Miami Attorney Drives U-Haul With $25,000 in Supplies to Panhandle for Hurricane Relief

by Zach Schlein

For Stephen “Steve” Cain, there was never a question as to whether he’d miss his 18th wedding anniversary to help with Hurricane Michael relief efforts.

“My wife supported it wholeheartedly,” Cain says of his decision to depart Miami for his hometown of Panama City just one day after Hurricane Michael made landfall. He stopped in Panama City on Oct. 12. Cain left South Florida for his childhood home in the Florida Panhandle just one day after the deadly storm made landfall. He stopped to rest one night in Orlando, reaching his destination two days after the storm.

“I’ve been tarping roofs all week and chainsawing. ... It’s getting better but they’ve got a long way to go,” Cain told the Daily Business Review Wednesday morning. “It’ll be years before they get back.”

Focus on Parkland Judge Scherer’s Appearance, Not Case, Disheartening to Women’s Law Group

by Raychel Lean

When Broward Circuit Judge Elizabeth Scherer threatened to hold the Sun Sentinel newspaper in contempt for publishing confidential information about the Parkland school shooting case, many readers took to Twitter to weigh in — on her appearance.

“I’d commit crimes every day just to see her,” one tweet said.

The comments accompanied a Sun Sentinel story shared on Twitter, which detailed Scherer’s “furious scolding of the newspaper after it released accused shooter Nikolas Cruz’s unredacted educational records. Cruz has admitted to the Feb. 14 attack at Marjory Stoneman Douglas High School in Parkland, where he killed 17 students and staff. The mass school shooting has received global attention and is the biggest case of Scherer’s career so far.

Deborah Baker-Egozi called the comments “de- rimental,” “objectifying and sexualizing,” and said they “hinder” the ability of female attorneys to be “taken seriously as professionals.”

“Unfortunately, perceptions affect compensation, advancement and opportunity, and until women are judged on the same merits as men, it is difficult for women to have a level playing field,” she said.

Among the comments were those calling Scherer SEE JUDGE, PAGE A2

Tampa Lands Baker McKenzie Back-Office Operations, 300 Jobs

by Dan Packel

Baker McKenzie is adding a legal services center in Tampa to complement existing back-office operations in Ireland and the Philippines.

When the new Florida center is fully operational by 2020, the firm expects to have 300 employees on-site handling work in legal services, finance, IT, knowledge management, business development and marketing, among other areas.

“The creation of the center is truly part of a strategic project across the entirety of the firm to improve quality and provide ‘follow the sun’ services to our clients around the globe,” said Tampa center executive director Jamie Lawless, who has moved from New York for the new role.

Previously, Lawless served as the firm’s director of implementation and chief operating officer of its New York and Washington offices.

Baker McKenzie was one of the pioneers among law firms in establishing separate back-office facilities, opening its Manila center in 2010 and then Belfast in 2014. For its first center in the U.S., the firm researched a number of locations before selecting Tampa. Lawless pointed to the city’s talent pool, accessibility, quality of life and diversity as reasons it won out.

“In this decision-making process, it was really important to Baker McKenzie that we enter a market that’s a top business destination and a market that

Disney Bets $20M Opposing State Gambling Measure

by Jonathan Levin

A Florida ballot initiative this November would give voters the power to block any expansion of casino gambling, a move some argue would effectively crush gaming companies’ long and costly efforts to expand into the Sunshine State.

If approved, Amendment 3 of the Florida Constitution would require 60 percent state-wide support for any new casinos. That threshold would protect the local hegemony of the Seminole Tribe of Florida, which operates gambling establishments under federal law allowing Native Americans to do so, and entertainment giant Walt Disney Co. Together, Disney and the Seminoles have given about $36 million to bolster the measure.

“The Seminole Tribe of Florida is trying to buy a monopoly,” said Dan Atkinson, who chairs Citizens for the Truth About Amendment 3, Inc., a political committee fighting the measure and funded by casinos and racetracks, among others. “Their arguments are all self-serving.”

Get Your Time Back

GoBrightline.com/Business


### PAGE A1

**JUDGE**

"wife material" and criticizing her application of the law was reduced to one word: "Yowza."

**JUDICIAL CLICKBAIT**

"Whatever snaps the shutter of the camera is the one that's going to own the rights and the copyright itself," she said. According to Maxey-Fisher, using photographs in the context of an "extraordinary commercial advantage" is becoming "more and more prevalent" as the digital imagery field grows.

If the legal questions in the judge's appearance likely have high-level leeway.

According to patent lawyer Michael J. Piko of Pike & Lustig in West Palm Beach, "Commenting on Judge Scherer's physical appearance, while unrelated to the course of a judicial proceeding in a way the public might be thought to have a request in.

And that this is news photography," and that creators do not necessarily have copyright control over the depiction of their work.

**DISHEARTENING**

"Legal claims aside, the Florida Association for Women Lawyers told the Daily Business Review in an email pointed to "learn that Scherer's photo was missappropriated without her consent for marketing purposes."

"That's how the legal experts have taken in the course of a judicial proceeding in a very serious matter," a FAWL spokesperson said. "The public comment focusing on her physical appearance, rather than the issue being addressed, promotes the objectification of women."

**CAIN**

Although he had left Miami with a U-Haul full of his belongings, Scherer has reportedly bought a new home in South Florida.

Cain told the DBR that his mother and sister still reside in the area, but that the scene is "utter devastation," and that he's inspired by the power of charity and community and he's witnessed over the last week.

"What I told people when I was heading 80% of games," he said. "They didn't understand how to express that view at the ballot box. They assumed a "yes" vote meant they supported gambling."

"My opinion is it's like a liquor store," he said. "I want to buy liquor, you can buy it. But you don't have to. If you don't like it, don't go there."

A movement has been afoot for years to bring other types of gaming to Florida. Several counties have already voted in referendum to legalize slot machines. But those votes alone didn't change state law, and lawmakers have yet to follow through with enabling legislation. At the same time, an initiative on the Florida ballot this year would phase out greyhound racing.

The "no" campaign led by Citizens for the Truth About Amendment 3 has attracted $500,000 from MGM and $250,000 from the legendary Fontainebleau Miami Beach, whose proprietor also owns the Big Easy. The effort also got $500,000 from an LLC tied to the Buccaneers and the same amount from Sod Farm, based out of the Hard Rock Stadium complex where the Dolphins play. The Fontainebleau didn't respond to a request for comment.

"I think the potential tax revenue, some of which inevitably goes to out-of-state gambling. Assuming a base tax rate and wider scale is just shocking. ... The resources that happen to be owned by the state of Florida could make an estimate of $114.4 million in annual tax revenue from legal sports gambling alone, according to a study conducted for the American Gaming Association.

One company that's seemingly stayed on the sidelines, but remains just one study's argument, is the constitutional office for Amendment 3.
After the University of Central Florida improperly paid for building projects, the university system’s Board of Governors is moving forward with a plan that will require more oversight of so-called carry-forward funds that universities, unlike most state agencies, are allowed to accumulate.

Syd Kitson, chairman of the board’s Budget and Finance Committee, said Tuesday the university system had accumulated more than $800 million in carry-forward funds as of August.

The funds have come under extra scrutiny after a state audit determined in August that UCF had improperly used $38 million in state funding to construct a campus building. The school’s use of the accumulated operating funds was a direct violation of state policy that restricts that funding to such activities as instruction, research, student services and maintenance. UCF last month said other projects also appeared to be improperly funded.

The revelation about the UCF spending prompted the Board of Governors to call for all 12 universities to review their funding of building projects over the last decade, while UCF is conducting its own investigation of the improperly used funds.

Incoming House Speaker Jose Oliva, R-Miami Lakes, is also leading a legislative panel that will review the issue.

Carry-forward funds have come under extra scrutiny after a state audit determined that the University of Central Florida had improperly used $38 million in state funding to construct a campus building.

Unfortunately, the idea is for us to work together on this. There is an issue here. There were some events that occurred last year that have raised a lot of questions. And we’re all trying to answer those,” said Kitson, whose committee met Tuesday in Tampa. “We need to take the responsibility for it. And we need to step forward and work together to make it happen.”

“Voters beware! When amending our Constitution, voters should not be forced to vote on a separate case by disfavor in order to also vote ‘yes’ on a proposal they support because of how the Constitution Revision Commission (CRC) has unilaterally decided to bundle multiple, independent and unrelated proposals,” Pariente wrote in an opinion joined by Justices Fred Lewis and Peggy Quince. “While I concur in the overall result because I agree with my colleagues that petitioners fail to present a proper claim for issuance of a writ of quo warranto, I write separately to emphasize the obvious dangers of logrolling — combining popular and unpopular proposals into a single proposition — even by the CRC.”

“Justices Reject Challenge to 3 Constitution Ballot Measures”

by Jim Saunders

Though one justice wrote that voters should “beware,” the Florida Supreme Court rejected a challenge to proposed constitutional amendments on the November ballot, including a measure that seeks to ban offshore oil drilling and vaping in workplaces.

The justices overturned a ruling by Leon County Circuit Judge Karen Gievers that would have blocked the constitutional amendments in a case focused on whether the proposals improperly “bundled” unrelated issues into single ballot measures.

The Supreme Court said, in part, the Florida Constitution and a state statute do not bar such bundling when amendments are placed on the ballot by the Constitution Revision Commission, which proposed the three disputed measures. The challenge contend-ed that bundling would violate First Amendment rights because voters could have only voted “yes” or “no” to the proposals without issues in the same ballot measure.

“It is evident that a vote of either yes or no corresponding to the ballot summary of a proposed amendment is a vote to approve or reject the entire constitutional amendment — including all of its subjects,” said the opinion, which was fully shared by Chief Justice Charles Canady and Justices Ricky Polston, Jorge Labarga and Alan Lawson. “The fact that each proposed amendment contains multiple independent measures covering different subjects does not prevent compliance with the statute.”

“The ruling finalizes that voters in the Nov. 6 election will decide whether to approve 12 proposed constitutional amendments, which were placed on the ballot by the CRC, the Legislature and through petition drives. The Supreme Court last month rejected one amendment, which dealt with education issues.

“The three amendments involved in the bundling case included the measure, Amendment 9, that seeks to ban offshore oil drilling and vaping or use of electronic cigarettes in workplaces. Another measure, Amendment 7, deals with governance of the state-college system and death benefits for survivors of first responders and military members. The third measure, Amendment 11, would remove constitutional language that prohibits “aliens ineligible for citizenship” from owning property and would revise language to make clear the repeal of criminal statutes does not affect the prosecution of crimes committed before the repeal.”

Former Supreme Court Justice Harry Lee Anstead and another plaintiff, Robert J. Barnas, challenged the three amendments by filing what is known as a petition for a writ of quo warranto against Secretary of State Ken Detzner, the state’s chief elections officer who assigns measures to the ballot. Such petitions involve questions about whether officials have “improperly exercised a power or right,” according to the Supreme Court ruling.

But the justices unanimously ruled that a petition for a writ of quo warranto was not a proper legal basis to challenge the proposed constitutional amendments.

“Appelees (Anstead and Barnas) do not demonstrate or even allege that Secretary Detzner exceeded his authority to assign ballot position to the revisions,” the opinion said. “The petition therefore fails to assert a proper basis for quo warranto relief.”

But questions about whether the proposed constitutional amendments improperly bundled unrelated issues caused a split on the court. While Canady, Polston, Labarga and Lawson rejected the arguments about improper bundling, Justice Barbara Pariente wrote an opinion that took issue with the practice.

“The idea is for us to work together on this. There is an issue here. There were some events that occurred last year that have raised a lot of questions. And we’re all trying to answer those,” said Kitson, whose committee met Tuesday in Tampa. “We need to take the responsibility for it. And we need to step forward and work together to make it happen.”

He said the Legislature “would recognize that we’re voting thinking through in that carry-forward funds we won’t have to ask for as much. We are addressing the issue.”

Justice Barbara Pariente wrote an opinion that took issue with the practice.

“Voters beware! When amending our Florida Constitution, voters should not be forced to vote on a separate case by disfavor in order to also vote ‘yes’ on a proposal they support because of how the Constitution Revision Commission (CRC) has unilaterally decided to bundle multiple, independent and unrelated proposals,” Pariente wrote in an opinion joined by Justices Fred Lewis and Peggy Quince. “While I concur in the overall result because I agree with my colleagues that petitioners fail to present a proper claim for issuance of a writ of quo warranto, I write separately to emphasize the obvious dangers of logrolling — combining popular and unpopular proposals into a single proposition — even by the CRC.”

The 37-member CRC, which meets every 20 years, has unusual authority to place proposed amendments on the ballot. Largely appointed by Gov. Rick Scott and the Legislature, the commission this spring approved eight proposals, though one of them was the education measure blocked last month by the Supreme Court in a separate case.
Pawternity Leave: Are Employers Barking Up Wrong Tree With Pet-Based Leave?

by Danielle Krauthamer

We’ve all heard of pregnancy leave, sick leave, bereavement leave, and adoption leave. But what about leave for the care of our four-legged friends? Checkedly referred to as “pawternity” leave, this refers to paid time off that some employers provide employees to transition to pet-owning responsibilities, to care for a sick pet, to grieve over a deceased animal, or even to participate in a pet adoption.

While pawternity leave might have some wondering if employee benefits have gone too far, many employers are embracing the newest trend in employee leave. And this trend may have more legs than initially thought: four to be exact.

WHO LET THE DOGS OUT? EMPLOYEES LOVE THEIR PETS

Over 80 million families in the United States have some type of pet, and 54 mil-

lion U.S. households are home to a dog. Who, exactly are bringing home these furry companions? You guessed it: 35 percent of pet owners are millennials. Coincidentally, millennials alone make up 35 percent of the labor force. Familiar? Coincidentally, millennials also make up 35 percent of the labor force. Familiar? Many of these first-time or long-time pet owners either view their pets as children, part of the family, or a test-run for raising children.

One of the most compelling reasons employers have found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 per-

cent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-

owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether your employer has found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-

owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether your employer has found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-

owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether your employer has found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-

owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether your employer has found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-

owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether your employer has found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-

owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether your employer has found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-

owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether your employer has found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-

owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether your employer has found in implementing pet-based leave is employee retention. 83 percent of employers claimed they felt they were competing with pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?
A New Jersey federal judge has rejected a claim by the widow of automobile executive John DeLorean for royalties paid by Universal Pictures for appearances by the iconic DeLorean sports car in its “Back to the Future” movie trilogy.

Sally DeLorean signed over her rights to proceeds of a contract with Universal when she settled a prior lawsuit relating to licensing of the DeLorean car’s name, design and trademarks, the judge ruled.

The automaker’s widow claimed in a lawsuit filed in April that she was entitled to proceeds of a 1989 agreement her late husband signed with Universal, in which he signed over rights to feature the DeLorean automobile in movies and related merchandising. The contract promised the company would pay him 5 percent of its net receipts from merchandising and commercial tie-ups in connection with the films.

In recent years Universal has licensed the “Back to the Future” name for Nike shoes and LEGO play sets, among other things, plaintiffs claim.

A previous suit filed by the automaker’s widow in the District of New Jersey in 2014, in which she sought to prevent licensing of the car’s name and logo by DeLorean Motor Co. of Humble, Texas, ended with a September 2015 settlement in which she released her claims in exchange for payment in an amount that was not made public. Her latest suit, filed on behalf of her late husband’s estate, sought a declaration that she retained all rights stemming from the 1989 Universal agreement, and that she did not sign over any of those rights to the Texas company.

But U.S. District Chief Judge Jose Linares of the District of New Jersey ruled Oct. 12 that the 2015 settlement encompassed the subject matter of the Universal agreement. He cited the “overlap of the clear terms in both agreements,” such as the name DeLorean Motor Co., the DMC logo and the stylized word DeLorean. Linares noted that both the settlement and the Universal agreement pertain to the use of those names and trademarks in the context of manufacturing and merchandising of products displaying the DeLorean automobile’s image and brand.

“Considering both agreements pertaining to the merchandising of similar items associated with the DeLorean automobile’s image, brand and related trademarks, as contemplated by the 2014 action and the clear language of the agreements, the court concludes that plaintiff’s claims under the Universal agreement were incorporated in, and therefore barred by, the settlement agreement. Accordingly, plaintiff cannot state a claim for relief in connection with the Universal agreement as a matter of law, and the complaint must be dismissed,” Linares wrote.

R. Scott Thompson of Lowenstein Sandler, who represents Sally DeLorean, when asked about the ruling, said, “We’re studying the opinion. We don’t really understand some of what’s in this opinion and we are, as best as we understand the opinion, planning on appealing.”

John DeLorean was an engineer at General Motors before he founded his own company and produced the DeLorean DMC-12 from 1981-83. The car, which had gull-wing doors and stainless steel body panels, was depicted as a time machine in the 1985 movie “Back to the Future,” as well as two sequels.

The Texas-based DeLorean Motor Co. sells used DeLorean cars as well as car parts and hats, notebooks and other merchandise bearing the carmaker’s name and DMC logo. The company has also announced plans to construct new replicas of the two-seat DeLorean coupe, but the company’s website says federal Clean Air Act regulations have gotten in the way of that plan.

The lawyer for the car company, William Mead Jr. of Litchfield Cavo in Cherry Hill, did not return a call seeking comment.

Charles Toutant is a litigation writer for the New Jersey Law Journal, an ALM affiliate of the Daily Business Review. Contact him at ctoutant@alm.com.
**INTERNATIONAL**

**Saudis Have $6M Lobbying Payroll Despite Departures**

by Richard Lardner

Saudi Arabia is paying influential lobbyists, lawyers and public relations experts nearly $6 million a year to engage U.S. officials and promote the Middle East nation, even after three Washington firms cut ties with the kingdom following the disappearance of journalist Jamal Khashoggi.

Among those still in Saudi Arabia’s corner are high-profile Washington attorneys Ted Olson and a lobbying firm headed by the former Republican chairman of the House Armed Services Committee, according to records filed with the Justice Department that provide details of agreements with the country’s embassy and other arms of its government.

More defections are possible as pressure mounts on Saudi Arabia to explain what happened to Khashoggi, who vanished two weeks ago while visiting the Saudi Consulate in Istanbul to pick up paperwork he needed to get married. But at least one U.S. lobbyist said that keeping a commitment to a client is especially important during difficult times.

The McKeon Group and the Glover Park Group have both announced they would no longer represent Saudi Arabia, entities that signed one-year agreements to represent the kingdom collectively worth $3.7 million. Glover Park’s deal was slated to end Dec. 31. BGR’s contract would have expired in February, while the Harbinger Group’s engagement with the Saudis was supposed to run through April.

The departures reverberated as indicators of how serious a reputational problem the Saudis were facing in the future of the city’s sports industry.

For its part, Saudi Arabia has emphasized that its government.

The diplomatic clash has spilled into the Khashoggi case. The Qatar-funded satellite network Al-Jazeera has extensively focused on the story while Saudi media have called his disappearance a plot gunned up by Qatar.

Among the firms with the biggest contracts is the MSL Group, a global company that provides “public relations and other assistance” to Saudi Arabia for a monthly retainer of $279,500, according to the disclosure records. The firm engages with U.S. lawmakers, administers high-profile events, and thinks tanks, the media and others “regarding policy matters potentially affecting Saudi Arabia’s interests.”

Company spokesman Michael Echter said the MSL Group “is very concerned about the developing situation” regarding Khashoggi’s disappearance and is monitoring it closely.

“We take the situation very seriously and will make appropriate decisions once all the facts are known,” Echter said.

The firm Brownstein Hyatt Farber Schreck has no plans to alter its $125,000-a-month contract to represent the Saudi Embassy, according to a person familiar with the arrangement. The person was not authorized to speak publicly and requested anonymity.

The three-page agreement does not describe the services the firm will perform, except to note that specific issues “will be communicated on a regular basis” from the Saudi Embassy to the firm. The managing partner of Brownstein Hyatt’s Washington office is Marc Lampkin, a fundraiser for President Donald Trump and a former aide to Republican lawmakers on Capitol Hill.

Saudi officials inked an agreement in late August with Olson, a partner in the Washington office of Gibson, Dunn & Crutcher to fight bipartisan legislation that would allow the U.S. to bring lawsuits against OPEC members for antitrust violations.

“The Saudis could have expanded the scope of the agreement by retaining Olson, the U.S. solicitor general during the George W. Bush administration, for engagement. The McKeon Group didn’t respond to a request for comment.

McKeon, a California company, served in Congress for 22 years before retiring in January 2015.

Not all the contracts had strictly political overtones. Saudi Arabia’s General Sports Authority, a government body that runs the kingdom’s Olympic committee, brought aboard the Los Angeles firm Churchill Ripleay in February for a monthly fee of $22,000. One of the goals, according to a draft proposal, is to prepare Princess Reema bin Bandar Al Saud, one of the authority’s top officials, for high-level meetings and form partnerships that “enhance the position of the kingdom.”

Churchill Ripleay didn’t return a telephone call.

Richard Lardner reports for the Associated Press.

MORE DEPARTURES ON THE WAY

The departures reverberated as indicators of how serious a reputational problem the Saudis were facing in the future of the city’s sports industry.

For its part, Saudi Arabia has emphasized that its government.

The diplomatic clash has spilled into the Khashoggi case. The Qatar-funded satellite network Al-Jazeera has extensively focused on the story while Saudi media have called his disappearance a plot gunned up by Qatar.

Among the firms with the biggest contracts is the MSL Group, a global company that provides “public relations and other assistance” to Saudi Arabia for a monthly retainer of $279,500, according to the disclosure records. The firm engages with U.S. lawmakers, administers high-profile events, and thinks tanks, the media and others “regarding policy matters potentially affecting Saudi Arabia’s interests.”

Company spokesman Michael Echter said the MSL Group “is very concerned about the developing situation” regarding Khashoggi’s disappearance and is monitoring it closely.

“We take the situation very seriously and will make appropriate decisions once all the facts are known,” Echter said.

The firm Brownstein Hyatt Farber Schreck has no plans to alter its $125,000-a-month contract to represent the Saudi Embassy, according to a person familiar with the arrangement. The person was not authorized to speak publicly and requested anonymity.

The three-page agreement does not describe the services the firm will perform, except to note that specific issues “will be communicated on a regular basis” from the Saudi Embassy to the firm. The managing partner of Brownstein Hyatt’s Washington office is Marc Lampkin, a fundraiser for President Donald Trump and a former aide to Republican lawmakers on Capitol Hill.

Saudi officials inked an agreement in late August with Olson, a partner in the Washington office of Gibson, Dunn & Crutcher to fight bipartisan legislation that would allow the U.S. to bring lawsuits against OPEC members for antitrust violations.

“The Saudis could have expanded the scope of the agreement by retaining Olson, the U.S. solicitor general during the George W. Bush administration, for engagement. The McKeon Group didn’t respond to a request for comment.

McKeon, a California company, served in Congress for 22 years before retiring in January 2015.

Not all the contracts had strictly political overtones. Saudi Arabia’s General Sports Authority, a government body that runs the kingdom’s Olympic committee, brought aboard the Los Angeles firm Churchill Ripleay in February for a monthly fee of $22,000. One of the goals, according to a draft proposal, is to prepare Princess Reema bin Bandar Al Saud, one of the authority’s top officials, for high-level meetings and form partnerships that “enhance the position of the kingdom.”

Churchill Ripleay didn’t return a telephone call.

Richard Lardner reports for the Associated Press.

**FROM PAGE A1**

**BAKER**

would allow us to be part of the future of the city’s success,” she said.

The board, city officials and regional authorities were also keen to bring the firm in as part of a wider trend that sees financial and professional services as the fastest-growing industry sector in the Tampa Bay area. In 2016, Holland & Knight opened its own back-office facility in Tampa to host 240 nonlawyer employees.

“This announcement is a huge win for Tampa and further evidence of the investments we’re taking to compete and attract major global operations,” Mayor Bob Buckhorn said in a statement. The center will host 200 new jobs, complementing the 100 that Bakersfield said in a statement.

The firm said in the agreement an entry level to global process leaders. Lawless said employees will include an experienced current members of the Baker McKenzie network interested in relocation. The firm hired at least 13 people in 2018.

The firm expected an entry level to global process leaders. Lawless said employees will include an experienced current members of the Baker McKenzie network interested in relocation. The firm hired at least 13 people in 2018.

The firm expected an entry level to global process leaders. Lawless said employees will include an experienced current members of the Baker McKenzie network interested in relocation. The firm hired at least 13 people in 2018.

The firm expected an entry level to global process leaders. Lawless said employees will include an experienced current members of the Baker McKenzie network interested in relocation. The firm hired at least 13 people in 2018.
Trump Warns of Aid Cut Over Migrant Caravan Now in Guatemala

by Sonia Perez D.

U.S. President Donald Trump threatened to cut aid to three Central American nations if they let people travel to the U.S. illegally, reacting to a caravan of some 2,000 migrants advancing through Guatemala with hopes of reaching the U.S. border.

Late Tuesday, Trump said via Twitter that the U.S. had conveyed the same message to the governments of Honduras, Guatemala and El Salvador, telling them that U.S. aid will stop if they allow migrants to travel from or across their countries with the intent of entering the United States without permission.

“Anybody entering the United States illegally will be arrested and detained, prior to being sent back to their country!” he added.

Amid the tweeting, the migrants continued their trek. Despite having walked all day Monday, thousands still made their way, many of them aching feet, the group rose shortly after sunrise from sleeping on the ground in their clothes in the town of Esquipulas.

Dozens attended Mass at the basilica in the city just across the border from Honduras and about 90 miles east of Guatemala City. The migrants resumed their journey escorted by Guatemalan police and covered some 30 miles to arrive in the town of Chiquimula for the night.

The group’s numbers have snowballed since about 160 migrants departed Friday from the Honduran city of San Pedro Sula, with many people joining spontaneously carrying just a few belongings.

The number of migrants advancing through Guatemala has snowballed since about 160 migrants departed from the Honduran city of San Pedro Sula, with many people joining spontaneously carrying just a few belongings.

In a statement, Honduras’ Foreign Ministry accused unidentified “political sectors” of organizing the caravan with “false promises” of a transit visa through Mexico and the opportunity to seek asylum in the United States.

It urged the migrants not to let themselves “be used by a movement that is obviously political and seeks to upset governability, stability and peace in Honduras and the United States.”

Meanwhile, Mexico’s immigration authority sent out a fresh warning late Monday that only those who meet entry requirements would be allowed into the country and each migrant would have to satisfy Mexican migration agents. Hondurans need visas to visit Mexico in most cases.

Still, it remains unclear if Mexico and other governments in the region, many of whose own people are migrants, have the political will to physically halt the determined border-crossers, who are fleeing widespread poverty and violence in one of the world’s most murderous countries.

In Honduras there are no jobs, and the jobs that do exist aren’t enough to live on,” said Joseph Francisco Hernandez, a 32-year-old from Copan state in western Honduras.

“We can’t go to the city because it is full of gang members, and that is hurting us. We decided to migrate from the country to see if we can find a better life.”

Carlos Reyes, 20, said he was attacked a week ago for being gay and dressing in women’s clothing.

“Some men were going to kill me…. They wanted to kill me for who I am,” Reyes said.

The migrants hope that traveling en masse affords them protection from robbery, assault and other dangers that plague the journey north.

Many carried only a few belongings in backpacks and bottles of water. Some pushed strollers or carried toddlers on their shoulders. As the day wore on, the crowd splintered into smaller groups as some walked faster and others fell behind.

Nery Jose Maldonado Tejada, a 29-year-old from San Pedro Sula, said he lost both feet in a June 2015 freight train accident in Mexico while trying to make it to the United States.

On Tuesday, he was being pushed in a wheelchair by a friend, his lower legs wrapped in bandages and a green duffel bag on his lap. He was intent on making it to the U.S. this time, he said.

“I know that there they can put a prosthetic on my feet and I will be able to walk,” Tejada said. “And to work, because my hands are still good.”

On Tuesday, Guatemalan officials detained a former Honduran lawmaker, Bartolo Fuentes, who was traveling with the caravan, along with two other men, according to a migration official. Some Honduran organizations had identified Fuentes as a coordinator or spokesman for the caravan, though the migrants said he was merely accompanying them and helping.

Fuentes was to be taken to a shelter in Guatemala City and then deported, said the official, who agreed to tell about the detention only on condition anonymity because she was not authorized to discuss the case.

Guatemala also closed migration facilities at the Agua Caliente border crossing to prevent the entry of any more Hondurans.

Late last week, U.S. Vice President Mike Pence urged leaders in Honduras, El Salvador and Guatemala to persuade their citizens to stay home and avoid the long, risky journey to the United States.

On Tuesday, Pence tweeted that he had spoken with Honduran President Juan Orlando Hernandez.

“Delivered strong message from @ POTUS: no more aid if caravan is not stopped. Told him U.S. will not tolerate this blatant disregard for our border & sovereignty.”

In the evening, Pence tweeted that he had spoken with Guatemalan President Jimmy Morales and “made clear our borders & sovereignty must be maintained. We expect our partners to do all they can to assist & appreciate their support. Reiterated @POTUS’ message: no more aid if it’s not stopped!”

Since 2014, the United States has committed $2.6 billion in aid for Honduras, Guatemala and El Salvador. For 2019, Washington has earmarked $65.7 million in aid for Honduras for security, democracy building, human rights and economic and social development programs.

Sonia Perez D. reports for the Associated Press.
Building Your Brand 101: Is It Time for a Reboot?

Commentary by Julie Talenfeld

Every company, including law firms, has a brand. It is who you are, your image to the public. In this fast-paced world, sometimes we need to take a step back and revisit the message we are sending. Here are a few tips to make sure you are not falling behind in the Stone Age.

What’s the message? Think about your messaging. Is your firm still focused on the same practice areas and serving the same purpose as you were when you first started? If not, it’s time to reboot. Think of your goal. What do you want to achieve? Who do you want to target? Does your established marketing plan work well with it or will you need to implement a new public relations or advertising campaign?

Do you want to increase your online presence? Do you have a social media strategy or a media presence? Do you want to increase your online presence? Do you have a social media strategy or a media presence?

The 3 Cs. A wise person once said, “You never get a second chance to make a first impression.” Your office is an extension of your brand. The vibe your atmosphere gives off can make or break a relationship. If your lobby is messy, what will that say to clients and referrals that come through the door? Everything that comes through the door? Everything should be consistent, clean and crisp.

Secure your social channels. If you think about your branding as an image, what comes to mind? Your logo? A new theme? It’s not as easy as you think. Professionals are in this situation every day. They know trends, and from experience, what works and what does not. A quick consultation with a marketing firm can get you on the right track.

Slow down. Don’t rush the process. Don’t rush the process. With the amount of time, energy and money you are putting in, you want to make sure the changes you make are exactly what you want. A quick consultation with a marketing firm can get you on the right track.

Speaking of video, did you know you can implement a video campaign on social media? Get creative. Do you have frequently asked questions or a topic you can really expand on? Consider a series addressing these concerns. It can be a weekly or monthly case law update, a Q&A on a certain topic, or a “getting to know the team” series. A Facebook Live is a useful avenue to take viewers through what is happening behind the scenes and interact in real time.

Keep it consistent. All of your collateral should be consistent. Whether a logo, tagline or colors, you want people to be able to recognize your brand anywhere.

There is no need to reinvent the wheel when it comes to material you repurpose, but it should be adapted to make sure it is appropriate for each platform. Tweets should be quick, blogs can break down the news with more details and social media, like everything else, needs visuals.

Your website should have information on your services, your team and back links to other parts of your website that are referenced. Most importantly, accurate and easy to find contact information should be on everything you hand out.

Call in the experts. A massive reboot can be overwhelming. Don’t be afraid to call in the professionals. A lot goes into a change that people don’t always think about. Do you need new web text? A new logo? A new theme? It’s not as easy as you think. Professionals are in this situation every day. They know trends, and from experience, what works and what does not. A quick consultation with a marketing firm can get you on the right track.

Looking for an accomplished expert?

ALM Experts has leaders in every discipline.

ONE ultimate resource includes:

- More than 15,000 profiles of leading expert witnesses
- 4,000 areas of expertise covering all 50 states

Access to a range of high-profile experts is just a click away.
Del. Judge Upholds $4M Award Over Spacecraft Tech Contract

by Tom McParland

A Delaware federal judge has upheld a $4.1 million jury verdict in favor of a Houston-based engineering startup in a breach-of-contract suit over technology for a spacecraft and lunar lander vehicle capable of transporting experiments from the International Space Station.

U.S. District Chief Judge Leonard P. Stark of the District of Delaware on Monday declined to roll back the Jan. 12 verdict, which awarded Intuitive Machines cash and equity in Moon Express Inc. as a result of Moon Express’ failure to complete work on the software underpinning its project.

However, Stark noted that Moon Express had taken the opposite position at trial, telling the jury that Intuitive Machines needed to perform the test on a test vehicle in order to get paid.

“[Moon Express’] post-trial about-face is striking,” Stark wrote Monday in a 20-page memorandum order.

Stark said that the jury had heard testimony from Moon Express’ own CEO, Bob Richards, that the company had never provided a test vehicle and had no intention to, because it was contemplating a new vehicle design and had decided that a tethered test was no longer suitable for Intuitive Machines’ software.

“While the jury was not compelled to credit all of [Intuitive Machines’] evidence, it was free to do so,” Stark wrote. “In the court’s view, there was plainly enough evidence to support the jury’s finding.”

Stark’s ruling Monday also granted Intuitive Machine’s request for attorney fees and denied Moon Express’ request that the judgment be stayed pending appeal.

The case, in the U.S. District Court for the District of Delaware, was captioned Moon Express v. Intuitive Machines.

Tom McParland reports for the Delaware Law Weekly, an ALM affiliate of the Daily Business Review. Contact him at tmcparland@alm.com. On Twitter: @TMCparLandTLI.

Students Defrauded by Colleges Score Win in Court Decision

by Maria Danilova

Students defrauded by for-profit colleges scored an important victory when a court found that the Education Department of Education had deliberately breached its obligations by refusing to deliver software that it had already developed, nixing Moon Express’ duty to provide a test vehicle to Intuitive Machines across a crucial “tethered test,” which would have triggered a payment under the one of the contracts.

However, Stark noted that Moon Express had taken the opposite position at trial, telling the jury that Intuitive Machines needed to perform the test on a test vehicle in order to get paid.

“[Moon Express’] post-trial about-face is striking,” Stark wrote Monday in a 20-page memorandum order.

Stark said that the jury had heard testimony from Moon Express’ own CEO, Bob Richards, that the company had never provided a test vehicle and had no intention to, because it was contemplating a new vehicle design and had decided that a tethered test was no longer suitable for Intuitive Machines’ software.

The decision means that the Obama rule, which DeVos has fought hard to scrap, could be in effect until July 2020, when any new rule written by DeVos would enter into force.

Under the Obama rule, students whose school closed mid-program or shortly after completion, will become eligible for automatic loan discharge. The Century Foundation, a progressive think tank, estimates that Tuesday’s decision will affect tens of thousands of students at over 1,400 schools who will now be eligible for $400 million in automatic debt relief across the nation.

Other provisions in the rule allow students to apply for loan discharge as a group. It also prevents schools from forcing students to sign away their rights to sue the program and makes sure that the schools, not just tax payers, bear financial responsibility in case the schools end up shutting down.

Over 100,000 students who say they have been swindled by their schools are currently waiting for the Education Department to consider their applications for loan forgiveness. James Kvaal, president of the Institute for College Access and Success, said that the agency must immediately halt debt collections and wipe out the loans of those borrowers whose schools have been shut down.

“This is a major victory for students across this country in the ongoing battle against the Department of Education and the for-profit college industry,” said Toby Merrill, director of the Project on Predatory Student Lending at Harvard University that also took part in the lawsuit.

But Steve Gunderson, president of Career Education College and Universities, the industry lobbying group, described Judge Moss’ ruling as “disappointing as it will only create further confusion for students and schools” and urged the Education Department to provide as much as guidance as possible while it finishes writing the new rule.

Gunderson added. “Many will look at this ruling where a Judge appointed by President Obama upholds a rule created by the Obama Department of Education and see further evidence of the politicization of our court system.”

The group, whose mission to delay the rule was denied Tuesday, the California Association of Private Postsecondary Schools, did not return a request for comment.

Maria Daniilova reports for the Associated Press.
DEAL OF THE DAY
Garden Inn of Homestead Hotel Trades for $5.4 Million

Address: 51 S. Homestead Blvd. in Homestead
Property type: This is a 45,662-square-foot, two-story Garden Inn of Homestead hotel. The building was constructed in 1972 on a 123,976-square-foot lot and has 112 units, according to the Miami-Dade County property appraiser’s office.
Price: $5,450,000
Price per unit: $48,661
Seller: Garden Inn Homestead Inc.
Buyer: DJ Lodgings LLC
Past sale: $4,100,000 in March 2018

These reports are based on public records filed with the clerks of courts. Building area is cited in gross square footage, the total area of a property as computed for assessment purposes by the county appraiser.

NKF Brokers Two Industrial Deals in a Market That Finally May be Slowing

by David Wilkening

Amid signs of slowing demand and predicted slight vacancy increases, Newmark Knight Frank announced the completion of one sale and a significant lease for two industrial buildings in the Tampa Bay market. They are:

Hunt-Wilde Corp. sold its 98,000-square-foot warehouse to Wholesalers Property Company for $3.5 million. Located at 2835 Overpass Rd. in East Tampa, the industrial building was originally constructed as a mobile home manufacturing facility, and later converted into an injection molding facility, making parts for recreational and commercial manufacturers and a supplier of residential and commercial construction materials and a subsidiary of Wholesalers Property Co., will occupy 100 percent of the building. NKF Senior Managing Director Rick Narkiewicz and co-broker John Jenkins, president of Jenkins Property Advisors, represented the owner and seller.

In the second deal, Narkiewicz represented the landlord, Duke Realty. He negotiated a 242,932-square-foot lease with Solar City. Also known as The LeverEdge, Solar City will occupy approximately 55 percent of the 442,874-square-foot industrial building. Building 200 is a part of Tampa Regional Industrial Park, located in southeast Hillsborough County.

According to NKF Research, Tampa’s industrial market has now seen demand outpace supply for more than four years, with approximately 386,000 square feet of positive net absorption taking place during the second quarter of 2018. Industrial leasing activity in the Tampa market increased significantly compared with that of previous quarters, as 198 transactions totaling over 2.5 million square feet were completed during the second quarter.

BIG USER FOR NEW SPACE
Nine warehouse buildings totalling approximately 2.6 million square feet are projected to come online over the next year in the metro Tampa Bay area. Just under half is spoken for, and 650,800 million square feet of that can be attributed to Best Buy’s new distribution facility underway in Polk County, which is expected to be completed in the third quarter.

NKF’s most recent report on the overall Central Florida Industrial Market reported another healthy quarter. “Growth held through midyear with signals of demand slowing,” the report headlined.

“With significant new warehouse inventory slated to deliver in the Tampa market, we expect slight increases in vacancy, however, we anticipate demand for industrial space will continue to outpace supply over the next 12 months,” Narkiewicz said.

“Industrial continues to be a highly sought-after product type, especially Class A properties, which sell for around the low to mid-$90s per square foot when they come on the market.”

David Wilkening reports for GlobeSt.com.
What Happens to SEC Broker Rule, Retirement Policy If House Flips?

by Nick Thornton

If Democrats succeed in taking control of the U.S. House of Representatives in next month’s midterm elections, chairmanship of key committees and subcommittees with jurisdiction over the U.S. Securities and Exchange Commission and the Labor Department will trade hands, giving Democrats power to try to advance more stringent consumer protections in the retail financial advice market.

Fifthirtyeight.com puts the Democrats’ chances of flipping the 23 seats needed to gain a 218-seat majority in the House at 81.5 percent. The website also put Hillary Clinton’s chances of winning the 2016 presidential election at 71.4 percent.

Should the Democrats win, Rep. Maxine Waters, D-California, currently the ranking member of the House Committee on Financial Services, is expected to chair the committee, which has jurisdiction over the SEC.

Waters has led calls from Democrats to impeach President Donald Trump. She was also a staunch supporter of the labor Department’s fiduciary rule during the Obama administration and has been critical of the SEC’s proposal to enhance broker-dealer’s standard of care obligations to retail investors.

Upon the SEC’s release of Regulation Best Interest last spring, Waters and three other Democrat lawmakers called on the SEC and its chairman, Jay Clayton, to advance a rule that “matches” the protections in Labor’s fiduciary rule.

In September, Waters and 34 Democrats from both chambers of Congress submitted a comment letter to the SEC, alleging Reg BI “falls woefully short” of preventing some in the financial services industry to “game the system and choose a standard of care that allows them to put their interests and profit motives ahead of their retail clients.” Sens. Elizabeth Warren, Kirsten Gillibrand, Cory Booker and Bernie Sanders, all said to be exploring a presidential run in 2020, were among the letter’s co-signers.

The letter is critical of the SEC for taking a segmented approach in its proposed rules, which include separate proposals for broker-dealers and for fiduciary advisors.

“The best way for the SEC to protect investors and reduce confusion is require all brokers and advisers, regardless of their titles, to comply with the same fiduciary standard that puts their clients’ interests first,” the letter says.

The letter strongly implies that the Commission willfully undermined the enforcement standard proscribed in the Dodd-Frank Wall Street Reform and Consumer Protection Act, a bill passed in the wake of the financial crisis when Democrats controlled both chambers of Congress and the White House.

In crafting Reg BI, the SEC used a less specific subsection of Dodd-Frank to authorize the rules, which Waters and other Democrats claim resulted in watered-down proposals.

“This decision has led to a less protective proposal for investors that applies two distinct standards: a best interest standard for brokers and a fiduciary standard for investment advisers, neither of which, as described by the Commission, matches the strong, enforceable standard set by Congress in 913(g),” the letter says, referencing the section of Dodd-Frank that gives the SEC authority to establish a fiduciary duty for broker-dealers.

The SEC is expected to finalize a rule as early as the beginning months of 2019.

Were Democrats to take the House, they would have little legislative recourse to block implementation of Reg BI. The Congressional Review Act gives Congress a timetable in which it can overturn administrative agency rule-making.

But that route would require Democrats to take the Senate too, where a simple majority is required to overturn regulations under the CRA. It would also require a signature from President Trump.

A more immediate impact if Democrats win the House could be seen on the retirement policy front. Rep. Richard Neal, D-Massachusetts, ranking member of the House Ways and Means Committee, is one of the chamber’s most experienced lawmakers on retirement issues.

Last year, Neal sponsored the Automatic Retirement Plan Act of 2017, which would require all but the nation’s smallest employers to sponsor a defined contribution retirement plan.

Neal also introduced the Retirement Plan Simplification and Enhancement Act of 2017, which exempts qualified retirement accounts with less than $250,000 in assets from existing required minimum distribution rules. It also expands the saver’s credit to more taxpayers.

Contact Nick Thornton at nthornton@alm.com.

Danske Bank’s Turmoil Deepens as Regulator Rejects Top CEO Pick

by Frances Schwartzkopf

Danske Bank A/S’s top pick for a new chief executive officer was rejected by Denmark’s financial regulator on Wednesday. The bank, which has been mired in a money laundering scandal of record proportions, has been under investigation in five countries for potential fines. Probes are also under way in Denmark, Estonia, Switzerland and the U.K.

The rejection of Aarup-Andersen increases the likelihood of the bank going outside of Denmark for a new top boss, Per Hansen, an investment economist at Nordnet in Copenhagen, said in a note. In the meantime, Nielsen is a “calm and solid” interim head who can manage the bank in the coming months, he said.

The U.S. Department of Justice is also investigating laundering, adding to investor concerns about the size of potential fines. Probes are also under way in Denmark, Estonia, Switzerland and the U.K.

The bank’s regulators and auditors are also being investigated for their role in the scandal.

Shares in Danske have plunged as news of the dirty money case unnerves investors and angers politicians. The bank may face a fine of about $630 million in Denmark alone, while estimates for a total penalty run as high as $7.7 billion.

“The Board of Directors unanimously backed Jacob Aarup-Andersen as new CEO, knowing full well that longer experience in certain areas would have been desirable,” Andersen said. Aarup-Andersen will continue in his current position as head of wealth management.

Frances Schwartzkopf reports for Bloomberg News.
Netflix Soars as Blistering Subscriber Growth Restores Faith

by Lucas Shaw

Netflix Inc. is growing faster than even its most bullish fans on Wall Street predicted, soothing doubts about its global prospects and sending its already-stratospheric stock higher.

After a stumble with its previous results, the world’s largest paid online TV network added far more subscribers than analysts expected in the third quarter. Netflix also issued an upbeat outlook for the current three months, saying it plans to add 28.9 million customers in total this year, a record for the 21-year-old company.

The results should prolong Netflix’s reign as one of the best-performing stocks on Wall Street, giving the company leeway to spend billions of dollars more on original programming. Netflix has parlayed subscriber growth into huge gains for investors. Even before the surge in Tuesday’s after-hours trading and premarket Wednesday, the shares were up 80 percent this year.

“There is so much growth ahead in streaming video entertainment, we’re going to focus on that for a very long time,” Chief Executive Officer Reed Hastings said during a prepped interview with analysts.

Netflix signed up 6.96 million customers in the third quarter, boosting its global total to 137.1 million. That sent the shares up as much as 17 percent in extended trading.

Netflix shares typically fluctuate widely after earnings, and this quarter was no exception. The stock soared in after-hours trading Tuesday, putting the market value of the company in the same territory as Comcast Corp., the largest U.S. cable provider, and Walt Disney Co., the world’s largest entertainment company. The streaming service’s May 2027 euro bond surged to a three-month high on Wednesday, according to data compiled by Bloomberg.

Netflix doesn’t hide its formula for success. It invests billions in original programming and uses those new TV shows to entice new subscribers, as well as new series “Insatiable” and “Maniac.”

“Current valuations are all-inclusive pricing in a worst-case scenario, which could help to moderate some of the share price impact from consensus EPS downgrades,” Citigroup analysts, including Andrew Coombs, wrote in a note. “Despite subdued industry loan growth, competitive pressures and a credit cycle that looks set to gradually turn, bank earnings have proved remarkably resilient since the referendum.”

The results should prolong Netflix’s reign as one of the best-performing stocks on Wall Street, giving the company leeway to spend billions of dollars more on original programming.

The company expects to sign up 9.4 million new subscribers this quarter, far above the 7.18 million average of forecasts compiled by Bloomberg.

“It was a surprisingly good quarter that caught a lot of the financial community off guard,” said Jim Nail, a senior analyst at Forrester Research Inc. “Even the U.S. number was better than I thought it would be. That’s a really good number for a market that’s this mature.”

Rivals have long groused that Netflix can spend ungodly sums without ever thinking it would be. That’s a really good number for a market that’s this mature.

Citi Says Good News Is That UK Banks Priced in No-Deal Brexit

by Ksenia Galouchko

While the world watches Brussels to see if there will be a deal or no deal in Brexit talks, investors in U.K. bank stocks aren’t waiting around. They’re already hedging their bets by partially pricing in a worst-case scenario, according to Citigroup Inc.

Though Citi still thinks a deal is likely at some point, a failure to reach one would hit profits for U.K. domestic lenders by as much as 25 percent, analysts wrote in a note. However, the banks’ implied equity risk premiums are still already at elevated levels, they said.

“Current valuations are already pricing in ‘no deal’ outcomes to some extent, which could help to moderate some of the share price impact from consensus EPS downgrades,” Citi analysts, including Andrew Coombs, wrote in a note. “Despite subdued industry loan growth, competitive pressures and a credit cycle that looks set to gradually turn, bank earnings have proved remarkably resilient since the referendum.”

The FTSE 350 Banks Index is trading at a near-two-year low as concerns about slower growth, the weaker British pound and political instability have scared investors away from British lenders. Theresa May heads into a summit in Brussels this week to try to break the deadlock in Brexit negotiations amid speculation that the latest proposals could be thrown out by Parliament.

Among U.K. lenders, Lloyds Banking Group Plc and Barclays Bank Plc could face the biggest risk due to their larger unsecured credit exposures, Citi said. A no-deal outcome would also likely mean that interest rates will remain lower for longer, eating into the banks’ earnings.

Ksenia Galouchko reports for Bloomberg News.
No Brexit Deal Could Snarl Major European Ports, Hitting Exports

by Mike Corder

Traffic moves quickly and smoothly at the Hook of Holland ferry terminal on the western edge of Europe’s biggest port, with hundreds of trucks streaming onto ships regularly setting off for the English port of Harwich.

But that clockwork efficiency, which ensures the timely supplies of fresh produce and other goods on both sides of the North Sea, could jam up overnight if Britain leaves the European Union without a trade deal and border controls and food safety checks are introduced.

Just one truck driver showing up at the docks without the proper paperwork and being forced to turn around in the cramped dockside “could throw it all into chaos,” says Gert Mulder of the Dutch Fresh Produce Center. His organization represents some 350 fruit and vegetable exporters who export hundreds of millions of euros worth of produce to Britain every year.

“Fruit and vegetables are quite easy at the moment,” Mulder says. “But if there’s one truck that’s not well documented, it could throw it all off.”

As EU and British negotiators hold frantic talks to seal a deal, fears are growing in the Netherlands that as a port to Britain and gateway to and from Europe through its ports, about the potential consequences of the lack of a Brexit deal.

British and Dutch authorities have warned there could be huge traffic jams approaching ports on both sides of the North Sea as truck drivers and customs officials adapt to Britain’s life outside the EU’s single market and customs union after March 29.

Roel van’t Veld, Brexit coordinator with the Netherlands Customs Authority, says that the number of completed forms drivers need to leave the EU and enter Britain could rise from one or two now to nine.

Mark Dijk of the Port of Rotterdam says that many drivers who arrive without the correct papers should be able to straighten out the problem within minutes. But he added: “Two-to-five minutes ... where 400-800 trucks are being loaded within an hour can be a lot of time.” Dijk says the port is looking for extra space to park trucks as the Brexit date looms.

Dutch ports handle shipments to Britain from the rest of the EU and further afield, and a report by the Netherlands Institute for Transport Policy Analysis estimates that cargo leaving the Port of Rotterdam could drop by 4.5 percent if there is no Brexit deal.

Dutch authorities say they are hoping for the best and preparing for the worst. The customs service is hiring some 900 new staff, the food and animal welfare authority is scouring southern and eastern Europe for qualified vets to carry out checks on live imports.

The government has set up an online Brexit counter and checklist for companies doing business with Britain, but a report this year warned that only 18 percent of Dutch companies were prepared. Some 35,000 Dutch companies that do business with Britain have no experience of dealing with countries outside the EU’s single market.

There is plenty at stake for the Dutch, whose economy relies on exports and which has close links to Britain. A hard Brexit will not only mean delays at the border, but trade tariffs that would raise the price of European products.

“Exports will go down and that will translate into lower prices and lower production of Dutch agriculture,” said Siemen van Berkum, an economist at Wageningen University who wrote a Dutch government-commissioned report on the possible economic fallout. “We estimate about 2 percent of the production value will be foregone and that means about 500 million euros ($576 million) a yearly basis.”

If there is a hard Brexit, Van Berkum says, “everybody loses.”

Just a few miles from Hook of Holland, the family-run Lams tomato business is one of the Dutch companies whose products end up in British stores. It is a model of efficiency. Staff use bicycles to get around a greenhouse the size of about 10 soccer fields, while automated carts that are stacked high with boxes between carefully manicured rows of vines move tomatoes ranging in color from bright red to light green.

From the greenhouse, the tomatoes are sent to traders who take orders and organize exports. From the Lams greenhouse in Maasdijk, it’s only a 10-minute drive to Hook of Holland. The tomatoes wind up in stores and restaurants including British supermarkets.

Wilko Wesse, a staffer at Lams, said that every year in his company’s largest greenhouse, the gardener grows tomatoes ideal for one of Britain’s signature meals: the full English breakfast with its bacon, sausages, fried eggs, mushrooms and roasted or fried tomatoes.

For years, the Dutch agriculture, horticulture and logistics industries have been refined so that if a supermarket in London suddenly wants more tomatoes it can get them from the greenhouse to the store shelf in a matter of hours.

The seamless customs union and single market within the EU are key to that, said Wesse. Only this can enable producers to ship fresh products like tomatoes and cucumbers to transport their products at the very last minute, cutting down on costly storage.

Those days could soon be over if there is no Brexit deal.

“If there are a lot more checks, times when green harvest and laying in the supermarket will be longer and that is not good for your fresh product,” says Wesse.

Bryce Baschuk reports for Bloomberg News.
Harry’s has carved out a niche selling men shaving razors direct to their doors, elbowing in on an industry long dominated by names such as Gillette and Schick. In the process, the company says it found that 1 million women were using its products for their shaving needs.

So its logical next step is Flamingo, a direct-to-consumer hair removal and body-care brand for women that launches Tuesday.

Flamingo’s leaders say their aim is to make women more comfortable talking about shaving and waxing.

“We want to normalize the fact that women might have hair here, or there, and they choose to remove it, we want to support that,” Allie Melnick, the general manager for Flamingo says in an interview with The Associated Press.

Flamingo is the first brand to emerge from Harry’s Labs, an offshoot of the company that has chipped away at the market share of industry giant Gillette, capitalizing on consumer frustration with pricey razors. Harry’s received $112 million in new funding earlier this year to develop new brands, with a vision to becoming a major consumer-products company to compete with the likes of Gillette parent Proctor & Gamble.

Flamingo offers a five-blade razor, waxing kits, shaving gel and body lotions for women. The products will be sold on its own direct-to-consumer website, a space where the brand’s leaders Brittania Boey and Melnick hope to open frank conversations about women and body hair.

The duo says Harry’s internal research shows nearly all U.S. women choose to shave or wax off some of their body hair. They say Flamingo wants to offer products and tips to help women do that while talking openly about furry toes, back hair and fuzzy upper lips.

Harry’s is launched as a direct-to-consumer brand in 2013. It has since expanded into body care for men and now sells its products in Target and Walmart. Along with rival Dollar Shave Club, the company shook up the $2.8 billion U.S. men’s shaving industry, forcing Gillette to slash its razor prices and revamp its marketing strategy to stem a decline in market share.

Harry’s remains a relatively small player, with 2 percent of the market, according to Euromonitor International market research firm. But its direct-to-consumer model has helped create a sense of intimacy with its customer base that bigger brands find hard to replicate.

Consumers have a growing appetite for tailored offerings that make small companies appealing, according to a recent report from management consultancy firm Bain & Co., which cited both Harry’s and Dollar Shave Clubs as examples. Chobani’s and Noosa’s have similar disrupted the yogurt industry, while digital upstarts like Casper’s helped drive Mattress Firm into bankruptcy.

Flamingo hopes for the same success in the $1 billion U.S. women’s shaving industry, where Gillette holds 50 percent of the market, according to Euromonitor. The new brand will compete in a more fractured landscape than the one Harry’s encountered for men’s shavers five years ago.

Several new online brands have already attracted attention, if not yet significant market share.

Among them are Angel Shave Club, which donates part of its sales to the Malala Fund, a nonprofit for girls abroad. The startup Billie made a splash since launching last year with ads showing body hair, including a gif of a woman shaving her leg while declaring war on the “pink tax,” the notion that women typically pay more than men for the same product.

“It’s likely that more women’s shave clubs will enter the U.S. market before one or two players emerge on top,” Kayla Villena, senior analyst at Euromonitor International, said in a recent report that predicts women’s shaving will grow 4.9 percent a year, among the fastest of any category.

United Air Boosts Profit View Again as Travel Demand Sizzles

by Justin Bachman

United Continental Holdings Inc. boosted its 2018 profit outlook for the third time this year, overcoming higher oil prices as strong travel demand buoys a financially challenged carrier at the No. 3 U.S. airline.

Earnings will climb to at least $8 a share this year, United said in a statement Tuesday, after previously predicting as little as $7.25. The carrier improved its outlook despite an increase in jet-fuel prices of more than 30 percent over the past year.

United is gaining pricing power in what industry executives have called the strongest travel market since before the global financial crisis a decade ago. Robust demand has helped United win over skeptical investors who were initially unnerved by the company’s plan to beef up flights at its major hubs. United also is enhancing premium offerings and wooing budget travelers with “basic economy” fares that offer cheaper prices with fewer frills.

“United has done a great job of managing to improved revenue results,” Helane Becker, an analyst at Cowen & Co., said in a note to investors Wednesday. “Adjusted third-quarter earnings rose to $3.06 a share, compared with the $3.10 average of analyst estimates compiled by Bloomberg. Tropical storms during the quarter reduced earnings by 7 cents a share. Sales increased 11 percent, compared with the $10.9 billion expected by Wall Street.

United has put in place a series of moves to squeeze costs. Among them is a 200-seat plan to expand profit margins, potentially bolstering shares. The world’s largest carrier, American Airlines Group Inc., reports results Oct. 25.

United expects to expand seating capacity as much as 6 percent in the fourth quarter, giving up capacity of 4.9 percent. With positive results thus far, United plans to keep up growth in 2019 with new flying from its hubs into smaller markets. It’s also withdrawing non-stop flights in some particularly competitive markets, such as Los Angeles to Dallas.

Next year, capacity will rise 4 percent to 6 percent, United has said. That’s expected to outpace growth at American, Delta and Southwest. By 2020, the company has told investors to expect earnings of $11 to $13 a share.

Justin Bachman reports for Bloomberg News.
EMPLOYMENT WANTED

Law firm seeks Associate Attorney with a minimum of 5 years experience in Construction and Surety Law. Our firm represents owners, developers, contractors, manufacturers, distributors and other businesses in defects, commercial litigation, and products liability.

Requirements: Licensed to practice law in the state of Florida, strong research and persuasive writing skills, Candidate must have excellent references and prior experience in Construction and Surety Law and Commercial Litigation is preferred.

All applications are held in the strictest of confidence.

Please send resume to:
blindbox@alm.com

ATTORNEY WANTED

Coconut Grove AV Rated Firm of trial attorneys seeks an attorney with 3 to 7 years of commercial litigation experience. Must have excellent research and writing skills. Trial experience preferred.

Excellent communication and organizational skills are a must.

Please send resume to: resumes@hhilawfirm.com

ATTORNEY

Law firm in Ft. Lauderdale seeking a part-time legal assistant. Must have estate planning and probate experience.

Email resume to:
Trey@treymillerlaw.com

CONSTRUCTION LAW ATTORNEY

Fort Lauderdale Firm seeks Associate Attorney with a minimum of 5 years experience in Construction and Surety Law. Our firm represents owners, developers, contractors, manufacturers, distributors and other businesses in defects, commercial litigation, and products liability.

Requirements: Licensed to practice law in the state of Florida, strong research and persuasive writing skills, Candidate must have excellent references and prior experience in Construction and Surety Law and Commercial Litigation is preferred.

All applications are held in the strictest of confidence.

Please send resume to:
blindbox@alm.com

Job Type: Full-time

Please forward resumes via email to:
330.legaljobs@gmail.com

LEGAL ASSISTANT/PARALEGAL

Law firm seeks experienced legal assistant/paralegal for a plaintiff personal injury law firm in Miami, Florida. Candidate must have at least 3 years of experience in a law firm. Must be able to work in a fast-paced environment and without supervision. Excellent organizational skills, time management and professional etiquette required. Ideal candidate must be meticulous with attorney’s calendar and be able to handle demanding deadlines. Seeking bilingual candidates – fluent in both English and Spanish. Job duties, include but are not limited to:

1. Communicating with clients
2. Electronic filing of Court documents
3. Handling discovery matters
4. Scheduling hearings, depositions, meetings, etc.
5. Assisting with trial preparation.
6. General office duties

Compensation based on experience.

Job Type: Full-time

Please forward resumes via email to:
330.legaljobs@gmail.com

LAWJOBS.COM

Find your next (perfect) employee.

Lawjobs.com is the #1 Legal recruitment site with 100,000+ resumes* and 20,000 active job seekers to help you find the industry's top talent. Learn how Lawjobs.com will help you find your next perfect employee.

Contact us today
Call (866)969-5297 or email lawjobshelp@alm.com

*Based on internal reports of Lawjobs.com
A defense bar organization is urging a federal appeals court to find that unconstitutional fingurengs in a class action against Dish Network should not have been certified because they did not have the same injuries as lead plaintiffs in the case.

DRI - The Voice of the Defense Bar, in an amicus brief filed on Oct. 10, urged the U.S. Court of Appeals for the Fourth Circuit to de-certify the class and reverse judgment against Dish Network in a Telephone Consumer Protection Act class action. The group seeks clarity amid scattered case law on a key issue in class actions: whether uninjured class members who are not the named plaintiffs have standing under Article III of the U.S. Constitution.

"There are some courts that have said that you can’t have class certification for proposed classes where some of the putative unnamed class members are not injured," said Felix Shafr of Horvitz & Levy in Burbank, California, who filed the brief for DRI. "And there are other courts that have disagreed with that. There’s been a circuit split that’s continuing that the Fourth Circuit doesn’t appear the Fourth Circuit has taken a position on this."

The Products Liability Advisory Council filed a separate brief in the case in support of Dish Network.

Dish Network filed its opening brief on Oct. 4 after U.S. District Judge Sue V.匆匆 nephew of North America LLC in Washington D.C. ruled in an email, "The amicis' briefs will be consolidated into one document and the Court will rule on whether to accept any additional amicus briefs."

Shumsky did not respond to a request for comment.

Krauskopf’s attorney, John Barrett of Bailey & Glasser, said in an email, "The amicus’ briefs presented one side of the story. When all sides are presented, the issues will look very different, and we believe the district court’s rulings will be affirmed."

Shafr, DRI’s attorney, said other appellate courts have split on the issue of whether unnamed class members need to have the same injuries as class representatives. The U.S. Court of Appeals for the Eighth Circuit, in its 2013 decision in Halveson v. Auto-Owners Insurance, and the Second Circuit, in its 2006 ruling in Denney v. Deutsche Bank AG, found that judges can’t certify classes that include uninjured class members, he said. But other courts, like the First Circuit’s In re NeXum Antitrust Litigation decision in 2015, found that classes could be certified so long as the uninjured members are "de minimis."

"The courts are really all over the place on these issues," Shafr said.

The Third Circuit, in a 2015 decision in Neale v. Volvo Cars of North America LLC, ruled that only the lead plaintiffs need to have standing, he said, and the U.S. Supreme Court has yet to address the issue directly.

"What the Supreme Court previously indicated is if you have variations of injury between the named plaintiff and unnamed class members, that would be a problem from a constitutional standing requirement and, in some cases, the court has indicated that goes to class certification," he said. "In other cases, the court has dealt with it in other ways. The Supreme Court has recognized this case in this area is a little bit of a mess, but has not been entirely consistent with how it dealt with that issue."

The Products Liability Advisory Council, in its amicus brief, addressed a different issue: Whether Dish was vicariously liable for the actions of SSN, a "third party independent marketing company." In its opening brief, Dish also argued that it lacked complete control over SSN.

PLAC made a similar argument in an amicus brief before the Seventh Circuit in a case brought by the Federal Trade Commission. In that case, a federal judge last year ordered the Dish to pay $200 million to the FTC and four states: California, Illinois, North Carolina and Ohio. U.S. District Judge Sue Myres of the Central District of Illinois found that Dish, through independent contractors, violated state and federal "Do Not Call" regulations. The Seventh Circuit heard oral arguments in that case on Sept. 17.

Katheryn Tucker is the ALM staff reporter covering class actions and mass torts nationwide. She writes the email dispatch dailybusinessreview.com.