# Recent Oil and Gas Verdict Highlights Importance of FLSA Compliance

***Insight***

A recent case from the United States District Court for the Western District of Pennsylvania highlights how expensive a Fair Labor Standards Act case can be.

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# New Decision Highlights (Again) the Importance of Defining 'Commercially Reasonable Efforts'

***Insight***

If your client is going to contractually commit to using commercially reasonable efforts to do something – and if your client expects that obligation to require something less than "all reasonable efforts" – then you'll want to make that expectation clear in the contract itself, advises D.C. Toedt III in the On Contracts Blog.

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# Discrimination Defense Lawyer Confirmed for Trump Civil Rights Post

***News***

Bloomberg Law reports that the U.S. Senate has confirmed Eric Dreiband, a Jones Day attorney who defends companies accused of discrimination, to lead the Justice Department office that enforces anti-bias laws.

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# In Rare Bipartisan Move, 31 States Ask SCOTUS to Undo Ban on Consumer Antitrust Claims

***News***

Reuters points to an effort illustrating a rare show of bipartisanship as state politicians rally around the cause of overturning U.S. Supreme Court precedent that protects monopolists from consumer suits.

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# Texas Lawyer Who Claimed

# Political Donations Influenced Appeal Faces Possible Discipline

***News***

Plaintiffs' lawyer John McCraw of Dallas is facing possible disciplinary action because he filed a motion asking two appellate court justices to remove themselves from a case, according to *Dallas Observer*.

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# Feds Settle Huge Whistleblower Suit Over Medicare Advantage Fraud

***News***

MedCity News reports that one of the nation's largest dialysis providers will pay $270 million to settle a whistleblower's allegation that it helped Medicare Advantage insurance plans cheat the government for several years.

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# Contracting Around Class

# Actions, a Win for Employers

***Insight***

A recent Ninth Circuit ruling that Uber's arbitration agreements did not violate the National Labor Relations Act provides a major victory to Uber by requiring each plaintiff to separately arbitrate his or her claims.

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# Copyright or Copycat? Rock Classic 'Stairway to Heaven' Case Sent Back to Trial Court

***News***

A dispute over the songwriting credit for the iconic "Stairway to Heaven" took a surprising twist when a California appellate court reversed a 2016 copyright victory for Led Zeppelin and ordered a new trial.

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# Morrison & Foerster Will Eat $16M in Fees, Costs Pursuing Vets' Claims

***News***

Bloomberg Law reports that Morrison & Foerster LLP accepted a fee award from the U.S. Army that's $16 million less than the

fee the firm could have sought.

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# Law Firm Admits ‘Unjust Enrichment,’ Agrees to $23 Million Settlement

***News***

Stan Chesley, who was disbarred in Kentucky over his actions, was the sole owner of the firm, Waite Schneider Bayless & Chesley.

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# Vizio Reaches Potential Settlement for Its Spying TVs – And Victims Could Receive Less Than a Dollar

***News***

Vizio has announced a potential $17 million settlement in a recent class action lawsuit, which could result in a pay-out that is as little as a few cents for each of the millions of affected customers, reports the *New York Daily News*.

# Founder of Tea Party Nation Has Been Disbarred for Trying to Scam Timeshare Owners

***News***

Tennessee attorney Judson Wheeler Phillips, a senior partner with Nashville-based Castle Law Group, was accused of taking off with the money he earned from the fraudulent transactions, the Tennessee Supreme Court has ruled.

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# Class Action Royalty Litigation in the Shale Plays

***Insight***

A Haynes and Boone post analyzes nationwide trends in the filing and certification of royalty class action cases, which result in much greater exposure to producers than individual royalty owner cases.

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# Overqualified? Or Too Old?

# Ex-GC’s Age Discrimination Case Takes Aim at Biased Recruiting Practices

***News***

*The Chicago Tribune* tells the story of a former general counsel who had been unemployed and job hunting for three years when he came across a position that seemed promising, but the part that excluded any applicants with his years of experience.

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# Federal Appeals Court Rules Uber Can Force Drivers Into Individual Arbitration, Voids Class-Action

***News***

The U.S. 9th Circuit Court of Appeals in San Francisco overturned a lower-court order that had certified the drivers’ class-action effort.

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# Florida Supreme Court Deals Blow to Geico in ‘Bad Faith’ Dispute

***News***

The 4-3 ruling came in a multimillion-dollar case that has been watched by the insurance industry and trial attorneys.

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# Cloak-and-Dagger Saga Over Cybercrime, Trump Dossier Plays Out in Miami Courtroom With Celebrity Lawyer

***News***

A federal courtroom in Miami is now the intersection for a celebrity attorney, two major cybercrimes and a foreign tech firm with an ephemeral South Florida address and entanglement in the Trump-Russia probe, reports the *Miami Herald*.

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# IBM Sued for Age

# Discrimination After Thousands of Older Workers Laid Off

***News***

The lawsuit alleges that the plaintiffs are among thousands of IBM employees to be laid off recently as the result of a shift in IBM's focus to recruit millennials, reports *USA Today*.

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# West Mermis Co-Founders Earn National Recognition

***News***

Lawrence J. West and Joshua W. Mermis, co-founders of the Houston-based litigation boutique West Mermis PLLC, have both been named to the 2019 listing of The Best Lawyers in America as well as the 2018 listing of Super Lawyers by Thomson Reuters.

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# 'Outrageously Excessive' Requests for Attorney Fees

# Can Be Altogether Denied, 3rd Circuit Says

***News***

Lawyers seeking the fees had admittedly tasked one lawyer with recreating time records that included vague descriptions and excessive hours, the appeals court said.