

The Daily Docket

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Good morning. The **FTC** is [suing to stop Kroger's \\$24.6 billion purchase of Albertsons](#), joining a long line of lawsuits trying to block the deal. Plus, **SpaceX's** fight against the **NLRB** [might end up back in Texas](#), and **Burford** is moving forward in a case that could [impact the future of litigation finance](#). Thanks for spending a bit of your morning with us.

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[**FTC case over Kroger-Albertsons deal joins many others**](#)



The **FTC** is [suing to block Kroger's](#) \$24.6 billion purchase of rival grocery chain **Albertsons** on antitrust grounds, but that's just the latest lawsuit over the deal, [writes Mike Scarcella](#).

Washington Attorney General Bob Ferguson sued to stop the merger in January, telling a state judge in Seattle that Washington would be among the “most impacted” if Kroger is allowed to purchase Albertsons. The deal between the two largest grocers in the state would hurt competition and increase prices, the lawsuit said. Earlier this month **Colorado Attorney General Philip Weiser** also sued to stop the Kroger-Albertsons deal.

Kroger and Albertsons have also been fighting a private consumer lawsuit in California federal court seeking to block the deal. A San Francisco federal judge has twice dismissed that lawsuit, but granted the customers another chance to amend their complaint.

The FTC said Arizona, California, the District of Columbia, Illinois, Maryland, Nevada, New Mexico, Oregon and Wyoming are joining [its new federal case](#). The agency said it would ask an Oregon federal judge for a temporary restraining order and preliminary injunction to block the merger, which it said would drive up grocery costs, erode product quality and restrict worker pay.



More top news

- > [Prosecutors seek gag order on Trump in NY criminal case](#)
 - > [US court tries to bring SpaceX lawsuit against US labor board back to Texas](#)
 - > [Amazon wins appeal after contentious Alexa grocery-ordering patent trial](#)
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The buzz

- **Burford** has [asked a judge to reverse a decision](#) that blocked the litigation funding firm from taking over as the plaintiff in lawsuits brought by its financing

client **Sysco**. The filings set up what is expected to be a novel and closely watched dispute over how and when third-party litigation funders, which back clients' cases in exchange for a cut of an eventual settlement or judgment, can steer litigation.

- **U.S. Supreme Court Justice Clarence Thomas** has [hired a law clerk](#) who was accused of racist conduct while she worked at a conservative nonprofit organization that included sending a text message that stated "I hate blacks." The hiring of **Crystal Clanton** by Thomas, a Black member of the court's 6-3 conservative majority, was disclosed last week by **George Mason University's Antonin Scalia Law School**, Clanton's alma mater. Clanton and the Supreme Court's press office did not immediately respond to requests for comment.
- **North Carolina Attorney General Josh Stein** urged a court to [reject a lawsuit](#) by the nonprofit **North Carolina Justice for All Project** that sued to bar the state from enforcing unauthorized legal practice rules against it. Stein argued in the [motion to dismiss](#) that his office has no role in enforcing the unauthorized practice rules at the heart of the lawsuit.
- A **Republican National Committee** member has [submitted resolutions](#) that would prohibit the party from paying presidential candidate **Donald Trump's** legal bills, according to a draft, but the measures must get more backers soon to move forward. Mississippi RNC committeeman **Henry Barbour** needs to get two co-sponsors from 10 states to join the effort by today for the resolutions to proceed to a full vote by the RNC's 168 committee members.

\$80,000,000

That is how much **Southern California Edison** agreed to pay the U.S. to cover costs and damages incurred by the **U.S. Forest Service** from the 2017 **Thomas** wildfire in California's **Los Padres National Forest**. The **DOJ** said the accord with the unit of **Edison International** is the federal government's largest wildfire settlement in the **Central District of California**, which includes Los Angeles, and

resolves a lawsuit that began in 2020. [Southern California Edison did not admit wrongdoing in agreeing to settle.](#)

f X in

Columnist spotlight: [Class-action watchdog blasts \\$33 million fee bid in controversial Verizon surcharge deal](#)

A nonprofit that specializes in policing class action settlements has accused plaintiffs lawyers who struck a controversial \$100 million settlement with **Verizon** of colluding with the company to garner at least \$8 million in undeserved legal fees. **Ted Frank's Hamilton Lincoln Law Institute** asked a San Francisco federal judge to thwart the alleged forum shopping and assure that the money goes instead to Verizon customers. But class counsel and Verizon contend that Hamilton Lincoln's premise is flat wrong. [Alison Frankel has the story.](#)

Check out other recent pieces from our columnists [Alison Frankel](#) and [Jenna Greene](#).

f X in

"I don't want to risk anybody else making decisions for our embryos."

—**Kristia Rumbley**, who told Reuters she is looking for ways to move two embryos she and her husband made as part of the in vitro fertilization process at the **University of Alabama at Birmingham** out of the country after the state's **Supreme Court** ruled that embryos were children. Rumbley said she fears the Alabama court's decision could be appealed to the **U.S. Supreme Court** and upheld there, [throwing the legality of IVF into doubt across the country.](#)

f X in

Coming up today

- **FTX founder Sam Bankman-Fried's** lawyers face a deadline to tell a U.S. judge what they think his sentence should be for [his conviction last year](#) on fraud charges. A jury in Manhattan federal court convicted Bankman-Fried on all seven counts he faced after a [month-long trial](#) in which prosecutors made the case that he looted \$8 billion from the exchange's users out of sheer greed. Bankman-Fried pleaded not guilty.
- **New York State Chief Judge Rowan Wilson** will present the 2024 **State of the Judiciary** at **Court of Appeals Hall** in Albany. New York **Governor Kathy Hochul** is expected to speak. Watch the speech [here](#).
- **Cliver Alcala**, a retired Venezuelan general who has pleaded guilty to U.S. charges of assisting Colombia's FARC rebel group, will appear in Manhattan federal court for a hearing over his alleged drug trafficking ties. The hearing, which will feature testimony from both prosecution and defense witnesses, will help **U.S. District Judge Alvin Hellerstein** determine whether Alcala's alleged links to drug traffickers can be considered in his sentencing.

Court calendars are subject to last-minute docket changes.

In the courts

- **Apple** has [filed a lawsuit](#) challenging the **U.S. Patent and Trademark Office's** refusal to grant trademarks covering the company's augmented-reality software development tools "**Reality Composer**" and "**Reality Converter**." Apple, which has made mixed-reality technology a centerpiece of its newly released **Vision Pro** headset, [asked the court](#) to reverse the USPTO's decision that the phrases were not distinctive enough to receive federal trademark protection.
- **U.S. District Judge Edward Chen** in San Francisco sided with the state of California in finding that part of a Biden administration [rule that seeks to](#)

[curtail untraceable "ghost guns" was invalid](#) because it did not consider a way to make the regulation even stricter. The [ruling](#) added to the uncertainty around the regulation, as the **U.S. Supreme Court** considers whether to overturn a ruling from the **5th Circuit** that found the regulation unlawful in a separate challenge filed by gun rights groups.

- **JetBlue Airways** and **Spirit Airlines** [urged the 1st Circuit to overturn](#) a judge's ruling that blocked their \$3.8 billion merger at the **DOJ's** request. The airlines said in their [brief](#) that the judge wrongly barred their merger despite recognizing it would "improve competition, and thus reduce prices, for the vast majority of consumers."
- **Sony Music** has [reached a settlement](#) with **New York Dolls** singer **David Johansen** and other rock musicians who sued to reclaim their copyrights from the label. Sony Music and the musicians, who also include "**Southside Johnny**" **John Lyon** and power-pop singer **Paul Collins**, said in a [joint court filing](#), which did not disclose details of the settlement, that they had resolved their dispute.
- A pair of investment industry workers alleged in a proposed class action that **Mariner Wealth**, **American Century Investments** and others [violated antitrust law](#) in a conspiracy to restrict employee recruitment and hiring. The two former employees of **TortoiseEcofin Investments**, which is also a defendant, [claimed](#) the companies depressed wages by entering into "no-poach" agreements not to hire from one another.

Industry moves

- **King & Spalding** hired **Veronica Moyé** as part of its launch in Dallas. She was co-chair of the global litigation practice at **Gibson Dunn**. ([Reuters](#))

- Former **FDA** policy official **Eva Temkin** is taking her practice to **Paul Hastings** to lead its FDA regulatory and enforcement group. She most recently was at **King & Spalding**. ([Reuters](#))
- **Walgreens Boots Alliance** has named **Lanesha Minnix** executive vice president and global chief legal officer. Minnix was previously the executive vice president, general counsel and corporate secretary for **Ecolab**. ([Walgreens](#))
- **Sheppard Mullin** added healthcare partner **Megan Rooney** in Chicago from **McDermott**. ([Sheppard Mullin](#))
- **Freshfields** brought on financial services regulatory partner **Alison Hashmall** in New York. She most recently was at **Debevoise**. ([Freshfields](#))
- **Vinson & Elkins** brought on **Mark Brasher** in Houston as an energy and infrastructure partner. He rejoins the firm from software and advisory firm **Cordina**, where he was a founding member. ([Vinson & Elkins](#))
- **Fox Rothschild** hired partner **Robert Stroud** to open an office in Sarasota, Florida, and to lead the firm's healthcare transactions group. He previously was at **Blalock Walters**. ([Fox Rothschild](#))
- **Baker Botts** brought on **Alexander Hendry** in Dubai as a corporate partner. Hendry arrives from **Latham**. ([Baker Botts](#))
- **Foley & Lardner** hired **Nick O'Keefe** as a partner in its transactions practice group in Silicon Valley. O'Keefe was previously at **Arnold & Porter**. ([Foley](#))
- **Akerman** picked up partner **Naheem Harris** from **Vinson & Elkins**. Harris is a real estate finance attorney. ([Akerman](#))
- **Morgan Lewis** added employment partner **Rebecca Ford** in Dubai. She was previously with **Clyde & Co**. ([Morgan Lewis](#))

>> *More moves to share? Please drop us a note at LegalCareerTracker@thomsonreuters.com.*

Lawyer speak: [Digital health forecast 2024: legal implications of technological, policy and business developments](#)

Digital health has been squarely in the spotlight since the onset of the COVID-19 public health emergency, during which virtual care technology emerged as one of the most important public health ramifications of the pandemic. Digital health's emergence and continued growth are causing ripples across the industry in both expected and surprising ways, write **Jeremy Sherer** and **Amy Joseph** of **Hooper Lundy**. [The authors outline legal and business trends that will impact industry stakeholders in 2024.](#)



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