

Troutman Pepper State Attorneys General Monitor – September 2020

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Troutman Pepper’s State Attorneys General team combines legal acumen and government experience to develop comprehensive, thoughtful strategies for clients. Our lawyers handle individual and multistate AG investigations, proactive counseling and litigation, and manage ancillary regulatory issues. Our successful approach has been recognized by *Chambers USA*, which ranked our practice as a leader in the industry.

ANALYSIS

THE “NEW” ENFORCERS: HOW STATES AND LOCALITIES ARE CHANGING THE LANDSCAPE OF REGULATORY AUTHORITY

By [Barry H. Boise](#), [Stephen Piepgrass](#), [Dascher Pasco](#), and [Katherine E. Stark](#)

Introduction

Over the last decade, observers have noted that states have begun to play a greater role as regulatory enforcers – a trend that increased with the federal regulatory roll-back that began with the advent of the Trump Administration. Within the last couple of years, localities, including counties, cities, and towns, have joined the states in flexing their muscles as key players in areas of regulatory enforcement traditionally dominated by the federal government. By enacting their own statutory protections, performing their own investigations independent of their federal counterparts, or pursuing overlapping litigation against potential violators, states – and now localities – are becoming an increasingly important source of regulatory authority. This article explores how state and local enforcement is changing the landscape of regulatory authority, particularly in the areas of (1) False Claims Act investigations and litigation, (2) consumer protection, (3) other regulatory litigation and enforcement, and (4) regulation through taxation.

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ELECTION NEWS

STATE CHALLENGES TO UNITED STATES POSTAL SERVICE LEADING UP TO 2020 ELECTION

By [Ashley L. Taylor, Jr.](#) and Troy K. Jenkins

On [September 17](#), a State of Washington federal judge granted Colorado Attorney General Phil Weiser's request in [State of Washington v. Trump](#) for a nationwide injunction, requiring the U.S. Postal Service (USPS) to stop and reverse operational changes that slowed down mail delivery on the grounds that these changes could potentially interfere with the 2020 election. Attorney General Weiser joined a coalition of 14 states led by Washington Attorney General Bob Ferguson, challenging certain USPS's operational changes, including (1) eliminating or reducing staff overtime; (2) halting outgoing mail processing at state distribution centers; and (3) removing certain mail sorting equipment.

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AG SETTLEMENTS

NEW YORK AG ANNOUNCES SETTLEMENT WITH DUNKIN' REGARDING DATA BREACH LAWSUIT

By [Ronald I. Raether, Jr.](#) and Sam Hyams

On Tuesday, September 15, New York Attorney General Letitia James announced a settlement with Dunkin' Brands Inc. regarding a lawsuit in New York state court titled *The People of The State of New York et al. v. Dunkin' Brands Inc.*, case number 451787/2019. The case was filed in September 2019 by the New York AG's office, accusing Dunkin' of failing to take adequate measures to protect customer data from two data breach incidents in 2015 and 2018.

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FINANCIAL PROTECTION

CALIFORNIA CREATES A NEW STATE LEVEL FINANCIAL PROTECTION BUREAU

By Allison Melton and [Jason Manning](#)

In late August, the California legislature passed [Assembly Bill 1864](#), creating a Department of Financial Protection and Innovation and bolstering legal protections for consumers.

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