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Subject: New States Fight Obama Transgender Policy, Big Biz Supports

PUBLIC POLICY

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Monday, July 11, 2016

TOP NEWS

New States Fight Obama Transgender Policy, Big Biz Supports

Ten more states joined the fracas Friday over an Obama administration directive barring employers and schools from gender identity discrimination, as major corporations including Intel, Capital One, eBay, Hilton Worldwide, LinkedIn, Biogen, MassMutual and United Airlines chimed in against North Carolina's law banning transgender people from using certain public bathrooms.

Feds See Upside To Insider Trading Case At Supreme Court

U.S. Securities and Exchange Commission and Justice Department officials trashed the Second Circuit's Newman decision that made it tougher to prosecute insider trading Friday, but said the facts in the upcoming Salman case at the U.S. Supreme Court are in the government's favor.

House Blocks SEC's Push For Unified Ballots In Proxy Fights

The U.S. House on Thursday nixed a U.S. Securities and Exchange Commission proposal for "universal proxy ballots" that would make it easier for activist investors to defeat corporate boards' candidates during the annual proxy process.

'Privacy Shield' Data Transfer Pact Approved By EU Leaders

European Union member states on Friday gave their stamp of approval to the Trans-Atlantic Privacy Shield data transfer deal, paving the way for the pact to be formally approved by EU and U.S. officials in the coming days.

Verizon Pushes FCC Commissioners On 5G Plan

Verizon on Thursday outlined before the Federal Communications Commission suggested guidelines for the agency's proposal to open up the spectrum for 5G applications, noting that companies need flexibility to transfer, share and acquire the millimeter wave spectrum.

ANALYSIS

Privacy Shield Shelf Life In Question Despite EU Approval

European Union member states on Friday set the stage for the new Trans-

LAW FIRMS

Allen & Overy
Archer Norris
Arnold & Porter
Barnes & Thornburg
Berwin Leighton
Bird & Bird
Blank Rome
Bracewell LLP
Cadwalader Wickersham
Cleary Gottlieb
Clifford Chance
Clyde & Co
Coffman Law Firm
Covington & Burling
Cravath Swaine
DLA Piper
Debevoise & Plimpton
Dechert
Earthjustice
Eversheds LLP
Fredericks Peebles
Freshfields
Gibson Dunn
Greenberg Traurig
Gupta Wessler
Hancock Daniel
Herbert Smith Freehills
Hogan Lovells
Holland & Hart
Hunton & Williams

Atlantic Privacy Shield data transfer pact to take effect in the coming days, providing a strong but potentially fleeting measure of comfort for multinationals such as Google and Facebook that have been in limbo since the popular mechanism that they had long relied on was struck down last year.

4 Takeaways From DOI's New Arctic Offshore Drilling Rule

The federal government's tough new offshore drilling regulations for the Arctic make the region even more inhospitable to energy companies and add to the Obama administration's environmental legacy, but experts say the new rule won't scare off companies if market conditions are right. Here four key takeaways from the rule.

Top Gov't Contracts Regulations Of 2016: Midyear Report

The U.S. Department of Labor's contentious Fair Pay and Safe Workplaces rule, alongside civil penalty hikes and a cybersecurity requirement that contractors strictly lock down access to federal information, headline a broad slate of government contracts-related regulatory changes so far in 2016.

The Biggest Telecom Cases So Far In 2016

The third time was the charm for the Federal Communications Commission in the D.C. Circuit's review of its net neutrality rules, and experts said the decision will almost certainly be the most important telecom legal development in 2016. Here, Law360 looks back at net neutrality and other key cases so far this year in telecommunications.

Texas Rule Tweaks Could Help Grow Crowdfunding Market

Texas securities regulators this month are considering tweaks to state crowdfunding rules that would lift escrow requirements for smaller investments, changes that attorneys say demonstrate the state's continued eagerness to fine-tune crowdfunding requirements and help expand the fundraising method's use among small businesses.

Calif. Tribe's Hard-Fought Casino Push Faces Another Hurdle

The North Fork Rancheria of Mono Indians' long-delayed plan to build a casino in central California could come to a screeching halt just as they are closing in on approval, with a federal judge poised to decide whether to slam the brakes on the project until legal challenges from a rival tribe run their course.

BANKING & SECURITIES

2nd Circ. Reverses Itself On Joint Challenge To SEC Courts

In an about-face, the Second Circuit on Friday vacated its own ruling allowing former S&P executive Barbara Duka and private equity magnate Lynn Tilton to band together in a joint bid to revive their appeals over the constitutionality of the Securities and Exchange Commission's in-house courts.

FDIC Blasted For Poor Info Security Protocols

The Federal Deposit Insurance Corp. needs to establish an agencywide program to combat insider threats and revise how it identifies and reports major security breaches to Congress, the agency's internal watchdog said in two reports released Friday.

Committee Sends 'Maker-Taker' Fee Study To SEC

A U.S. Securities and Exchange Commission advisory group on Friday voted

Jenner & Block
Jones Day
K&L Gates
King & Spalding
Kirkland & Ellis
Law Office of John D. Cline
Mayer Brown
McCarter & English
McGlinchey Stafford
Millberg Gordon
Morgan Lewis
Morvillo LLP
Munsch Hardt
Ogletree Deakins
Orrick Herrington
Paul Hastings
Pepper Hamilton
Perkins Coie
Petrillo Klein
Pillsbury Winthrop
Pinsent Masons
Quinn Emanuel
Reinhardt Wendorf
Roberts Mlotkowski
Rogers Joseph
Segal Roitman
Shapiro Arato
Sheppard Mullin
Sidley Austin
Simmons & Simmons
Skadden
Stinson Leonard
Sullivan & Cromwell
Taylor Wessing
Telecommunications Law Professionals
Tin Fulton
Wiley Rein
WilmerHale

COMPANIES

AbbVie Inc.
American Bar Association
American Civil Liberties Union
Amgen Inc.
Apple Inc.
Bank of England

to recommend that SEC staff take up its proposal to test how altering the controversial system of maker-taker rebates would affect trading in large cap stocks, while suggesting that the agency single out certain provisions for public comment.

London's Fintech Scene Hit By Brexit Blues

London's position as the top global fintech hub is under significant threat following Britain's vote to leave the European Union, and the U.K. government must act quickly to stop a mass exodus of firms, a major trade body warned Thursday.

ENERGY & ENVIRONMENTAL

Sierra Club Says EPA Can't 'Assume' It Did Its Job

The Sierra Club urged the D.C. Circuit on Thursday to reject the U.S. Environmental Protection Agency's argument that it was "entitled to assume" that prior regulations would allow it to fulfill its duty to set standards for certain pollutants that Congress had deemed to be particularly dangerous.

SoCal Edison Says Axing Nuke Plant Deal May Hurt Ratepayers

Southern California Edison urged state regulators Thursday to uphold a 2014 settlement that forced consumers to shoulder \$3.3 billion in costs stemming from a nuclear power plant closure, saying nixing the deal could be even costlier for consumers.

IP & TECHNOLOGY

Amgen's Humira Biosimilar Wins FDA Staff Support

Amgen's proposed biosimilar of AbbVie's immunosuppressant Humira is a close match of the mega-blockbuster, U.S. Food and Drug Administration staff said Friday, setting the stage for an advisory committee endorsement.

EMPLOYMENT

CSX Urges Judge To Narrow Mass. Sick Time Law

Applying Massachusetts' new paid sick time law to railway companies would fly in the face of federal authority and eviscerate Congress' intention to preempt state laws in a domain that belongs to the U.S. government, CSX told a federal judge in Boston on Friday.

COMPETITION

ABA Says Proposed Brazilian Merger Rules Go Overboard

The American Bar Association has expressed concern that proposed changes in Brazil's merger regulations go too far in expanding what kind of agreements require review.

PRIVACY & CONSUMER PROTECTION

Texas Asks High Court Not To Review Swipe Fee Row

The state of Texas has told the Supreme Court it should reject a challenge from a group of merchants to a state law that bars businesses from imposing surcharges on credit card purchases, which the group claims unconstitutionally infringes their free speech rights, arguing the Fifth Circuit got it right.

Barclays PLC

Barrick Gold Corporation

Biogen Inc.

British American Tobacco PLC

CK Hutchison Holdings Ltd.

CSX Corporation

CTIA

Cara Operations Ltd.

Celltrion Inc.

Chevron Corporation

Coherus BioSciences Inc.

Competitive Carriers Associatio

Cray Inc

Deloitte Touche

Digi International Inc.

Element Financial Corp.

Energy Transfer Equity, L.P.

European Investment Fund

Facebook

Ford Motor Company

General Electric Capital Corp.

General Motors

Global Automakers

Goldman Sachs Group Inc.

Google Inc.

Heathrow Airport Holdings Ltd.

Hilton Worldwide Inc.

Human Rights Campaign

Institute for Justice

Intel Corporation

Joele Frank

LegalZoom.com Inc.

LinkedIn Corp.

Lippman Jungers LLC

Lucasfilm Ltd.

Massachusetts Mutual Life Insurance

MasterCard Incorporated

McGraw Hill Financial Inc.

Medicare Payment Advisory Commission

Mitsui & Company Ltd.

National Cable & Telecommunications Associatio

National Grid PLC

Pfizer Inc.

PRODUCT LIABILITY

FDA Offers Guidance For Updating Some Generic Labels

The U.S. Food and Drug Administration revealed draft guidance on Friday laying out when drugmakers should update the label for a generic drug when its reference product has left the market for reasons other than safety or effectiveness.

GOVERNMENT CONTRACTS

Aircraft Carrier Tech 9 Years, 332% Over Budget: Watchdog

The Pentagon's internal watchdog took the U.S. Navy to task Friday for going at least nine years longer and more than 300 percent, or \$571 million, over what'd originally been anticipated for a new program to stop planes as they land on aircraft carriers.

TAX

House Rejects Axing IRS Commissioner's Pay

The House of Representatives rejected an amendment Thursday that would have cut Internal Revenue Commissioner John Koskinen's pay through the end of President Barack Obama's term, before passing its latest spending bill.

NYC Missing \$59M Over Senior Homeowner Tax Break Flub

Weak oversight of a tax exemption meant for low-income senior homeowners has cost the New York City government \$59 million over the past seven years, but its Department of Finance said it was staffing up to fix the issue, according to a report Thursday.

IMMIGRATION

US Failed Deported Vets, ACLU Report Says

"Bureaucratic bungling" and "government indifference" are to blame for dozens of foreign-born U.S. veterans' deportation for what are often minor crimes even though military service entitles many vets to naturalization, according to a new report.

TELECOMMUNICATIONS

FCC's O'Rielly Pushes Agency On Process Reforms

Republican Federal Communications Commissioner Michael O'Rielly renewed his calls Friday for more transparency and fairness in the agency's processes, saying only three of his 24 suggestions to date have so far been fully or partly adopted.

FCC Told To Bar ISPs From Escaping Customer Class Actions

A law firm told the Federal Communications Commission on Thursday that it should move forward with a plan to bar internet service providers from avoiding consumer class action litigation, saying critics' claims that the FCC doesn't have the authority and that arbitration is better for consumers are not valid.

House Bill Would Cut FCC Funds, Pause Set-Top Box Proposal

The U.S. House of Representatives on Thursday passed a bill that would reduce the Federal Communications Commission's funding by \$69 million, temporarily halt the implementation of its net neutrality order, block broadband

PricewaterhouseCoopers
QUALCOMM Incorporated
Royal Dutch Shell PLC
San Diego Gas & Electric Co.
Securus Technologies Inc.
Sequenom, Inc.
Sierra Club
Sony Pictures Entertainment Inc
Southern California Edison
Staten Island University Hospital
Statoil ASA
T-Mobile USA Inc.
Target Corporation
Telmate LLC
The Utility Reform Network
The Walt Disney Company
Twentieth Century Fox Film Corp
United Continental Holdings Inc.
Verizon Communications
Williams Companies Inc
eBay Inc.

GOVERNMENT AGENCIES

Bureau of Labor Statistics
California Public Utilities Commission
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Department of Commerce
Enterprise Rancheria of Maidu Indians
European Commission
Federal Acquisition Regulatory Council
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Immigration and Customs Enforcement
Indian Health Service
Internal Revenue Service

internet rate regulation and pause the agency's set-top box proposal.

Ford, Port Authority Caution FCC On 5.9 GHz Band Plan

Ford Motor Co., the Port Authority of New York and New Jersey and others urged the Federal Communications Commission on Thursday to consider the potential effects of sharing the 5.9 GHz band with certain wireless devices, saying the proposal may interfere with the band's original goal of improving road safety and efficiency.

EXPERT ANALYSIS

In Congress: Last Call Before Summer Recess

This week marks the final days of scheduled legislative business in the House and Senate before lawmakers adjourn for the national party conventions and an extended summer recess through Labor Day. Republican leadership in both chambers face a full agenda before departing the nation's capital, say Richard Hertling and Kaitlyn McClure of Covington & Burling LLP.

The Impact Of TSCA Reform Is Approaching Fast

Impacts from the recent reforms to the Toxic Substance Control Act will likely be felt most immediately by companies bringing new chemicals to market, but the most dramatic impacts may actually fall on companies that use chemicals in manufacturing processes or as constituents in their products, say Tracy Heinzman and Roger Miksad at Wiley Rein LLP.

New Republican Plan May Be Key To Unlocking Tax Reform

An aggressive tax reform proposal recently released by House Republicans contains a new structure for the taxation of pass-through entities that has the potential to resolve one of the most significant partisan constraints to achieving tax reform, says Warren Payne of Mayer Brown LLP.

FOIA Reform Offers Easier (But Not More) Access To Gov't Info

While none of the Freedom of Information Act exemptions will change under the recently enacted Freedom of Information Improvement Act, the statute will likely hold federal agencies more accountable to the public in adequately responding to FOIA requests, say Stephanie Amaru and Mark Elliott at Pillsbury Winthrop Shaw Pittman LLP.

CMS Aims To Curb Hospital Access To Provider-Based Billing

In a newly proposed rule, the Centers for Medicare and Medicaid Services sets forth its interpretation of Section 603 of the Bipartisan Budget Act. Its interpretation of the law is narrow and based on the agency's belief that Section 603 was intended to curb hospitals from acquiring physician practices, which results in additional Medicare payment for similar services, say Emily Towey and Colin McCarthy at Hancock Daniel Johnson & Nagle PC.

LEGAL INDUSTRY

Why Law Firms Should Be Eyeing Attorney Layoffs

As law firms navigate an increasingly competitive market, grasping for any way to appeal to clients and get ahead of the pack, legal industry consultants who spoke with Law360 said firms should consider letting lawyers go in order to stay trim, efficient and able to negotiate any unexpected turns in the market.

National Aeronautics and Space Administration

National Highway Traffic Safety Administration

National Security Agency

North Fork Rancheria of Mono Indians

Occupational Safety and Health Administration

Office of Justice Programs

Picayune Rancheria of Chukchansi Indians

Port Authority of New York & New Jersey

Securities and Exchange Commission

Small Business Administration

U.S. Agency for International Development

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 Veterans Affairs

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House of Representatives

U.S. Navy

U.S. Supreme Court

United Nations

Legal Sector Holds Steady In June, Adding 100 Jobs

Employment in legal services held steady in June, which saw a slight gain of 100 jobs in the sector after adding about 1,000 in May, according to the U.S. Bureau of Labor Statistics' monthly jobs report, released on Friday.

GC Cheat Sheet: The Hottest Corporate News Of The Week

European Union leaders get behind a data privacy deal, Target executives escape a derivative suit, and MasterCard faces a major competition case under the U.K.'s new class action structure. Those stories top the corporate legal news you may have missed this past week.

BLP Stalls On Raises For All UK Workers Over Brexit

Berwin Leighton Paisner on Friday said it has decided to delay any salary reviews and raises for all U.K.-based employees because of the nation's recent vote to leave the European Union, adding another mystery to the fallout that could result from the referendum.

Revenue Up At Eversheds, Bird & Bird, Profits Dip At Simmons

Eversheds and Bird & Bird can now count themselves among the string of U.K.-based firms that saw higher revenues during the last fiscal year, but Simmons & Simmons had a rougher year that ended with a drop in net profits.

Global 20: Herbert Smith Freehills

Hot off another year of growing profits fueled by a spate of dealmaking, complex corporate financings and defense of big-name financiers including RBS from billions of dollars' worth of arbitral claims and lawsuits, Herbert Smith Freehills LLP has made Law360's Global 20 list for the third straight year.

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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