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**Subject:** KPMG's Middendorf Says He Blew Whistle On PCAOB Leaks

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 Law360 New York

NEW YORK

Tuesday, March 5, 2019

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## TOP NEWS

### KPMG's Middendorf Says He Blew Whistle On PCAOB Leaks

A former KPMG partner on trial for an alleged conspiracy to steal inspection plans from the Public Company Accounting Oversight Board took the stand in his own defense Monday, telling a Manhattan federal jury he'd acted appropriately, not criminally, upon learning of the scheme.

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### Ex-Trump Associate Hacked Mariah Carey's Ex-Manager: Suit

A former associate of President Donald Trump hacked electronics belonging to Mariah Carey's ex-manager, according to a \$1 million suit that was filed in New York federal court Friday shortly before the defendant, a Russian-born businessman, is slated to testify to Congress about the Trump Tower Moscow project.

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### 7th MoFo Atty Added To \$200M Pregnancy Bias Suit

A former New York-based Morrison & Foerster LLP lawyer has become the seventh female attorney to join a \$200 million California federal class action accusing the firm of systematically discriminating against pregnant women, claiming she was unlawfully fired for not being adequately "committed" to the firm after twice taking maternity leave.

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### Wesco Says NY Attys Hid Misconduct Claims, Voiding Policy

Wesco Insurance Co. sued Zane & Rudofsky in New York state court on Monday, saying the law firm didn't disclose that it was once on the verge of being sanctioned for misconduct and likely faced a malpractice suit when it purchased a professional liability policy.

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## CONSUMER PROTECTION

### Coffee Seller Hit With False Labeling Suit Over 'Kona' Blends

A consumer hit L & K Coffee Co. LLC with a proposed class action in New York federal court Sunday alleging some of its Magnum Exotics coffee blends are wrongly labeled as "Kona" coffee because the mixtures don't have the same composition as authentic "Kona" coffee.

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## EMPLOYMENT

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## LAW FIRMS

Akin Gump  
Axinn  
Bailey & Glasser  
Baker McKenzie  
Brown Rudnick  
Bruch Hanna  
Cadwalader Wickersham  
Clifford Chance  
Cohen & Frankel LLP  
Cole Schotz  
Davis Polk  
Emery Celli  
Fried Frank  
Gibson Dunn  
Harris Wiltshire  
Hunton Andrews Kurth  
Jones Day  
Katsky Korins  
Kirkland & Ellis  
Latham & Watkins  
Levi & Korsinsky  
Levitt & Boccio  
Lucas Magazine

## **NY Wants Info On Cos. Getting Federal Wage Theft 'Amnesty'**

The New York attorney general's office sued the Trump administration Monday, demanding records from the U.S. Department of Labor related to a federal wage theft self-reporting program called Payroll Audit Independent Determination, calling it a "non-enforcement initiative" that gives amnesty to violators.

[Read full article »](#)

## **Firm Ordered To Drop Arbitration Bid In \$2.3M Atty Fee Fight**

The New York federal judge who oversaw the settlement of a case focused on a Citigroup employee retirement plan ordered one of the plaintiff co-counsels on Monday to withdraw a request for court-ordered arbitration to resolve a dispute over \$2.3 million in legal fees.

[Read full article »](#)

## **SECURITIES & WHITE COLLAR**

### **Insys Investors Seek Cert. In Fentanyl Stock Drop Suit**

Insys Therapeutics Inc. investors urged a New York federal judge Friday to certify their putative class action accusing the pharmaceutical company of overstating its opioid spray's financial strength, a move that sparked a stock downturn once the accounting problems were revealed.

[Read full article »](#)

### **Wiretapped Ex-Asst. DA's Suit Against NYC, Staff Survives**

A former Brooklyn assistant district attorney who sued New York City and several city workers who allegedly failed to prevent renegade prosecutor Tara Lenich from wiretapping her has had most of her case survive dismissal, with the court cutting one claim against individual defendants but greenlighting the rest of the suit.

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### **Adidas Bribery Convict Contests Schools' Restitution Bids**

One of three men convicted of bribing student basketball players to attend Adidas-sponsored schools urged a New York federal judge Monday to deny two of the schools' restitution bids, saying they filed the requests too late and are not entitled to attorney fees.

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## **MERGERS & ACQUISITIONS**

### **Nasdaq Matches Euronext's Bid For Norway Exchange**

Nasdaq Inc. on Monday increased its offer to buy Norwegian stock exchange Oslo Bors VPS, matching a competing bid from Euronext NV worth 6.8 billion Norwegian krone (\$795 million) as the trading venues look to sway shareholders to their respective sides.

[Read full article »](#)

## **ENERGY & ENVIRONMENTAL**

### **EPA Chief Touts Superfund Progress, Slams Enviro Critics**

U.S. Environmental Protection Agency Administrator Andrew Wheeler on Monday touted the EPA's success in finalizing cleanups at Superfund sites across the country in 2018, and slammed environmentalists who say too many sites are being written off too quickly.

[Read full article »](#)

## **REAL ESTATE & DEVELOPMENT**

Manatt Phelps  
Marks O'Neill  
McTigue Law  
Morrison & Foerster  
Morrison Cohen  
Nexsen Pruet  
Nixon Peabody  
Ogletree Deakins  
Paul Hastings  
Paul Weiss  
Petrillo Klein  
Pierce Bainbridge  
Pillsbury Winthrop  
Pryor Cashman  
Quinn Emanuel  
Robinson Brog  
Ropes & Gray  
Rubin Ehrlich  
Sanford Heisler Sharp  
Schulte Roth  
Sheehan & Associates PC  
Simpson Thacher  
Skadden  
Stein Mitchell  
Sullivan & Cromwell  
TMK Attorneys PC  
Trench Rossi  
Vorys Sater  
Wachtell Lipton  
Williams & Connolly  
Willkie Farr

## **COMPANIES**

Abercrombie & Fitch  
Adidas AG  
Amazon.com Inc.  
BNSF Railway Co.  
Big Lots Inc.  
CIM Group Inc.  
Citigroup Inc.  
Euronext Amsterdam NV  
HSBC Holdings PLC  
JBS SA  
JPMorgan Chase & Co.  
KPMG International  
LinkedIn Corp.  
Lord & Taylor LLC  
Memorial Sloan Kettering Cancer Center  
NASDAQ OMX Group Inc.  
NBCUniversal Inc.

## NYC Real Estate Week In Review

Gibson Dunn & Crutcher LLP, Fried Frank Harris Shriver & Jacobson LLP and Cole Schotz PC were among more than a dozen law firms that helped with the largest New York City real estate deals that hit public records last week, a group of transactions that included WeWork's \$850 million purchase of a Manhattan property.

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## PEOPLE

### Axinn Hires Ex-Manatt Phelps Competition Pro For NY Office

Axinn Veltrop & Harkrider LLP has announced the hiring of an attorney who formerly co-chaired Manatt Phelps & Phillips LLP's antitrust and competition practice as a partner in its New York office.

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### Pierce Bainbridge Adds Compliance Chair, Fordham Prof

Pierce Bainbridge Beck Price & Hecht LLP has added as partners a recent Baker McKenzie compliance and investigations group practice chair and a former Ropes & Gray counsel with experience in a wide range of commercial, securities and complex litigation, the firm announced Monday.

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## EXPERT ANALYSIS

### Women In Law Need Equal Treatment, Not Affirmative Action

The sheer number of women entering the legal profession means gender equality is coming, one way or the other. This Women's History Month, BigLaw firms should reflect on this with the understanding that they dismiss the flight of senior female attorneys from their ranks at their peril, says Tamara Kurtzman, founder of TMK Attorneys PC.

[Read full article »](#)

## LEGAL INDUSTRY

### Ex-Baker McKenzie Atty To Be Deposed Over Tell-All Memo

Baker McKenzie's alleged dirty laundry could soon be aired by a Virginia federal court after a judge on Friday ordered the deposition of a former partner who wrote a mysterious memo regarding alleged misconduct by the firm's attorneys in a Brazilian corruption case tied to one of the world's largest meatpacking companies.

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### Justice Ginsburg Bounces Back With 3 Decisions In 3 Weeks

U.S. Supreme Court Justice Ruth Bader Ginsburg has penned three opinions for the high court in the past three weeks, apparently driven to write after missing months of work following cancer surgery in December.

[Read full article »](#)

### Jones Day Takes McGahn Back After White House Stint

Donald McGahn is returning to Jones Day to act as the global law firm's U.S. government regulation practice leader, the firm announced Monday, following a stint as White House counsel that included orchestrating the Trump administration's nomination of two U.S. Supreme Court justices.

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### AG Barr Won't Recuse Himself From Mueller Probe

Ethics officials at the U.S. Department of Justice have cleared Attorney General William Barr to oversee the probe being conducted by special

National Collegiate Athletic Association

Public Company Accounting Oversight Board

Regents of the University of California

Stamps.com Inc.

Terreno Realty Corp.

Toys "R" Us Inc.

Twitter Inc.

UDR, Inc.

Vornado Realty Trust

Wal-Mart Stores Inc.

WeWork LLC

## GOVERNMENT AGENCIES

Administrative Conference of the United States

Commodity Futures Trading Commission

Executive Office of the President

Federal Election Commission

Federal Trade Commission

Securities and Exchange Commission

U.S. Attorney's Office

U.S. Copyright Office

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. Supreme Court

Wage and Hour Division

counsel Robert Mueller, according to a Monday statement, despite concerns about Barr's possible bias against the investigation.

[Read full article »](#)

### Former Acting AG Matt Whitaker Leaves DOJ

Former acting Attorney General Matthew Whitaker has resigned from the U.S. Department of Justice, a DOJ spokesperson confirmed Monday, less than a month after William Barr was sworn in to replace him.

[Read full article »](#)

### New Clifford Chance Program Offers 2-Month Unpaid Leave

Clifford Chance LLP is trying out a program that would allow attorneys to take two months of unpaid leave under a new framework at the firm meant to provide attorneys with a more flexible approach to their work, the firm announced Monday.

[Read full article »](#)

### Akin Gump Initiative Will Watch For Retail Trends, Risks

Attorneys across Akin Gump Strauss Hauer & Feld LLP are trying to prepare themselves and their clients for the future of the retail industry's legal landscape through a new "retail industry initiative," the firm said.

[Read full article »](#)

#### Interview

### 15 Minutes With Big Lots' General Counsel

Ronald "Rocky" Robins Jr. is familiar with both the corporate and private practice realms, as he has held two general counsel positions and worked at Davis Polk and Vorys Sater. Here, the general counsel of Big Lots shares the most rewarding parts of being a lawyer and the qualities he values most in outside counsel.

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Hunton Andrews Kurth LLP  
New York, New York

#### elite lit boutique // mid level assoc

Schoen Legal Search  
New York, New York

#### IP Litigation Paralegal/Legal Assistant with Expert Presentation Skills

Epstein Drangel, LLP  
New York, New York

#### Intellectual Property – Patent Agent

Troutman Sanders LLP  
New York, New York

#### NYC\*Corp\*Assoc\*Mid-sized\*Lifestyle

Schoen Legal Search  
NYC, New York

#### Stellar mid-sized firm seeks outstanding mid level m&a atty

Schoen Legal Search  
NYC, New York

#### Insurance Associate

Mound Cotton Wollan & Greengrass LLP  
New York, New York

#### Mid-Level IP Litigation Associate with Solid Experience in Trademark and Copyright Law

Epstein Drangel  
New York, New York

#### NYC Big-Law litigation assoc (3-4 yrs exp)

KLR Davis  
New York, New York

#### Employment Associate / NY mid-size law firm

Schoen Legal Search  
New York, New York

#### L&E Partner -Mid-sized NYC law firm

Schoen Legal Search  
New York City, New York



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