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**Subject:** 'Pokemon Go' User Data Collection Sparks Senator Inquiry

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## PUBLIC POLICY

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Wednesday, July 13, 2016

### TOP NEWS

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#### 'Pokemon Go' User Data Collection Sparks Senator Inquiry

"Pokemon Go," the hugely popular mobile app that's taking the smartphone world by storm, has caught some heat from U.S. Sen. Al Franken, D-Minn., a tech privacy watchdog who on Tuesday wrote a letter to the game developer's chief executive expressing concern about the app's collection of personal data.

#### Trump Says He Hopes Ginsburg 'Gets Off The Court ASAP'

Donald Trump shot back at U.S. Supreme Court Justice Ruth Bader Ginsburg on Tuesday over disparaging remarks she made about his potential presidency, calling her comments a "disgrace" and saying he hopes she would "get off the court as soon as possible."

#### AG Lynch Dodges House GOP Questions On Clinton Emails

Attorney General Loretta Lynch faced sharp criticism from House GOP members Tuesday over her refusal to answer questions on the decision not to prosecute presidential candidate Hillary Clinton over alleged mishandling of classified information on a private email server when she was secretary of State.

#### Obama Backs 'Public Option' To Compete With ACA Plans

President Barack Obama in a Journal of the American Medical Association article published Monday said there is not enough competition in all Affordable Care Act marketplaces and urged Congress to revisit adding Medicare-like public plan options.

#### EU-US 'Privacy Shield' Data Transfer Pact Gets Final Nod

The European Commission on Tuesday formally adopted the new trans-Atlantic Privacy Shield data transfer pact, opening the door for scores of multinationals that had relied on the recently invalidated safe harbor tool to begin using the revamped mechanism to send data between the European Union and the United States on Aug. 1.

### ANALYSIS

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### LAW FIRMS

Alston & Bird  
Appleby Global  
Armstrong Teasdale  
Arnold & Porter  
Baker & McKenzie  
Baker Botts  
Baker Donelson  
BakerHostetler  
Best Best  
Bracewell LLP  
Bradley Arant  
Brody Hardoon  
BuckleySandler  
Cantor Colburn  
Caplin & Drysdale  
Chaffe McCall  
Cleary Gottlieb  
Clifford Chance  
Constangy Brooks  
Cooley  
Crowe & Dunlevy  
Crowell & Moring  
DLA Piper  
Davis Polk  
Day Pitney  
Earthjustice  
Eckert Seamans  
Fish & Richardson  
Foley & Lardner  
Fortney & Scott

## **New UK Chief Must Balance Biz Needs With Brexit Goals**

Theresa May will take over as British prime minister Wednesday and begin setting the stage for marathon talks with the European Union, as the U.K. strives to exit the bloc without Britain's banks and other services sectors losing crucial access to EU markets.

## **5 Notable Tax Laws And Regulations Of 2016: Midyear Report**

The tax world has seen major shifts this year, with corporate tax avoidance being top of mind for regulators across the globe. Here, Law360 looks at policy changes including controversial anti-inversion regulations and mandatory country-by-country reporting rules that have been introduced to deter tax avoidance practices.

## **BANKING & SECURITIES**

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### **SEC Taps New Members For Investor Advisory Committee**

The U.S. Securities and Exchange Commission on Tuesday named three new members to its Investor Advisory Committee — a panel established by the Dodd-Frank Act to counsel the commission on regulatory priorities and other issues — including a former SEC chair and a Harvard law professor.

### **Banking Experts Say Fintech Charter Support Conditional**

Financial technology and banking experts told a U.S. House committee Tuesday that their support for a federal charter for online lenders would most likely be determined by the details of that charter.

## **ENERGY & ENVIRONMENTAL**

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### **Enviros Press Obama To Halt Federal Fossil Fuel Leasing**

The U.S. must immediately place a moratorium on new leases for federal fossil fuel resources if it wants to work toward the worldwide climate goals set last year in Paris, more than 250 organizations said in a petition to the U.S. Department of the Interior on Tuesday.

### **House Passes Bill Ending Chevron Deference To Agencies**

The U.S. House of Representatives passed a bill that would end the courts' longstanding deference to administrative agencies Tuesday over Democratic objections that the bill would undermine critical environmental and safety regulatory protections.

### **New EPA Advice On Selenium Limits Has Enviros Crying Foul**

The U.S. Environmental Protection Agency on Tuesday revised its recommendations to states and tribes about how much selenium should be allowed in fresh water sources, but environmentalists were quick to condemn the new levels as too weak.

### **Enviros Press 10th Circ. To Lift BLM Fracking Rule Stay**

Environmental groups urged the Tenth Circuit on Monday to vacate an injunction blocking the U.S. Bureau of Land Management's recently invalidated hydraulic fracturing rule, claiming it's unfair to dismiss their appeal of the stay as moot yet allow the stay to remain as the groups appeal the rule's invalidation.

### **Enviros Blast DOI's Bid To Slip Offshore Drilling Suit**

The Center for Biological Diversity told a Washington, D.C., federal court on

Foster Pepper  
Fowler White Burnett  
Fox Rothschild  
Freshfields  
Gardere Wynne Sewell  
Goulston & Storrs  
Greenberg Traurig  
Gruber Elrod  
Harrity & Harrity  
Hermes Law PC  
Hinshaw & Culbertson  
Hogan Lovells  
Hunton & Williams  
Ice Miller  
Katten Muchin  
Kelley Drye  
King & Wood Mallesons  
Kluger Kaplan  
Linklaters  
Littler Mendelson  
Locke Lord  
Lucas & Mercanti  
Mayer Brown  
McCarter & English  
McDermott Will  
McGuireWoods  
Munsch Hardt  
Murphy Pearson  
Nixon Peabody  
Norton Rose Fulbright  
Orrick Herrington  
Paley Rothman  
Pillsbury Winthrop  
Reed Smith  
Renner Otto  
Robins Kaplan  
Rosenberg & Estis  
Russ August  
Sanford Heisler  
Schnader Harrison  
Searcy Denney  
Sedgwick LLP  
Seltzer Caplan  
Seyfarth Shaw  
Sidley Austin  
Simpson Thacher

Monday that it can and should make the Interior Department review its practice of approving offshore drilling permits without site-specific environmental reviews, blasting the department's bid to dismiss the suit.

### **Enviros Seek Gov't Docs In 6th Circ. Battle Over Water Rule**

Environmental groups challenging a rule clarifying the federal government's jurisdiction under the Clean Water Act asked the Sixth Circuit on Monday to include in the record several U.S. Army Corps of Engineers communications they say will show the rule's weaknesses.

### **Pa. Requiring Pittsburgh Utility To Address Lead In Water**

The Pennsylvania Department of Environmental Protection announced on Tuesday that staff members will oversee and work with Pittsburgh Water and Sewer Authority to implement measures to address lead in drinking water after citing it earlier this year for altering the way it treated drinking water to control corrosion in the distribution system.

### **Too Much Atty 'Conferring' In ND's Fee Bid, Minn. Says**

North Dakota's success in invalidating Minnesota's restrictions on out-of-state coal-fired power plants does not entitle it to fees meant for prevailing parties in civil rights cases, Minnesota told the Eighth Circuit on Monday, adding that it thinks that the legal bill was inflated with too much attorney time spent "conferring."

### **Pa. Senate OKs Bill Trimming New Fracking Regulations**

The Pennsylvania Senate on Monday approved through bill amendments an assortment of measures that would essentially counteract pending environmental oversight rules for hydraulic fracturing at oil and gas wells, sending the legislation back to the House.

## **HEALTH & LIFE SCIENCES**

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### **Stark Law Overhaul Gains Traction On Capitol Hill**

U.S. senators on Tuesday expressed openness to tweaking the Stark Law's restrictions on physician referrals, acknowledging concerns that the limits are hindering new models of coordinated care.

## **IP & TECHNOLOGY**

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### **Profs Back Patent Venue Reform, Slam Texas' Eastern District**

Nearly four dozen law, economics and other university professors from institutions across the nation on Tuesday urged Congress to pass venue reform legislation for patent cases as a way to reduce forum shopping, saying that the disproportionate number of cases in Texas' Eastern District is bad for the patent system.

### **UK Urged To Stay In Unified Patent Court Despite Brexit**

A European patent attorneys group urged the U.K. government Monday to ratify the agreement to create a Unified Patent Court system for the European Union, even though a British majority voted last month to leave the bloc.

## **TRANSPORTATION & INFRASTRUCTURE**

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### **Boston Cab Companies Put Brakes On Suit Against Uber**

Two Boston cab services agreed to drop their unfair competition suit against

Skadden

Squire Patton Boggs

Stark & Stark

Sterne Kessler

Stinson Leonard

Stites & Harbison

Sutherland Asbill

Troutman Sanders

Tyson & Mendes

Watson Farley

Wilson Elser

Winthrop & Weinstine

## **COMPANIES**

AARP Inc.

AT&T Inc.

Adventist Health System Inc.

Akina Corporation

Allergan PLC

Amazon.com Inc.

America Fujikura Ltd.

American Airlines Group Inc.

American Bankers Association

American Bar Association

American Cable Association

American Federation of Labor and  
Congress of Industrial  
Organizations

American Medical Association Inc.

American Petroleum Institute Inc.

Anheuser-Busch Inbev SA/NV

Asahi Kasei Corp.

AstraZeneca

BB&T Corporation

CFA Institute

Center for Biological Diversity Inc.

Chevron Corporation

Coca-Cola Enterprises Inc.

Comcast Corporation

Consumer Federation of America

Delta Air Lines Inc.

EisnerAmper LLP

Facebook

Florida Bar Association

Frontier Airlines Inc.

Gazprom

Google Inc.

Uber Technologies Inc. Tuesday, avoiding a September trial and giving the ride-hailing company one less legal battle to face, court documents filed in Massachusetts federal court showed.

## **GOP-Backed Bill Aims To Ground Commercial Flights To Cuba**

House Republicans on Tuesday led an effort to block the start of scheduled commercial flights between the U.S. and Cuba, saying President Barack Obama's administration has still failed to account for passenger screening and security concerns at Cuban airports.

## **FAA Cuts Number Of Airports In Safety Plan Proposal**

The Federal Aviation Administration on Tuesday updated its proposal requiring airports to implement formal safety management systems to minimize the risk of accidents and security breaches, easing its mandate to apply to only the busiest and largest facilities.

## **CORRECTED: Judge Refuses To Bless Deal Allowing Uber Service In Philly**

Challengers fighting a recent deal between the Philadelphia Parking Authority and Uber Inc. allowing the company to legally operate in the city claimed victory on Tuesday as a state judge stood by previous rulings characterizing the ride-sharing service as a "hack taxi," though the decision's impact is in dispute. *Correction: An earlier story failed to indicate that the impact of the judge's ruling is in dispute. The error has been corrected.*

## **COMPETITION**

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### **Blagojevich Should Serve Full 14-Year Term, Prosecutors Say**

Ahead of former Illinois Gov. Rod Blagojevich's resentencing next month, prosecutors told the federal judge overseeing the case Monday that he should remain in prison for the eight years he has left, while his defense argued the convictions still standing aren't enough to warrant more time behind bars.

### **Mexican Competition Watchdog Wants Gas Rules Eased**

Mexico should expand the upper and lower limits of gas prices and make other changes to open up the market to competitors ahead of a transition to free-market conditions planned for 2018, the Mexican competition authority said Monday.

## **PRIVACY & CONSUMER PROTECTION**

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### **White House Releases Cybersecurity Workforce Strategy**

The White House on Tuesday released its first ever cybersecurity workforce strategy, a move intended to help the federal government better identify, recruit and retain the "best, brightest and most diverse" cybersecurity employees it can, the administration said.

### **White House Demands House Alter \$32B EPA-Interior Bill**

The White House threatened Monday to veto a \$32.1 billion bill to fund the Environmental Protection Agency and Department of the Interior unless the U. S. House of Representatives addresses issues like budget cuts that threaten the EPA's ability to protect personal information and provisions that cripple environmental initiatives like the Clean Power Plan.

## **Most Ransomware Attacks Are HIPAA Breaches, Feds Say**

Habib Bank Ltd.

International Centre for Settlement  
of Investment Disputes

JPMorgan Chase & Co.

JetBlue Airways Corporation

Johns Hopkins Medicine

Lehman Brothers Holdings Inc.

LinkedIn Corp.

Lyft Inc.

Murray Energy Corp.

National Cable &  
Telecommunications Association

National Federation of  
Independent Business

National Retail Federation Inc.

New York City Bar Association

New York Times Co.

Nintendo Co. Ltd.

PayPal Inc.

Petrobras

Pfizer Inc.

Planned Parenthood Federation

Polypore International, Inc.

SABMiller

SIFMA

Sierra Club

Southeastern Pennsylvania  
Transportation Authority

Southwest Airlines Co.

Spirit Airlines Inc.

Starbucks Corporation

State Farm

The Coca-Cola Company

TiVo Inc.

Time Warner Inc.

Turner Broadcasting System Inc

Twitter Inc.

U.S. Chamber of Commerce

Uber Technologies Inc.

United Continental Holdings Inc.

Zeughauser Group LLC

## **GOVERNMENT AGENCIES**

Army Corps of Engineers

Bureau of Indian Affairs

Bureau of Land Management

Centers for Medicare & Medicaid

Ransomware attacks against a health facility or provider will generally be considered a breach of personal information under the Health Information Portability and Accountability Act, the U.S. Department of Health and Human Services said Monday.

## House Torn Over Bill To Protect Gay Marriage Opponents

During a heated three-hour committee meeting at the U.S. House of Representatives over a bill to protect those who oppose same-sex marriage from federal discrimination claims, Democrats and Republicans agreed they're having too hard of a time understanding the bill to determine what it would entail.

## GOVERNMENT CONTRACTS

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### 10th Circ. Stops Utah From Ending Planned Parenthood Deals

The Tenth Circuit ordered a district court Tuesday to block Utah from terminating contracts with the Planned Parenthood Association of Utah, ruling Gov. Gary Herbert's decision to end them was "more likely than not" unconstitutional retaliation against the group for its abortion services.

## INTERNATIONAL TRADE

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### South China Sea Ruling Unlikely To Ease Trade Tensions

Tuesday's decision by an arbitration panel in The Hague faulting China for its aggressive industrial moves in the South China Sea will do little to alleviate the fraught landscape facing fishermen and shippers in the region, experts say, noting there is no enforcement mechanism in place to prod China into complying with the ruling.

## TAX

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### Sen. Hatch Unveils Legislation To Curb Tax Fraud

Senate Finance Committee Chairman Orrin Hatch, R-Utah, on Tuesday announced that two new bills have been introduced to the U.S. Senate, geared toward preventing tax refund fraud and identify theft and increasing protections for taxpayers and tax fraud whistleblowers.

## IMMIGRATION

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### China, Cuba Trafficking Rankings Seem Off, Reps. Says

Leaders of a U.S. House of Representatives subcommittee on Tuesday questioned aspects of State Department rankings of nations' efforts to combat human trafficking, such as why China and Cuba did not score lower.

## NATIVE AMERICAN

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### Wash. County Says DOI Must Resolve Jurisdiction Row

A Washington county urged a federal judge Monday not to toss a suit against the U.S. Department of the Interior over its alleged refusal to make a decision on whether a tract of land rests within the Yakama Nation's reservation, arguing that the confusion over jurisdiction created by the government's inaction puts the county at serious risk.

### Critics Slam Indian Health Service At House Bill Hearing

The head of a Sioux Tribal Health Board in South Dakota demanded an

## Services

Consumer Financial Protection Bureau  
Department of Commerce  
Equal Employment Opportunity Commission  
European Commission  
Executive Office of the President  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Financial Institutions Examination Council  
Federal Trade Commission  
Financial Crimes Enforcement Network  
Fish and Wildlife Service  
Food and Drug Administration  
Indian Health Service  
Internal Revenue Service  
National Labor Relations Board  
National Marine Fisheries Service  
National Park Service  
National Security Agency  
Office of the Comptroller of the Currency  
Securities and Exchange Commission  
Transportation Security Administration  
U.S. Army  
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 Transportation  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Office of Personnel Management  
U.S. Patent and Trademark Office

investigation into the closing of the tribe's emergency clinic, saying patients were now dying en route to far-flung hospitals, as the beleaguered Indian Health Service came under scrutiny before a House panel considering an agency reform measure Tuesday.

[U.S. Secret Service](#)  
[U.S. Senate](#)  
[U.S. Supreme Court](#)  
[Unified Patent Court](#)

## TELECOMMUNICATIONS

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### Internet Law, Economics Experts Slam FCC Privacy Plan

Experts on the law and economics of the internet told the Federal Communications Commission on Monday that its proposed broadband privacy and data security rules will single out internet service providers in a way that would harm consumers and hamper innovation.

### Alternative To Set-Top Box Plan Bad For Consumers, FCC Told

A coalition comprising Google Fiber, TiVo Inc. and consumer and trade groups Monday told the Federal Communications Commission that an industry-backed, apps-based alternative to the FCC's plan to unlock the pay-TV set-top box would deny consumers competitive products.

## EXPERT ANALYSIS

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### The Rising Pressure Against DOL's Persuader Rule

Tension surrounding the U.S. Department of Labor's persuader rule is not just limited to courthouse challenges. However, it's possible that a court of appeals decision overturning the Texas federal court's injunction will effectively restore the new regulations, meaning employers faced with union organizing campaigns should continue to proceed with caution, says Shar Bahmani at Squire Patton Boggs.

### Skyrocketing FCA Penalties Ripe For Constitutional Challenges

Constitutional objections to outsized False Claims Act judgments have experienced little success, but the dramatically higher penalty ranges recently announced by the U.S. Department of Justice may create an opportunity for defendants finally to gain traction in arguing for constitutional limits to FCA penalties, say attorneys with Sidley Austin LLP.

### FAA Regs For Small Drones — A Step In The Right Direction

For those already in the commercial drone industry and operating under a Section 333 exemption, the Federal Aviation Administration's new regulations for small unmanned aircraft systems likely leave much to be desired. However, the FAA appears to be committed to a circumscribed regulatory construct that will require additional time and ongoing dialogue to perfect, say Timothy Purdon and Seth Nielsen of Robins Kaplan LLP.

### Unintended Consequences Of CFPB's Payday Lending Rule

Last month, the Consumer Financial Protection Bureau released its long-awaited proposed rule covering payday loans. With the heavy regulation this rule will place on these types of products, and the strong divide it creates, the bureau finds itself stuck between two competing agendas, say Courtney Gilmer and Craig Nazzaro at Baker Donelson Bearman Caldwell & Berkowitz PC.

### New York's Final AML Rule And Strategic Alternatives

New York's final anti-money laundering rule imposes a burden on financial institutions unlike ever before, which should cause regulated entities to

evaluate whether it makes business sense to remain a New York-regulated institution, say attorneys with Arnold & Porter LLP.

## LEGAL INDUSTRY

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### 5 Ways To Deal With Underperforming Partners

The dilemma of an underperforming partner may raise a myriad of unwanted issues for a law firm, from a depressed bottom line to toxic internal politics, but with the right approach, firms can steer such attorneys back to the light and avoid an awkward or nasty breakup, experts say.

### How To Avoid Trial And Save Clients Money

Most clients aren't interested in shelling out large sums of money to take a case to trial. Instead, they dream of finding a law firm that can help them escape litigation before they break the bank, experts say. Here, veteran litigators offer their take on how to end a case quickly and save clients cash.

### Law360 Names Attys Who Moved Up The Firm Ranks In Q2

A promotion to partner or election to practice group chair means lots of well-deserved recognition within a firm and in the larger legal community. Law360 reveals the list of attorneys whose commitment to excellence earned them highly coveted spots in the law firm leadership ranks. Find out if your old legal friends — or rivals — moved up in the second quarter of the year, and let the office chatter begin.

### Fla. Bar's Ad Rule Could Confuse Consumers, Attys Fear

After a successful legal challenge to a Florida rule barring attorneys without board certification from calling themselves experts in advertisements, the Florida Bar has proposed relaxing the guidelines, a move that some attorneys say could diminish the value of their board certifications and confuse potential clients.

### Nearly Half Of UK Women Lawyers Report Harassment

Forty percent of women lawyers in the UK say they have experienced harassment in their professional lives and nearly half say they've been experienced discrimination, a new report released Tuesday by British legal regulators has found.

### Global 20: Cleary Gottlieb Steen & Hamilton

Cleary Gottlieb Steen & Hamilton LLP's attorneys have once again scored a spot among Law360's Global 20, displaying a commitment to internationalism with historic capital markets offerings, complex cross-border deals and a penchant for throwing their support behind sovereign nations in disputes, markets and even global soccer matchups.

## **JOBS**

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