

# Lucas C. Townsend

## Partner

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Washington, D.C.

Lucas Townsend is a litigation partner in the Washington, D.C. office, and a member of the firm's Appellate and Constitutional Law, Administrative Law, Class Actions, and Intellectual Property practice groups.

Lucas focuses his practice on appellate, administrative law, and complex litigation matters. He regularly litigates constitutional and statutory issues in the Supreme Court of the United States and courts of appeals around the country; represents clients in challenging and defending regulatory action by administrative agencies under the Administrative Procedure Act; and defends clients in high-stakes commercial disputes.

Lucas's extensive experience includes representing the world's largest online retailer in various litigation matters concerning COVID-19 safety and arbitration issues; representing educational institutions in litigation involving the U.S. Department of Education; representing the holder of a \$1.2 billion judgment against the Republic of Venezuela in proceedings before the Supreme Court, D.C. Circuit, Third Circuit, and District of Delaware; representing a bondholder and a bond insurer before the Supreme Court in constitutional litigation arising from Puerto Rico's bankruptcy; serving as appellate counsel for the world's largest social networking website and drafting successful briefing in significant patent noninfringement appeals; and representing a national hospital network in litigation resulting in a \$60 million reduction in a jury's punitive damages award.

Lucas's representative matters include:

- Representing a shipping company in ongoing administrative litigation against the Maritime Administration. *Matson Navigation Co. v. U.S. Department of Transportation*, \_\_\_ F.4th \_\_\_, 2023 WL 5209552 (D.C. Cir. Aug. 15, 2023).
- Successfully representing an automobile manufacturer in a regulatory appeal before the Eleventh Circuit. *Environmental Protection Commission of Hillsborough County, Fla. v. Mercedes Benz USA, LLC*, 2023 WL 4678978 (11th Cir. July 21, 2023).
- Representing National Association of Manufacturers in defense of the Securities and Exchange Commission's 2020 rule on proxy voting advice. *Institutional Shareholder Services, Inc. v. SEC*, No. 1:19-cv-3275 (D.D.C.).
- Successfully representing utilities and merchant transmission facilities before the D.C. Circuit in litigation concerning cost allocations for \$1.3 billion in upgrades to the northern New Jersey electricity grid. *Consolidated Edison Co. of New York, Inc. v. FERC*, 45 F.4th 265 (D.C. Cir. 2022).
- Successfully representing a major pharmacy benefits manager in a mass-action arbitration appeal to the Third Circuit. *Robert D. Mabe, Inc. v. OptumRX*, 43 F.4th 307 (3d Cir. 2022).
- Successfully representing an online retailer in litigation concerning COVID-19



### Capabilities

Appellate and Constitutional Law  
Administrative Law and Regulatory Practice  
Class Actions  
Intellectual Property

### Credentials

#### Education

Seton Hall University - 2004 Juris Doctor  
Cornell University - 1999 Bachelor of Arts

#### Admissions

New York Bar  
New Jersey Bar  
District of Columbia Bar

#### Clerkships

US Supreme Court, Hon. Samuel Anthony Alito Jr., 2009 - 2010  
US Court of Appeals, 3rd Circuit, Hon. Maryanne Trump Barry, 2006 - 2007  
USDC, New Jersey, Hon. Harold A. Ackerman, 2004 - 2006

safety. *People v. Amazon.com*, 205 A.D.3d 485 (N.Y. Sup. Ct. App. Div. 1st Dep't 2022).

- Author of successful briefing in high-profile arbitration appeal relating to Amazon Flex drivers. *Harper v. Amazon*, 12 F.4th 287 (3d Cir. 2021).
- Representing world's largest provider of leveraged and inverse ETFs and mutual funds in comments to the Securities and Exchange Commission in derivatives rulemaking that resulted in withdrawal of proposed rule.
- Successfully representing an automobile manufacturer in an arbitration appeal before the Third Circuit. *In re Mercedes-Benz Emissions Litig.*, 797 F. App'x 695 (3d Cir. 2020).
- Successfully arguing a constitutional challenge to a territorial law that restricted voting in an election on the basis of race. *Davis v. Guam*, 932 F.3d 822 (9th Cir. 2019), *cert. denied*, No. 19-827 (U.S. 2020).
- Persuading the U.S. Solicitor General to confess error before the U.S. Supreme Court in an EEOC enforcement action. *BNSF Ry. Co. v. EEOC*, No. 18-1139 (U.S. 2019).
- Successfully representing a major health insurer in an administrative-law appeal to the Kentucky Supreme Court that resulted in a landmark precedent on constitutional standing. *Commonwealth of Kentucky v. Sexton*, 566 S.W.3d 185 (Ky. 2018), *cert. denied*, No. 18-1446 (U.S. 2019).
- Successfully representing an American Indian tribe and its instrumentalities in a challenge to a Department of Housing and Urban Development mortgagee letter that resulted in the grant of a preliminary injunction and a withdrawal of the mortgagee letter by HUD. *Cedar Band of Paiutes v. U.S. Dep't of Housing and Urban Development*, 2019 WL 3305919 (D. Utah July 23, 2019).
- Representing a corporate defendant in ongoing litigation in Delaware Chancery Court over the governance of student loan trusts.
- Representing a mortgage lender in a groundbreaking constitutional and administrative law challenge to a Consumer Financial Protection Bureau enforcement action, in which we ultimately overturned a \$109 million penalty against our client on administrative law grounds. *PHH Corp. v. CFPB*, 881 F.3d 75 (D.C. Cir. 2018) (en banc).

Before joining the firm, Lucas served as a law clerk to the Honorable Samuel A. Alito, Jr. of the Supreme Court of the United States, the Honorable Maryanne Trump Barry of the United States Court of Appeals for the Third Circuit, and the Honorable Harold A. Ackerman of the United States District Court for the District of New Jersey. Lucas also served as an Attorney Adviser in the United States Department of Justice, National Security Division, from 2007 to 2009.

Lucas was recently named a "Future Star" by *Benchmark Litigation*.

Lucas graduated *magna cum laude* from the Seton Hall University School of Law. He received an undergraduate degree in biochemistry from Cornell University.

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