

**From:** Public Policy Law360 <news-q@law360.com>  
**To:** Adams, ChaneyChaneyAdams@gov.sc.gov  
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**Subject:** Justices Won't Hear Challenge To Fla. Workers' Comp Law

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## PUBLIC POLICY

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Tuesday, November 1, 2016

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### TOP NEWS

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#### [Justices Won't Hear Challenge To Fla. Workers' Comp Law](#)

The U.S. Supreme Court declined Monday to take up a former Hialeah Hospital nurse's challenge to Florida's workers' compensation law, leaving in place an appellate ruling that deemed the law constitutional.

#### [7th Circ. Backs Electronic Monitoring For Truck Drivers](#)

A federal rule over electronic logging devices to monitor truck driver compliance doesn't violate the Fourth Amendment, the Seventh Circuit said Monday in a case brought by a drivers association that is considering challenging the decision.

#### [Analysis](#)

#### [SEC Boosts Intrastate Crowdfunding, But Hurdles Remain](#)

The U.S. Securities and Exchange Commission's loosening of rules to encourage intrastate crowdfunding is a welcome step that reflects modern internet realities, attorneys say, though it's unclear how big a splash the rules will make in igniting tepid interest in intrastate deals.

#### [Ex-Prosecutor, Others Call Comey Email Letter Out Of Line](#)

FBI Director James Comey's election-season move to disclose a probe into possible ties between Democratic presidential candidate Hillary Clinton and emails found on the computer of former New York lawmaker Anthony Weiner suggests that Comey doesn't respect the limits of his authority, a former top prosecutor said Monday.

#### [Judge Rebuffs Bid To Remove Miami-Dade Mayor From Ballot](#)

A Florida state judge Monday denied Miami-Dade County mayoral candidate Raquel Regalado's emergency motion to remove incumbent Carlos Gimenez from the Nov. 8 ballot, finding evidence did not support her claims that he failed to submit proper payment to qualify his candidacy.

#### [Ill. High Court Strips License Of Atty Who Posed As Judge](#)

The Illinois Supreme Court on Monday suspended the law license of the attorney charged with posing as a judge and ruling on multiple traffic cases, barring her from taking office should she win her bid to fill a judicial vacancy on Election Day.

### ENERGY & ENVIRONMENTAL

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#### [Justices Won't Hear Appeal On Endangered Antelope Hunting](#)

### LAW FIRMS

Arnold & Porter  
Baker Botts  
Baker Donelson  
Ballard Spahr  
Barnes & Thornburg  
Briggs and Morgan  
Carter Ledyard  
Cullen Law Firm  
Day Pitney  
Dentons  
Epstein Becker Green  
Flaster/Greenberg  
Fried Frank  
Gibson Dunn  
Gunster  
Haynsworth Sinkler  
Jones Day  
Kelley Kronenberg  
Kilpatrick Townsend  
Kirkland & Ellis  
Kobre & Kim  
Latham & Watkins  
Mayer Brown  
Milbank Tweed  
Morgan Lewis  
Morrison & Foerster  
Ober Kaler  
Orrick Herrington  
Paul Hastings  
Pepper Hamilton  
Perkins Coie  
Ropes & Gray  
Sanchez-Medina Gonzalez  
Skadden

The U.S. Supreme Court on Monday turned down a bid by Friends of Animals to review a rule allowing the hunting of three endangered species of antelope if the animals are captive-bred, leaving in place a D.C. Circuit decision that a 2014 spending bill rider mandating the rule is constitutional.

## HEALTH & LIFE SCIENCES

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### Analysis

#### Prior Defects Could Sink Auvi-Q Even As EpiPen Prices Soar

Lawmakers and consumers calling for a competitor to challenge Mylan NV in the aftermath of the drugmaker's EpiPen price increases may not have gotten what they wanted with Kaléo Pharma's Auvi-Q, as experts say defects that drove Auvi-Q off the market nearly two years ago may overshadow any price cuts.

## TRANSPORTATION & INFRASTRUCTURE

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#### Christie Looms Over GWB Trial As Jury Begins Deliberations

Jurors began their deliberations Monday after hearing opposing arguments from a defense attorney and a prosecutor about the looming yet unseen presence of New Jersey Gov. Chris Christie at the trial of two former public officials accused of closing lanes to the George Washington Bridge as an act of political retribution.

## COMPETITION

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#### Louisville Utility Pole Law Meets Federal Regs, FCC Says

The FCC on Monday denied AT&T's claim that Louisville, Kentucky, legislation conflicts with federal regulations by allowing third-party contractors to conduct make-ready work on utility poles, saying in a letter the state of Kentucky has opted out of the federal scheme.

## PRIVACY & CONSUMER PROTECTION

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#### UK Regulator Vows To Implement EU Privacy Rules

The U.K.'s data protection regulator is committed to helping companies and public organizations meet the requirements of European Union data protection laws by the time they take effect in two years, the Information Commissioner's Office said on Monday.

## GOVERNMENT CONTRACTS

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#### Rejected P3 Bids Not Subject To Pa. Open Records Law

A Pennsylvania appeals court ruled Monday that losing bids on a \$1.1 billion bridge replacement project submitted under a public-private partnership program signed into law in 2012 were not subject to disclosure under the state's open records law.

#### Doc In Menendez Case Says He's Not A Flight Risk

A Florida eye doctor accused of Medicare fraud and bribing U.S. Sen. Robert Menendez, D-N.J., said Monday that the federal government's arguments against a judge's recent modification of his living and travel restrictions failed to show error in the judge's factual findings.

## INTERNATIONAL TRADE

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Spiegel & McDiarmid  
Squire Patton Boggs  
Stites & Harbison  
Stroock & Stroock  
WilmerHale

## COMPANIES

AT&T Inc.  
American Bar Association  
American International Group Ir  
Biogen Inc.  
CTIA  
Cars.com  
CenturyLink Inc.  
Colonial Pipeline Co.  
Comcast Corporation  
Coty Inc.  
Cox Enterprises  
EnerNOC, Inc.  
Engie  
Environmental Defense Fund Ir  
Exxon Mobil Corporation  
Facebook  
Fannie Mae  
GE Healthcare Ltd.  
Genentech Inc.  
Generic Pharmaceutical  
Association Inc.  
Google Inc.  
Kulicke and Soffa Industries, In  
Las Vegas Sands Corp.  
Level 3 Communications Inc.  
Murray Energy Corp.  
Mylan NV  
National Association of  
Broadcasters  
National Public Radio Inc.  
Ocwen Financial Corporation  
Oracle Corporation  
Orbitz Worldwide Inc.  
Oshkosh Corporation  
Owner-Operator Independent  
Drivers Association Inc.  
PG&E Corporation  
Paramount Pictures Corp.  
Pegasystems Inc.  
PhRMA

## FTC Head Defends LabMD Security Ruling From Sens.' Barbs

The head of the Federal Trade Commission recently hit back at a pair of senators' skepticism about the agency's data security authority and its finding that the alleged leak of a LabMD patient data file harmed consumers, telling them the commission isn't expecting perfect security and that meeting that standard is well within all businesses' reach.

## NATIVE AMERICAN

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### High Court Is Asked To Review DOI's Land Trust For Cowlitz

An anti-casino group has asked the U.S. Supreme Court to review a D.C. Circuit ruling that the U.S. Department of the Interior properly took Washington state land into trust for the Cowlitz Indian Tribe's gaming project, arguing the decision rests on a misinterpretation of the Indian Reorganization Act.

## TELECOMMUNICATIONS

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### Verizon, Sprint, T-Mobile Push FCC On Team Telecom Reform

Three major carriers and trade group CTIA-The Wireless Association have told the Federal Communications Commission that there is broad support for shortening the length of Team Telecom national security reviews, but also cautioned against mandating new burdens.

### Broadcasters Want More Transition Time After FCC Auction

The Federal Communications Commission's proposal to move TV stations after the broadcast incentive auction is promising but the agency is too committed to a 39-month window for the switch, the National Association of Broadcasters has told the FCC, calling the time frame "arbitrary and inflexible."

### CenturyLink Says FCC's Planned Rate Caps Are Baseless

CenturyLink slammed the Federal Communications Commission on Friday for floating rate caps for older providers in the market for business data services that it said don't have basis in the record, also saying the FCC has understated the degree of the cuts in its fact sheet on the proposal.

## EXPERT ANALYSIS

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### When Your Client Is The President

The day after Barack Obama was elected our 44th president, President Bush gathered the White House staff and made clear that the work of his administration during its final two months would be defined by whatever was necessary to help President-elect Obama and his team succeed. It was perhaps the most critical event of the transition, say Gregory Craig, who was White House counsel for President Obama, and Michael Scudder, who was general counsel of the National Security Council under President Bush.

### FCC's New Framework For Categorizing Consumer Consent

The Federal Communications Commission's new regulatory framework is intended to provide consumers with transparency and privacy. However, internet service providers have expressed dissatisfaction with the new regime, and the public has yet to learn how the promised "harmonization" will affect other entities, say attorneys at Squire Patton Boggs.

Public Service Enterprise Group Inc.

Ross Stores Inc.

Sands China Ltd.

Sanofi-Aventis

Sedgwick Claims Management Services, Inc.

Shutterstock Inc.

Siemens AG

Sierra Club

Simon Property Group, Inc.

Sonoco Products Co.

Sprint Nextel Corporation

Stonegate Mortgage Corp.

SunEdison LLC

T-Mobile USA Inc.

TLC Vision Corporation

The Coca-Cola Company

Twitter Inc.

U.S. Foods Inc.

Universal Studios Inc.

Verizon Communications

Volt Information Sciences, Inc.

Williams-Sonoma Inc.

Worldwide Clinical Trials Inc.

Wyndham Worldwide Corporati

## GOVERNMENT AGENCIES

Attorney Registration and Disciplinary Commission

Centers for Medicare & Medical Services

Commodity Futures Trading Commission

Cowlitz Indian Tribe

Delaware Department of Natural Resources and Environmental Control

Federal Bureau of Investigation

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Motor Carrier Safety Administration

Federal Trade Commission

Food and Drug Administration

Illinois Supreme Court

## Confronting EPA's Refusal To Consider Industry Costs

Federal courts are increasingly pushing back against the U.S. Environmental Protection Agency's failure to consider the potential consequences of its actions. Recent decisions are clear victories for rational regulatory policy, affirming that agencies such as the EPA are required to consider all of the relevant factors before taking action, say Jeffrey Dintzer and Joseph Ireland of Gibson Dunn & Crutcher LLP.

## LEGAL INDUSTRY

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### Kilpatrick Townsend Partner Shot, Killed Outside Calif. Home

Kilpatrick Townsend & Stockton LLP mourned the loss of former managing partner and prominent intellectual property attorney Jim Gilliland after he was shot and killed in front of his San Francisco-area home last week.

### The Top In-House Hires Of October

The former general counsel of Siemens moves to AIG, and ExxonMobil prepares to promote an insider to fill its top legal spot. They top the in-house appointments you need to know about.

### Baker Donelson, Ober Kaler Merge To Create 800-Lawyer Firm

Law firms Baker Donelson Bearman Caldwell & Berkowitz PC and Ober Kaler will join forces, expanding their capabilities in multiple practice areas, including healthcare, the law firms announced on Monday.

### Attys' Group Asks High Court To Hear Challenge To NJ Rules

An attorneys' group has urged the U.S. Supreme Court to take up its case demanding that New Jersey nix its bar admission rule for out-of-state lawyers, arguing the Third Circuit erred when it agreed with a lower court that the requirement does not violate lawyers' rights.

### Rainmaker Q&A: Baker Donelson's Timothy Lupinacci

Maintaining and growing a trusted client relationship requires a lot of nonbillable time and extra effort to get out and be with your clients on a regular basis. It requires creativity to ensure you are at the forefront of delivering added value to your client work, says Timothy Lupinacci, chairman of the financial services department at Baker Donelson Bearman Caldwell & Berkowitz PC.

### Rainmaker Q&A: Briggs & Morgan's Frank Taylor

You must show that you understand the client's needs and business and can offer creative and novel solutions. If an attorney can't speak coherently to the issues in the same amount of time it takes to ride the elevator from the first to the sixth floor, the opportunity is lost, says Frank Taylor, head of the financial markets group at Briggs & Morgan PA.

## JOBS

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[International Trade Commission](#)  
[National Security Council](#)  
[National Telecommunications and Information Administration](#)  
[Pennsylvania Department of Transportation](#)  
[Port Authority of New York & New Jersey](#)  
[Securities and Exchange Commission](#)  
[U.S. Attorney's Office](#)  
[U.S. Department of Defense](#)  
[U.S. Department of Homeland Security](#)  
[U.S. Department of Justice](#)  
[U.S. Department of Transportation](#)  
[U.S. Department of the Interior](#)  
[U.S. Environmental Protection Agency](#)  
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