Judson O. Littleton

Partner

jlittleton@gibsondunn.com

T: +1 202.955.8531

Washington, D.C.



Judd Littleton is a versatile, creative appellate lawyer with considerable experience representing clients in their most consequential cases at every level of the judiciary, from developing and implementing legal strategy in the district court through appeals before the U.S. Supreme Court and federal and state appellate courts nationwide. He has built a remarkable record of successful challenges to federal agency action under the Administrative Procedure Act, and excels at handling complex, bet-the-company matters in the areas of appellate litigation, administrative law, and regulatory enforcement. Judd also regularly advises clients on strategic legal issues that precede litigation, including issues related to new laws and regulations and government investigations.

Judd obtained substantial government experience before going into private practice. After serving as a Bristow Fellow in the Office of the Solicitor General, where he worked on numerous cases before the U.S. Supreme Court and federal courts of appeals, Judd litigated cases involving a range of high-profile constitutional and statutory challenges to federal government actions in the Civil Division of the U.S. Department of Justice. For his work in that role, he received the Attorney General's Distinguished Service Award, the Department's second-highest award for employee performance. Judd clerked for Chief Justice John G. Roberts, Jr. of the U.S. Supreme Court and for Judge A. Raymond Randolph of the U.S. Court of Appeals for the D.C. Circuit.

Judd is a member of the Edward Coke Appellate Inn of Court and the Supreme Court Historical Society. He has been recognized multiple times by *Lawdragon* as a "Leading Litigator in America" in Appellate and Supreme Court practice and was named a *National Law Journal* "D.C. Rising Star" in 2019. A frequent speaker on Supreme Court and appellate advocacy, he has also served on *Law360*'s Appellate Editorial Advisory Board since 2023.

Select Representations*

- U.S. Chamber of Commerce, Business Roundtable, Texas Association of Business, and Longview Chamber of Commerce in their challenge to the FTC's rule banning noncompete agreements, securing the first nationwide decision declaring the rule unlawful.
- U.S. Chamber of Commerce, American Investment Council, Business Roundtable, and Longview Chamber of Commerce in their challenge to the FTC's rule dramatically expanding the documentary requirements of the Hart-Scott-Rodino premerger notification form, persuading a court to vacate the new rule.
- Bayer AG in persuading the en banc Delaware Supreme Court to affirm the dismissal of a lawsuit brought by Merck & Co. alleging M&A-related contract claims related to substantial liability for consumer talc product claims.
- Danske Bank and Standard Chartered Bank in persuading the Second Circuit to reject any liability for allegedly aiding and abetting terrorist organizations, the first

Capabilities

Appellate and Constitutional Law

Administrative Law and Regulatory Practice

Litigation

Sports Law

Technology Litigation

Credentials

Education

University of Texas - 2008 Juris Doctor

University of Oklahoma - 2005 Bachelor of Arts

Admissions

New York Bar

Texas Bar

District of Columbia Bar

Clerkships

US Supreme Court, Hon. John G. Roberts, Jr, 2013 - 2014

US Court of Appeals, DC Circuit, Hon. A. Raymond Randolph, 2008 - 2009

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major appellate decision on antiterrorism statutes to apply the Supreme Court's 2023 ruling in *Twitter v. Taamneh*. Judd was named a runner-up "Litigator of the Week" by *The Am Law Litigation Daily* for this win.

- National Association of Private Fund Managers, Managed Funds Association, and Alternative Investment Management Association in obtaining a precedent-setting win from a unanimous U.S. Court of Appeals for the Fifth Circuit, which remanded two SEC rules related to short-selling due to the agency's failure to consider the economic impact of adopting both rules at once. Judd was named a *Law360* "Legal Lion" and runner-up *Litigation Daily* "Litigator of the Week" for this win.
- CPI Security in a successful appeal before the Fourth Circuit defending a $180 million jury award in a dispute with competitor Vivint Smart Home Security. Judd was named a runner-up "Litigator of the Week" by *The Am Law Litigation Daily* for this win.
- Blockchain Association and the Crypto Freedom Alliance of Texas in obtaining a judgment vacating an SEC rule that sought to substantially expand the definition of who must register as a "dealer" under the Securities Exchange Act. Judd was named runner-up "Litigator of the Week" by *The Am Law Litigation Daily* for this result.
- Bank Policy Institute, Kentucky Bankers Association, and Forcht Bank in securing a preliminary injunction and stay of compliance deadlines of the CFPB's open-banking rule.
- Boeing and certain of its current and former officers in a securities fraud class action in the Eastern District of Virginia and on interlocutory appeal to the Fourth Circuit under Rule 23(f).
- Ericsson in an Anti-Terrorism Act litigation concerning allegations of improper payments made in Iraq and other countries.
- Volkswagen and Audi in an affirmative countersuit against the State of Texas alleging the state failed to comply with mandatory rule review procedures under the Texas Administrative Procedure Act for the rule it sought to enforce against our clients.
- BP p.l.c., in numerous Fifth Circuit appeals stemming from the Deepwater Horizon Economic and Property Damages Settlement.
- Fiserv and First Data Merchant Services in an agreed resolution with the Federal Trade Commission in connection with allegations regarding insufficient controls and transaction monitoring of a wholesale independent sales organization (ISO) and its downstream merchants and affiliates.
- Former president of a major U.S. university, in convincing a state appellate court to reverse the trial court and dismiss criminal charges of perjury, obstruction of justice, and conspiracy based on violations of attorney-client privilege by his counsel in connection with the grand jury investigation.
- HSBC Holdings plc, in the successful resolution with the DOJ related to OFAC sanctions and anti-money laundering compliance.
- HSBC Holdings plc, in negotiating the settlement of a shareholder derivative lawsuit arising out of HSBC's 2012 resolutions with the DOJ and other agencies.
- ING Group, in obtaining dismissal and affirmance on appeal of a $4.9 billion federal RICO and fraudulent conveyance claim filed in the Southern District of New York.
- JPMorgan Chase, in securities fraud, shareholder derivative, and ERISA litigation in trial and appellate courts arising out of the bank's 2012 so-called "London Whale" trading losses.
- MUFG Bank, Ltd., in successfully quashing a post-judgment citation and subpoenas that sought to require MUFG to search for and freeze any Iranian assets held by any of its hundreds of branches in more than 40 countries around

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the world, including an appeal in the U.S. Court of Appeals for the Seventh Circuit.

- Volkswagen and Audi, in numerous consumer and environmental enforcement actions brought by state attorneys general and counties in connection with emissions “defeat devices” in diesel vehicles. Obtained full or partial dismissal of claims in numerous cases at the appellate and trial court levels.
- Volkswagen, in securing a denial of class certification and full summary judgment against a putative nationwide class action alleging the unlawful sale of “pre-production” and other vehicles used internally by the company before being sold as certified pre-owned to consumers.

* Includes matters handled prior to joining Gibson Dunn.

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