Message

From: Environmental Law360 [news-q@law360.com]
Sent: 10/6/2016 8:03:48 AM
To: Smidinger, Betsy [Smidinger.Betsy@epa.gov]
Subject: Monsanto Plans $280M for PCB Personal Injury Settlements

ENVIRONMENTAL

Thursday, October 6, 2016

TOP NEWS

Monsanto Plans $280M for PCB Personal Injury Settlements

Monsanto Co. on Wednesday told investors in a quarterly earnings report that it has set aside $280 million to potentially settle all legacy personal injury claims from polychlorinated biphenyls, including those on appeal.

Wash. State AG Fires Lawyer Involved In Evidence Deletion

The Washington state Attorney General announced Tuesday that one of his attorneys, who knew evidence was being deleted by expert witnesses in a case over the liability in the 2014 Oso landslide that left 43 people dead, is no longer working for his office.

Occidental To Pay $165M In NJ Passaic River Cleanup

Occidental Chemical Corp. will pay $165 million to cover its portion of a massive cleanup of the heavily polluted lower Passaic River Superfund site in New Jersey, the U.S. Environmental Protection Agency said Wednesday.

DC Circ. Seems Skeptical Of Sioux Push To Block Pipeline

A D.C. Circuit panel grilled the Standing Rock Sioux Tribe Wednesday over its effort to stop construction on the Dakota Access Pipeline, questioning how they could craft a lawful, specific order that addressed the tribe's concerns about the potential destruction of sacred sites and artifacts.

ANALYSIS

The VW Emissions Scandal A Year Later

In the year since Volkwagen's emissions-cheating scandal erupted, two CEOs have stepped down, a jaw-dropping settlement was reached and an engineer pled guilty to criminal charges, with more charges almost sure to follow as the U.S. government continues its investigation. Here, Law360 takes a look at the past year and what lies ahead for the embattled automaker.

New Pa. Justices Go Green In 2nd Rollback Of Drilling Laws

LAW FIRMS
Allen Matkins
Baker & McKenzie
Blank Rome
Buchanan Ingersoll
Chadbourne & Parke
Clifford Chance
Cole Schotz
Connolly Gallagher
Corr Cronin
Cravath Swaine
Curtin & Heefner
DLA Piper
Dentons
Earthjustice
Foley & Lardner
Hogan Lovells
Hunton & Williams
Kirkland & Ellis
Kleinbard LLC
LeClairRyan
Manion Gaynor
Manko Gold
Morrison & Foerster
Motley Rice
Norton Rose Fulbright
Nossaman LLP
Pfau Cochran
Quarles & Brady

The Pennsylvania Supreme Court's recent decision to strike parts of the state's 2012 framework for guiding natural gas development returned regulation of the industry much to where it stood five years ago, but the ruling also hinted that the reshuffled court might be more sympathetic to environmental protections in future cases.

POLICY & REGULATION

PHMSA Finalizes Rule Expanding Emergency Authority

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration on Monday revealed a rule governing the procedures of its new power to issue emergency orders to ensure pipeline safety, an authority Congress bestowed upon the agency with its reauthorization in June.

Tribes Say Fed. Energy Development Oversight Unneeded

At a Tuesday oversight hearing, tribal leaders and expert witnesses from across the country came together to say their tribes flourish more when federal oversight is limited or taken away completely regarding energy and natural resource development on Native American land.

Citing Cheap Gas, PSEG Shutters 2 NJ Coal Plants

Public Service Enterprise Group Inc. on Wednesday announced that it is planning on closing down two coal-fired power plants in New Jersey in mid-2017, saying that it wouldn't be economical to make required upgrades in light of low gas prices.

ENFORCEMENT

Ex-Georgia DOT Worker Gets Prison Time For Taking Bribes

Federal prosecutors announced Tuesday a former Georgia Department of Transportation employee was sentenced to serve 4 1/2 years in prison for taking bribes in exchange for allowing truckloads of harmful dirt to be dumped into DeKalb County, resulting in environmental damage.

Pa., NY Want Volkswagen Diesel Suits Back In State Court

New York and Pennsylvania on Wednesday asked to send their lawsuits in the multidistrict litigation over Volkswagen AG's diesel emissions scandal back to their own state courts, saying the multidistrict litigation created to handle the suits lacks jurisdiction over their cases.

LITIGATION

Sherwin Can't Abandon Toxic Red Mud Beds, Texas Says

Texas environmental regulators urged a Texas bankruptcy court Tuesday not to let Sherwin Alumina Co. LLC desert thousands of acres of caustic waste stored in "red mud beds" as the bankrupt company moves to sell more valuable assets to an affiliate of its corporate parent, Glencore PLC.

Auto Parts Supplier Says $60M Enviro Fund Suit Is Flawed

Auto parts supplier Lear Corp. asked a Delaware federal judge on Tuesday to toss a lawsuit over the company's claim to a $59.5 million environmental escrow fund established when it purchased a car seat business, saying the case is based on a "gotcha argument."

Seagate, Solyndra Trusts Get OK For $17M Ch. 11 Deal

Quinn Emanuel
Ropes & Gray
Salazar Jackson LLP
Sanford Heisler
Saul Ewing
Sedgwick LLP
Shearman & Sterling
Sidley Austin
Squire Patton Boggs
Sullivan & Cromwell
Winston & Strawn

COMPANIES

AT&T Inc.
American Express Company
Association of Corporate Counsel
Audi AG
Eastman Chemical Co.
Ernst & Young
Florida Trend
Frontier Airlines Inc.
Hubbell Inc.
International Brotherhood of Teamsters
Kirkland's, Inc.
Lambda Legal Defense & Educational Fund
Monsanto Company
Natural Resources Defense Council
Occidental Petroleum Corporation
PJM Interconnection LLC
Pfizer Inc.
Porsche
Public Service Enterprise Group Inc.
Robert Bosch GmbH
Seagate Technology
Sherwin Alumina Co. LLC
Solutia Inc.
Solyndra LLC
Southern California Gas Co.
State Bar of Texas
Stolt-Nielsen SA
Tyson Foods Inc.
Volkswagen
Wal-Mart Stores Inc.
Washington Post Co.

A Delaware bankruptcy judge on Tuesday approved a cash, claim and liability release settlement ending much of a more than $17 million dispute that has entangled Seagate Technology (U.S.) Holdings, Solyndra-related Ch. 11 trusts and other parties for more than five years.

Group Blasts FAA For Allowing Allegiant At NJ Airport

A Pennsylvania-based community group launched a lawsuit against the Federal Aviation Administration in federal court on Wednesday, accusing the agency of flouting environmental law by failing to consider the impact of allowing Allegiant Air LLC to join Frontier Airlines Inc. in operating at an airport in Mercer County, New Jersey.

EXPERT ANALYSIS

The 'Tough Noogies' Doctrine: Rights But No Remedies

In recent years the courts have demonstrated an increased use of the "tough noogies" doctrine. These types of cases involve individuals wronged by powerful institutional interests who are shown the door, often based on poor or weak reasoning or in defiance of common sense. Andrew Melzer of Sanford Heisler LLP highlights a few recent examples of this doctrine and discusses whether the pendulum is beginning to swing back the other way.

LEGAL INDUSTRY

Texas' Hard Stance On Verein Names May Spur Rule Changes

A Texas ethics opinion out last week found that certain naming conventions of Swiss verein member law firms may violate state ethics rules, a bombshell that some experts say illustrates the need for updates to Texas' long-unchanged rules of conduct.

Judicial Elections Affect Gay Rights Rulings, Study Finds

State high courts with elected judges are less supportive than their non-elected peer courts of gay rights issues, a new study has found.

Law Clerk Says She Was Fired On Maternity Leave Via Text

An attorney and former law clerk with the Nassau County Supreme Court is accusing the judge she worked for of firing her while on approved but unpaid maternity leave, saying Tuesday that she was let go by way of a text message.

More London Associates Are Seeing Pay Increases

Some London lawyers' paychecks are continuing to get fatter, with new associates at Baker & McKenzie seeing their second pay raise so far this year and U.K. associate pay at Kirkland & Ellis LLP climbing as the U.S. dollar out-punches the British pound.

Pro Bono Firm Of 2016: Ropes & Gray

Ropes & Gray has helped persuade the U.S. Supreme Court to legalize gay marriage, secured the release of a man wrongfully convicted of rape and brokered a deal to help end inmate abuse at a New York City jail, landing it a spot on Law360's Pro Bono Firms of 2016.

Rainmaker Q&A: Salazar Jackson's Luis Salazar

Xyratex Ltd.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Indian Affairs

California Environmental Protection Agency

Confederated Tribes of the Colville Reservation

Consumer Financial Protection Bureau

Equal Employment Opportunity Commission

Federal Aviation Administration

Federal Bureau of Investigation

Georgia Department of Transportation

National Labor Relations Board

Navajo Nation

Pipeline and Hazardous Materials Safety Administration

Port of San Diego

Southern Ute Indian Tribe

Standing Rock Sioux Tribe

Texas Attorney General's Office

Texas Commission on Environmental Quality

U.S. Army

U.S. Attorney's Office

U.S. Department of Justice

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Supreme Court

For every great piece of business you win, there are many that simply don't pan out. You have to be optimistic that your next deal is around the corner and keep pushing, says Luis Salazar, a partner at Salazar Jackson.

Rainmaker Q&A: Quarles & Brady's Sarah Coyne

Clients are, in fact, human beings (at least most of them) and they will have a personal reaction to the people they meet. The goal is to inspire clients to trust us to solve their problems, which is a big "ask," says Sarah Coyne, national chairwoman of the health law practice group at Quarles & Brady LLP.

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Sills Cummis & Gross P.C.
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