

# REVOLVERS ARE HELPING CORPORATIONS OVERTURN THE NON-COMPETE BAN IN RYAN, LLC V. FTC

**RYAN, LLC V. FTC, A CASE CHALLENGING THE FTC'S NON-COMPETE BAN, IS RIDDLED WITH TRUMP ADMINISTRATION REVOLVERS FROM THE FTC, DOJ, AND DEPARTMENT OF LABOR**

**RYAN, LLC IS REPRESENTED BY REVOLVERS AT GIBSON DUNN & CRUTCHER LLP IN ITS SUIT AGAINST THE FTC NON-COMPETE BAN**

**Ryan, LLC Sued The FTC To Block The Non-compete Ban.** “A Texas tax firm, Ryan LLC, filed a lawsuit mere hours after the rule was finalized in April seeking an injunction preventing it from becoming law. Ryan LLC, the Chamber of Commerce and other business groups claim the FTC stepped beyond its authority with the rule and that the regulation does not account for certain noncompetes that have been rendered lawful in the past.” [Bloomberg Law, [6/14/24](#)]

**Ryan, LLC Is Represented By Gibson Dunn And Crutcher LLP.** [Bloomberg Law, Court Dockets, accessed [7/2/24](#)]

**FORMER LABOR SECRETARY EUGENE SCALIA AND DEPARTMENT OF LABOR COUNSELOR ANDREW KILBERG JOINED THE CASE AS PRO HAC VICE FOR GIBSON DUNN**

**Eugene Scalia Joined The Case As Pro Hac Vice.** [Bloomberg Law, Court Dockets, accessed [7/2/24](#)]

- **Scalia Served As Trump's Labor Secretary From 2019-2021.** “Eugene Scalia is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher, co-chair of the firm's Administrative Law and Regulatory Practice Group, and a senior member of the firm's Labor and Employment Practice Group and Financial Institutions Practice Group. He returned to the firm after serving as U.S. Secretary of Labor from September 2019 to January 2021.” [Gibson Dunn, accessed [7/2/24](#)]

**Andrew Kilberg Joined The Case As Pro Hac Vice.** [Bloomberg Law, Court Dockets, accessed [7/2/24](#)]

- **Kilberg Served As Counselor At The Department Of Labor Under Scalia.** “Between 2019 and 2021, Andrew served as Counselor to Secretary Eugene Scalia at the United States Department of Labor.” [Gibson Dunn, accessed [7/2/24](#)]

**LABOR UNIONS HAVE PRAISED THE NON-COMPETE BAN AS HELPING RAISE WAGES AND PROMOTING COMPETITION**

**The AFL-CIO Praised The Non-compete Ban, Calling Them “Exploitative.”** “Unions have backed the FTC's vote in favor of the ban. ‘Noncompete agreements trap workers from finding better jobs, drive down wages, and stifle competition,’ the AFL-CIO, the country's largest labor federation, said in a tweet in response to the announcement. ‘We commend the FTC and (Lina Khan) for finalizing a strong rule to ban these exploitative practices and level the playing field for American workers,’ it added.” [Reuters, [4/23/24](#)]

**INTERVENORS IN THE CASE WERE ALL REPRESENTED BY REVOLVERS INCLUDING TRUMP'S SOLICITOR GENERAL**

## **THE CHAMBER OF COMMERCE INTERVENED IN THE CASE REPRESENTED BY FORMER SOLICITOR GENERAL JEFFREY WALL AND DOJ REVOLVERS**

**The Chamber Of Commerce Is An Intervenor In Ryan, LLC V. FTC.** [Bloomberg Law, Court Dockets, accessed [7/2/24](#)]

## **SULLIVAN & CROMWELL REVOLVERS REPRESENTED THE CHAMBER OF COMMERCE**

**Jeffrey Wall Joined The Case As Pro Hac Vice For The Chamber.** [Bloomberg Law, Court Dockets, accessed [7/2/24](#)]

- **Wall Was The Acting Solicitor General During The Trump Administration.** “Principal Deputy Solicitor General Jeffrey Wall, who recently urged an appellate court to order the dismissal of the federal prosecution of Michael Flynn, soon will step into the job of the government’s top lawyer before the U.S. Supreme Court. With the Wednesday announced departure of U.S. Solicitor General Noel Francisco, Wall, 44, will become acting solicitor general until he or someone else is appointed and confirmed to the position. The Justice Department said the resignation of Francisco, a former Jones Day partner, is effective July 3.” [National Law Journal, [6/17/20](#)]

**Judson Littleton Joined The Case As Pro Hac Vice For The Chamber.** [Bloomberg Law, Court Dockets, accessed [7/2/24](#)]

- **Littleton Was A Trial Attorney At The DOJ From 2010-2013.** [LinkedIn, accessed [7/2/24](#)]

## **THE CHAMBER’S IN-HOUSE ATTORNEY JORDAN VON BOKERN WAS A DOJ REVOLVER**

**Jordan Von Bokern Joined The Case As Pro Hac Vice For The Chamber.** [Bloomberg Law, Court Dockets, accessed [7/2/24](#)]

- **Von Bokern Was Senior Counsel At The DOJ’s Office Of Legal Policy From 2019-2020 And A DOJ Trial Attorney From 2020-2022.** [LinkedIn, accessed [7/2/24](#)]

## **SULLIVAN & CROMWELL REVOLVERS ALSO REPRESENTED THE OTHER INTERVENORS**

**Wall And Littleton Represented Several Intervenors: Business Roundtable, Texas Association Of Business, And Longview Chamber Of Commerce.** [Bloomberg Law, Court Dockets, accessed [7/2/24](#)]

## **AMICUS BRIEF FILERS WERE REPRESENTED BY GAIL LEVINE, TRUMP’S DEPUTY DIRECTOR OF COMPETITION AT THE FTC**

## **FORMER DEPUTY DIRECTOR OF THE FTC BUREAU OF COMPETITION GAIL LEVINE FILED AN AMICUS BRIEF ON BEHALF OF AMERICAN INVESTMENT COUNCIL AND ALL AMICI CURIAE**

**The American Investment Council Submitted An Amicus Brief In The Ryan, LLC v. FTC Noncompete Rule Case.** “The Securities Industry and Financial Markets Association (SIFMA), the Futures Industry Association (FIA), the Managed Funds Association (MFA), and the American Investment Council (AIC) (collectively, the “Financial Services Industry amici”);” [Fair Competition Law, [5/27/24](#)]

**Gail Levine And Mayer Brown Colleague Nicole Saharsky Submitted The Amici Brief On Behalf Of The AIC And The Rest Of The Amici Curiae.** [Brief Filing via Fair Competition Law, [5/15/24](#)]

- **In The Amici Brief, Levine and Saharsky Argued The Non-Compete Rule Would Have “Harmful Effects” On The Financial Services Industry If Enacted.** “SIFMA, FIA, MFA, and AIC are among the leading trade associations in the financial-services industry. Their members include banks, broker-dealers, trading firms, asset managers, funds, futures commission merchants, and other organizations that collectively employ over a million people in the United States. Many of amici’s members have entered into noncompete agreements with current and former employees – agreements under which the employees agree that they will not work for certain competitors for a limited time after they leave their employers. [...] Amici have a significant interest in this case given the harmful effects that the Rule would have on the industry if it is allowed to go into effect.” [Brief Filing via Fair Competition Law, [5/15/24](#)]

**Gail Levine Joined Law Firm Mayer Brown After Serving As Deputy Director Of The FTC’s Bureau Of Competition.** “She joined Mayer Brown from the Federal Trade Commission’s Bureau of Competition, where she served as a deputy director under Chairman Joseph Simons and Acting Chairwoman Rebecca Slaughter.” [Mayer Brown, accessed [6/28/24](#)]

- **Levine Joined The FTC In 2018 And Left For Mayer Brown In 2021.** “Ms. Levine joined the FTC as a deputy director of the Bureau of Competition in 2018.” [Statement from Mayer Brown, [5/18/21](#)]
- **As Deputy Director Of The Bureau Of Competition, Levine Oversaw Five Divisions Within The Bureau, Involving Investigations In Many Different Markets.** “In this role, she supervised over 100 attorneys in five divisions, handling all aspects of antitrust review. She oversaw a wide variety of merger reviews, anticompetitive conduct investigations and antitrust litigation, particularly in areas such as high tech, pharmaceuticals, biotech and health care. She helped establish the new Technology Enforcement Division, which investigates anticompetitive conduct in digital markets.” [Statement from Mayer Brown, [5/18/21](#)]
- **Before Joining The FTC, Levine Worked In-House at Uber And Verizon.** “Previously, Ms. Levine spent more than a decade in-house. She was one of Uber’s top lawyers, working as head of US regulatory affairs and as director for competition, where she counseled senior business and legal executives on emerging competition and regulatory issues. She also served as vice president and associate general counsel at Verizon Communications, where she handled antitrust and IP issues.” [Statement from Mayer Brown, [5/18/21](#)]
- **Levine Revolved Out Of The FTC Once Before, From A Staff Position With Former Republican FTC Chair Deborah Platt Majoras.** “Prior to her tenure in-house, Ms. Levine was an attorney advisor to former FTC Chairman Deborah Platt Majoras, advising on antitrust and IP matters. She was a significant contributor to the FTC’s first major report on IP and innovation and co-authored many other FTC reports. Earlier in her career, Ms. Levine was a trial attorney with the Civil Division of the US Department of Justice.” [Statement from Mayer Brown, [5/18/21](#)]