

15-1248 McLANE CO. V. EEOC

DECISION BELOW: 804 F.3d 1051

LOWER COURT CASE NUMBER: 13-15126

QUESTION PRESENTED:

1. Whether a district court's decision to quash or enforce an EEOC subpoena should be reviewed *de novo*, which only the Ninth Circuit does, or should be reviewed deferentially, which eight other circuits do, consistent with this Court's precedents concerning the choice of standards of review.
2. Whether the Ninth Circuit's decision to enforce an EEOC subpoena, depending upon a notion of relevance so broad that it effectively abrogates statutory limits on the EEOC's investigative powers, conflicts with *EEOC v. Shell Oil*, 466 U.S. 54 (1984) and the holdings of at least three other circuits.

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

ORDER OF NOVEMBER 8, 2016:

STEPHEN B. KINNAIRD, ESQUIRE, OF WASHINGTON, D. C., IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE POSITION THAT A DISTRICT COURT'S DECISION TO QUASH OR ENFORCE AN EEOC SUBPOENA IS SUBJECT TO DE NOVO REVIEW. BRIEFS OF OTHER *AMICI CURIAE* IN SUPPORT OF THE JUDGMENT BELOW ARE TO BE FILED WITHIN 7 DAYS OF THE FILING OF THE BRIEF OF COURT-APPOINTED *AMICUS CURIAE*.

CERT. GRANTED 9/29/2016