



## The Daily Docket

Reuters

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Good morning. A now-former U.S. judge in Alaska had [potential conflicts in 23 cases](#), federal prosecutors have disclosed to defenders amid fallout from a court scandal. Plus, Tesla [turned to Wilmer](#) in a consumer class action as Cravath exited; Build-A-Bear [can't bounce a suit](#) by rival Squishmallows; and New Jersey's [convicted U.S. senator](#) count creeps up. Today, the DOJ and Apple will face off for the first time in a blockbuster U.S. antitrust lawsuit. Thanks for reading!

### [In Alaska, fallout over US judge's alleged misconduct](#)

Federal prosecutors in Alaska [have identified 23 criminal cases](#) in which attorneys appearing before a federal judge who was accused of sexual misconduct and resigned last week may have had undisclosed conflicts of interests, Nate Raymond reports. The revelation will spur additional scrutiny, as fallout from the scandal widens.

Bryan Wilson, head of the U.S. attorney office's criminal division in Alaska, sent the list to the state's top federal public defender days after a 9th Circuit [council publicly reprimanded](#) now-former U.S. District Judge Joshua Kindred. The panel said Kindred created a hostile work environment for his law clerks, and also identified three prosecutors and one defense lawyer with potential conflicts.

In one matter, a senior prosecutor had a "flirtatious rapport" with Kindred and had sent him nude photographs, according to the 9th Circuit. The federal defenders' office in Alaska has now accused prosecutors of failing to timely disclose the nature and extent of conflicts, and it said it will investigate.

The Alaska U.S. attorney's office in a statement said it "has obligations with respect to disclosing or avoiding potential conflicts of interest, and we are continuing our review to ensure those obligations are met." Kindred could not be reached for comment.

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### [The buzz](#)

- Usha Vance, the wife of Republican presidential candidate Donald Trump's newly-selected running mate J.D. Vance, is a [corporate lawyer with ties to two sitting U.S. Supreme Court justices](#). She said in a statement she is resigning from her law firm, Munger Tolles to support her family.
- Tesla [replaced its longtime law firm in a California class action](#), swapping a team from Cravath with attorneys from WilmerHale. Tesla is fighting claims that it has monopolized the market for parts and service for its vehicles, causing consumers to pay artificially higher prices. Tesla and the two firms did not respond to requests for comment.
- A U.S. Supreme Court ruling involving Starbucks that raised the bar for the NLRB to win court injunctions against employers [won't discourage the agency from "aggressively seeking" them](#), General Counsel Jennifer Abruzzo [said in a memo to field staff](#). The justices in the unanimous

ruling settled a circuit split over the proper test for courts to apply when the NLRB seeks an injunction pending the outcome of a related administrative case.

- A U.S. federal prosecutor is facing [disciplinary charges for allegedly using deceptively edited videos](#) as evidence in criminal cases against people who were arrested while protesting the 2017 inauguration of Donald Trump. Jennifer Kerkhoff Muyskens edited videos recorded by a conservative activist group to remove context or information that could have cleared the protesters of criminal charges, the D.C. bar's disciplinary [complaint](#) said. Muyskens did not immediately respond to a request for comment.

[2,300,000](#)

That's how many customers of CenterPoint Energy lost power last week in Texas after [Hurricane Beryl](#) ripped out trees and knocked down electricity infrastructure. Restaurants in Houston and nearby regions are now suing CenterPoint in a class action in Texas state court, seeking more than \$100 million in damages. The lawsuit accuses CenterPoint, the state's largest power provider, of negligence. CenterPoint said it was remaining focused on restoration and declined to comment on the lawsuit. [About 130,000 continued to remain without power more than a week after the storm made landfall.](#)

[Columnist spotlight: Apple's quest for documents from litigation funder Omni sparks venue fight](#)

Apple seems to believe that the litigation funder Omni Bridgeway is backing a long-running San Francisco federal lawsuit accusing Apple of infringing patents belonging to a Finnish non-practicing entity. So when Omni refused to turn over information in response to Apple's subpoena, the company took action to force the funder to comply. But not in the San Francisco litigation. Apple instead sued Omni in Delaware, where the suit ended up before a judge known for demanding transparency about litigation funding. Omni has moved to transfer the case to the San Francisco judge overseeing the underlying patent litigation. But if Delaware keeps the case, writes Alison Frankel, [you can expect other defendants to engage in similar jurisdictional tactics to suss out funding deals.](#)

["Importantly, the Second Amendment's plain text does not have an age limit."](#)

– U.S. Circuit Judge Duane Benton, writing for an 8th Circuit panel in ruling that a Minnesota law requiring a person to be at least 21 years old before obtaining a permit to carry a handgun in public for self-defense is unconstitutional. The court [sided](#) with gun rights groups in finding that the state's ban violated the rights of 18 to 20-year-olds under the Second Amendment. The panel held that under recent U.S. Supreme Court rulings that have expanded gun rights, [the state's 2003 law could not be deemed valid.](#)

[Coming up today](#)

- U.S. District Judge Julien Xavier Neals in Newark, New Jersey federal court will hear about key legal issues as Apple [plans to fight](#) the government's blockbuster antitrust suit. The [lawsuit filed by the DOJ and 15 states](#) in March alleges the iPhone maker monopolized the smartphone market, hurt smaller rivals and drove up prices. Apple told Neals in May that "far from being a monopolist, Apple faces fierce competition from well-established rivals."
- A status conference is scheduled in Rudy Giuliani's bankruptcy case. U.S. Bankruptcy Judge Sean Lane in New York [last week ended Giuliani's bankruptcy](#), allowing lawsuits for defamation, sexual harassment and other claims to proceed against Donald Trump's former lawyer. The dismissal frees Giuliani to appeal the [\\$148 million defamation judgment](#) that forced him to seek bankruptcy protection. Lane banned Giuliani from seeking bankruptcy for one year.
- Residential and commercial subscribers of the NFL's "Sunday Ticket" programming who alleged they were overcharged for years are expected to defend their \$4.7 billion [verdict](#). The NFL's lawyers at Wilkinson Stekloff and Covington have [asked the court to throw out](#) the class action jury verdict, calling the amount "nonsensical" and disputing evidence that showed subscribers of

its "Sunday Ticket" telecasts had been overcharged. The plaintiffs are represented by teams of lawyers from Susman Godfrey, Hausfeld and Langer, Grogan & Diver.

- A former Goldman Sachs and Blackstone analyst will be sentenced in Manhattan federal court after [pleading guilty in January to insider trading](#). Prosecutors accused Anthony Viggiano of passing tips to two friends about planned corporate mergers and partnerships. These included American International Group's sale of part of a business to Blackstone, and private equity firm Advent International's purchase of satellite operator Maxar Technologies.

### In the courts

- Guo Wengui, an exiled Chinese businessman and outspoken opponent of Beijing's communist government, [was convicted in his U.S. trial](#) on charges of stealing hundreds of millions of dollars from online followers. U.S. District Judge Analisa Torres set his sentencing for Nov. 19.
- U.S. District Judge Robert Pitman in Austin [dismissed a lawsuit](#) challenging the University of Texas at Austin's new admissions policies by Students for Fair Admissions, which pursued the successful challenge to race-conscious college admissions practices at the U.S. Supreme Court. The judge [rejected](#) arguments by the group, founded by Edward Blum, that the school had continued to unlawfully consider race when admitting students even after the Supreme Court's ruling.
- Build-A-Bear Workshop [lost its effort to dismiss a lawsuit](#) claiming that its Skoosherz plush toys were unauthorized knockoffs of Squishmallows, the popular plush toys made by Kelly Toys and its parent Jazwares, a unit of Warren Buffett's Berkshire Hathaway. U.S. District Judge Josephine Staton in Los Angeles [ruled](#) it would be "particularly inapt" to dismiss the lawsuit in light of the apparent similarities between the products.
- Alphabet's Google won a ruling in California federal court [dismissing a proposed class action](#) claiming it too tightly restricted how customers use its digital-mapping products, causing them to pay higher prices. U.S. District Judge Richard Seeborg [rejected](#) claims by the plaintiffs, including marketing company Dream Big Media, that Google was unlawfully prohibiting developers from using Google and non-Google data in their maps.
- Footwear maker Skechers sued LL Bean, [accusing the company of illegally copying its shoes](#), which have sold in the millions. Skechers alleged LL Bean's Freeport casual shoes infringe two patented designs for "heel cups" that surround the back of the foot.

### Industry moves

- Winston & Strawn brought back New York-based litigation partner Julissa Reynoso, who most recently served as U.S. Ambassador to Spain and Andorra. ([Winston](#))
- Kirkland brought on Claire Campbell as a corporate partner in Houston. She previously was a managing director at private equity firm Stonepeak. ([Kirkland](#))
- Pierson Ferdinand hired corporate partner Alison Finley in Los Angeles. She previously was executive vice president of Universal Music Group. ([PierFerd](#))
- Morgan Lewis picked up London-based investment funds partner Ted Craig from Paul Hastings. ([Morgan Lewis](#))
- **Saul Ewing hired litigation partners James Chou and Peter Zlotnick in New York from Moritt Hock & Hamrof. ([Saul Ewing](#))**
- Jackson Lewis brought on Andrew Sherwood, who focuses on employment litigation, as a partner in New York. Sherwood was previously at Proskauer. ([Jackson Lewis](#))
- Polsinelli added IP partner Timothy Schaum in Chicago. Schaum was previously at Daspin & Aument. ([Polsinelli](#))
- Michael Best hired Austin-based regulatory partner Mark Havens, who previously was chief clerk and deputy land commissioner at the Texas General Land Office. ([Michael Best](#))

Lawyer speak: Pro bono's next step: Applying a practice-based and industry-sector approach

The field of pro bono is on the cusp of achieving dramatically greater dividends for law firms, nonprofits, and pro bono client communities, write Adam Heintz of Legal Services NYC and Brenna DeVaney of Skadden. Leadership, resources, and the application of proven models of success [will allow pro bono to reach its full potential](#).