Message

From: Environmental Law360 [news-q@law360.com]
Sent: 10/12/2016 8:07:59 AM
To: Murray, Bill [Murray.Bill@epa.gov]
Subject: High Court Won't Re-Evaluate Green Sturgeon Habitat Ruling

ENVIRONMENTAL

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Wednesday, October 12, 2016

TOP NEWS

High Court Won't Re-Evaluate Green Sturgeon Habitat Ruling

The U.S. Supreme Court on Tuesday said that it won't hear an appeal of a Ninth Circuit ruling that upheld the designation of 8.6 million acres in California, Oregon and Washington as critical habitat for the threatened green sturgeon.

BLM Not Bound To Rein In Wild Horse Herds, 10th Circ. Says

The Bureau of Land Management had no automatic duty to trim wild horse populations in Wyoming once they reached a certain threshold, the Tenth Circuit ruled in a published opinion on Tuesday, striking down the state's bid to revive a lawsuit against the agency.

Wash., Timber Co. Reach $60M Deal In Oso Landslide Suit

The state of Washington and a timber company have agreed to settle a liability suit brought by victims and family members of those who died in the 2014 Oso landslide for a total of $60 million, according to court documents filed in Washington state Superior Court.

Marathon Petroleum Says BP Owes It For Texas Refinery Fixes

Marathon Petroleum Company LP filed a suit in federal court in Texas on Tuesday against BP products North America, alleging that BP's refinery and other properties were out of compliance with laws and that under an agreement governing Marathon's 2013 purchase, BP is responsible for the costs of bringing the properties up to code.

DC Circ. Rejects Tribe's Bid To Block Dakota Pipeline

The D.C. Circuit on Sunday rejected the Standing Rock Sioux Tribe's request for an injunction that would have blocked construction of a portion

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of the Dakota Access pipeline near its reservation, but expressed hope that the tribe, the pipeline's builder and the U.S. Army Corps of Engineers can work out their dispute over permits for the project.

DEALS

GE Drops $1.65B To Bring Wind Turbine Maker In-House

General Electric Co. agreed on Tuesday to buy one of its suppliers of wind turbine blades from British private equity shop Doughty Hanson & Co. for $1.65 billion, a move the industrial giant says will reduce energy costs and increase its wind energy production.

ENFORCEMENT

9th Circ. Stays Firm On Cross-Border Pollution Ruling

The Ninth Circuit said Tuesday it would not budge on its decision to reverse a ruling that had allowed the state of Washington and a confederated tribal nation to sue a Canadian mining company over aerial emissions from a British Columbia smelter.

Gov't Presses Porsche Tampering Claim In Emissions Suit

The government told a California federal judge Friday that Porsche can't shake a tampering claim in litigation over Volkswagen's emissions cheating scandal, contending that a concurrently filed amended complaint moots the request and the allegation is sufficiently pled regardless.

VW Looks To Bring Vermont Emissions Case To Calif. MDL

Volkswagen has removed a lawsuit by the Vermont attorney general over the automaker's diesel emissions scandal to Vermont federal court, seeking to send the case to the multidistrict litigation in California established to oversee the hundreds of lawsuits against the company relating to the scheme.

LITIGATION

DuPont Wants To Split 1st Trial After C8 Chemical Bellwethers

DuPont asked an Ohio federal judge on Monday to bifurcate a trial over water contamination set to start in November, saying a jury's consideration of punitive damages regarding a man's testicular cancer allegedly caused by the company's dumping should be separated from its consideration of compensatory damages.

Apache, W&T Offshore Abandonment Pact Found Ambiguous

A Texas federal judge decided on Friday that a contract governing a $44 million dispute over well abandonment liability between Apache Corp. and W&T Offshore Inc. is ambiguous and declined to accept the argument of either side in interpreting the contract that governs government-mandated plugging and abandonment operations.

Glencore Slams Lockheed's Bid To Nix Cleanup Suit Defenses

Glencore Ltd. recently blasted Lockheed Martin Corp.'s bid to knock down some of the mining company's defenses against the aerospace giant's New

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GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
Cheyenne River Sioux Tribe
Confederated Tribes of the Colville Reservation

York federal court suit seeking millions of dollars for environmental cleanup from a shuttered alumina refinery in the U.S. Virgin Islands.

Tribe, Enviros Say DOI Rightly Canceled Mont. Oil Lease

The Blackfeet Tribe and several other Native American and environmental groups are urging a D.C. federal judge to rule that the U.S. Department of the Interior was within its authority to cancel a controversial Montana oil lease after keeping it suspended for three decades.

Paradigm Pipeline Appeal Remains Urgent, Tribes Tell 8th Circ.

Officials for the Three Affiliated Tribes continued to press the Eighth Circuit on Monday to fast-track their appeal of a decision that blocked the tribes from interfering with Paradigm Energy Partners LLC's construction of a pair of pipelines underneath a lake on their reservation.

EXPERT ANALYSIS

DOE Rule Simplifies Interstate Power Transmission Siting

The Integrated Interagency Pre-Application process provides a framework for DOE to coordinate with applicable federal and non-federal entities for permitting and environmental reviews required under federal law to site certain electric transmission facilities, say Jay Ryan and Marcia Hook of Baker Botts LLP.

LEGAL INDUSTRY

Why GCs Still Care About Law Firm Name Recognition

In metrics-driven, bottom line-focused law departments, do prestige and reputation still matter in outside counsel selection as much as results and cost? Experts say they always will — but only in certain situations.

3 UK Firms Will Merge To Create World's 6th Largest Law Firm

There's a new U.K. heavyweight on the global law firm block as the partners of CMS UK, Nabarro LLP and Olswang LLP have voted "overwhelmingly" to merge, a tie up that creates the sixth largest law firm in the world by headcount.

Norton Rose's New US Managing Partner Eyes Expansion

Norton Rose Fulbright has elected Daryl L. Lansdale Jr. to serve as its new U.S. managing partner, the firm announced Tuesday. The new leader says he plans to focus the firm's growth on four key industry sectors: energy, financial institutions, health care and technology.

ABA Bias Rule Push Begins Amid Signs of Resistance

With the American Bar Association's effort to propagate a controversial bias misconduct rule underway, evidence is already surfacing that the rule will hit plenty of roadblocks on its way to state passage, experts say, further diverging the model rules from local codes.

Death Of Brooklyn DA Ken Thompson Sparks Tributes

Kenneth Thompson, Brooklyn's first African-American district attorney, who passed away Sunday at age 50 after a hard-fought battle with cancer, was

Department of Commerce

Federal Deposit Insurance Corp.

Federal Energy Regulatory Commission

National Marine Fisheries Service

National Oceanic and Atmospheric Administration

Standing Rock Sioux Tribe

Three Affiliated Tribes of the Fort Berthold Reservation

U.S. Army

U.S. Department of Energy

U.S. Department of Justice

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Supreme Court

Wyoming Attorney General's Office

praised by public officials in the days immediately after for leaving behind a legacy of fighting for criminal justice reform and civil rights.

9th Circ. Ruling Limiting Judges' Political Dealings Stands

Opponents of restrictions on judges' political speech were dealt a blow Tuesday when the U.S. Supreme Court refused to review the appeal of a Ninth Circuit decision that upheld Arizona's rules barring judges from endorsing or campaigning for political candidates.

Rainmaker Q&A: Dentons' Rodney Boyd

You have to develop an ever-evolving, deepening series of relationships even though you may not have a client who needs to access those relationships today. If you're going to be a rainmaker, you have to build a network of relationships that are substantive and leverageable even before you need them, says Rodney Boyd, partner at Dentons.

Rainmaker Q&A: Schulte Roth's Brian Pfeiffer

All of us have lives outside of work that we want to get home to. But regardless of whether you are a junior associate, a senior associate or a partner, if you're working on a matter with a client and you haven't met them for dinner or a drink, it's a significant missed opportunity, says Brian Pfeiffer, a partner at Schulte Roth & Zabel LLP.

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