Message

From: Environmental Law360 [news-q@law360.com]
Sent: 2/23/2018 9:00:54 AM
To: Smidinger, Betsy [Smidinger.Betsy@epa.gov]
Subject: [SPAM-Sender] Montana Forest Wildfire Project Gets 9th Circ.'s Blessing ENVIRONMENTAL

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Friday, February 23, 2018

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TOP NEWS

Montana Forest Wildfire Project Gets 9th Circ.'s Blessing

The Ninth Circuit on Thursday gave the go-ahead to the U.S. Forest Service's plan to reduce the wildfire threat in Montana's Gallatin National Forest, overruling environmentalists' arguments that the project would imperil the threatened Canada lynx. Read more »

DC Circ. Weighs 'Perfectly Neutral' EPA Reason In Bias Row

A D.C. Circuit judge on Thursday signaled rough terrain ahead for a former Environmental Protection Agency manager who is accusing the EPA of age discrimination and retaliation, with the judge noting the agency has a "perfectly neutral" explanation for a reorganization the former manager alleges was retaliatory. Read more »

Feds Escape Enviros' Suit Over Yuba River Endangered Fish

A California federal judge on Wednesday tossed environmentalists' lawsuit against the U.S. Army Corps of Engineers and National Marine Fisheries Service alleging they failed to properly protect at-risk fish that live near two dams in the northern part of the state. Read more »

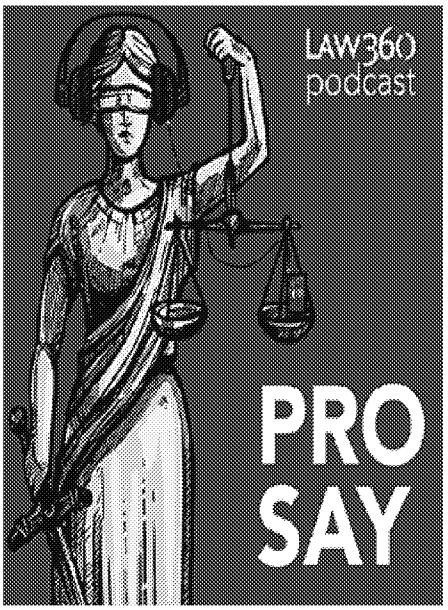
7th Circ. Wants US Input On Ill. Nuke Subsidies

The Seventh Circuit on Wednesday asked the U.S. government to weigh in on whether Illinois' plan to subsidize nuclear power plants usurps federal authority over wholesale electricity markets, a sign that the appeals court is still struggling to decide the issue. Read more »

POLICY & REGULATION

NJ Sens. Move Bill To Raise $300M In Nuke Plant Subsidies

A New Jersey legislative committee on Thursday released a bill that would establish a $300 million nuclear plant subsidy from ratepayers in what advocates say will ensure the viability of two Public Service Enterprise



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Group Inc. power plants and advance the state's clean energy goals. Read more »

Commerce Finalizes Argentine, Indonesian Biodiesel Duties

The U.S. Department of Commerce unveiled a final set of tariffs on biodiesel imports from Argentina and Indonesia late Wednesday, affirming its earlier finding that the merchandise had been sold in the U.S. at unfairly low prices. Read more »

ENFORCEMENT

More Yellowstone Bison Illegally Freed, Park Service Says

For the second time this year, dozens of bison were released from a holding area in Yellowstone National Park before officials could process them for slaughter or test them for disease, according to a statement from the park that characterized the incident as an act of "sabotage." Read more »

LITIGATION

Drivers Slam Fee Bids By 'Ghost Lawyers' In $10B VW Deal

Hundreds of "ghost lawyers" who showed up at the $10 billion resolution of multidistrict litigation over Volkswagen AG's diesel-emissions scandal shouldn't get a cut of the awarded fees and costs since their work didn't benefit the whole class, the vehicle owners told the Ninth Circuit on Thursday. Read more »

Feds Have To Search For More Keystone Docs, Judge Says

A Montana federal judge on Wednesday said the federal government must take a look at what documents it has pertaining to the Keystone XL pipeline to see if it has produced everything it is required to for two suits brought by activist groups challenging the pipeline's revival. Read more »

Energy Transfer Wants Enviros' Sanctions Bid Quashed

The Energy Transfer entities that operate the Dakota Access pipeline urged a North Dakota federal court Wednesday not to sanction them over allegations that they didn't do their homework before suing an environmental group they're accusing of organizing violent protests against the pipeline. Read more »

PEOPLE

Locke Lord Hires Ex-Curtis Enviro Group Chair In NY

The former head of Curtis Mallet-Prevost Colt & Mosle LLP's environmental group, whose clients have included a Glencore Ltd. affiliate, has joined Locke Lord LLP in New York. Read more »

EXPERT ANALYSIS

Series

EPA In The Trump Era: Settling Mandatory Duty Lawsuits

The U.S. Environmental Protection Agency's 2017 "sue and settle" directive embraces a nascent process to post online notices of intent to sue, complaints and petitions for review. For some this is sufficient for planning purposes and strategic undertakings, but for others it provides

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Fredrikson & Byron
Gibson Dunn
Hueston Hennigan
Husch Blackwell
Hyde & Swigart
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Jones Day
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Lieff Cabraser
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Nagel Rice
Pepper Hamilton
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Douglas Dynamics, Inc.
Energy Transfer Equity, L.P.

interesting opportunities, says Avi Garbow, former EPA general counsel and partner at Gibson Dunn & Crutcher LLP. Read more »

How FERC's New Rule Paves The Way For Energy Storage

Last week, the Federal Energy Regulatory Commission issued its long-awaited final rule that aims to remove barriers to electric storage resource participation in regional transmission organization and independent system operator markets. Market participants with an interest in energy storage are advised to focus closely on the tariff provisions being developed by each RTO/ISO, say attorneys with Morgan Lewis & Bockius LLP. Read more »

LEGAL INDUSTRY

Ex-Foley & Lardner Partner Gets 3 Years For Insider Trading

Former Foley & Lardner LLP real estate partner Walter "Chet" Little was sentenced on Thursday to three years in prison for insider trading, following his admission that he cashed in on confidential merger information about the law firm's clients. Read more »

Calif. Panel Says Ex-Perkins Coie Atty Must Arbitrate Claims

A former Perkins Coie partner must arbitrate claims the law firm dipped into his wages without permission, a California appellate court said Wednesday, reversing a lower court's ruling that his work contract was unconscionable and its arbitration provision wasn't binding. Read more »

White House Atty: Chevron Deference A Priority For Judges

President Donald Trump has prioritized rolling back the "administrative state," White House Counsel Don McGahn said Thursday, and part of that is looking at potential judicial nominees' experience with government regulation and major guideposts like Chevron deference. Read more »

Feature

SEC Case Exposes Justices' Rift Over 'Legislative History'

The Supreme Court's long-running tensions over the use of legislative history as a way to interpret law broke out into public view Wednesday in a case over the Dodd-Frank Act's whistleblower provisions, as Justices Sonia Sotomayor and Clarence Thomas clashed over the value of a Senate report. Read more »

Feature

How Cannabis GCs Are Leading The Way In A Legal Gray Area

As a once black-market industry continues to grow in both legitimacy and size, and with it, a corresponding surge in legal needs, the first generation of general counsel at state-legal U.S. marijuana companies are on the front lines of the new and volatile field of cannabis law. Read more »

Law360's Weekly Verdict: Legal Lions & Lambs

Williams & Connolly earned a spot on this week's legal lions list after the law firm secured a U.S. Supreme Court opinion in favor of its client narrowing the definition of the term "whistleblower," while Jones Day ended up on the legal lambs list after a federal judge dismantled its client's $2.5 billion jury verdict in an infringement suit over a hepatitis C drug patent. Read more »

Energy Transfer Partners, L.P.
Exelon Corporation
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Gilead Sciences Inc.
International Brotherhood of Electrical Workers
Magnetek, Inc.
Merck & Co Inc.
Natural Resources Defense Council
New York State Bar Association
Oshkosh Corporation
Pentair Inc.
Public Service Enterprise Group Inc.
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