

Complex Civil Litigation

Miller & Chevalier has developed a deep bench of elite litigators capable of handling the most significant of complex civil litigation matters. Given our federal regulatory practice areas and Washington, DC home, we are particularly adept at litigating against the federal government, representing government entities and officials, handling cross-border disputes, and representing clients in connection with novel or unsettled legal issues, including complex federal jurisdictional, preemption, and deference doctrine questions. We also represent public and private companies and their executives in a range of high-end commercial and governance disputes, including those related to fiduciary duty, fraud, contract disputes, director and officer liability, employment and severance claims, and information protection. The work in Miller & Chevalier's core substantive practice areas of tax, white collar, employee benefits, and international often involves complex disputes that must be resolved in federal court. Our cases take us to federal district and appellate courts throughout the country, as well as our local federal courts in Washington, DC, Maryland, and Virginia, including the expedited ("rocket") docket in the Eastern District of Virginia. Our litigators also have experience handling complex state court cases, including in Delaware, Massachusetts, and New York. In addition to our extensive litigation experience in the firm's core specialties, we frequently litigate cases involving government contracts or programs, such as False Claims Act (FCA) cases, Administrative Procedure Act matters, and Inspector General inquiries.

With a team of over 30 litigators, we handle matters from pre-complaint investigation, through discovery, summary judgment, trial, and the appeals process. We have the bench strength to successfully litigate against any firm or the federal government but are small enough to ensure that client service remains at the forefront of every engagement. Our command of the facts, law, and written advocacy and our knowledge of the courts often result in case resolution through favorable settlement or successful dispositive motions, avoiding the risk and expense of a trial. For those cases that go to trial, we bring extensive trial experience. Most of our litigators are seasoned trial lawyers who previously served as Assistant U.S. Attorneys, other senior U.S. Department of Justice (DOJ) litigators, and Public Defender Service (PDS) lawyers. We also have considerable experience in resolving cases through mediation and other forms of alternative dispute resolution.

Representative Engagements

- We are counsel to three Unification Church entities in their action against the directors of a non-profit corporation established to support the Unification Church. The suit alleges that the current directors breached their fiduciary duty to the non-profit when they amended its articles of incorporation to change the non-profit's purposes and then diverted hundreds of millions of dollars in assets to a new purpose. The suit also involves breach of contract claims by the non-profit's principal donor. The case already has included two appeals, both resolved in our clients' favor. At the end of 2020, the Superior Court of the District of Columbia determined remedies for the breach, which resulted in a complete victory for our client. Additionally, the U.S. Court of Appeals for the Second Circuit, upheld a different judge's dismissal of a similar case brought in New York.
- In August 2018, we secured a dismissal of a shareholder derivative suit against a major insurance company and our client, a former officer of the company.
- In September 2018, we obtained a \$36.4 million judgment in a suit brought under the Foreign Sovereign Immunities Act terrorism exception on behalf of a dual Iranian-U.S. citizen who was wrongfully detained and tortured in Iran.
- Since 2013, the firm has been representing three non-profit corporations in Pennsylvania that are the subject of a *parens patriae* lawsuit brought by the Pennsylvania Attorney General seeking to challenge various transactions and corporate governance practices of the three corporations, including transactions between the corporations and certain of their directors or officers, who are also defendants in the lawsuit.
- We recently represented an airline in an industry-wide FCA investigation involving concerns about compliance with contracts with the U.S. Postal Service.
- We represented Innovative BioDefense, Inc. (IBD), a California-based hand sanitizer company, and its President and CEO in a lawsuit filed by the DOJ in federal court in California. The complaint alleges violations of the Federal Food, Drug, and Cosmetic Act resulting from the alleged distribution of unapproved new drugs and misbranded drugs. The government sought to permanently enjoin our clients from distributing their hand sanitizer products. Almost three years before DOJ filed the complaint, the FDA issued a Warning Letter to IBD, raising concerns about how IBD's products were marketed. IBD addressed the FDA's concerns. The case went to trial in early 2020, and in a verdict that called out the FDA's inability to regulate the market and the public health threat posed by GOJO, IBD emerged with only a narrow injunction that permitted the company to continue vital hand sanitizer sales soon after complying with the Court's order.
- In 2012, we represented the *Palestinian Authority in Mohamad v. Palestinian Authority*, 132 S. Ct. 1702 (2012), where we won a unanimous decision holding that corporations and other organizational defendants cannot be sued for international human rights violations under the Torture Victim Protection Act.

Government Experience

- Assistant to the Solicitor General, U.S. Department of Justice
- Assistant United States Attorney, District of Columbia
- Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Trial Chief, Public Defender Service for the District of Columbia

- Senior Investigative Counsel, Special Committee on Investigations, U.S. Senate
- Chief, Special Litigation Division, Public Defender Service for the District of Columbia
- Assistant General Counsel, Federal Bureau of Investigation, U.S. Department of Justice
- Senior Adviser for International Issues to SEC Chairman Arthur Levitt, U.S. Securities and Exchange Commission
- Deputy Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Assistant Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Assistant Chief Litigation Counsel, Division of Enforcement, U.S. Securities and Exchange Commission
- Assistant Federal Public Defender, Las Vegas, Nevada
- Appellate Deputy Public Defender, Nevada State Public Defender's Office
- Tax Assistant to the Solicitor General, U.S. Department of Justice
- Chief, Division of Health Investigations, Employee Benefits Security Administration, U.S. Department of Labor
- Deputy Associate Solicitor, Office of the Solicitor, U.S. Department of Labor
- Trial Attorney and Director of Training, Public Defender Service for the District of Columbia
- Supervising Attorney, Trial Division, Public Defender Service for the District of Columbia
- ERISA Counsel, Regional Office of the Solicitor, U.S. Department of Labor
- Staff Attorney, Appellate and Trial Divisions, Public Defender Service for the District of Columbia
- Legislative Assistant, U.S. House of Representatives

Rankings and Recognition

Chambers USA

- ERISA Litigation (USA-Nationwide), 2015 - 2024
- Tax: Controversy (USA-Nationwide), 2007 - 2024

Legal 500

- Labor & Employment: ERISA Litigation (U.S.), 2012 - 2023
- Tax: Contentious (U.S.), 2007 - 2023

U.S. News - Best Lawyers® "Best Law Firms"

- Criminal Defense: White-Collar (District of Columbia), 2010 - 2025
- Criminal Defense: White-Collar (National), 2019 - 2025
- Litigation - ERISA (District of Columbia), 2011 - 2025

- Litigation - ERISA (National), 2013 - 2025
- Litigation - Securities (District of Columbia), 2025
- Securities Regulation (National), 2025
- Commercial Litigation (District of Columbia), 2011 - 2012, 2014 - 2018

Laura G. Ferguson

PRACTICE LEAD

AREAS OF FOCUS

Anti-Terrorism Act/Foreign Terrorist Organizations