

# MONDAY MORNING: FEELING RATHER MUSSORGSKY

It's not even 7:00 a.m. here as I start to write this post, and the day is already frantic – like Mussorgsky's Night on Bald Mountain. I don't expect a placid ending to the first day of this week, either.

Strap in, lock and load.

**Volkswagen on a roll – downhill, fast**

- A former employee who worked at the Michigan-based Volkswagen Group of America's data processing center filed suit for wrongful termination. The employee lost their job after warning against data deletion after the U.S. Department of Justice ordered VW to halt normal data deletion processes to preserve potential evidence. Michigan is an at-will state, meaning employees can be fired for any reason at any time if they do not have a contract. However, employers may not fire workers in retaliation for refusing to do illegal acts or for reporting violations of health and safety code. Not a sketchy situation at all...this case might be an

opportunity for discovery.

- VW cutting jobs back home in Germany, with administrative roles taking the biggest hit. At the same time, VW says it intends to hire more software and technology personnel as it shifts away from traditional automotive technology. Huh – not a move I would expect when VW clearly hasn't a handle on electronic vehicle technology.
- Car sales are up 6.3 percent in the EU, but VW-brand car sales are off 4 percent. Ford and GM's Opel picked up what VW lost in terms of sales.

#### Asking oranges from Apple

- USDOJ hint-hints with little subtlety it will demand Apple's source code. By subtlety, I mean a footnote shaped like a cudgel in its response to #AppleVsFBI:

The FBI cannot itself modify the software on Farook's iPhone without access to the source code and Apple's private electronic signature.

The government did not seek to compel Apple to turn those over because it believed such a request would be less palatable to Apple. If Apple would prefer

that course, however, that may provide an alternative that requires less labour by Apple programmers.

You can read Marcy's take on the USD0J's Lavabit gambit for more.

- The mega-sized tech companies who support Apple are now doubling down on encryption. Couldn't see that coming, huh?
- Some speculate WhatsApp as a communications technology may be the next focus of law enforcement in wake of #AppleVsFBI.
- John Oliver does a Deep Dive into #AppleVsFBI – amusing take, but Oliver and his writing team have far too simplistic a take on this case. It's not just that FBI wants a 'master key,' or that the FBI relies on All Writs to make its demand on Apple. It's about forcing a company to create something entirely new, and something that's not intrinsically part of its product.

#### **Another energy industry executive dead**

Josh Comstock, CEO of C&J Energy Services in Houston, Texas, died unexpectedly on Friday. He passed away in his sleep at age 46. Comstock was a supporter of NHRA drag racing. His company, which provided hydraulic fracturing (fracking) services, lost considerable value over the last

year with the sharp drop in oil prices and field development.

Oil dudes are under a lot of stress these days.

And it being a Monday, so are we. Relax when you can, gang. I'm clocking out.