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**Subject:** Seattle Mulls Delay Of Landmark Uber Driver Union Law

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## PUBLIC POLICY

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Monday, August 8, 2016

### TOP NEWS

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#### [Seattle Mulls Delay Of Landmark Uber Driver Union Law](#)

The city of Seattle told a federal judge Thursday that it may delay by six months implementing a new ordinance allowing Uber and Lyft drivers to unionize, saying that could affect whether the U.S. Chamber of Commerce's antitrust challenge to the first-of-its-kind ordinance should be dismissed.

#### [New Audit Rule Limits Tax Discharges By Partnerships](#)

A new rule forcing partnerships to declare they won't voluntarily file for bankruptcy as a prerequisite for electing a revamped tax audit regime is being billed by experts as an unexpected move by the Internal Revenue Service to prevent the new regime from being abused to avoid tax liabilities.

#### [EPA Won't Review Power Plant Startup-Shutdown Regs](#)

The U.S. Environmental Protection Agency on Friday denied a petition by environmental groups to reconsider changes to the Mercury and Air Toxics Standards rule that give power plants a little more leeway when starting up or shutting down.

#### [Pa. AG Loses State Supreme Court Bid To Nix Criminal Counts](#)

The Pennsylvania Supreme Court on Friday shot down an emergency petition filed by Attorney General Kathleen Kane seeking to toss criminal charges she is facing over her alleged role in leaking confidential investigative material to the press, clearing the table for a trial next week.

#### [Calif. Lawmakers Want Judicial Discipline Commission Audit](#)

Four California state lawmakers are pressing for an audit of the Commission on Judicial Performance following a recent report that it tossed a majority of the 1,245 complaints it received last year against active and former judges.

### ANALYSIS

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#### [Trump Aims To Shake Up Trade Negotiating Strategy: Adviser](#)

The U.S. is likely to see a dramatic shift in its trade policy if Donald Trump's offbeat presidential bid comes to fruition, Trump adviser Peter Navarro has told Law360, vowing that the former real estate tycoon's populist-driven

### LAW FIRMS

Addleshaw Goddard  
Akerman  
Akin Gump  
Allison MacKenzie  
Alston & Bird  
Altshuler Berzon  
Arnold & Porter  
Berwin Leighton  
Bird & Bird  
Carroll Burdick  
Constantine Cannon  
Cravath Swaine  
Crowell & Moring  
DLA Piper  
Davis Wright Tremaine  
Dykema Gossett PLLC  
Earthjustice  
Edwards Wildman  
Eversheds LLP  
Faegre Baker  
Fish & Richardson  
Foley & Lardner  
Freeborn & Peters  
Freshfields  
Gibson Dunn  
Greenberg Traurig  
Hogan Lovells  
Holland & Knight  
Hunton & Williams  
Husch Blackwell

campaign message will be ushered straight to the negotiating table.

## Massive Gulf Separates Trump And Clinton On Energy Policy

The energy policy gulf between U.S. presidential candidates Hillary Clinton and Donald Trump is nothing short of historic, leaving the fate of sweeping regulatory initiatives, such as the Clean Power Plan, hanging in the balance when voters go to the polls this November, policy experts say.

## Amtrak's STB Preference Win Tees Up Legal Challenges

The Surface Transportation Board's recent decision confirming that Amtrak has the right of way over cargo traffic on the nation's railways is a major win for the passenger railroad, but experts say it will set off even more battles with freight railroads concerning train delays on limited track.

## ENERGY & ENVIRONMENTAL

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### Greens Urge Judge Not To Toss Aircraft Emissions Suit

Two environmental groups on Friday asked a D.C. federal judge not to dismiss their lawsuit to force the U.S. Environmental Protection Agency to promulgate long-awaited carbon emissions standards for aircraft.

### FERC Commissioner Clark Stepping Down Next Month

Tony Clark, the sole Republican on the currently four-member Federal Energy Regulatory Commission and whose term at the commission expired June 30, said he would step down following FERC's September monthly meeting.

### EPA Risk Management Rule May Help Terrorists, AGs Say

Eleven attorneys general have asked the U.S. Environmental Protection Agency to reconsider its recently proposed changes to a chemical facility risk management program rule, saying some public disclosure requirements could assist terrorists in planning attacks.

### Nevada Top Court Strikes 'Misleading' Solar Ballot Measure

The Nevada Supreme Court has struck down a ballot measure that would have eliminated a new tariff on rooftop solar customers, finding the measure's description was "not only inaccurate and misleading, but also argumentative."

## HEALTH & LIFE SCIENCES

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### Genetically Modified Mosquitoes' Trial Run Inches Closer

The U.S. Food and Drug Administration on Friday denied two citizen petitions asking the agency to conduct further environmental analysis for a proposed Florida Keys field trial of a genetically engineered mosquito designed with the aim of combating Zika and other diseases, saying that it has done all it must do.

## EMPLOYMENT

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### Houston Schools' Chief Auditor Files Whistleblower Suit

The former chief audit executive of Houston Independent School District who was suspended with pay in March and told to come back to work this week filed a whistleblower lawsuit against the school district Friday in state court in Houston, arguing he was fired for pointing out violations of law he uncovered.

### Bangladesh Garment Sector Still Needs Labor Reforms: EU

Irell & Manella  
Jackson Walker  
Jones Day  
K&L Gates  
Kaye Scholer  
Kilpatrick Townsend  
Kirkland & Ellis  
Klarquist Sparkman  
Kobre & Kim  
Latham & Watkins  
Lerman Senter  
Lewis Roca  
Locke Lord  
Mayer Brown  
McCalla Raymer  
Morgan Lewis  
Morrison & Foerster  
Pepper Hamilton  
Pietragallo Gordon  
Quinn Emanuel  
Sedgwick LLP  
Sidley Austin  
Simmons & Simmons  
Skadden  
Squire Patton Boggs  
Stoel Rives  
Strasburger & Price  
Stroock & Stroock  
Taylor English  
Taylor Wessing  
Thompson & Knight  
Weil Gotshal  
White & Case  
Winston & Strawn  
Wolf Greenfield  
von Briesen

## COMPANIES

AAR Corporation  
Allergan PLC  
Altman Weil Inc.  
American Beverage Association  
American Society Of Composers  
Authors & Publishers  
Association of American Railroads  
Bank of America Corporation  
Blackboard Inc.

The government of Bangladesh has taken positive steps to improve labor conditions in the wake of a 2013 garment factory collapse that killed more than 1,000 workers, but there is still considerable work to be done, according to a European Union report issued Friday.

## COMPETITION

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### Menendez Pal Defends Fla. Bid To Ditch Prosecution's Experts

The Florida eye doctor accused of bribing U.S. Sen. Bob Menendez, D-N.J., defended a motion in a separate Medicare fraud case to exclude testimony by the government's newly introduced witnesses, arguing Friday in Florida federal court that the vast expansion of the case so close to his upcoming trial renders him substantially prejudiced.

## PRIVACY & CONSUMER PROTECTION

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### Baylor U. Wants Title IX Sex Assault Suit Tossed

Baylor University, its former head football coach Art Briles and its former athletic director Ian McCaw are continuing a campaign to have a Title IX lawsuit brought against them by a woman who was raped by a former football player dismissed, arguing the claims were made too late.

## GOVERNMENT CONTRACTS

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### White House Unveils Plan To Cut Federal Mobile Spending

The White House Office of Management and Budget announced a new policy Thursday intended to streamline and improve purchasing of mobile devices and services by federal agencies, seeking to cut down on the \$1 billion in related federal spending each year.

## INTERNATIONAL TRADE

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### Tax Reform Advocates Bash Republicans' Anti-TPP Effort

The National Taxpayers Union has issued a stern rebuke to a group of Republican lawmakers who have urged the White House to hold off on pushing for a vote on the Trans-Pacific Partnership this year, downplaying the lawmakers' fears over currency manipulation and calling the effort "irresponsible."

### Feds Restrict Exports Of Nuke Isotope Equipment

The U.S. Department of Commerce announced Friday it is adding equipment used to make an isotope that boosts the yield of nuclear weapons to its list of restricted export items.

### No Ruling On S. Korea's Nuke Disaster Safeguards Till 2017

A World Trade Organization dispute settlement panel said Friday that it will not be able to render a decision on the legality of South Korea's restrictions on Japanese food products following a 2011 nuclear disaster until June 2017.

## TAX

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### DC Circ. Revives Tea Party Lawsuits Against IRS

The D.C. Circuit partially restored a pair of lawsuits brought by several conservative advocacy organizations accusing the IRS of targeting them for additional scrutiny, finding Friday that the government had not taken enough

CTIA

Center for Biological Diversity In  
Cox Communications Inc.

Edison Electric Institute Inc.

Fluor Corporation

Friedman LLP

Golden State Warriors

Google Inc.

Guitar Center Inc.

Halliburton Company

Henkel AG & Co.

Intellectual Ventures

International Business Machines  
Corporation

Janus Capital Group Inc.

LinkedIn Corp.

Lyft Inc.

Madison Dearborn Partners LLC

Microsoft Corporation

NVIDIA Corporation

National Association of  
Broadcasters

National Railroad Passenger  
Corporation

Oracle Corporation

PPR

Pacira Pharmaceuticals Inc.

Pfizer Inc.

Philip Morris USA Inc.

Samsung Electronics Co. Ltd.

Sierra Club

Spotify Technology SA

State Bar of California

StubHub Inc.

Symantec Corporation

Ticketmaster Entertainment, Inc.

Turner Broadcasting System Inc

Twitter Inc.

U.S. Chamber of Commerce

Uber Technologies Inc.

United States Soccer Federatio  
Inc.

United Technologies Corporatio

VirnetX Holding Corporation

Wal-Mart Stores Inc.

Welch Consulting

Zeughauser Group LLC

steps to address its “admittedly improper” discriminatory criteria.

## BANKRUPTCY

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### Ex-Fla. City Officials Charged In Bribery Scheme

Federal prosecutors charged two former city officials of nearly bankrupt Opa-Locka, Florida, with participating in a two-year-long scheme in which they demanded bribes from business and individuals in exchange for help with permits and other official business with the city.

## IMMIGRATION

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### Backpage Must Comply With Senate Subpoena On Online Ads

Online advertising site Backpage.com must produce documents detailing how it reviews advertisements in its adult section and flags user accounts, after a District of Columbia federal judge ordered it on Friday to comply with a U.S. Senate subpoena in an investigation of sex trafficking.

## NATIVE AMERICAN

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### EPA Presses To Slim Down Maine's Tribal Water Row

The U.S. Environmental Protection Agency continued to press a federal court Thursday to pare down Maine's suit to compel the agency to recognize the state's authority over tribal waters, saying the court lacks jurisdiction over a Clean Water Act claim.

### Proposed Tribe Claims BIA Failed To Call For Election

The proposed Ukiah Valley Pomo Indian Tribe lobbed a complaint against the Bureau of Indian Affairs in a California federal court Thursday, accusing the government of violating the Indian Reorganization Act by refusing to allow the group to vote on organizing as a half-blood Native American tribe.

## TELECOMMUNICATIONS

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### FCC Grants School Emergency, Utility Exceptions To Robocalls

The Federal Communications Commission clarified on Thursday the scope of consent required from consumers before schools or utility companies can send automated text messages and robocalls to wireless numbers, saying such communication during emergency situations and service notices doesn't break the law.

### Broadcast Standard Concerns 'Unfounded,' NAB Says

The National Association of Broadcasters pushed back Thursday against concerns about a proposed broadcast television standard's effect on wireless communication interests, telling the Federal Communications Commission the new means of signal transmission will not interfere with spectrum licenses purchased in the incentive auction.

## EXPERT ANALYSIS

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### FDA Claims Jurisdiction Over All Tobacco Products

The U.S. Food and Drug Administration's new rule regulating all tobacco products, including e-cigarettes, has been met with significant pushback by the industry. But all court proceedings remain pending and until a court or the FDA says differently, the new rule will take effect as scheduled, on Aug. 8,

## GOVERNMENT AGENCIES

Army Corps of Engineers  
Bureau of Indian Affairs  
Bureau of Industry and Security  
Bureau of Labor Statistics  
Council on Environmental Quality  
Department of Commerce  
European Commission  
Executive Office of the President  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Energy Regulatory Commission  
Federal Railroad Administration  
Federal Trade Commission  
Food and Drug Administration  
Internal Revenue Service  
International Trade Commission  
NAFTA  
National Telecommunications and Information Administration  
Pinoleville Pomo Nation  
San Francisco Bay Area Rapid Transit District (BART)  
Securities and Exchange Commission  
Surface Transportation Board  
U.S. Attorney's Office  
U.S. Copyright Office  
U.S. Department of Energy  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. General Services Administration  
U.S. Senate  
U.S. Supreme Court  
Wage and Hour Division

2016, says Paul Cicelski at Lerman Senter PLLC.

### 5th Circ. Haze Ruling May Cloud Clean Air Act Litigation

The Fifth Circuit, in *State of Texas v. U.S. Environmental Protection Agency*, recently issued an important decision on venue and jurisdiction in challenges to EPA rules promulgated under the Clean Air Act. However, the issues addressed in the court's ruling potentially have ramifications beyond this litigation and could also affect other suits under different provisions of the CAA, say attorneys at Jackson Walker LLP.

### It's Time To Loosen The Limitations On BDC Investors

Business development companies face challenges raising money due to a quirk in the federal securities laws that limits how much mutual funds can invest in them. But if participants in the capital markets raise their voices, there is some hope that the U.S. Securities and Exchange Commission will ease the restriction, says Kelley Howes, of counsel at Morrison & Foerster LLP and former general counsel of Janus Capital Group Inc.

### Song Stays Pretty Much The Same For ASCAP, BMI

The U.S. Department of Justice's decision to keep the core of the ASCAP and BMI consent decrees intact sidesteps a closely watched, hotly contested issue that has captured the eyes, ears and keyboards of music industry titans and digital music entrepreneurs alike — whether to permit “partial withdrawals,” says Daniel Vitelli of Constantine Cannon LLP.

### 5 Open Questions On Risk Retention

Almost two years have passed since final rules for asset-backed securities risk retention were released. However, a number of important questions regarding the scope of the rules and the ways in which they can be complied with still lack definitive answers, says Ariel Kronman of Weil Gotshal & Manges LLP.

### 9 Tips For Becoming A Legal Pundit In The Media

Have you ever been reading your morning paper or watching the nightly news, and found yourself wondering, “How did that lawyer get on TV? I could do that.” If you've decided you want to start putting yourself or your law firm in the public light but feel at a loss about how to start, there are several steps you can take to get noticed, says Annie Scranton at Pace Public Relations.

## LEGAL INDUSTRY

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### Litigation Powerhouse: Latham & Watkins

Its deft handling of complex litigation matters across a broad range of practice areas has primed Latham & Watkins LLP as the turn-to firm for the likes of such established names as Oracle Corp., Cox Communications and the United States Soccer Federation this past year, placing it among Law360's Litigation Powerhouses.

### 3 Ways Firms Got A Leg Up In The First Half Of 2016

In today's cutthroat legal market, law firms have to be creative to get ahead, ushering in a new era where old-school ideas and traditions are eschewed and innovation is imperative. Here are three big changes firms have made in 2016 to get a leg up on the competition.

### 3 UK Firms Hit Attys With Pay Freezes, Layoffs Over Brexit

Attorneys with London-based firms Simmons & Simmons, Addleshaw Goddard and Gowling WLG got some unpleasant news this week in the form of pay freezes and layoffs as a result of the uncertainty facing the legal profession in Britain since the country voted to leave the European Union.

### [Legal Sector Still Lethargic, Loses 200 Jobs In July](#)

Legal sector jobs in the U.S. continue to stagnate, with employment in legal services declining slightly in July following a monthslong plateau, according to the U.S. Bureau of Labor Statistics' monthly jobs report, released on Friday.

### [9th Circ.'s Kozinski Slams Calif. AG For Overlong Brief](#)

Ninth Circuit Judge Alex Kozinski took a hard line on too-long briefs on Thursday, saying in a fiery dissent accompanying an otherwise routine order allowing California's attorney general to file an oversized brief that submitting verbose papers has become a "common and rather lamentable practice."

### [GC Cheat Sheet: The Hottest Corporate News Of The Week](#)

The Chamber of Commerce sues over rules that discourage corporate inversions; the government looks into security measures for Fitbits and Nest thermostats; and Subway, dogged by franchisees' wage-and-hour violations, teams up with the U.S. Department of Labor for an education push. Those stories top the corporate legal news you may have missed last week.

### [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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