde & Associates
Morgan Lewis
Morris Nichols
Munger Tolles
Osborne Clarke
Paskowitz Law
Penningtons Manches
Pinsent Masons

A group of parents alleging that baby food manufacturer Nurture Inc. hid the presence of toxic heavy metals in its products are pushing back against a bid to dismiss their consolidated complaint, saying Nurture is mischaracterizing their claims as based on safety instead of false advertising and labeling.

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

CYBERSECURITY & PRIVACY

[Mich. College Hit With Third Class Action After Data Breach](#)

By Carolyn Muyskens

Hope College, a private liberal arts college in Michigan, has been hit with a third class action alleging that the school did not do enough to protect sensitive information that may have been exposed in a data breach last year.

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

[Assurance IQ Shakes Website Activity Tracking Fight For Now](#)

By Allison Grande

A California federal judge has axed a proposed class action accusing Assurance IQ and its software vendor of unlawfully recording website visitors' keystrokes and electronic communications, although he gave the plaintiff another chance to amend his claims in a dispute that has been widely credited with fueling a nationwide spike in similar lawsuits.

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

CONSUMER PROTECTION

[4th Circ. Tosses Suit Over W.Va. Turnpike Toll Fees](#)

By Hayley Fowler

The Fourth Circuit on Friday threw out a proposed class action accusing the West Virginia Parkways Authority of charging drivers excessive fees on toll roads, finding the district court was right to dismiss the suit but not for the reasons the judge cited.

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

ENERGY & ENVIRONMENTAL

[Florida Residents Say Cancer Claims Weren't Too Late](#)

By Nate Beck

A group of Florida property owners told a federal trial court on Friday that the statute of limitations on their claims against Pratt & Whitney Group didn't start running when doctors initially found cancer that they only later learned was caused by radiative contamination in their subdivision.

Pomerantz LLP
Potter Anderson
Reed Smith
Reynolds Colman
Robbins Geller
Rubin Winston
Searcy Denney
Seeger Weiss
Sheehan & Associates
PC
Sheppard Mullin
Sherman Silverstein
Simmons & Simmons
Skadden Arps
Snodgrass Law
Spector Gadon
Spencer Fane
Stephenson Harwood
Steptoe & Johnson LLP
Stewart Smith
Sullivan & Cromwell
Tadler Law LLP
Taylor Wessing
The Miller Law Firm PC
Vinson & Elkins
Walcheske & Luzi
Walker Wilcox
Wexler Boley
White and Williams
Wiggin LLP
Wiggin and Dana
Winston & Strawn

COMPANIES IN TODAY'S NEWS

22nd Century Group Inc
ASPCA
Alight Solutions
American Electric Powe
Co. Inc.
American Federation of
State County & Municip
Employees

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

INSURANCE

Settlement Reached In Proposed Labor Costs Class Action

By Ben Zigterman

Erie Insurance Co. reached a settlement in principle with a putative class that accused the insurer of withholding labor costs when calculating the value of structural damage.

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

3rd Circ. Denies Coverage For Businesses' Pandemic Losses

By Matthew Santoni

The Third Circuit said a group of New Jersey and Pennsylvania businesses aren't entitled to insurance coverage for their lost income during pandemic-related closures, ruling Friday that the COVID-19 virus and its associated government closure orders did not create a "direct physical loss of or damage to" their properties.

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

BANKING

US Bank Saddled \$10B 401(k) Plan With High Fees, Suit Says

By Grace Elletson

Two participants in U.S. Bancorp's roughly \$10 billion 401(k) plan have sued the financial giant in Minnesota federal court, alleging in a proposed class action that the company failed to monitor its retirement fund's "high-cost" record-keeping fees, costing beneficiaries tens of millions of dollars.

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

SPORTS & BETTING

Women's Soccer \$5.5M Fee Award Sides With Solo's Concerns

By Bonnie Eslinger

A California federal judge awarded U.S. women's national soccer team players 25% of the \$22 million settlement fund for attorney fees in their equal pay suit against the U.S. Soccer Federation instead of the 30% requested, a decision aligned with ex-player Hope Solo's contention the amount sought was excessive.

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

American Property
Casualty Insurance
Association

Apple Inc.

Assurance IQ LLC

Berkshire Hathaway Inc

Boehringer Ingelheim

Boehringer Ingelheim
Vetmedica Inc.

Brooklyn Law School

CVS Health Corp.

Campbell Soup Co.

Cargill Inc.

Carrier Global Corp.

Center for Biological
Diversity

Cincinnati Financial Cor

Cipla Ltd.

Citibank UK Ltd.

Citigroup Inc.

Comcast Corp.

Defenders of Wildlife

Environmental Defense
Fund Inc.

Erie Insurance Inc.

Etihad Airways PJSC

Federalist Society

Feld Entertainment Inc.

Ford Motor Co.

George Washington
University

Gerber Products Co.

Glanbia PLC

HP Inc.

HSBC Holdings PLC

Happy Family Organics

Harvard University

International Shoe Co.

JELD-WEN Inc.

KBR Inc.

KPMG International

MFS Investment
Management

MS Amlin PLC

EXPERT ANALYSIS

Standing For Natural Entities: The Road Not Taken

Fifty years have passed since former U.S. Supreme Court Justice William O. Douglas asked whether natural objects like trees and rivers should have standing — and while the high court has since narrowed access to the courtroom for potential environmental plaintiffs, Douglas' vision is worth revisiting, says Ninth Circuit Judge Margaret McKeown.

[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

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Major Lindsey & Africa LLC

Mars Inc.

MasterCard Inc.

Maxum Specialty Insurance Group

National Confectioners Association

National Wildlife Federation

Network Rail Ltd.

Nordstrom Inc.

Norfolk Southern Corp.

Orient Overseas Container Line Ltd.

Pfizer Inc.

Pilgrim's Pride Corp.

Pratt & Whitney

Prudential Financial Inc

QBE Insurance Group Ltd.

Qatar Airways

Rabobank

Raytheon Technologies Corp.

Riverkeeper Inc.

Rocket Software Inc.

Sanderson Farms Inc.

Scenic Hudson Inc.

Selective Insurance Group Inc.

Sierra Club

Slack Technologies Inc.

Swiss Reinsurance Co. Ltd

Tesla Inc.

The Hain Celestial Group Inc.

The Hartford Financial Services Group Inc.

The Hut.com Ltd.

The Walt Disney Co.

Thermo Fisher Scientific Inc.

Thomson Reuters Corp

end of his high court career in the shadow of other leading conservative judges.

[Read full article »](#)

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[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 »](#)

Akin Gump Adds Schumer's Former Chief Counsel

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Trader Joe's Co.
TransUnion LLC
Turk Hava Yollari AO
Tyson Foods Inc.
U.S. Bancorp
USI Insurance Services
United States Soccer Federation Inc.
University of Southern California
University of Virginia
Walgreens Co.
Walmart Inc.
Wayne Farms LLC
Winmark Corp.
Xerox Holdings Corp.
uniQure NV

GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Labor Statistics
Bureau of Land Management
California Supreme Court
Consumer Financial Protection Bureau
European Union
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Florida Department of Health
Food and Drug Administration
HM Revenue & Customs
Illinois Supreme Court
Judicial Conference of the United States
Pennsylvania Supreme Court
Texas Supreme Court
U.S. Army

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[Read full article »](#)

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Perkins Coie LLP
Seattle, WA

ENERGY ASSOCIATE

McCarter & English, LLP
Washington, District of Columbia

Patent Attorney or Agent in Organic Chemistry (In Office or Remote)

Cantor Colburn LLP (CANTOR COLBURN LLP)

-, -

Associate - Debt Finance

Bass, Berry & Sims

-, -

Associate - Healthcare M&A

Bass, Berry & Sims

-, -

Associate – Public Company Advisory

Bass, Berry & Sims

-, -

Associate - Debt Finance and Real Estate

Bass, Berry & Sims
Memphis, Tennessee

Environmental Transactional Associate

Proskauer
New York, New York

Biotech Litigation Associate

Rothwell, Figg, Ernst & Manbeck P.C.
Washington, District of Columbia

Commercial Finance Associate (Hybrid Schedule)

Duane Morris LLP
Chicago, Illinois

Attorney– Corporate, M&A and Securities

Bass, Berry & Sims

-, -

Associate - Corporate, M&A and Securities

Bass, Berry & Sims

-, -

Associate - Antitrust

Bass, Berry & Sims
Washington , District of Columbia

Associate - Commercial Real Estate

Bass, Berry & Sims
Washington , District of Columbia

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. 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 Central District of California

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 District of Minnesota

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

U.S. District Court for the District of Oregon

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

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

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

Associate – Intellectual Property & Technology

Bass, Berry & Sims

-, -

Organic Chemistry Patent Attorney/Agent

Klarquist Sparkman LLP
Portland, Oregon

LABOR & EMPLOYMENT ASSOCIATE

– Newark, NJ Office

McCarter & English, LLP
Newark, New Jersey

Immigration Paralegal

Greenberg Traurig
-, New Jersey

Computer Science Patent Attorney/Agent

Klarquist Sparkman, LLP
Portland, Oregon

LABOR & EMPLOYMENT ASSOCIATE

– Hartford, CT Office

McCarter & English, LLP
Hartford, Connecticut

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

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

U.S. District Court for th
Southern District of
Illinois

U.S. District Court for th
Southern District of Nev
York

U.S. District Court for th
Western District of
Michigan

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

U.S. Environmental
Protection Agency

U.S. Forest Service

U.S. Patent and
Trademark Office

U.S. Securities and
Exchange Commission

U.S. Senate

U.S. Supreme Court

United Nations

United States District
Court for the District of
Kansas

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Sent: Mon, 9 Jan 2023 08:35:34 +0000
To: (b)(6)@cpsc.gov
Subject: En Banc 5th Circ. Nixes Gun 'Bump Stock' Ban In Reversal



Product Liability

MONDAY, JANUARY 9, 2023



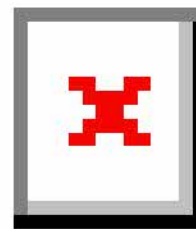
TOP NEWS

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 »](#)



FDA Clears New Alzheimer's Drug Amid Lingering Controversy

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 »](#)

La. Workers Settle BP Oil Spill Claims Against Attys, Insurers

By Josh Liberatore

Louisiana residents have settled a lawsuit they brought against a group of law firms, lawyers and insurance companies over missed relief money following the 2010 BP Deepwater Horizon oil spill, a Louisiana federal judge said in an order Friday dismissing the case.

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

LAW FIRMS IN TODAY'S NEWS

Akin Gump
Allen & Overy
Alston & Bird
Arnold & Porter
Bartlit Beck
Bickel PLLC
Birketts LLP
Block Law Firm APLC
Bradley Arant
Bristows LLP
Bursor & Fisher
Bush Seyferth
Carter-Ruck
Charles Russell Speechlys
Clifford Chance

Parents Fight Nurture's Bid To Toss Toxic Baby Food Suit

By Mike Curley

A group of parents alleging that baby food manufacturer Nurture Inc. hid the presence of toxic heavy metals in its products are pushing back against a bid to dismiss their consolidated complaint, saying Nurture is mischaracterizing their claims as based on safety instead of false advertising and labeling.

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

11th Circ. Again Denies Shire's Bid To Dodge Label Case

By Brian Steele

The Eleventh Circuit has declined to take another look at a panel decision reviving a product liability lawsuit against Shire Inc., denying the pharmaceutical company's petition for a rehearing en banc or a panel rehearing.

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

Mars' Dark Chocolate Contains Toxic Heavy Metals, Suit Says

By Gina Kim

Mars Inc. was hit with a proposed class action Thursday in New York federal court accusing the confectionary giant of failing to disclose on its labels that its Dove-branded dark chocolate allegedly contains toxic levels of lead and cadmium, which could cause cancer, organ damage and other irreversible health risks.

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

US Chamber Urges High Court To Hear Climate Suit Remand

By Katie Buehler

The U.S. Chamber of Commerce has urged the U.S. Supreme Court to reverse lower court orders remanding to Hawaii state courts climate change-related claims against energy giants like Chevron Corp. and Exxon Mobil Corp., asking the high court to reinforce previous rulings giving federal courts sole jurisdiction over climate change suits.

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

FOOD & BEVERAGE

Think! Protein Bars Mislead On Artificial Sweetener, Suit Says

By Bonnie Eslinger

A proposed class action filed Thursday in Illinois state court against the maker of Think! protein bars claims the company misleads consumers into thinking its product contains no artificial sweeteners.

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

Clyde & Co
Cooke Young
Cooley LLP
Creed & Gowdy
Crowell & Moring
DAC Beachcroft
DLA Piper
Dentons Cohen
Deutsch Kerrigan
Doyle Clayton
Dykema
Faegre Drinker
Fangda Partners
Fenchurch Law
Fox Rothschild
George Gesten
Gibson Dunn
Gieger Laborde
Goliday Law Firm
Goodwin Procter
Greenberg Traurig
Gunderson Dettmer
Gunster Yoakley
Gustafson Gluek
Herrick Feinstein
Hill Dickinson
Hogan Lovells
Holland & Hart
Holland & Knight
Jones Day
Kessler Topaz
Kingsley Napley
Kinney Lisovicz
Kirkland & Ellis
Knobbe Martens
Latham & Watkins
Law Offices of Sheldon J. Schlesinger
Law Offices of Todd M. Friedman
Lawrence & Bundy
Lewis Silkin
Linklaters

CONSUMER GOODS

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 »](#)

AUTOMOTIVE

Ford Says Class Can't Swap Out NJ Driver In Faulty Pump Suit

By Danielle Ferguson

Ford Motor Co. says a proposed class suing it for allegedly defective water pumps should not be able to "change horses" by substituting an unwilling named plaintiff for one designed to keep the lawsuit alive in as many states as possible.

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

CONSTRUCTION

Florida Residents Say Cancer Claims Weren't Too Late

By Nate Beck

A group of Florida property owners told a federal trial court on Friday that the statute of limitations on their claims against Pratt & Whitney Group didn't start running when doctors initially found cancer that they only later learned was caused by radiative contamination in their subdivision.

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

ENERGY

2nd Circ. Sends Pollution Claim Fight Back To NY Court

By Jennifer Mandato

The Second Circuit found a lower court was incorrect in declining to determine whether an insurer may have to defend a transformer manufacturer in a possible dispute with an agrochemical company over pollution cleanup costs, even though the underlying conflict has not yet resulted in litigation.

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

Lugenbuhl Wheaton
Lung Rose
Matthew G. Miller PC
Morgan Lewis
Morris Nichols
Osborne Clarke
Paul Weiss
Penningtons Manches
Pinsent Masons
Potter Anderson
Reed Smith
Reynolds Colman
Riley & Jackson
Robbins Geller
Searcy Denney
Sheehan & Associates PC
Sheppard Mullin
Sher Edling
Simmons & Simmons
Skadden Arps
Spencer Fane
Stephenson Harwood
Sullivan & Cromwell
Taylor Wessing
Ulmer & Berne
Vinson & Elkins
Watanabe Ing
Waters Kraus
Wexler Boley
White Arnold & Dowd
Wiggin LLP
Windels Marx
Wright & Kirschbraun

COMPANIES IN TODAY'S NEWS

Admiral Insurance Co.
American Federation of
State County & Municipal
Employees
Apple Inc.
Biogen Inc.
Boehringer Ingelheim

PEOPLE

Linklaters' Partner Firm Adds Disputes Partner In Beijing

By Ali Sullivan

An attorney with experience advising Chinese and international corporations across industry sectors has joined Linklaters' partner firm in China.

[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 »](#)

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 »](#)

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

By Rose Krebs

Boehringer Ingelheim
Vetmedica Inc.

Brooklyn Law School

CVS Health Corp.

Cargill Inc.

Chevron Corp.

China International
Economic and Trade
Arbitration Commission

Cipla Ltd.

Citibank UK Ltd.

Citigroup Inc.

Eisai Co. Ltd.

Etihad Airways PJSC

Exxon Mobil Corp.

Federalist Society

Food & Water Watch

Ford Motor Co.

George Washington
University

Gerber Products Co.

Glanbia PLC

HSBC Holdings PLC

Happy Family Organics

Harvard University

KBR Inc.

KPMG International

MFS Investment
Management

MS Amlin PLC

Major Lindsey & Africa LLC

Mandalay Bay Hotel &
Casino

Mars Inc.

MasterCard Inc.

Maxum Specialty Insurance
Group

Monsanto Co.

National Association of
Manufacturers

National Confectioners
Association

Network Rail Ltd.

New Civil Liberties Alliance

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 »](#)

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 »](#)

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 »](#)

Nordstrom Inc.

Orient Overseas Container Line Ltd.

Pfizer Inc.

Pratt & Whitney

QBE Insurance Group Ltd.

Qatar Airways

Raytheon Technologies Corp.

Rocket Software Inc.

Shell PLC

Slack Technologies Inc.

Sunoco LP

Swiss Reinsurance Co. Ltd.

Tesla Inc.

The Hain Celestial Group Inc.

The Hut.com Ltd.

Thomson Reuters Corp.

Trader Joe's Co.

Turk Hava Yollari AO

U.S. Chamber of Commerce

University of Virginia

Walgreens Co.

Walmart Inc.

Winmark Corp.

uniQure NV

GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Labor Statistics

Centers for Medicare & Medicaid Services

European Union

Federal Reserve System

Federal Trade Commission

Florida Department of Health

Food and Drug Administration

HM Revenue & Customs

Judicial Conference of the United States

Texas Supreme Court

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 »](#)

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 Second Circuit

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 Delaware

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

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

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 Florida

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. Patent and Trademark Office

U.S. Securities and Exchange Commission

U.S. Senate

U.S. Supreme Court

United Nations

United States District Court for the District of Kansas

United States District Court for the Northern District of Alabama

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Email secured by Check Point

From: Rich Trumka
Sent: Sat, 4 Feb 2023 12:38:08 -0500
To: Robin Lipp; msebold@cpsc.gov; Kaylee Niemasik
Subject: THE WASHINGTON POST: D.C. bill would offer incentives to switch from gas stoves to electric

D.C. bill would offer incentives to switch from gas stoves to electric

Two lawmakers in Virginia have gone in a different direction as America's kitchen culture war over gas stoves intensifies.

Read in The Washington Post: <https://apple.news/ApUc7TBEyQMWnIK4NPoHYxA>

Shared from [Apple News](#)

Sent from my iPhone

Email secured by Check Point

From: Meghan Sebold
Sent: Wed, 11 Jan 2023 23:50:19 -0500
To: msebold@cpsc.gov
Subject: I did not see the culture war coming for our little world of residential electrification and the highly emotionally-charged issue of... gas v. electric stoves.

SSteyer41 (@Sam Steyer) Tweeted: I did not see the culture war coming for our little world of residential electrification and the highly emotionally-charged issue of... gas v. electric stoves.
<https://twitter.com/ssteyer41/status/1613169605442428935?s=51&t=raYBhbWNDJ7IjZ6j5Co37A>

Email secured by Check Point

From: Consumer Protection Law360
Sent: Tue, 28 Feb 2023 09:32:30 +0000
To: (b)(6)@cpsc.gov
Subject: 8th Circ. Upholds Minn. City's Flavored Vape Ban



Consumer Protection

TUESDAY, FEBRUARY 28, 2023



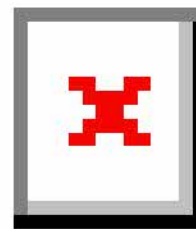
TOP NEWS

8th Circ. Upholds Minn. City's Flavored Vape Ban

By Emily Field

The Eighth Circuit on Monday upheld a ban by a Minnesota city on sales of flavored tobacco, finding in an appeal brought by R.J. Reynolds that the prohibition on sales of tobacco flavors like vanilla or mint isn't blocked by federal law.

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



Drugmakers To Face Price-Fixing Claims From State AGs

By Piper Hudspeth Blackburn

In a slew of rulings on Monday, a Pennsylvania federal court rejected most bids from drug companies seeking to nix sweeping price-fixing conspiracy allegations from a group of state attorneys general.

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

FCC Staff Aims To 'Scuttle' Tegna Deal, Standard General Says

By Christopher Cole

Standard General called Monday for the full Federal Communications Commission to vote now on its planned \$8.6 billion takeover of broadcaster Tegna, slamming the FCC Media Bureau's decision Friday to ask an in-house administrative law judge to review two interim questions related to the deal, a maneuver the hedge fund said would fatally delay a decision on the merger.

[Read full article »](#)

High Court Will Hear Challenge To CFPB Funding

By Jon Hill

LAW FIRMS IN TODAY'S NEWS

Adsero IP
Ballard Spahr
Bathae Dunne
Brignole Bush
Burg Simpson
Bursor & Fisher
Cadwalader Wickersham
Campbell Knutson
Clark Hill
Dickie McCamey
Dovel & Luner
Duane Morris
Duncan Firm PA
Edelman Combs
Edgar Snyder & Associate:

The U.S. Supreme Court said Monday that it would review a federal appellate decision holding that the Consumer Financial Protection Bureau was unconstitutionally funded, taking up a case that could determine the fate of the consumer watchdog and its budgetary independence.

[Read full article »](#)

Analysis

5 Things To Know About CFPB's Latest Trip To High Court

By Jon Hill

The U.S. Supreme Court has set the stage for a high-stakes fight over whether the Consumer Financial Protection Bureau can validly operate with the independent funding that Congress gave it more than a decade ago. Here are five things to know as that constitutional battle heats up.

[Read full article »](#)

Tesla, Musk Hit With Investor Suit Over Self-Driving Safety

By Lauren Berg

Tesla, its CEO Elon Musk and other executives have long touted the success and safety of their vehicles' Full Self-Driving Autopilot software despite serious risks of accident and injury that have led to a recent recall and increased regulatory scrutiny, according to a lawsuit filed Monday in California federal court.

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

Justices Spurn RJ Reynolds' Fight Over LA's Tobacco Limits

By Hayley Fowler

The U.S. Supreme Court on Monday declined to take up an appeal by R.J. Reynolds Vapor Co. and two other companies seeking to overturn Los Angeles County's ban on flavored tobacco products, leaving intact a Ninth Circuit ruling upholding a lower court's dismissal of the suit.

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

8th Circ. Seals Arch's Win In Canceled Ski Trip Coverage Fight

By Hope Patti

The Eighth Circuit affirmed Arch Insurance Co.'s win in a suit alleging that the insurer failed to cover the cancellation of ski resort passes during the pandemic, saying in a published opinion Monday that stay-at-home orders and related ski resort closures were not covered as quarantines under a policy.

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

Faruqi & Faruqi
Fitzgerald Joseph
Foley & Lardner
Foley Hoag
Fox Rothschild
Gillam Smith
Grail Law Firm
Grant & Eisenhofer
Hinckley Allen
Holland & Knight
Hull McGuire
Jones Day
Kasowitz Benson
Kessler Topaz
Kiesel Law
King & Spalding
Kirkland & Ellis
Latham & Watkins
Milberg Coleman
Miller Canfield
Morgan Lewis
Murphy Group CNY
Neddeau Law Firm
Nichols Kaster
Paul Plevin
Phillips & Cohen LLP
Podhurst Orseck
Polunsky Beitel
Pomerantz LLP
Quarles & Brady
Reese LLP
Rosette LLP
Seila Law
Sequoia Law Firm
Shapiro Blasi
Sheehan & Associates PC
Sheppard Mullin
Stephan Zouras
Stueve Siegel
Varnum LLP
WilmerHale
Wilson Sonsini

CISA Official Urges Technology Firms To Own Security Flaws

By Ben Kochman

The head of the U.S. Cybersecurity and Infrastructure Security Agency on Monday urged software companies and other technology manufacturers to bear more responsibility — and potentially liability — for selling flawed products that are exploited in cyberattacks.

[Read full article »](#)

Law360 Seeks Members For Its 2023 Editorial Boards

Law360 is looking for avid readers of our publications to serve as members of our 2023 editorial advisory boards.

[Read full article »](#)

POLICY & REGULATION

Sierra Club Asks EU To Cease Challenges To US EV Tax Credit

By Dylan Moroses

The Sierra Club and 40 other groups on Monday urged the European Union to suspend its efforts at the World Trade Organization challenging the recent changes made to the U.S.-based electric vehicle tax credit.

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

Mich. Judge Backs Power Rule By Saying It Boosts Reliability

By Peter McGuire

A Michigan requirement that power companies source some of their electricity locally does not obstruct interstate commerce because it is needed for a reliable grid, a Great Lakes State federal judge has ruled, dismissing a challenge from a collection of electric providers and industrial consumers.

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

UK Watchdog Says Merger Review Action Not Overreach

By Matthew Perlman

The chief executive officer of Britain's Competition and Markets Authority said Monday that a recent uptick in merger review activity by the agency is a result of Brexit and changing approaches to digital markets, not enforcers overstepping their authority.

[Read full article »](#)

Counties Want Broadband Resources Wrapped Into Farm Bill

By Kelly Lienhard

Zuckerman Spaeder

COMPANIES IN TODAY'S NEWS

Activision Blizzard Inc.

Allergan PLC

American Bar Association

American Heart Association

American Snuff Co. LLC

Arch Capital Group Ltd.

Community Financial Corp

Cox Media Group Inc.

Credit One Bank NA

Credit Union National Association Inc.

GNC Holdings Inc.

Geico Corp.

Georgetown University

Getty Images Inc.

Live Nation Entertainment Inc.

Lux Research Inc.

Mayo Foundation for Medical Education and Research

Meta Platforms Inc.

Microsoft Corp.

Midcontinent Independent System Operator Inc.

Mylan NV

National Association for Legal Placement Inc.

National Association of Counties Inc.

New Civil Liberties Alliance

New England Compounding Pharmacy Inc.

Norfolk Southern Corp.

North American Banking C

PepsiCo Inc.

Perrigo Co. PLC

R.J. Reynolds Tobacco Co Inc.

Retrophin Inc.

Sabre Corp.

A group of all U.S. county governments encouraged Congress to include a measure increasing high-speed broadband access in this year's anticipated farm bill, telling lawmakers that ensuring access to internet services would strengthen rural America.

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

House Passes Bill To Extend FCC Auction Authority Until May

By Christopher Cole

The U.S. House easily passed legislation Monday to extend the Federal Communications Commission's legal authority to sell licenses to the airwaves for commercial use until May 19.

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

FCC Looks To Move Past 'Binary' Satellite, Mobile Choices

By Christopher Cole

The Federal Communications Commission wants to move beyond the "binary choices" of dedicating specific spectrum bands to either mobile or satellite use by allowing flexible use in so-called mobile dead zones, FCC Chairwoman Jessica Rosenworcel told an industry gathering in Spain on Monday.

[Read full article »](#)

ENFORCEMENT

FTC Pushes To Hold Shkreli In Contempt

By Kelly Lienhard

The Federal Trade Commission continued urging a New York federal court to hold convicted "pharma bro" Martin Shkreli in contempt for failing to comply with document requests in an investigation into accusations he violated an order banning him from working in the pharmaceutical industry.

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

Justices Won't Hear Pharmacist's Appeal In Deadly Outbreak

By Chris Villani

The U.S. Supreme Court on Monday turned away the founder of a Massachusetts compounding center that caused a deadly meningitis outbreak after he sought a reversal of a second sentencing hearing that tacked on five years to his time in prison.

[Read full article »](#)

UPMC, Surgeon Pay \$8.5M To End Simultaneous Surgeries Suit

Santa Fe Natural Tobacco Co.

Sierra Club

Standard General LP

TD Ameritrade Holding Corp.

Taro Pharmaceutical Industries Ltd.

Tegna Inc.

Tesla Inc.

Teva Pharmaceutical Industries Ltd.

The Charles Schwab Corp.

The Gatorade Company Inc.

Toyota Motor Corp.

Twitter Inc.

Unilever PLC

University of Pittsburgh Medical Center

Vyera Pharmaceuticals LLC

Walmart Inc.

Wells Fargo & Co.

GOVERNMENT AGENCIES IN TODAY'S NEWS

Big Valley Band of Pomo Indians

California Attorney General's Office

Centers for Disease Control and Prevention

Centers for Medicare & Medicaid Services

Competition Appeal Tribunal

Competition and Markets Authority

Consumer Financial Protection Bureau

European Commission

European Union

Federal Communications Commission

Federal Deposit Insurance Corp.

By Matthew Santoni

The University of Pittsburgh Medical Center and one of its star surgeons, Dr. James L. Luketich, will pay the federal government \$8.5 million to resolve claims that Luketich violated Medicare and Medicaid rules by scheduling himself for two and three simultaneous surgeries, prosecutors announced Monday.

[Read full article »](#)

CFPB Bans Mortgage Lender For Violating Earlier Order

By Katryna Perera

A California mortgage lender was permanently banned Monday from the industry by the Consumer Financial Protection Bureau for allegedly repeatedly violating a 2015 agency order prohibiting it from sending advertisements to military families that made it seem like the company was affiliated with the federal government.

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

LITIGATION

Toyota Accused Of Hiding Defective A/C Units At Fla. Trial

By David Minsky

An attorney representing consumers in a class action against Toyota over defective air conditioning units in Camrys said they expected a "fresh dose of clean air" after starting their cars but instead got foul smells of dirty socks and dead animals, according to opening statements in a Florida federal jury trial Monday.

[Read full article »](#)

No Jury Trial For Geico Class Action, Calif. Judge Says

By Jennifer Mandato

A jury trial won't be held for the sole remaining Unfair Competition Law claim by a class of Geico's California policyholders, a federal judge ruled Monday, agreeing with the insurer that the Seventh Amendment does not extend that right to a claim of this nature.

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

PepsiCo Misbrands Gatorade Fit Drinks As 'Healthy,' Suit Says

By Gina Kim

PepsiCo was hit with a proposed class action Friday in California federal court accusing it of misbranding Gatorade Fit drinks as "healthy" and an "excellent" source of vitamins with no added sugar, even though the complaint claims the drinks are basically water flavored with minimal watermelon juice concentrate and preservatives.

Federal Housing
Administration
Federal Reserve System
Federal Trade Commissio
Food and Drug
Administration
National Highway Traffic
Safety Administration
National Transportation
Safety Board
Office of the Comptroller of
the Currency
Riverside County District
Attorney's Office
U.S. Attorney's Office for th
Western District of
Pennsylvania
U.S. Court of Appeals for tl
Eighth Circuit
U.S. Court of Appeals for tl
Fifth Circuit
U.S. Court of Appeals for tl
Ninth Circuit
U.S. Court of Appeals for tl
Second Circuit
U.S. Department of
Education
U.S. Department of Justice
U.S. Department of Vetera
Affairs
U.S. District Court for the
Central District of Californi
U.S. District Court for the
District of Columbia
U.S. District Court for the
Eastern District of Michigar
U.S. District Court for the
Eastern District of
Pennsylvania
U.S. District Court for the
Eastern District of Texas
U.S. District Court for the
Northern District of Califorr
U.S. District Court for the
Northern District of Illinois
U.S. District Court for the
Southern District of Florida

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

Ticketmaster Says Swifties Must Arbitrate Overcharge Claims

By Hailey Konnath

Ticketmaster and its parent company, Live Nation, have asked a California federal court to boot a proposed class action over Taylor Swift ticket sales, arguing that the fans must arbitrate their claims that the companies charged exorbitant fees using anti-competitive and deceptive tactics.

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

9th Circ. Says DAs Can Sue Banks Over Debt Phone Calls

By Dorothy Atkins

The Ninth Circuit affirmed Monday the dismissal of Credit One Bank NA's suit alleging that Riverside County District Attorney Michael A. Hestrin violated the National Bank Act's so-called "visitorial power" restrictions by suing the bank in state court for allegedly hiring a vendor to make harassing debt collection phone calls.

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

GNC 'Total Lean' Snack Bars Too Fatty, Proposed Class Says

By Collin Krabbe

Two people from the Bronx say snack bars from GNC Holdings are too fatty to be legally marketed as "lean," alleging the company broke federal regulations for properly labeling food in doing so, a putative class action in New York federal court contends.

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

Lending Org. Sued For Alleged Predatory Loans, Tribal Link

By Ali Sullivan

A new proposed class action in Illinois federal court is the latest to challenge an online lender's tribal ownership, alleging Eagle Valley Lending is exploiting its ties to an Arizona tribe to offer loans with illegally high annual percentage rates.

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

Proposed Class Action Accuses Lender Of Tribe-Linked Usury

By Emilie Ruscoe

Online lender Credit Cube and its CEO face a proposed class action alleging they saddled customers with "predatory and unlawful" loans and invoked Native American tribal sovereign immunity to avoid facing scrutiny for breaking state laws capping interest rates.

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

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

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Securities and Exchange Commission

U.S. Supreme Court

United States District Court for the Northern District of Ohio

World Trade Organization

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

Charles Schwab To Face Merger Retail Trade Antitrust Suit

By Piper Hudspeth Blackburn

A Texas federal court has rejected a bid from The Charles Schwab Corp. to toss a proposed class action, ruling that the retail investors bringing the suit have shown an antitrust injury through their allegations that they now pay higher transaction costs for their trades following the Schwab-TD Ameritrade merger.

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

Consumers Get Class Cert. In Breyer Vanilla Row On 2nd Try

By Emily Field

A California federal judge has signed off on a class of consumers who were allegedly misled by Unilever's marketing into thinking Breyers' Natural Vanilla flavor contained only natural vanilla, after a previous denial.

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

Norfolk Southern To Allow More Exam Time At Derailment Site

By Eric Heisig

Norfolk Southern Corp. agreed Monday afternoon to give more time to residents and business owners near East Palestine, Ohio, suing over a derailment and chemical spill to inspect the contaminated wreckage still on-site before the railroad giant engages in substantial cleanup efforts mandated by the U.S. Environmental Protection Agency.

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

EXPERT ANALYSIS

Opinion

Justices Should OK Biden's Student Loan Forgiveness Plan

Because none of the plaintiffs in *Biden v. Nebraska* and *U.S. Department of Education v. Brown* satisfy the U.S. Constitution's standing requirements, the U.S. Supreme Court should dismiss the pair of challenges to the Biden administration's student loan forgiveness program after hearing oral arguments Tuesday, says Mitria Wilson-Spotser at the Center for Responsible Lending.

[Read full article »](#)

Steps Lawyers Can Take Following Involuntary Terminations

Though lawyers can struggle to recover from involuntary terminations, it's critical that they be able to step back, review any feedback given and look for opportunities for growth, say Jessica Hernandez at JLH Coaching & Consulting and Albert Tawil at Lateral Hub.

[Read full article »](#)

LEGAL INDUSTRY

Firms' Entry-Level Hiring Expected To Dip After Steady '22

By Xiumei Dong

Entry-level hiring at law firms across the U.S. remained strong last year, but many scaled back their recruitment of summer associates for 2023 in anticipation of challenging economic times ahead, according to a report released Monday by the National Association for Law Placement.

[Read full article »](#)

King & Spalding Rehires Former Senior White House Counsel

By Andrea Keckley

King & Spalding LLP announced on Monday that a former senior counsel and special assistant to President Joe Biden in the White House Counsel's Office has rejoined the firm as a partner in its special matters and government investigations team.

[Read full article »](#)

Quarles & Brady Moves Into Denver With Adsero Combination

By Kevin Penton

Quarles & Brady LLP is continuing its westward expansion with a combination with Denver-based Adsero IP, an intellectual property boutique, the firms announced Monday.

[Read full article »](#)

Proud Boys Attys Accused Of Not Paying For Jury Bias Report

By Andrew Strickler

A Texas research firm on Friday sued a group of defense lawyers representing members of the far-right Proud Boys group over an allegedly unpaid bill for a report about potential bias in the juror pool in the nation's capital.

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

Attys Urge 2nd Circ. To Revive Conn. Racism Rule Challenge

By Ryan Boysen

Two Connecticut lawyers who oppose a new attorney state discipline rule that prohibits racist and sexist comments want the Second Circuit to weigh in, saying a federal judge was wrong to find that their "vague," "abstract" and "subjective" fears don't confer standing to challenge the measure.

[Read full article »](#)

Interview

Mich. Chief Justice Says Election Process Taints High Court

By Carolyn Muyskens

The Michigan Supreme Court's newest chief justice doesn't hide her qualms about the way she and her fellow justices are elected, making clear suggestions of partisanship at the state's high court are a threat to its independence.

[Read full article »](#)

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From: Public Policy Law360
Sent: Fri, 17 Feb 2023 08:40:33 +0000
To: (b)(6)@cpsc.gov
Subject: 'Noisy Exit' Hits FTC At Crucial Moment



Public Policy

FRIDAY, FEBRUARY 17, 2023



TOP NEWS

Analysis

'Noisy Exit' Hits FTC At Crucial Moment

By Matthew Perlman and Bryan Koenig

The abrupt announcement by the Federal Trade Commission's only Republican member that she plans to depart means the agency could soon be left without a countervailing voice at a time when the commission's leadership is pushing to reshape antitrust enforcement through several major initiatives.

[Read full article »](#)

FinCEN Blasted Over Beneficial Ownership Registry Plan

By Sarah Jarvis

The U.S. Treasury Department's financial crimes unit has received a tidal wave of criticism on its proposed rule detailing access to so-called beneficial ownership information, including a strong rebuke from a major banking trade group that urged the unit to scrap the proposal altogether and replace it.

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

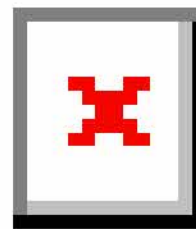
Analysis

Wash. Environmental Justice Program Aims To Hit Stride Fast

By Lauren Berg

As Washington finally gets its cap-and-trade system off the ground and defines how it will make environmentally just decisions, lawyers say regulators have proved effective even as several companies are left pushing for more information.

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



LAW FIRMS IN TODAY'S NEWS

Alter & Pearson
Arnold & Porter
Baker & Hostetler
Baker Botts
Beveridge & Diamond
Blank Rome
Clare Locke
Cleary Gottlieb
Clement & Murphy
Covington & Burling
Cozen O'Connor
Crowell & Moring
DLA Piper
Damian & Valori
Davis Polk

Pharma, Consumer Advocates Clash Over FDA-USPTO Collab

By Dani Kass

Major pharmaceutical organizations are urging the U.S. Patent and Trademark Office and U.S. Food and Drug Administration not to work closer on patent work, arguing the current system works well to prevent abuse, a claim patient advocacy organizations have disputed.

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

Texas Files Suit Over 2023 Federal Spending Package

By Lauren Castle

Texas is fighting back against the federal government's omnibus \$1.7 trillion spending package, alleging it was not lawfully enacted because less than half of the U.S. House of Representatives was physically present during the vote, the Lone Star State said in a lawsuit.

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

McConnell Bashes 1st Circ. Pick After Contentious Hearing

By James Arkin

Senate Minority Leader Mitch McConnell criticized First Circuit nominee Michael Arthur Delaney on Thursday and urged President Joe Biden to reconsider the nomination after the judicial pick testified in a contentious hearing that centered on his advocacy in a case involving a sexual assault survivor.

[Read full article »](#)

Senate Confirms Judge For California's Eastern District

By James Arkin

The U.S. Senate confirmed Superior Court Judge Daniel J. Calabretta to the Eastern District of California Thursday in a bipartisan vote, making him the first openly LGBTQ person to serve on that district bench.

[Read full article »](#)

Ex-WH Atty, 'Big Lie' Lawyers Hit With More Bar Complaints

By Andrew Strickler

Legal watchdog The 65 Project launched a new round of ethics complaints Wednesday targeting "big lie" lawyers, including those involved in Georgia suits raising false claims of election fraud in 2020 and Kari Lake's recent attempt to overturn the result of the Arizona gubernatorial election.

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

Fla. Judge Again Tosses Lawsuit Over 'Don't Say Gay' Law

By David Minsky

A Florida federal judge has dismissed a lawsuit attempting to block a state law prohibiting classroom instruction on gender identity and sexual orientation for a second time, saying that the students and parental groups

Day Pitney
Debevoise & Plimpton
Elizabeth F. Schwartz F
Epstein Becker Green
Farnan LLP
Fennemore Craig
Foley & Lardner
Gunster Yoakley
Hinshaw & Culbertson
Johnson Anselmo
Johnson Jackson
Kaplan Hecker
Kaufman Dolowich
Lathrop GPM
Lehotsky Keller
Lynch Traub
McClain Alfonso
McDermott Will
McLane Middleton
Munger Tolles
O'Melveny & Myers
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Parker Daniels Kibort
Patterson Belknap
Paul Weiss
Perkins Coie
Perlman Bajandas
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Richards Layton
Ropes & Gray
Schulte Roth
Selendy Gay
Skadden Arps
Stoel Rives
Susman Godfrey
Weil Gotshal
Wilkinson Stekloff
Williams & Connolly
Williams Mullen
WilmerHale
Wilson Sonsini
Winston & Strawn

who brought the action couldn't point to a "concrete future harm" that would have been prevented by stopping its enforcement.

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

Ex-Prosecutor Turns To Fla. Supreme Court To Get Job Back

By Madison Arnold

Ousted Florida state attorney Andrew Warren is asking the state Supreme Court to direct his reinstatement after a federal judge found Gov. Ron DeSantis violated the First Amendment and the Florida Constitution when he suspended the Hillsborough County prosecutor last year.

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

BANKING & SECURITIES

CFPB Says Credit Card Cos. 'Suppressed' Data To Foil Rivals

By Jon Hill

The Consumer Financial Protection Bureau said Thursday that major credit card companies appear to have withheld certain payment data from credit reporting channels in an effort to protect themselves from competition.

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

Retirement Groups Urge SEC To Abandon Fund Proposal

By Jessica Corso

A U.S. Securities and Exchange Commission proposal aimed at protecting the open-end mutual fund industry from market panic would actually harm workers saving for retirement and should be abandoned, two leading trade groups recently said.

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

ENERGY & ENVIRONMENTAL

EPA Floats Stronger Pesticide Rules For Farmworker Safety

By Juan Carlos Rodriguez

The U.S. Environmental Protection Agency on Thursday proposed strengthening protections for agricultural workers who could be exposed to pesticides, standards that had been weakened by the Trump administration.

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

Alaska Challenges 'Overbroad' Arctic Seal Protected Areas

By Peter McGuire

COMPANIES IN TODAY'S NEWS

Activision Blizzard Inc.

American Bankers Association

American Bar Association

American Civil Liberties Union

American Intellectual Property Law Association

Apple Inc.

Asian Americans

Advancing Justice

BAE Systems PLC

Bank Policy Institute

Bank of America Corp.

Belcher Pharmaceutical LLC

Canadian Imperial Bank of Commerce

Center for Biological Diversity

Cerberus Capital Management LP

Citigroup Inc.

Citizens Property Insurance Corp.

Citizens for Responsibility and Ethics in Washington

Cornell University

Environmental Integrity Project

Federal Bar Association

Fox News Network LLC

George Washington University

Google LLC

HCA Healthcare Inc.

Hospira Inc.

Insured Retirement Institute Inc.

Intellectual Property Owners Association

Lawyers' Committee for Civil Rights

The state of Alaska has claimed that federal fisheries regulators violated the Endangered Species Act by designating vast portions of Arctic waters as habitat for endangered seals, alleging in a federal lawsuit that the protected areas could interfere with oil and gas development in the region.

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

Fla. Court Tells Agency To Reconsider Plans For Springs

By Tom Lotshaw

A Florida state appeals court on Wednesday sided with several environmental groups challenging the adequacy of basin management action plans that state regulators developed to reduce the nitrogen pollution impairing designated springs in the state known as Outstanding Florida Springs.

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

Coons, Tillis Tapped To Lead Senate IP Subcommittee

By Ryan Davis

Sen. Chris Coons, D-Del., was named chairman of the Senate subcommittee on intellectual property on Thursday, and Sen. Thom Tillis, R-N.C., was tapped as ranking member, putting two lawmakers with similar views about the value of strong patents at the helm of the panel.

[Read full article »](#)

Texas Botched Air Permit For LNG Terminal, 5th Circ. Told

By Keith Goldberg

Texas environmental regulators failed to set stringent air pollution limits when issuing a permit for a proposed liquefied natural gas terminal on the Gulf Coast, environmental and community advocates told the Fifth Circuit.

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

Conn. Town Had 'Perfect Right' To Shutter Quarry, Atty Says

By Brian Steele

The former mayor of East Haven, Connecticut, and other town officials did not have an improper political motive for shutting down the Farm River Rock quarry ahead of the 2017 election, and the plaintiff in a \$15.2 million lawsuit is not entitled to damages, defense attorneys said Thursday during closing arguments in a federal bench trial.

[Read full article »](#)

MEDIA & ENTERTAINMENT

Fox Hosts Privately Ripped Election Claims, Dominion Says

By Hailey Konnath

Fox News Network's hosts and executives privately ridiculed and criticized claims that the 2020 election was rigged, calling them "total bs," "crazy" and "dangerously insane" behind the scenes, all while continuing to treat

Lone Star Legal Aid
Major Lindsey & Africa
LLC

McDonald's Corp.

Meta Platforms Inc.

Miami-Dade County
Public Schools

Microsoft Corp.

National Association of
Attorneys General

National Center for
Lesbian Rights

National District Attorne
Association

National Employment
Law Project

National Hockey League

National Hockey League
Players Association

National Public Radio Ir

Navient Corp.

Nintendo Co. Ltd.

OmniVision
Technologies, Inc.

Oxfam America Inc.

Pharmaceutical Resear
and Manufacturers of
America

SIFMA

Sierra Club

Skype Technologies SA

Sony Interactive
Entertainment Inc.

State Bar of Georgia

Texas Civil Rights Proje

Texas Public Policy
Foundation

The ERISA Industry
Committee

The Florida Bar

The National Shipping
Co. of Saudi Arabia

The New York Times Ci

U.S. Chamber of
Commerce

the claims as legitimate on air, Dominion Voting Systems said in a brief made public Thursday.

[Read full article »](#)

EMPLOYMENT & BENEFITS

Labor Secretary Confirms Departure To Run NHL Union

By Max Kutner

Labor Secretary Marty Walsh confirmed Thursday that he will be leaving his post as head of the U.S. Department of Labor to run the National Hockey League players' union.

[Read full article »](#)

DOL's Top Lawyer Says Precedent Guides Its Rulemaking

By Jon Steingart

The U.S. Department of Labor's chief legal officer told attorneys Thursday the agency is working on an independent contractor rule that closely follows court precedent and an overtime rule that thwarts erosion of labor standards as salaries rise over time.

[Read full article »](#)

COMPETITION

DOJ, States Say Google Can't Yet Ditch Search Engine Suits

By Hailey Konnath

The U.S. Department of Justice and a coalition of states have urged a D.C. federal court to reject Google's attempt to ditch landmark antitrust litigation over its default search engine, arguing that accepting the company's approach to the dispute "would make the antitrust laws bow to admitted monopolists."

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

Microsoft Says Sony Docs At 'Heart' Of FTC Activision Case

By Bryan Koenig

Microsoft's fight for documents from Sony's digital entertainment arm continues to escalate as Microsoft tries to defend against a Federal Trade Commission challenge to its planned \$68.7 billion acquisition of Activision, a challenge the software giant argues "almost exclusively" parrots Sony complaints about the deal.

[Read full article »](#)

PERSONAL INJURY & MEDICAL MALPRACTICE

Baton Rouge Settles Civil Suit Over 2016 Protest Crackdown

United States Telecom Association

Universal Health Service Inc.

Universal Service Administrative Co.

Vermont Law School

Westfleet Advisors LLC

GOVERNMENT AGENCIES IN TODAY'S NEWS

Alaska Department of Law

California Department of Justice

Centers for Disease Control and Prevention

Colorado Department of Revenue

Competition and Market Authority

Consumer Financial Protection Bureau

Council on Environmental Quality

Defense Logistics Agency

Equal Employment Opportunity Commission

European Union

Executive Office of the President

Federal Acquisition Regulatory Council

Federal Communications Commission

Federal Trade Commission

Financial Crimes Enforcement Network

Florida Department of Education

Florida Department of Environmental Protection

Florida Department of Transportation

By Marco Poggio

Baton Rouge, Louisiana, will pay \$1.17 million to two reporters and 12 protesters who alleged they were brutally arrested during a 2016 crackdown on Black Lives Matter demonstrations by the Baton Rouge Police Department in the wake of the police killing of Alton Sterling, their lawyer said Thursday.

[Read full article »](#)

GOVERNMENT CONTRACTS

Sen. Grassley Plans FCA Amendments Amid 'Absurd' Rulings

By Daniel Wilson

Sen. Chuck Grassley, R-Iowa, on Thursday criticized recent high-profile False Claims Act decisions and said he plans to reintroduce legislation to address alleged judicial misinterpretation of the statute, while urging stakeholders to weigh in with their own proposed statutory changes.

[Read full article »](#)

TAX

City's Cigarette Tax Blocks State Revenue Share: Colo. Panel

By Daniel Ducassi

A municipal sales tax on cigarettes bars the city of Aurora, Colorado, from participating in a state cigarette tax revenue sharing program, a panel of the Colorado Court of Appeals ruled Thursday, concluding that allowing cities to tax cigarettes and still get a cut from the state was not what lawmakers intended.

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

BANKRUPTCY

Baker And Crowell Can't Duck Scam Suit In Florida, Court Told

By Ryan Boysen

The receiver for On Point Global LLC — a constellation of allegedly predatory websites sued into bankruptcy by the Federal Trade Commission — is fighting BakerHostetler LLP and Crowell & Moring LLP's efforts to escape her malpractice suit, claiming the pair's previous work for On Point clearly makes them liable.

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

IMMIGRATION

Florida First District Court of Appeal

Florida State Senate

Florida Supreme Court

Food and Drug Administration

Government Accountability Office

Internal Revenue Service

Louisiana Attorney General's Office

National Marine Fisheries Service

Small Business Administration

Texas Attorney General Office

Texas Commission on Environmental Quality

U.S. Court of Appeals for the Fifth Circuit

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Energy

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 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 Connecticut

Garland Asks Justices To Let Obstruction Be Deportable

By Micah Danney

U.S. Attorney General Merrick Garland asked the Supreme Court on Thursday to expand the scope of federal law to make obstruction of justice a deportable offense even if it does not involve an active investigation or court case.

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

Justices Nix Title 42 Argument As Virus Emergency Sunsets

By Britain Eakin

The U.S. Supreme Court on Thursday canceled upcoming oral arguments in a dispute over red states' bid to join a Title 42 fight, after the Biden administration indicated this month the case will be moot once the COVID-19 public health emergency ends in May.

[Read full article »](#)

DeSantis Signs Migrant Relocation Program Into Law

By Micah Danney

Florida Gov. Ron DeSantis has signed a bill devoting \$10 million to a program that expands the state's transporting of migrants to other states, a move critics promptly decried.

[Read full article »](#)

GOP States Decry DOJ's Judge-Shopping 'Slur' In Parole Suit

By Katie Buehler

Texas and 19 other Republican-led states have slammed the Biden administration for using the so-called slur "judge shopping" to support the federal government's bid to transfer the states' legal challenge to the recently expanded parole program for migrants out of a single-judge division in the Southern District of Texas.

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

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

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

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. Environmental Protection Agency

U.S. General Services Administration

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Postal Service

U.S. Securities and Exchange Commission

U.S. Senate

U.S. Supreme Court

Wage and Hour Division

Washington State

Department of Ecology

World Trade Organization

NATIVE AMERICAN

FCC Aims To Ease Tribal Access To School, Library Resources

By Christopher Cole

The Federal Communications Commission asked the public Thursday to weigh in on how the agency can encourage more tribal schools and libraries to obtain federal subsidies for high-speed connectivity.

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

TELECOMMUNICATIONS

FCC Offers Rules To Separate Abuse Survivors' Phone Lines

By Christopher Cole

The Federal Communications Commission proposed Thursday to require mobile carriers to separate the phone lines of domestic violence survivors from their abusers' lines.

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

FCC Seeks To Cut Off Robocaller That Impersonated Banks

By Piper Hudspeth Blackburn

The Federal Communications Commission has asked voice providers not to carry traffic from One Eye LLC, a telecom company the agency has targeted before for facilitating alleged scam robocalls.

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

EXPERT ANALYSIS

North Carolina Bill Could Significantly Chill Hospital Mergers

A recently introduced bill in the North Carolina Senate differs markedly from federal merger review procedures in several key areas, and would greatly increase scrutiny that could in turn discourage hospital merger activity in the state, says James Burns at Williams Mullen.

[Read full article »](#)

5 SEC Exam Priorities Private Fund Managers Must Address

The U.S. Securities and Exchange Commission's Division of Examinations' 2023 examination priorities reaffirm that private fund managers will continue to be a top focus of SEC examinations and should assess their risk profile and make efforts to get ahead of potential scrutiny, say attorneys at Schulte Roth.

[Read full article »](#)

How Biden's Climate Focus May Affect Gov't Contractors

A recent proposal to require government contractors to disclose their greenhouse gas emissions, the effect of climate change considerations on award decisions, and recent carbon initiatives emphasize the need for contractors to align with government environmental goals and examine the potential impacts on their respective market sectors, say attorneys at DLA Piper.

[Read full article »](#)

8 Steps To Improve The Perception Of In-House Legal Counsel

With the pandemic paving the way for a reputational shift in favor of in-house corporate legal teams, there are proactive steps that legal departments can take to fully rebrand themselves as strong allies and generators of value, says Allison Rosner at Major Lindsey.

[Read full article »](#)

LEGAL INDUSTRY

Davis Polk Defeats Black Ex-Atty's Discrimination Claims

By Lauren Berg

A Black former Davis Polk & Wardwell LLP associate hasn't provided the evidence that a jury could use to find that he suffered race-based discrimination while employed at the law firm, a Manhattan federal judge ruled Thursday, trimming the attorney's bias claims but keeping alive allegations of retaliation.

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

Another Growth Spurt For Legal Funding Industry In 2022

By Andrew Strickler

The legal investing business had another big year in 2022, according to a Thursday report from industry broker Westfleet Advisors, with a double-digit jump in new case investments and more investor money available to back cases.

[Read full article »](#)

Cozen O'Connor To Open In Boulder With Lathrop GPM Hires

By Andrea Keckley

Cozen O'Connor is launching a new office in Boulder, Colorado, with the addition of four intellectual property attorneys and nine other new hires from Lathrop GPM LLP.

[Read full article »](#)

Selendy Gay Hires Jan. 6 Attack Counsel, Marks 5 Years

By Tracey Read

The senior investigative counsel for the House select committee investigating the Jan. 6 attack on the Capitol will join litigation boutique Selendy Gay Elsberg PLLC as a partner, the firm announced Thursday.

[Read full article »](#)

Bar Exam Changes Planned To Attract Attorneys To Delaware

By Rose Krebs

Delaware Chief Justice Collins J. Seitz Jr. told state legislators Thursday that major changes to the state's bar exam are expected soon as part of an ongoing effort to attract more attorneys to the First State.

[Read full article »](#)

Analysis

Fla. Insurance Reforms Could Clobber Smaller Legal Claims

By Carolina Bolado

Attorneys who represent policyholders are concerned over proposed changes to the way insurance claims are litigated in Florida, calling the planned revision a blunt object that could prevent those with more minor but legitimate cases from finding representation.

[Read full article »](#)

Law360 Seeks Members For Its 2023 Editorial Boards

Law360 is looking for avid readers of our publications to serve as members of our 2023 editorial advisory boards.

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From: Rich Trumka
Sent: Sat, 21 Jan 2023 10:50:50 -0500
To: (b)(6)@cpsc.gov
Subject: TORONTO STAR: The burning truth behind gas stoves — and how it fanned the flames of a culture war

The burning truth behind gas stoves — and how it fanned the flames of a culture war

Sat Jan 21 08:00:00 EST 2023 There's nothing like cooking to get people's backs up. Debates over whether rice should be rinsed before cooking, when the spice should be added to a crawfish boil, or if ribs should be boiled at all have broken down many a friendship. It's no wonder, then, that gas stoves have sparked a full-blown culture war south of the border, with one U.S. congressman tweeting a video of his blue flamed burners with the caption: "You'll have to pry it from my COLD DEAD HANDS!"

Read in Toronto Star: <https://apple.news/Agbi09ihgRierX7jJXyXGow>

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=

From: Rich Trumka
Sent: Wed, 18 Jan 2023 22:58:41 -0500
To: (b)(6)@cpsc.gov
Subject: THE NEW REPUBLIC: The Dawn of Gas Stove Denialism

The Dawn of Gas Stove Denialism

The panic over Joe Biden coming to steal your gas stove was the start of an incredibly dumb but deadly serious culture war.

Read in The New Republic: <https://apple.news/AZogds5H9SYya5UnMU9K4PQ>

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From: Consumer Protection Law360
Sent: Mon, 9 Jan 2023 10:49:35 +0000
To: (b)(6)@cpsc.gov
Subject: Noncompete Ban Tees Up 1st Test Of FTC's Rule Powers



Consumer Protection

MONDAY, JANUARY 9, 2023



TOP NEWS

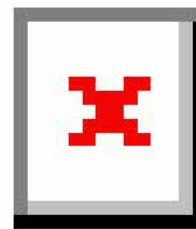
Analysis

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 »](#)



Interior Dept. Ripped For Using Easily Hackable Passwords

By Ben Kochman

Hundreds of accounts belonging to the U.S. Department of the Interior used weak passwords like "Password-1234," exposing the agency to potential hacks from even the most low-skilled of attackers, an agency watchdog said Friday.

[Read full article »](#)

7th Circ. Skeptical Of Rabobank's Part In Chicken Price-Fixing

By Celeste Bott

A Seventh Circuit panel on Friday expressed some doubts about chicken buyers' contention that an agricultural bank was part of a conspiracy to fix chicken prices, appearing unconvinced that emails between a bank executive and two major poultry producers warranted revival of the antitrust claims.

[Read full article »](#)

Exclusive

LAW FIRMS IN TODAY'S NEWS

Akin Gump
Allen & Overy
Alston & Bird
Bickel PLLC
Birketts LLP
Blank Rome
Boies Schiller
Bowles Rice
Bradley Arant
Bristows LLP
Bursor & Fisher
Carter-Ruck
Charles Russell Speechlys
ChaudhryLaw
Clifford Chance

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 »](#)

Assurance IQ Shakes Website Activity Tracking Fight For Now

By Allison Grande

A California federal judge has axed a proposed class action accusing Assurance IQ and its software vendor of unlawfully recording website visitors' keystrokes and electronic communications, although he gave the plaintiff another chance to amend his claims in a dispute that has been widely credited with fueling a nationwide spike in similar lawsuits.

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

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 »](#)

4th Circ. Tosses Suit Over W.Va. Turnpike Toll Fees

By Hayley Fowler

The Fourth Circuit on Friday threw out a proposed class action accusing the West Virginia Parkways Authority of charging drivers excessive fees on toll roads, finding the district court was right to dismiss the suit but not for the reasons the judge cited.

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

Wells Fargo Settles Proposed Class Suit With Borrowers

By Faith Williams

Two of Wells Fargo Bank NA's borrowers have moved to settle a suit that alleged the bank unlawfully refused to respond to borrowers' inquiries regarding their loan accounts, filing an unopposed motion to dismiss an appeal of an earlier dismissal ruling at the Ninth Circuit.

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

POLICY & REGULATION

Clyde & Co
Cooke Young
Cooley LLP
Cozen O'Connor
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DAC Beachcroft
DLA Piper
Doyle Clayton
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Faegre Drinker
Fenchurch Law
Fox Rothschild
Freeborn & Peters
George Gesten
Gibson Dunn
Giskan Solotaroff
Goodwin Procter
Greenberg Traurig
Gunderson Dettmer
Gustafson Gluek
Herrick Feinstein
Hill Dickinson
Hogan Lovells
Holland & Hart
Holland & Knight
Jones Day
Kesselman Brantly
Kilmer Voorhees
Kingsley Napley
Kirkland & Ellis
Knobbe Martens
Latham & Watkins
Law Offices of Todd M. Friedman
Lawrence & Bundy
Lewis Silkin
McGuireWoods
Milberg Coleman
Morgan Lewis
Morris Nichols
Morrison Foerster
Munger Tolles
Norton Rose

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 »](#)

ENFORCEMENT

'Real Housewives' Star Gets 6.5 Years For Telemarketing Fraud

By Rachel Scharf

Former "Real Housewives of Salt Lake City" star Jen Shah was sentenced in Manhattan federal court Friday to 6½ years in prison for her lead role in a nearly decadelong scheme to telemarket worthless business products.

[Read full article »](#)

Ohio AG Goes After 'Car Warranty' Robocallers

By Nadia Dreid

Ohio is going after a dozen people and companies it says were involved in a scheme to buy leads that were garnered through illegal robocalls so that they could in turn use those leads to hawk supposed car warranties.

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

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.

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

LITIGATION

Snyder Seeks Extension To Defend Keeping Suit In Fed Court

By David Steele

The Washington Commanders and owner Daniel Snyder want the consumer-protection suit over their alleged toxic workplace contested in federal court, where it was remanded at the end of December, and

Ogletree Deakins
Osborne Clarke
Penningtons Manches
Pinsent Masons
Potter Anderson
Reed Smith
Reynolds Colman
Schnader Harrison
Seyfarth Shaw
Sheehan & Associates PC
Sheppard Mullin
Simmons & Simmons
Skadden Arps
Spencer Fane
Stephenson Harwood
Sullivan & Cromwell
Taylor Wessing
Vinson & Elkins
Waters Kraus
Wexler Boley
Wiggin LLP
WilmerHale
Zimmerman Law Offices
Zuckerman Spaeder

COMPANIES IN TODAY'S NEWS

American Arbitration Association
American Federation of State County & Municipal Employees
Apple Inc.
Assurance IQ LLC
Boehringer Ingelheim
Boehringer Ingelheim Vetmedica Inc.
Brooklyn Law School
CVS Health Corp.
Campbell Soup Co.
Change Healthcare Inc.
Cigna Corp.
Cipla Ltd.

have asked for extra time to reply to the District of Columbia's request to return the case to the D.C. courts where it was originally filed.

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

Parents Fight Nurture's Bid To Toss Toxic Baby Food Suit

By Mike Curley

A group of parents alleging that baby food manufacturer Nurture Inc. hid the presence of toxic heavy metals in its products are pushing back against a bid to dismiss their consolidated complaint, saying Nurture is mischaracterizing their claims as based on safety instead of false advertising and labeling.

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

Mars' Dark Chocolate Contains Toxic Heavy Metals, Suit Says

By Gina Kim

Mars Inc. was hit with a proposed class action Thursday in New York federal court accusing the confectionary giant of failing to disclose on its labels that its Dove-branded dark chocolate allegedly contains toxic levels of lead and cadmium, which could cause cancer, organ damage and other irreversible health risks.

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

2nd Circ. To Consider AAA's Arbitral Immunity Claim

By Caroline Simson

The Second Circuit is being asked to decide whether the American Arbitration Association should be liable for false advertising after it terminated an arbitration over a Cuban real estate dispute midstream, a case that involves apparently novel questions relating to arbitral immunity.

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

Think! Protein Bars Mislead On Artificial Sweetener, Suit Says

By Bonnie Eslinger

A proposed class action filed Thursday in Illinois state court against the maker of Think! protein bars claims the company misleads consumers into thinking its product contains no artificial sweeteners.

📎 Complaint 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

Citibank UK Ltd.
Citigroup Inc.
Coinbase Global Inc.
Etihad Airways PJSC
Federalist Society
Food & Water Watch
George Washington University
Gerber Products Co.
Glanbia PLC
HDR Global Trading Ltd.
HSBC Holdings PLC
Happy Family Organics
Harvard University
International Centre for Dispute Resolution
KBR Inc.
KPMG International
Las Vegas Raiders LLC
MFS Investment Management
MS Amlin PLC
Major Lindsey & Africa LLC
Mars Inc.
MasterCard Inc.
Miami Dolphins
National Confectioners Association
Network Rail Ltd.
Nordstrom Inc.
Orient Overseas Container Line Ltd.
Pfizer Inc.
Pilgrim's Pride Corp.
Porsche
Prudential Financial Inc.
Qatar Airways
Rabobank
Rocket Software Inc.
Slack Technologies Inc.
Swiss Reinsurance Co. Ltd
T-Mobile US Inc.
Tesla Inc.

government review of a critical study has no end date and the document may never be published.

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

Mich. College Hit With Third Class Action After Data Breach

By Carolyn Muyskens

Hope College, a private liberal arts college in Michigan, has been hit with a third class action alleging that the school did not do enough to protect sensitive information that may have been exposed in a data breach last year.

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

EXPERT ANALYSIS

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 »](#)



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

The Hain Celestial Group Inc.

The Hut.com Ltd.

Thomson Reuters Corp.

Trader Joe's Co.

Turk Hava Yollari AO

Tyson Foods Inc.

U.S. Chamber of Commerce

University of Virginia

Volunteers of America Inc.

Walgreens Co.

Walmart Inc.

Washington Football Team

Wells Fargo & Co.

Winmark Corp.

uniQure NV

GOVERNMENT AGENCIES IN TODAY'S NEWS

Bureau of Labor Statistics

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

European Union

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

Food and Drug Administration

Franklin County, Ohio

HM Revenue & Customs

Judicial Conference of the United States

New York Attorney General's Office

breaks down four significant Justice Kavanaugh decisions dealing with the issue.

[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 »](#)

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 »](#)

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 »](#)

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

New York Department of Financial Services

Office of Foreign Assets Control

Office of the Attorney General for the District of Columbia

Ohio Attorney General's Office

Texas Supreme Court

U.S. Attorney's Office

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 Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Department of Defense

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

U.S. District Court for the District of Columbia

U.S. District Court for the District of Delaware

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 Michigan

U.S. Environmental Protection Agency

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 »](#)

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 Kansas

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