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Subject: Seattle Mulls Delay Of Landmark Uber Driver Union Law

PUBLIC POLICY

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Monday, August 8, 2016

TOP NEWS

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

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

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

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

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

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

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

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

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

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 Corporation

VirnetX Holding Corporation

Wal-Mart Stores Inc.

Welch Consulting

Zeughauser Group LLC

steps to address its “admittedly improper” discriminatory criteria.

BANKRUPTCY

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

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

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

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

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

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.

JOBS

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