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▼ LITIGATION

Year in Review

2025 Victories

Once again in 2025, Wiley's **Litigation Team** partnered with our marquee regulatory groups to achieve decisive victories in litigations and arbitration hearings and to reshape the future of regulation. We remain deeply wired into Washington, with partner **Enbar Toledano** presiding over a bilateral trade panel on behalf of the U.S. government, former partners **William Lane** and **Josh Simmons** taking up the top legal roles at the Air Force and CIA, and new partners joining our group from the DOJ. The following is a selection of standout successes from the year.

Business Disputes, Global Disputes & Antitrust Litigation

- **Excess Telecom:** On two days' notice, Wiley's **Litigation Team** filed a complaint in the Circuit Court for Montgomery County, Maryland on behalf of wireless provider Excess Telecom to prevent Excess' data aggregator, Prepaid Wireless Wholesale (PWW), from carrying out its unlawful threat to cut off service to over 1.4 million low-income customers enrolled in FCC assistance programs. After a contested hearing, the court granted Excess' motion for a TRO and prevented PWW from taking any action to adversely affect Excess' customers' service pending a hearing on a preliminary injunction. Success on the TRO protected Excess' vulnerable customers and prompted the parties to negotiate a favorable modification to the contract going forward.
- **Karmagreen:** Our **Litigation Team** successfully obtained dismissal of a putative nationwide class action in *Bemis v. Karmagreen, LLC* (M.D. Fla.), just seven months after the complaint was filed, by aggressively pursuing two rounds of motion-to-dismiss briefing and persuading the court that Karmagreen's product labeling did not violate Illinois' consumer protection statute.
- **Insurance Company:** Our **Insurance** and **Global Disputes** teams secured a watershed victory in one of multiple cases arising from the collapse of a Singapore-based commodities trader that spawned litigation with insurers on four continents. Following a five-day evidentiary hearing, an arbitration panel issued an award determining that Wiley's insurer client did not owe coverage under a trade credit policy for an \$80 million claim purportedly involving international commodities trades, and that the insurer was entitled to rescind the policy on the ground that it is more likely than not that the alleged trades were fictitious.
- **Solar Company:** Wiley's **Litigation** and **Global Disputes** teams secured a favorable settlement for a solar power company in a high-stakes, bet-the-company dispute with the operators of multiple solar power installations after defeating the operators' attempts to consolidate ICDR arbitrations.
- **iC-1 Solutions LLC, et al.:** Our **Litigation Team** successfully litigated against a new company formed by some of our government contractor client's former employees. Our complaint included multiple claims including misappropriation of trade secrets, proprietary software, and other proprietary data; violation of the Computer Fraud and Abuse Act; and violation of the Virginia Computer Crimes Act; as well as conspiracy and interference with our client's contractual and business relations. After obtaining emergency injunctive relief, Wiley aggressively pursued discovery over the following months to reveal damaging evidence, forcing concessions and obtaining comprehensive relief.

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Enforcement Actions

- **Senior Company Executive:** Leveraging our **Litigation**, **White Collar**, and **FTC/Consumer Protection** capabilities, we helped obtain dismissal of all claims against our client in one of the largest consumer protection actions ever brought by the FTC.
- **Melinda Hemphill (as intervenor):** In a successful collaboration between our **Litigation** and **International Trade** teams, Wiley helped secure a \$12.4 million FCA settlement for our client, a whistleblower in a multi-year customs duty evasion case. *United States ex rel. Melinda Hemphill v. Allied Stone Inc., et al.*, No. 21-cv-2955 (N.D. Tex. August 2025).
- **ManTech:** In a successful collaboration between Wiley's **White Collar** and **Government Contracts** teams, we secured victory for our client in long-running *qui tam litigation* involving alleged violations of the False Claims Act, RICO, and human trafficking laws, among others.

Politics & Administrative Law

- **Television Affiliates Associations:** In *Zimmer Radio of Mid-Missouri v. FCC*, 145 F.4th 828 (8th Cir. 2025), Wiley's **Litigation** and **TMT** groups collaborated to persuade the Eighth Circuit to vacate an FCC rule first adopted in 1999 that prohibited broadcasters from owning more than one top-four-rated television station in any geographical market and also vacated an amendment to an FCC rule that further tightened ownership restrictions. In addition to finding the FCC's reasoning arbitrary and capricious, the court held that the statute does not permit the FCC to impose stricter limits during its statutorily required reviews of media ownership. That aspect of the decision is critical for the future regulation of broadcasters. This successful argument was developed by the Wiley team and advanced in its briefs on behalf of the intervening television affiliates associations for the major broadcast networks (CBS, ABC, FBC, NBC).
- **Nonprofit Organization:** Our **Election Law** and **Litigation** teams successfully defended a nonprofit organization against dozens of multi-jurisdictional subpoenas from an ideological opponent seeking to obtain lobbying strategy and internal strategic communications, including by obtaining an order quashing oral deposition and document subpoenas and limiting opposing counsel to highly limited depositions by written question.
- **National Republican Senatorial Committee (NRSC):** Wiley's **Election Law**, **Litigation**, and **TMT** teams collaborated on NRSC's behalf to successfully oppose the FCC's proposal to regulate the use of AI-generated content in political ads. The FCC proposal, released during the 2024 election cycle, would have raised serious policy and operational issues throughout the political advertising ecosystem.

- **Lingo Telecom:** Our **TMT** and **Litigation** teams partnered to successfully represent Lingo Telecom in high-profile litigation involving alleged robocalling and deepfake technology, successfully defeating a motion for preliminary injunction and negotiating a favorable end to the suit.
- **Johnson v. RNC:** Representing three political organizations, Wiley's **Election Law** and **Litigation** teams defended our clients in federal district court in Utah against putative nationwide class-action claims alleging that the organizations sent political-fundraising text messages in violation of Utah's Do Not Call statute. The case resolved favorably after Wiley moved to strike the class allegations and to dismiss the claims with novel arguments for why the organizations' text messages did not come within the reach of the statute.
- **DePasqua v. NRCC:** Our **Election Law** and **Litigation** teams successfully defended a political organization in federal district court in Florida against putative nationwide class-action claims alleging that the organization sent text messages to potential donors in violation of the federal Telephone Consumer Protection Act (TCPA) and the Florida Telephone Solicitation Act. Wiley developed persuasive arguments adopted from the U.S. Supreme Court's 2025 decision in *McLaughlin Chiropractic Assos. v. McKesson Corp.* to seek dismissal, resulting in a favorable resolution.

Privacy, IP & Emerging Technologies

- **Hetero Labs:** Wiley secured victory on behalf of Hetero Labs in a high-stakes patent infringement lawsuit regarding a drug treatment for lymphoma and leukemia. *Ingenus Pharmaceuticals, LLC v. Hetero USA, Inc. et al.*, No. 1:24-cv-01025 (D. Del. Oct. 21, 2025).
- **Tamaris (Pragmatic Play):** We secured a \$68 million victory and a permanent injunction in a trademark and copyright infringement suit targeting the operators of over 1,000 scam websites containing counterfeit versions of our client's iGaming applications. *Tamaris (Gibraltar) Limited v. Does 1-9*, 1:24-cv-00109-LMB-IDD (E.D. Va.).
- **Capital One:** Wiley successfully pursued claims to halt through injunctive relief the actions of anonymous individuals who sought to capitalize on Capital One's \$35 billion acquisition of Discover by using the companies' combined brand names on multiple websites without authorization from Capital One. *Capital One Financial Corp. v. DiscoverCapitalOne.com*, 1:24-cv-00470-AJT-WBP (E.D. Va.).

2025 Amicus Briefs

- **Reserve Organization of America (ROA):** Representing ROA as *amicus*, Wiley helped persuade the Supreme Court to award differential pay to a Reservist in a high-stakes case with significant implications for federal civilian-employee military Reservists. *Feliciano v. Department of Transportation*, No. 23-681 (Supreme Court April 30, 2025). ROA honored the Wiley team with the “Twice the Citizen” award for their successful advocacy.
- **Retail Industry Leaders Association / Retail Litigation Center:** Representing the U.S. trade association for leading retailers as an *amicus*, Wiley helped persuade the Eighth Circuit to vacate a decision by the National Labor Relations Board that had improperly evaluated the “special circumstances” and business justification defenses asserted by retailer Home Depot in defending an action taken by one of its stores that had required an employee to remove a political slogan from his store uniform.

Wired Into Washington

- Wiley partner **Enbar Toledano**, one of a handful of individuals annually named by the United States to serve on binational panels for dispute resolution under the United States-Mexico-Canada Agreement (USMCA), presided over a binational dispute regarding softwood lumber from Canada.
- **Josh Simmons** went from serving as the Co-Head of Wiley’s **Global Disputes** practice to serving as the Principal Deputy Legal Adviser of the Office of the Legal Adviser at the U.S. Department of State before joining the Central Intelligence Agency as General Counsel.
- After nearly five years in Wiley’s **Litigation Team**, **William Lane** joined the United States Air Force as the new General Counsel.
- Wiley’s **Litigation Team** welcomed **Nick Cheolas** as a partner. Nick previously served as a Trial Attorney and Counsel to the Director of Civil Enforcement in the U.S. Department of Justice’s (DOJ) Antitrust Division. He played substantive roles in two of the DOJ’s highest-profile monopolization cases, and brings significant experience in investigations and enforcement matters focused on competition issues in technology, digital markets, and data-driven industries.
- **Jason McCullough** joined Wiley’s **White Collar Team** from DOJ, where he held senior roles in the U.S. Attorney’s Office for D.C. and the National Security Division. Jason brings vast experience leading complex investigations and trials in matters involving enforcement risk, national security, and regulatory considerations.

2026 Partner Promotions



Colin Cloherty
Partner



Rebecca Saitta
Partner



Frank Scaduto
Partner



Krystal Swendsboe
Partner

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