

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Brett Allen Shumate

2. **Position:** State the position for which you have been nominated.

Assistant Attorney General, Civil Division, U.S. Department of Justice

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

February 2025 – Present
U.S. Department of Justice
Tax Division
950 Pennsylvania Avenue NW
Washington, DC 20530
Deputy Assistant Attorney General

Residence: Falls Church, Virginia

4. **Birthplace:** State date and place of birth.

1981; Fairfax, Virginia

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Wake Forest School of Law, 2003 – 2006
J.D. – May 2006

Furman University, 1999 – 2003
B.A. – May 2003

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name

and address of the employer and job title or description.

February 2025 – Present
U.S. Department of Justice
Tax Division
950 Pennsylvania Avenue NW
Washington, DC 20530
Deputy Assistant Attorney General

January 2025 – February 2025
U.S. Department of Justice
Civil Division
950 Pennsylvania Avenue NW
Washington, DC 20530
Acting Assistant Attorney General

August 2019 – January 2025
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001
Partner

June 2017 – June 2019
U.S. Department of Justice
Civil Division
950 Pennsylvania Avenue NW
Washington, DC 20530
Deputy Assistant Attorney General

January 2015 – June 2017
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036
Partner

September 2007 – December 2014
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036
Associate

August 2006 – August 2007
U.S. Court of Appeals for the Fifth Circuit
Bob Casey United States Courthouse
515 Rusk Avenue
Houston, TX 77002

Law Clerk for Chief Judge Edith H. Jones

May 2005 – August 2005
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036
Summer Associate

July 2004 – August 2004
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
230 North Elm Street
2000 Renaissance Plaza
Greensboro, North Carolina 27401
Summer Associate

July 2003 – August 2003
Kraftson Caudle LLC
1600 Tysons Boulevard
McLean, VA 22102
Intern

Uncompensated Affiliations

May 2004 – July 2004
U.S. Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue NW
Washington, DC 20530
Law Clerk

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Recommended lawyer in telecoms, *The Legal 500 United States*, 2020 – 2024

Recommended lawyer in appellate law, *The Legal 500 United States*, 2016 – 2017

Burton Award for Distinguished Legal Writing, The Burton Awards, 2016

Rising star in telecommunications, *Law360*, 2016

“Legal Lion,” *Law 360*, Weekly Verdict Column, 2014

Order of the Coif, 2006

CALI Excellence for the Future Award: Highest Grade in Equitable & Legal Remedies, 2006

CALI Excellence for the Future Award: Highest Grade in Federal Criminal Law, 2006

CALI Excellence for the Future Award: Highest Grade in Agency, 2006

CALI Excellence for the Future Award: Highest Grade in Risk Regulation Law & Policy, 2006

CALI Excellence for the Future Award: Highest Grade in Federal Jurisdiction, 2006

Lonnie B. Williams Scholarship, 2004 – 2006

CALI Excellence for the Future Award: Highest Grade in National Security Law, 2005

CALI Excellence for the Future Award: Highest Grade in Sales, 2005

CALI Excellence for the Future Award: Highest Grade in Jurisprudence, 2005

Who’s Who: American Law Students, 2005

Runner-up Best Memorial, Jessup International Law Moot Court Competition, East Regional, 2005

Best Advocate, Jessup International Law Moot Court Competition, East Regional, 2005

CALI Excellence for the Future Award: Highest Grade in Legislation & Administrative Law, 2004

Runner-up Best Brief, 2004 Walker Moot Court Competition

CALI Excellence for the Future Award: Highest Grade in Legal Research and Writing III, 2004

CALI Excellence for the Future Award: Highest Grade in Contracts I, 2003

Phi Beta Kappa, Gamma of South Carolina, 2003

Furman Alumni Award for Academic Excellence in History, 2003

D.H. Gilpatrick History Department Scholarship, 2002 and 2003

Odell Humanities Scholarship, 2001 – 2003

Who's Who Among Students in American Universities and Colleges, 2002

Pi Sigma Alpha, National Political Science Honor Society, 2002

Phi Alpha Theta, National History Honor Society, 2002

Southern Conference Academic Honor Roll, 2000 and 2001

Phi Eta Sigma, National Freshmen Honor Society, 2000

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

The Federalist Society for Law & Public Policy Studies

Member, 2004 – Present (with intermittent changes and lapses in membership)

Executive Committee, Administrative Law & Regulation Practice Group, 2019 – 2025

Executive Committee, Telecommunications & Electronic Media Practice Group, 2016 – 2017

American Bar Association

Member, 2007 – 2017

Federal Communications Bar Association

Member, 2008 – 2017

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Virginia, October 2006

District of Columbia, June 2007

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of

admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States (March 2010)

U.S. Court of Appeals for the First Circuit (March 2011)

U.S. Court of Appeals for the Second Circuit (January 2010)

U.S. Court of Appeals for the Third Circuit (February 2013)

U.S. Court of Appeals for the Fourth Circuit (November 2006)

U.S. Court of Appeals for the Fifth Circuit (August 2007)

U.S. Court of Appeals for the Sixth Circuit (December 2014)

U.S. Court of Appeals for the Seventh Circuit (December 2014)

U.S. Court of Appeals for the Eighth Circuit (December 2014)

U.S. Court of Appeals for the Ninth Circuit (March 2009)

U.S. Court of Appeals for the Tenth Circuit (February 2009)

U.S. Court of Appeals for the Eleventh Circuit (March 2011)

U.S. Court of Appeals for the D.C. Circuit (May 2008)

U.S. Court of Appeals for the Federal Circuit (March 2016)

U.S. District Court for the District of Columbia (April 2010)

U.S. District Court for the Eastern District of Virginia (April 2013)

U.S. District Court for the District of Idaho (November 2013)

U.S. District Court for the Eastern District of Texas (February 2021)

U.S. Court of International Trade (February 2016)

U.S. Court of Federal Claims (July 2016)

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Teneo Network, Inc.
Member, 2019 – Present

Federalist Society for Law and Public Policy Studies
Member, 2004 – Present (with intermittent changes and lapses in membership)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, letters to the editor, editorial pieces, and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

D.C. Circuit Finds Council on Environmental Quality's NEPA Regulations Are Unenforceable, Jones Day, Nov. 15, 2024. Copy supplied.

Supreme Court Overrules Chevron Deference, Jones Day, Jul. 2, 2024. Copy supplied.

Supreme Court Expands Window to Challenge Federal Regulations Under APA, Jones Day, Jul. 2, 2024. Copy supplied.

Canadian Drug Importation May Undermine Intellectual Property Protection, Jones Day, May 23, 2024. Copy supplied.

Delegation Dilemma: CFTC Rule Allows Staff to Circumvent Notice and Comment Rulemaking, Jones Day, May 14, 2024. Copy supplied.

OCC Proposal and Policy Statement on Bank Mergers Could Freeze the Banking Industry in Place, Jones Day, Feb. 14, 2024. Copy supplied.

SEC Rejects Call to Alter "No Admit/No Deny" Settlement Rule, Jones Day, Feb. 6, 2024. Copy supplied.

What About the Kitchen Sink? FSOC Plans Even More in 2024, Jones Day, Jan. 3, 2024. Copy supplied.

New FCC Rule Affects Consumer Consent for Robocalls and Robotexts, Jones Day, Dec. 1, 2023. Copy supplied.

DOJ's Immigration-Employment Program Faces Headwinds Amidst Milestone Settlement, Jones Day, Nov. 17, 2023. Copy supplied.

FDA Announces Proposed Rule Regarding Laboratory Developed Tests, Jones Day, Oct. 30, 2023. Copy supplied.

Grayscale Scores Win Against the SEC, but the Agency's Significant Market Test Remains Unaddressed, Jones Day, Sep. 5, 2023. Copy supplied.

Industry Anticipates Impending FDA Proposed Regulation Addressing Laboratory Developed Tests, Jones Day, Aug. 30, 2023. Copy supplied.

Federal Banking Agencies Propose Increased Capital Requirements for Large Banks, Jones Day, Aug. 1, 2023. Copy supplied.

FTC Public Comment Request Signals Continued Increase in State AGs Enforcement Efforts, Jones Day, Jun. 22, 2023. Copy supplied.

CFTC Staff Advisory Warns That SEF Prime Brokerage Arrangements Might Require DCO Registration, Jones Day, Jun. 8, 2023. Copy supplied.

FSOC Proposals Renew Threat of Nonbank "Systemically Important" Designations, Jones Day, May 5, 2023. Copy supplied.

CFTC Goes Beyond the Law to Pursue Nonexistent "Markets," Jones Day, Apr.

19, 2023. Copy supplied.

FAQs for Recent FTC Actions Against Employer/Employee Non-Compete Clauses, Jones Day, Jan. 11, 2023. Copy supplied.

The Back-and-Forth Continues: NLRB Once Again Seeks to Broaden Its Joint-Employer Standard, Jones Day, Sept. 15, 2022. Copy supplied.

Court of International Trade Remands Section 301 Tariffs to U.S. Trade Representative, Jones Day, Apr. 7, 2022. Copy supplied.

Ninth Circuit Approves California's Net Neutrality Law, Shifts Focus to FCC, Jones Day, Feb. 4, 2022. Copy supplied.

SCOTUS Evictions Decision Holds Lessons for Businesses, Bloomberg Law, Sept. 30, 2021. Copy supplied.

SEC Approves New Board Diversity Disclosure Requirements for Nasdaq-Listed Companies, Jones Day, Aug. 16, 2021. Copy supplied.

Biden Department of Labor Proposes \$15 Minimum Wage for Federal Contractors, Jones Day, Aug. 11, 2021. Copy supplied.

Speeding Toward an Infrastructure Bill: Analyzing the Infrastructure Investment and Jobs Act, Jones Day, Aug. 3, 2021. Copy supplied.

White House Instructs Agencies to Analyze and Mitigate "Climate-Related Financial Risk," Jones Day, May 25, 2021. Copy supplied.

U.S. Supreme Court Delivers Procedural Win to Corporate Defendants in Climate Change Litigation, Jones Day, May 20, 2021. Copy supplied.

Supreme Court Rules Tax Penalty Does Not Bar Pre-Enforcement Regulatory Challenge, Jones Day, May 18, 2021. Copy supplied.

White House Seeks to Raise Minimum Wage for Federal Contractors, Jones Day, May 11, 2021. Copy supplied.

CFPB Requires Debt Collectors Seeking Evictions to Provide Notice of CDC Moratorium, Jones Day, Apr. 23, 2021. Copy supplied.

Supreme Court Excuses Administrative Exhaustion for Some Structural Constitutional Claims, Jones Day, Apr. 23, 2021. Copy supplied.

The Road Ahead for Net Neutrality and the First Amendment, Jones Day, Apr. 20, 2021. Copy supplied.

Section 230 a Focus of Debate, Reform Proposals, Jones Day, Apr. 8, 2021. Copy supplied.

Roads Less Traveled: Breaking Down President Biden's Plan for America's Deteriorating Infrastructure System, Jones Day, Apr. 7, 2021. Copy supplied.

Second Circuit Affirms Dismissal of New York City's Climate Suit, Jones Day, Apr. 6, 2021. Copy supplied.

U.S. Supreme Court Clarifies TCPA's Definition of "Autodialer," Jones Day, Apr. 2, 2021. Copy supplied.

Preparing for Regulatory Litigation in the Biden Administration (with Donald F. McGahn, II), National Law Journal, Jan. 28, 2021. Copy supplied.

White House Revokes Prior Administration's Regulatory Reform Executive Orders, Jones Day, Jan. 26, 2021. Copy supplied.

White House Orders Attempt to Regulate Prescription Drug Prices, Jones Day, Jul. 29, 2020. Copy supplied.

Avoiding Pandemic-Related Employment Litigation and Disputes, Jones Day, May 28, 2020. Copy supplied.

Is COVID-19 Guidance a Sword or Shield in Regulatory Enforcement and Litigation?, Jones Day, May 26, 2020. Copy supplied.

White House Orders Agencies to Provide Regulatory Relief During and After COVID-19, Jones Day, May 20, 2020. Copy supplied.

Fourth Circuit Holds That Climate Change Lawsuit Belongs in State Court, Jones Day, May 13, 2020. Copy supplied.

Federal Agencies Launch New Websites Containing All Guidance Documents Still In Effect, Jones Day, May 13, 2020. Copy supplied.

What GCs Need to Know About the Government When Reopening (with Donald F. McGahn, II), Bloomberg Law, May 8, 2020. Copy supplied.

Protecting Against False Advertising of COVID-19 Molecular or Antibody Tests, Jones Day, Apr. 27, 2020. Copy supplied.

Section 232 Update: Challenges to Steel and Aluminum Derivative Tariffs Are Succeeding, Jones Day, Mar. 12, 2020. Copy supplied.

Justice Kavanaugh Hints at Future Consideration of Nondelegation Doctrine (with John Cheretis), Washington Legal Foundation, Feb. 19, 2020. Copy supplied.

White House Seeks Input on Regulatory Enforcement Reforms, Jones Day, Feb. 13, 2020. Copy supplied.

Court Vacates \$2 Million OFAC Penalty Against Exxon, Citing Lack of Fair Notice, Jones Day, Feb. 10, 2020. Copy supplied.

Ninth Circuit Dismisses Major Climate Change Lawsuit Against the Federal Government, Jones Day, Jan. 27, 2020. Copy supplied.

White House Executive Orders Limit Federal Agencies' Civil Enforcement Tools, Jones Day Oct. 11, 2019. Copy supplied.

D.C. Circuit Vacates FCC Order Preempting State Net Neutrality Regulation and Remands, Jones Day, Oct. 2, 2019. Copy supplied.

Injunctions on the Rise and Other Litigation Trends to Know (with Donald F. McGahn, II), The National Law Journal, Oct. 1, 2019. Copy supplied.

Facing FIRRMA: Proposed Regulations Expand Scope of CFIUS National Security Review Process, Jones Day, Sept. 26, 2019. Copy supplied.

Net Neutrality Proposals for Tech Platforms Raise First Amendment Concerns, Jones Day, Sept. 25, 2019. Copy supplied.

When Devising Your Litigation Strategy, Keep These Trends in Mind (with Donald F. McGahn, II), The National Law Journal, Sept. 24, 2019. Copy supplied.

Business and Commercial Litigation in Federal Courts, Fourth Edition in ABA L.J.: Litig. Section (2017) (with Megan L. Brown, Bert W. Rein, Richard W. Smith, Joshua S. Turner, Richard E. Wiley, Gregory M. Williams). I cannot locate a copy of this publication.

The International Comparative Legal Guide to: Telecoms, Media & Internet Laws & Regulations 2017 (with Jennifer Hindin), Global Legal Group, 2017. Copy supplied.

FCC's Use of "Fact Sheets" Short-Circuits the Administrative Procedure Act (with Dwayne D. Sam), Washington Legal Foundation, Nov. 10, 2016. Copy supplied.

10 Things to Know About Net Neutrality and Class Actions (with Stephen J.

Obermeier and Christen B'anca Glenn), Law360, Nov. 9, 2016. Copy supplied.

The FCC's Broadband Privacy Order: A New Privacy Framework (with Megan L. Brown, Scott D. Delacourt, Bennett L. Ross, Joshua S. Turner, Daniel P. Brooks, John T. Lin, Madi Lottenbach, Ari Meltzer, Katy M. Ross, and Dwayne D. Sam), Wiley Rein, Nov. 4, 2016. Copy supplied.

CFPB Launches Assault on Consumer Arbitration Clauses (with Megan L. Brown), Wiley Rein, May 5, 2016. Copy supplied.

Sponsored Data, Net Neutrality, and the 1st Amendment, Law360, Apr. 7, 2016. Copy supplied.

FCC Announces Consumer Broadband Labeling Initiative (with Bennett L. Ross), Wiley Rein, Apr. 4, 2016. Copy supplied.

Net Neutrality's Next Big Battle: Ad Blocking (with Bennett L. Ross and Max McCauley), L.A. Daily, Mar. 25, 2016. Copy supplied.

Business and Commercial Litigation in Federal Courts: Communications Litigation in Thomson Reuters, 4th Ed. (2016) (with Richard E. Wiley, Joshua S. Turner, and Megan L. Brown). Copy supplied.

D.C. Circuit Challenge to FCC's Authority Over Fax Advertisements Has Important First Amendment Implications, Bloomberg BNA's Telecommunications Law Resource Center, Dec. 12, 2015. Copy supplied.

Telecommunications & Electronic Media: Net Neutrality and the Rule of Law (with Richard E. Wiley), Engage: The Journal of the Federalist Society Practice Groups, July 2015 (with Richard E. Wiley). Copy supplied.

The FCC's Open Internet Order: New Net Neutrality Rules and Title II Regulation of Broadband (with Bennett L. Ross, Thomas J. Navin, and Eve Klindera Reed), Wiley Rein, Mar. 16, 2015. Copy supplied.

Supreme Court Empowers Federal Agencies to Upset the Settled Expectations of Regulated Industries (with Megan L. Brown), Wiley Rein, Mar. 10, 2015. Copy supplied.

FCC Adopts New Net Neutrality Rules and Imposes Title II Regulation on Broadband Services (with Bennett L. Ross and Thomas J. Navin), Wiley Rein, Feb. 26, 2015. Copy supplied.

D.C. Circuit Challenge to FCC's Authority Over Fax Advertisements Has Important First Amendment Implications (with Megan L. Brown), Privacy in Focus, Jan. 2015. Copy supplied.

The FCC's Expanding Use of Delegated Authority and the Dilemma of Appellate Jurisdiction in 31 Comms. Lawyer 2 (2015) (with Eve Klindera Reed and Jeremy J. Broggi). Copy supplied.

Don't Tread on the Internet (with Bennett L. Ross), L.A. Daily, Nov. 19, 2014. Copy supplied.

FCC Retroactively Waives Rule Requiring Opt-Out Notices on Fax Advertisements Sent with Prior Express Consent (with Scott D. Delacourt), Wiley Rein, Oct. 31, 2014. Copy supplied.

Emerging Guidance on TCPA Vicarious Liability, Privacy in Focus (Sept. 2014). Copy supplied.

Supreme Court to Review Administrative Procedure Act's Notice and Comment Requirements in Context of Interpretative Rules, Product Stewardship & Sustainability Report, Jul. 2014. Copy supplied.

Supreme Court to Review Administrative Procedure Act's Notice and Comment Requirements in Context of Interpretative Rules (with Megan L. Brown), Wiley Rein, Jun. 16, 2014. Copy supplied.

D.C. Circuit Vacates FCC "Net Neutrality" Rules, Wiley Rein, Jan. 15, 2014. Copy supplied.

Wiley Rein Files Amicus Brief on Behalf of NDIA Urging Dismissal of State-Law Tort Suits Against Contractors for Battlefield Conduct, Wiley Rein, Oct. 11, 2013. Copy supplied.

FCC Clarifies that a Seller May Be Held Vicariously Liable for the TCPA Violation of Its Telemarketing Firm (with Scott D. Delacourt), Wiley Rein, May 16, 2013. Copy supplied.

Testing the Limits of Chevron: Judicial Deference to the FCC on Universal Service, Bloomberg Law Reports, Feb. 13, 2012. I cannot locate a copy of this publication.

Wiley Rein Attorneys Achieve Successful Result in the U.S. Court of Appeals for Cancer Patient Seeking Asylum, Wiley Rein, Dec. 12, 2012. Copy supplied.

FCC Clarifies Telephone Consumer Protection Act Permits Confirmation Text Messages, Wiley Rein, Dec. 10, 2012. Copy supplied.

A Demand for Consistency in Deportation Decisions, N.J. L. J., Jan. 3, 2012. Copy supplied.

Implications of Ramirez-Villalpando v. Holder, Appellate Law360, Dec. 12, 2011. Copy supplied.

Wiley Rein Files Supreme Court Amicus Brief on Behalf of the Chamber of Commerce of the United States of America, Wiley Rein, Mar. 2, 2009. Copy supplied.

From "Sneak and Peek" to "Sneak and Steal": Section 213 of the USA Patriot Act in 19 Regent Univ. L. Rev. 203 (2006). Copy supplied.

Comment: Thou Shalt Not Speak: The Nondisclosure Provisions of the National Security Letter Statutes and the First Amendment Challenge in 41 Gonz L. Rev. 151 (2005). Copy supplied.

New Rules for a New War: The Applicability of the Geneva Conventions to Al-Qaeda and Taliban Detainees Captured in Afghanistan in 18 N.Y. Int'l L. Rev. 1 (2005). Copy supplied.

Taking the Next Step in Foreign Policy in 88 Furman Paladin 21 (2003). Copy supplied.

Peace Does not Come Without Expense in 88 Furman Paladin 20 (2003). Copy supplied.

"Enemy Combatant" Status Should Not Be Extended to U.S. Citizens in 88 Furman Paladin 19 (2003). Copy supplied.

U.S Foreign Policy Needs More Focus in 88 Furman Paladin 18 (2003). Copy supplied.

U.N. Has Key Development Role in 88 Furman Paladin 17 (2003). Copy supplied.

Allies? What Allies? in 88 Furman Paladin 16 (2003). Copy supplied.

Sentinel of Liberty: Patrick Henry in the Virginia Ratifying Convention of 1788 in 14 Furman Humanities Rev. 65 (2003). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have not located any such documents.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have not located any such documents.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

September 20, 2024: Panelist, *How to Sue The Government—And Win!*, Washington, DC. I discussed regulatory litigation involving the federal government at the Chamber of Commerce. I have no notes, transcript, or recording. The address of the Chamber of Commerce is 1133 21st Street NW, Suite M200, Washington, DC 20036.

September 19, 2024: Speaker, *Protecting Property Rights Through Regulatory Litigation*, Chicago, IL. I discussed regulatory litigation involving property rights at the National Association of Realtors Legal Education Seminar. I have no notes, transcript, or recording. The address of the National Association of Realtors is 500 New Jersey Avenue NW, Washington, DC 20001.

April 16, 2024: Panelist, *Is Humphrey's Executor Still Relevant?*, Washington,

DC. Recording available at: <https://fedsoc.org/conferences/twelfth-annual-executive-branch-review-conference-ebxii?#agenda-item-breakout-panel-4>.

April 10, 2024: Speaker, *Protecting Real Estate Owners and Operators Against Emerging Regulatory Risks: Junk Fees, Credit, Collection, and More*, Atlanta, Georgia. I discussed the real estate regulatory landscape. I have no notes, transcript, or recording. The address of Jones Day is 1221 Peachtree Street NE Suite 400, Atlanta, GA 30361.

February, 6, 2024: Guest Speaker, *George Mason University Scalia Law School's Separation of Powers Clinic*, Arlington, Virginia. I discussed my experience litigating the *Alabama Association of Realtors* case and my experience running the Federal Programs Branch. I have no notes, transcript, or recording. The address of George Mason University Scalia Law School is 3301 Fairfax Drive, Arlington, VA 22201.

November 13, 2023: Guest Speaker, *George Mason University Scalia Law School's Administrative Law Clinic*, Arlington, Virginia. I discussed my experience running the Federal Programs Branch. I have no notes, transcript, or recording. The address of George Mason University Scalia Law School is 3301 Fairfax Drive, Arlington, VA 22201.

February 4, 2023: Panelist, *Post-Pandemic Legal Landscape and the Next Crisis*, Orlando, Florida. Recording available at: <https://fedsoc.org/conferences/ninth-annual-florida-chapters-conference?#agenda-item-panel-three-post-pandemic-legal-landscape-and-the-next-crisis>.

October 13, 2022: Speaker, *National Association of Realtors Legal Education Seminar: Constitutional Law Keynote: Takings Challenges and Cases to Watch (Webinar)*, Washington, DC. I discussed takings cases. I have no notes, transcript, or recording. The address of the National Association of Realtors is 500 New Jersey Avenue NW, Washington, DC 20001.

July 13, 2022: Panelist, *Federal Agency ESG-Related Rulemakings (Webinar)*, Washington, DC. I discussed federal ESG regulations. I have no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

January 27, 2022: Panelist, *A View From Washington: Regulatory and Legislative Developments During the Biden Administration (Webinar)*, Washington, DC. I discussed regulatory and legislative developments. I have no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

January 12, 2022: Speaker, *U.S. Government Records & Disclosure (Webinar)*, Washington, DC. I discussed federal records and disclosure requirements. I have

no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

December 10, 2021: Speaker, *Vaccine Mandates and the Workplace – Legal and Practical Considerations for Employers (Webinar)*, Washington, DC. I discussed vaccine mandates. I have no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

October 26, 2021: Panelist, *Litigation Strategy Forum for Administrative State Reform*, Alexandria, Virginia. I participated in a panel discussion hosted by the Pacific Legal Foundation and The Cato Institute about how litigation challenging the eviction moratorium could inform legal challenges to vaccine mandates. I have no notes, transcript, or recording. The address of the Pacific Legal Foundation is 3100 Clarendon Boulevard, Suite 1000, Arlington, VA 22201.

October 2021: Speaker, *Recent Trends in ESG Litigation*, Washington, DC. I discussed federal ESG regulations. I have no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

September 28, 2021: Speaker, *Litigation Update: Alabama Ass'n of Realtors v. HHS (Webinar)*, Washington, DC. Recording available at: <https://fedsoc.org/events/litigation-update-alabama-association-of-realtors-v-hhs>.

September 2021: Speaker, *Alabama Ass'n of Realtors v. Dep't of Health & Human Servs.*, Washington, DC. I discussed *Alabama Ass'n of Realtors v. Dep't of Health & Human Servs.* I have no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

September 2021: Speaker, *The "Cancel the Rent Movement" – Conversation with the Plaintiff and Litigator that won the Eviction SCOTUS Case*, Adairsville, Georgia. I discussed *Alabama Ass'n of Realtors v. Dep't of Health & Human Servs.* at the Teneo Network, Inc. Annual Retreat. I have no notes, transcript, or recording. The address of Teneo Network, Inc. is 512 W MLK Jr. Boulevard, Suite 239, Austin, TX 78701.

September 2021: Speaker, *Judges, SCOTUS, and the Shadow Docket*, Adairsville, Georgia. I discussed emergency litigation in the Supreme Court of the United States at the Teneo Network, Inc. Annual Retreat. I have no notes, transcript, or recording. The address of Teneo Network, Inc. is 512 W MLK Jr. Boulevard, Suite 239, Austin, TX 78701.

June 3, 2020: Panelist, *Return to Workplace Legal Considerations U.S. Companies Need to Know Post-COVID-19 (Webinar)*, Washington, DC. I participated in a panel discussion about businesses operating in a post-COVID-19 environment. I have no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

March 3, 2020: Speaker, *What In-House Counsel Need to Know About Agency Guidance: Banking Industry (Webinar)*, Washington, DC. I discussed regulatory and legislative developments. I have no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

January 29, 2020: Speaker, *What In-House Counsel Need to Know About Agency Guidance (Webinar)*, Washington, DC. I discussed regulatory and legislative developments. I have no notes, transcript, or recording. The address of Jones Day is 51 Louisiana Avenue NW, Washington, DC 20001.

November 21, 2019: Speaker, *What In-House Counsel Need to Know About Agency Guidance: Telecommunications Industry*, Basking Ridge, New Jersey. I discussed regulatory and legislative developments at Verizon's headquarters. I have no notes, transcript, or recording. The address of Verizon is 1 Verizon Way, Basking Ridge, NJ 07920.

November 19, 2019: Speaker, *What In-House Counsel Need to Know About Agency Guidance: Retail Industry*, Bentonville, Arkansas. I discussed regulatory and legislative developments at Walmart's headquarters. I have no notes, transcript, or recording. The address of Walmart is 702 SW 8th Street, Bentonville, AR 72712.

October 29, 2019: Panelist, *The Future of Administrative Records after Department of Commerce v. New York (Teleforum)*, Washington, DC. Recording available at: <https://fedsoc.org/events/the-future-of-administrative-records-after-department-of-commerce-v-new-york>.

October 15, 2019: Speaker, *Jones Day Talks: The D.C. Circuit's Mixed Decision on Net Neutrality*, Washington, DC. Recording available at: <https://jonesdaytalks.blubrry.net/2019/10/15/jones-day-talks-the-d-c-circuits-mixed-decision-on-net-neutrality/>.

October 14, 2019: Speaker, *Jones Day Talks: Game Changer? California's Fair Pay to Play Act and the Future of College Sports*, Washington, DC. Recording available at: <https://jonesdaytalks.blubrry.net/2019/10/14/jones-day-talks-game-changer-californias-fair-pay-to-play-act-and-the-future-of-college-sports/>.

June 6, 2017: Moderator, *Litigation Update: United States Telecom Association v. Federal Communications Commission – Podcast*, Washington, DC. Recording available at: <https://fedsoc.org/commentary/podcasts/litigation-update-united-states-telecom-association-v-federal-communications-commission-podcast>.

February 21, 2017: Speaker, *Litigation Update: American Bankers Association and Washington Federal v. U.S – Podcast*, Washington, DC. Recording available at: <https://fedsoc.org/commentary/podcasts/litigation-update-american-bankers->

association-and-washington-federal-v-u-s-podcast.

December 12, 2016: Speaker, *Free Speech and the Internet*, Washington, DC. Recording available at: <https://www.youtube.com/watch?v=F9wo51gxEl0>.

October 20, 2016: Speaker, *Taking the FCC to Court: An Adventurous Agency Faces Increasing Judicial Oversight*, Washington, DC. Recording available at: <https://www.wlf.org/2016/10/21/wlf-legal-pulse/telecom-regulation-experts-question-fccs-conformity-to-law-constitution-at-wlf-briefing/>.

June 20, 2016: Speaker, *Net Neutrality Survives D.C. Circuit Challenge: U.S. Telecom Association v. FCC*, Washington, DC. I discussed the FCC's net neutrality regulations at The Federalist Society. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street NW, Suite 300, Washington, DC 20006.

May 3, 2016: Speaker, *The President's Judicial Legacy*, Washington, DC. Recording available at: <https://fedsoc.org/commentary/podcasts/the-president-s-judicial-legacy-podcast>.

October 16, 2015: Speaker, *Net Neutrality Litigation*, Washington, DC. I discussed the FCC's net neutrality regulations at The Federalist Society. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street NW, Suite 300, Washington, DC 20006.

May 8, 2015: Panelist, *Consequences of Net Neutrality: Perspectives from Across the Industry*, 2015 FCBA Annual Seminar, Cambridge, Maryland. I discussed net neutrality at the Federal Communications Bar Association Annual Seminar. I have no notes, transcript, or recording. The address of the Federal Communications Bar Association is 1020 19th Street NW #325, Washington, DC 20036.

March 30, 2015: Moderator, *Understanding Net Neutrality and the Path Ahead*, Washington, DC. I moderated a panel on the nuts and bolts of Title II Reclassification at an event hosted by the Federal Communications Bar Association. I have no notes, transcript, or recording. The address of Wiley Rein is 2050 M Street NW, Washington, DC 20036.

March 18, 2015: Speaker, *The FCC's Open Internet Order: A New Era of Broadband Regulation (Webinar)*, Washington, DC. I discussed the FCC's net neutrality regulations. I have no notes, transcript, or recording. The address of the Wiley Rein is 2050 M Street NW, Washington, DC 20036.

March 12, 2015: Moderator, *The Nuts and Bolts of Title II Reclassification, FCBA CLE Seminar: Understanding Net Neutrality and the Path Ahead*, Washington, DC. I discussed net neutrality at the Federal Communications Bar

Association wherein the panel discussed new rules released by the FCC reclassifying broadband. I have no notes, transcript, or recording. The address of the Federal Communications Bar Association is 1020 19th Street NW #325, Washington, DC 20036.

March 11, 2015: Panelist, *Panel on Hot Issues in Tech Policy & Regulation, including Net Neutrality, from the Practitioner's View*, Cambridge, MA. I discussed policies and regulations concerning technology at Harvard Law School. I have no notes, transcript, or recording. The address of Harvard Law School is 1585 Massachusetts Avenue, Cambridge, MA 02138.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Press Releases

Press Release, U.S. Dep't of Just., Office of Pub. Affs., Health Net Federal Services, LLC and Centene Corporation Agree to Pay Over \$11 Million to Resolve False Claims Act Liability for Cybersecurity Violations (Feb. 18, 2025). Copy supplied.

Press Release, U.S. Dep't of Just., Office of Pub. Affs., District Court Enters Permanent Injunctions Prohibiting Unauthorized Debits to Consumer and Small Business Bank Accounts (Feb. 18, 2025). Copy supplied.

Press Release, U.S. Dep't of Just., Office of Pub. Affs., Saint Vincents Catholic Medical Centers of New York Agrees to Pay \$29M to Resolve Alleged False Claims Act Violations (Feb. 14, 2025). Copy supplied.

Press Release, U.S. Dep't of Just., Office of Pub. Affs., Lockheed Martin Corporation Agrees to Settle False Claims Act Allegations of Defective Pricing (Feb. 6, 2025). Copy supplied.

Press Release, U.S. Dep't of Just., Off. of Pub. Affs., California Food Distributor Settles False Claims Act Liability Relating to Self-Disclosure of Small Business Contracting Violations (Jan. 29, 2025). Copy supplied.

Press Release, U.S. Dep't of Just., Off. of Pub. Affs., Jamaican Citizen Sentenced to Prison in Connection with Lottery Scheme (Jan. 28, 2025). Copy supplied.

Press Release, U.S. Dep't of Just., Off. of Pub. Affs., Pfizer Agrees to Pay Nearly 60M to Resolve False Claims Allegations Relating to Improper Physician Payments by Subsidiary (Jan. 24, 2025). Copy supplied.

Press Release, U.S. Dep't of Justice, Off. of Pub. Affs., Corporation and Former Chief Executive Officer Plead Guilty to Health Care Fraud and Tax Conspiracy (Jan. 24, 2025). Copy supplied.

Press Release, Wiley Rein, FCC Clarifies Telephone Consumer Protection Act Permits Confirmation Text Messages (Dec. 10, 2012). Copy supplied.

Interview

Adam Sege, *Rising Star: Wiley Rein's Brett Shumate*, Law360 (Apr. 8, 2016). Copy supplied.

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not run for public office.

I have held the following appointed positions at the U.S. Department of Justice:

Deputy Assistant Attorney General, Civil Division, 2017 – 2019.
I was appointed by Attorney General Jefferson B. Sessions.

Acting Assistant Attorney General, Civil Division, January 2025 – February 2025.
I was appointed by Acting Attorney General James McHenry.

Deputy Assistant Attorney General, Tax Division, February 2025 – Present.
I was appointed by Attorney General Pamela Bondi.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I am a member of the Republican Party, but I have not held a position or played a

formal role in a political campaign.

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From August 2006 to August 2007, I served as a law clerk for Chief Judge Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

July 2003 – August 2003
Kraftson Caudle LLC
1600 Tysons Boulevard
McLean, VA 22102
Intern

May 2004 – July 2004
U.S. Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue NW
Washington, DC 20530
Law Clerk

July 2004 – August 2004
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
230 North Elm Street
2000 Renaissance Plaza
Greensboro, North Carolina 27401
Summer Associate

May 2005 – August 2005
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036
Summer Associate

September 2007 – December 2014
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036
Associate

January 2015 – June 2017
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036
Partner

June 2017 – June 2019
U.S. Department of Justice
Civil Division
950 Pennsylvania Avenue NW
Washington, DC 20530
Deputy Assistant Attorney General

August 2019 – January 2025
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001
Partner

January 2025 – February 2025
U.S. Department of Justice
Civil Division
950 Pennsylvania Avenue NW
Washington, DC 20530
Acting Assistant Attorney General

February 2025 – Present
U.S. Department of Justice
Tax Division
950 Pennsylvania Avenue NW
Washington, DC 20530
Deputy Assistant Attorney General

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

In 2007, I joined Wiley Rein LLP, where my work included civil litigation and appellate matters. In 2017, I was appointed Deputy Assistant Attorney General for the Civil Division's Federal Programs Branch at the U.S. Department of Justice. In that role, I supervised attorneys defending the Executive Branch in cases challenging federal laws, regulations, and policies. In 2019, I became a partner at Jones Day, where my work included civil litigation and appellate matters. In January 2025, I was appointed Acting Assistant Attorney General for the Civil Division at the U.S. Department of Justice. In that role, I supervised attorneys within the Civil Division's Federal Programs Branch, Appellate Staff, Office of Immigration Litigation, Commercial Litigation Branch, Torts Branch, and Consumer Protection Branch. Since February 2025, I have served as a Deputy Assistant Attorney General in the Tax Division.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

At Wiley Rein LLP, from 2007 to 2017, our clients included telecommunications providers that we represented in litigation and regulatory matters involving the Federal Communications Commission. From 2017 to 2019, in the Civil Division's Federal Programs Branch at the U.S. Department of Justice, I supervised attorneys defending the Executive Branch in cases challenging federal laws, regulations, and policies. At Jones Day, from 2019 to 2025, our clients included trade associations and companies that we represented in litigation and regulatory matters involving federal agencies. In January 2025, at the U.S. Department of Justice's Civil Division, I supervised attorneys within the Civil Division's Federal Programs Branch, Appellate Staff, Office of Immigration Litigation, Commercial Litigation Branch, Torts Branch, and Consumer Protection Branch. Since February 2025, I have served as a Deputy Assistant Attorney General in the Tax Division.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

At the Department of Justice, 100% of my practice has been focused on litigation. I frequently appear in court on behalf of the United States. In private practice, 50% of my practice was focused on litigation challenging laws, regulations, and executive orders on constitutional and statutory grounds. I frequently appeared in court on behalf of my clients in these cases. The other 50% of my private practice

was focused on regulatory matters before federal agencies.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 50% |
| 2. state courts of record: | __% |
| 3. other courts: | __% |
| 4. administrative agencies: | 50% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 95% |
| 2. criminal proceedings: | 5% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried three cases to judgment. As Deputy Assistant Attorney General, I supervised the trial team, participated in trial strategy, and examined witnesses.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | __% |
| 2. non-jury: | 100% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not argued orally before the Supreme Court. I have served as counsel in the following filings before the Supreme Court:

Brief for the United States in Opposition, *Sandhills Med. Found. v. Ford*, No. 24-483, 2025 U.S. S. Ct. Briefs LEXIS 261.

Brief for the Federal Petitioner, *Fuld v. PLO*, Nos. 24-20 and 24-151, 2025 U.S. S. C. Briefs LEXIS 273.

Reply to Brief in Opposition, *Consumers' Research v. Consumer Prod. Safety Comm'n*, No. 23-1323, 2024 U.S. S. Ct. Briefs LEXIS 3094.

Petition for a Writ of Certiorari, *Consumers' Research v. Consumer Prod. Safety Comm'n*, No. 23-1323, 2024 U.S. S. Ct. Briefs LEXIS 2120.

Brief for *Amicus Curiae* National Association of Realtors® in Support of Petitioners, *G-Max Mgmt. v. NY*, No. 23-1148, 2024 U.S. S. Ct. Briefs LEXIS 1923.

Reply to Brief in Opposition, *Allstates Refractory Contractors v. Su*, No. 23-819, 2024 U.S. S. Ct. Briefs LEXIS 1773.

Petition for a Writ of Certiorari, *Allstates Refractory Contractors v. Su*, No. 23-819, 2024 U.S. S. Ct. Briefs LEXIS 345.

Brief *Amicus Curiae* of James P. Corcoran, Former New York Superintendent of Insurance in Support of Petitioner, *NRA of Am. v. Vullo*, No. 22-842, 2024 U.S. S. Ct. Briefs LEXIS 147.

Brief for *Amici Curiae* National Association of Realtors® et al., *Sheetz v. Cnty. of El Dorado*, No. 22-1074, 2023 U.S. S. Ct. Briefs LEXIS 3553.

Brief for *Amici Curiae* National Association of Realtors® et al., *Devillier v. Texas*, No. 22-913, 2023 U.S. S. Ct. Briefs LEXIS 3559.

Brief for *Amici Curiae* National Apartment Association et al., *Community Hous. Improvement Program v. City of NY*, Nos. 22-1095 and 22-1130, 2023 U.S. S. Ct. Briefs LEXIS 1795.

Brief for *Amici Curiae* National Association of Realtors® et al., *Tyler v. Hennepin Cnty.*, No. 22-166, 2023 U.S. S. Ct. Briefs LEXIS 775.

Brief for *Amici Curiae* National Association of Realtors® in Support of Petitioners, *Columbia House of Brokers Realty v. Designworks Homes*, No. 21-1217, 2022 U.S. S. Ct. Briefs LEXIS 1164.

Petition for a Writ of Certiorari before judgment, *DHS v. Regents of Univ. of CA*, No. 18-587 (filed Nov. 5, 2018).

Brief for the Respondents in Opposition, *Stagg P.C. v. Dep't of State*, No. 17-94, 2017 U.S. S. Ct. Briefs LEXIS 4348.

Brief for the Respondents in Opposition, *Defense Distributed v. Dep't of State*, No. 17-190, 2017 U.S. S. Ct. Briefs LEXIS 4330.

Reply Brief, *Tsolainos v. Cain*, No. 13-922, 2014 U.S. S. Ct. Briefs LEXIS 1619.

Reply Brief, *Scott v. Am. Fed'n of State, Cnty., & Mun. Emps. Council 79*, No. 13-841, 2014 U.S. S. Ct. Briefs LEXIS 1286.

Petition for a Writ of Certiorari, *Tsolainos v. Cain*, No. 13-922, 2014 U.S. S. Ct. Briefs LEXIS 367.

Petition for a Writ of Certiorari, *Scott v. Am. Fed'n of State, Cnty., & Mun. Emps. Council 79*, No. 13-841, 2014 U.S. S. Ct. Briefs LEXIS 118.

Petition for Rehearing, *Kwong v. Holder*, No. 12-150, 2013 U.S. S. Ct. Briefs LEXIS 3012.

Brief of the National Defense Industrial Association as *Amici Curiae* in Support of Petitioner, *Kellogg Brown & Root Servs. v. Harris*, No. 13-817, 2013 U.S. S. Ct. Briefs LEXIS 682.

Brief of the Judicial Education Project et al. as *Amici Curiae* in Support of Petitioners, *Dool v. Burke*, No. 12-738, 2013 U.S. S. Ct. Briefs LEXIS 204.

Brief for Intervenor-Respondent CellCo Partnership d/b/a Verizon Wireless, *City of Arlington v. FCC*, Nos. 11-1545 and 11-1547, 2012 U.S. S. Ct. Briefs LEXIS 5232.

Reply Brief, *Kwong v. Holder*, No. 12-150, 2012 U.S. S. Ct. Briefs LEXIS 4940.

Brief *Amici Curiae* for the National Association of Subrogation Professionals and the Self Insurance Institute of America, Inc. in Support of Petitioner, *U.S. Airways v. McCutchen*, No. 11-1285, 2012 U.S. S. Ct. Briefs LEXIS 3641.

Petition for a Writ of Certiorari, *Kwong v. Holder*, No. 12-150, 2012 U.S. S. Ct. Briefs LEXIS 3228.

Brief of the Chamber of Commerce of the United States of America as *Amicus Curiae* Supporting Petitioners, *American Tradition P'ship v. Bullock*, No. 11-1179, 2012 U.S. S. Ct. Briefs LEXIS 1805.

Petition for a Writ of Certiorari, *Ramirez-Villalpando v. Holder*, No. 11 415, 2011 U.S. S. Ct. Briefs LEXIS 1526.

Brief in Opposition for Respondent WRNN License Co., LLC, *Cablevision SYS Corp. v. FCC*, No. 09-901, 2010 U.S. S. Ct. Briefs LEXIS 1151.

Emergency Application to Vacate the Stay Pending Appeal and for Immediate Administrative Vacatur; Reply in Support of Emergency Application for a Vacatur of the Stay Pending Appeal; Reply in Support of Emergency Application to Vacate the Stay Pending Appeal, *Alabama Association of Realtors v. HHS*, No. 21A23. Copy supplied.

Brief of the Chamber of Commerce of the United States of America as *Amicus Curiae* in Support of Petitioner, *VFJ Ventures v. Surtees*, No. 08-916. Copy supplied.

Petition for Writ of Certiorari, *Alltel Communs. v. City of Springfield, Mo.*, 555 U.S. 1071 (2008) (No. 08-548). Copy supplied.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. Alabama Association of Realtors v. HHS
Case Nos. 20-CV-3377, 21-5093, 21A23, 20A169
2021 WL 4057718 (D.C. Cir. Sept. 3, 2021), 539 F. Supp. 3d 29 (D.D.C. 2021),
594 U.S. 758 (2021)
U.S. District Court for the District of Columbia (Hon. Dabney L. Friedrich)
U.S. Court of Appeals for the D.C. Circuit
Supreme Court of the United States
2020 – 2021

My law firm represented property owners challenging the Centers for Disease Control and Prevention's (CDC) nationwide moratorium on evictions, which prevented property owners from evicting certain tenants who failed to pay rent during the COVID-19 pandemic. A federal district court in Washington, D.C. agreed that the moratorium exceeded the agency's statutory authority under the Public Health Service Act and vacated the moratorium nationwide. After the district court granted the government's motion for a stay pending appeal, my law firm asked the Supreme Court to vacate the stay. On August 26, 2021, the Supreme Court vacated the stay, allowing the district court's judgment to take effect. My work largely consisted of developing the legal arguments and appearing in the district court.

Primary Co-Counsel:

Charlotte H. Taylor

Jones Day
51 Louisiana Avenue NW
Washington, DC 20001
(202) 879-3939

Autumn Hamit Patterson
Louisiana Department of Justice
Solicitor General Benjamin Aguiñaga's Office
1885 North Third Street
Baton Rouge, LA 70802
(225) 326-6079

Opposing Counsel:

Brian H. Fletcher
Stanford Law School
Crown Quadrangle
559 Nathan Abbott Way
Stanford, CA 94305
(650) 723-2465

Leslie Cooper Vigen
Meta Platforms, Inc.
575 7th Street NW, Suite 700
Washington, DC 20004
(650) 441-2248

2. Sanofi-Aventis U.S., LLC v. HHS

Case Nos. 21-CV-00634, 21-CV-0080621-3167, 21-3379, 21-3168, 21-3380, and 22-1676

570 F. Supp. 3d 129 (D.N.J. 2021), 58 F.4th 696 (3d Cir. 2023)
U.S. District Court for the District of New Jersey (Hon. Freda L. Wolfson)
U.S. Court of Appeals for the Third Circuit
2021 – 2023

My law firm represented Sanofi in litigation challenging the U.S. Department of Health and Human Services' (HHS) enforcement action under Section 340B of the Public Health Service Act. The U.S. Court of Appeals for the Third Circuit issued an opinion rejecting HHS's interpretation of Section 340B. My work largely consisted of developing the legal arguments.

Primary Co-Counsel:

Ashley C. Parrish
King & Spalding LLP
1700 Pennsylvania Avenue NW # 900

Washington, DC 20006
(202) 737-0500

Allon Kedem
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue NW
Washington, DC 20001
(202) 942-5000

Opposing Counsel:

Alisa B. Klein
The Wilmington University School of Law
10 Beaver Valley Road
Wilmington, DE 19803
(302) 268-1280

Daniel J. Aguilar
Civil Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 514-2000

3. Verizon v. FCC
Case Nos. 11-1355, 11-1356
740 F.3d 623 (D.C. Cir. 2014)
U.S. Court of Appeals for the D.C. Circuit
2011 – 2014

My law firm represented Verizon in litigation challenging the Federal Communications Commission's Open Internet Rules. The U.S. Court of Appeals for the D.C. Circuit issued an opinion vacating some of the rules. My work largely consisted of drafting the briefs.

Primary Co-Counsel:

Helgi C. Walker
Gibson, Dunn & Crutcher
1700 M Street NW
Washington, DC 20036
(202) 955-8500

William Spencer Consovoy
Deceased

Eve Klindera Reed
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036
(202) 719-7000

Opposing Counsel:

James M. Carr
The Law Offices of Baldwin & Briscoe, P.C.
3010 Robert S. Crain Highway
Suite 100B
Waldorf, MD 20601
(443) 853-8698

Nickolai Levin
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 514-2000

4. United States Telecom Association v. FCC
Case No. 15-1063
825 F.3d 674 (D.C. Cir. 2016)
U.S. Court of Appeals for the D.C. Circuit
2015 – 2017

My law firm represented Alamo Broadband and Daniel Berninger in litigation challenging the Federal Communications Commission's Open Internet Order reclassifying broadband service as a telecommunications service, subject to common carrier regulation under Title II of the Communications Act. The U.S. Court of Appeals for the D.C. Circuit issued an opinion upholding the rules and denying rehearing en banc. My work largely consisted of the drafting the briefs and arguing part of the appeal.

Primary Co-Counsel:

Michael K. Kellogg
Kellogg, Hansen, Todd, Figel & Frederick: P.L.L.C.
1615 M Street NW
Suite 400
Washington, DC 20036
(202) 326-7900

Opposing Counsel:

James M. Carr
The Law Offices of Baldwin & Briscoe, P.C.
3010 Robert S. Crain Highway
Suite 100B
Waldorf, MD 20601
(443) 853-8698

David M. Gossett
Davis Wright Tremaine
1301 K Street NW
Suite 500
Washington, DC 20005
(202) 973-4200

5. Campaign Legal Center v. 45Committee, Inc
Case No. 23-7040
118 F.4th 378 (D.C. Cir. 2024)
U.S. Court of Appeals for the D.C. Circuit
2022 – 2024

My law firm represented 45Committee in an appeal of a dismissal of a citizen suit under the Federal Election Campaign Act. The D.C. Circuit held that the plaintiff failed to satisfy the preconditions to bring a citizen suit. My work largely consisted of developing the litigation strategy.

Primary Co-Counsel:

Edward Stewart Crosland
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001
(202) 879-3939

Opposing Counsel:

Kevin P. Hancock
Campaign Legal Center
1101 14th Street NW
Suite 400
Washington, DC 20005
(202) 736-2200

6. Nissan Chemical Corporation v. FDA
Case No. 22-1598
2024 WL 3724686 (D.D.C. 2024)

U.S. District Court for the District of Columbia (Hon. Richard L. Leon)
2022 – 2024

My law firm represented Nissan Chemical Corporation in challenging the U.S. Food and Drug Administration's (FDA) regulatory review period determination for its drug. The U.S. District Court for the District of Columbia held that the FDA's shifting approach to calculating regulatory review periods deprived the patent owner of fair notice and that the agency's failure to publicly acknowledge its change in position violated the Administrative Procedure Act. My work largely consisted of developing the litigation strategy.

Primary Co-Counsel:

Colleen M. Heisey
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001
(202) 879-3939

Opposing Counsel:

James William Harlow
U.S. Department of Justice
Consumer Protection Branch
PO Box 386
Washington, DC 20044
(202) 514-2000

7. Heritage Action for America v. Federal Election Commission
Case No. 22-CV-1422
682 F. Supp. 3d 62 (D.D.C. 2023)
U.S. District Court for the District of Columbia (Hon. Carl J. Nichols)
2022 – 2023

My law firm represented Heritage Action for America in challenging a policy adopted by the Federal Election Commission to conceal the FEC Commissioners' votes deadlocking on whether administrative complaints warranted agency enforcement efforts. The U.S. District Court for the District of Columbia held that the Commission violated the Administrative Procedure Act. My work largely consisted of developing the litigation strategy and appearing in court.

Primary Co-Counsel:

Edward Stewart Crosland
Charles E.T. Roberts
Jones Day

51 Louisiana Avenue NW
Washington, DC 20001
(202) 879-3939

Opposing Counsel:

Kevin Deeley
Federal Election Commission
1050 First Street NE
Washington, DC 20463
(202) 694-1556

8. Exxon Mobil Corp. v. Arjuna Capital LLC
Case No. 4:24-CV-00069
737 F. Supp. 3d 444 (N.D. Tex. 2024)
U.S. District Court for the Northern District of Texas (Hon. Mark T. Pittman)
2024

My law firm represented Exxon Mobil Corporation in seeking a declaratory judgment that it may exclude a shareholder proposal from its proxy statement under SEC Rule 14a-8. After the organizations withdrew their proposal, the court dismissed the case as moot. My work largely consisted of developing the litigation strategy.

Primary Co-Counsel:

Mark Waldemar Rasmussen
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001
(202) 879-3939

Opposing Counsel:

Veronica Mary Renzi
Womble Bond Dickinson
2001 K Street NW
Suite 400 South
Washington, DC 20006
(202) 467-6900

9. Consumers' Research v. Consumer Product Safety Commission
Case Nos. 6:21-CV-256-JDK, 22-40328
592 F.Supp.3d 568 (E.D. Tex. 2024), 91 F.4th 342 (5th Cir. 2024)
U.S. District Court for the Eastern District of Texas (Hon. Jeremy D. Kernodle)
U.S. Court of Appeals for the Fifth Circuit

2021 – 2024

My law firm represented Jones Day represented Consumers' Research and By Two LLP in a constitutional challenge to the structure of the Consumer Product Safety Commission. The Fifth Circuit upheld the Commission's structure. My work largely consisted of developing the legal arguments and appearing in court.

Primary Co-Counsel:

Anthony J. Dick
Jones Day
51 Louisiana Avenue NW
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(202) 879-3939

Opposing Counsel:

James W. Harlow
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Consumer Protection Branch
PO Box 386
Washington, DC 20044
(202) 514-2000

Chetan A. Patil
U.S. Department of Justice
Federal Programs Branch
Civil Division
PO Box 883
Washington, DC 20044
(202) 514-2000

10. Allstates Refractory Contractors v. Su
Case Nos. 3:21 CV 1864, 22-3772
625 F.Supp.3d 676 (N.D. Ohio 2022), 79 F.4th 755 (6th Cir. 2023)
U.S. District Court for the Northern District of Ohio (Hon. Jack Zouhary)
U.S. Court of Appeals for the Sixth Circuit
2021 – 2024

My law firm represented Allstates Refractory Contractors in a constitutional challenge to the Occupational Safety and Health Administration's (OSHA) statute. The U.S. Court of Appeals for the Sixth Circuit upheld the statute. My work largely consisted of developing the legal arguments and appearing in court.

Primary Co-Counsel:

Anthony J. Dick
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51 Louisiana Avenue NW
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(202) 879-3939

Opposing Counsel:

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U.S. Department of Justice
Civil Division
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 514-2000

Alisa B. Klein
The Wilmington University School of Law
10 Beaver Valley Road
Wilmington, DE 19803
(302) 268-1280

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In private practice, my non-litigation work focused on regulatory matters before federal agencies. For example, I regularly drafted comment letters on proposed rules, advised clients on regulatory litigation, and defending clients in enforcement matters before federal agencies. In this regard, my most significant regulatory matters involved representing Sanofi before the Health Resources and Services Administration in matters related to the 340B Program. I have not performed any lobbying activities.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses on a full-time basis. On occasion, I have been asked to serve as a guest lecturer at educational institutions on various topics. I have described those lectures in response to Question 12(d) above.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all

anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Jones Day is holding approximately \$46,500 as a mandatory retirement contribution that will be deposited into my 401(k) at the end of the calendar year. In addition, when I reach the age of 65, I will receive approximately \$47,944.96 annually as part of the Jones Day defined benefit pension plan, assuming plan investment performance meets expectations.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my OGE-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

During the Department of Justice onboarding process in January 2025, I consulted with the Department of Justice's ethics office and the Civil Division's Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the applicable regulations in consultation with the Civil Division's Designated Ethics Officer. If confirmed, I will continue to consult with the Civil Division's Designated Ethics Officer about conflicts of interest and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Throughout my career I have been committed to performing *pro bono* legal service. The matters on which I have worked have varied, but these matters have generally involved litigation. I successfully represented a *pro bono* client seeking disability benefits before the Social Security Administration, personally argued *pro bono* cases as part of the U.S. Court of Appeals for the Ninth Circuit's Pro Bono Program, and filed amicus briefs in the Supreme Court on behalf of *pro bono* clients. Altogether, I estimate that I have dedicated hundreds of hours to *pro bono* clients throughout my career.

AFFIDAVIT

I, Brett Allen Shumate, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

Brett Shumate

~~2/12/~~ 2/11/25
(DATE)

Brett Allen Shumate
(NAME)

J. Jangbo
(NOTARY)

District of Columbia
Signed and sworn to (or affirmed) before me
on 2/11/25 by Brett Allen Shumate
Date Name(s) of Individual(s) making Statement

J. Jangbo
Signature of Notarial Officer
Financial Services Rep.
Title of Office
My commission expires: 9/14/2029

